

December 2, 2019 - City Council Meeting Minutes

WORKSHOPS

Vancouver City Hall - 415 W 6th Street, Vancouver WA

Councilmember Turlay was absent from workshops.

4:00-5:00 p.m. 2020 Federal Legislative Agenda

Presenter: Joel Rubin, Federal Governmental Affairs Liaison

Summary

The City's federal governmental liaison provided Council with a review of 2019 legislative agenda status and accomplishments, and previewed the 2020 legislative agenda.

5:00-5:30 p.m. Council/Transportation Benefit District Joint Workshop - 2019 in Review

Presenters: Brian Carlson, Public Works Director, 487-7131; Ryan Lopossa, Streets & Transportation Manager, 487-7706

Summary

Staff provided Council, which also sat as the Transportation Benefit District (TBD) board of directors, an overview of the 2019 TBD work plan and accomplishments and previewed the 2020 work plan, including projected impacts of Initiative 976.

COUNCIL DINNER/ADMINISTRATIVE UPDATES (5:30 PM)

COUNCIL CONSENT AGENDA MEETING

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

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

Absent: Councilmember Turlay

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

Approval of Minutes

Minutes - November 18, 2019

Motion by Councilmember Glover, seconded by Councilmember Lebowsky, and carried unanimously to approve the meeting minutes for November 18, 2019.

Citizen Communication (Items 1-4)

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

- Colin Fogarty, Executive Director of Confluence, spoke in support of Item 2 and thanked the City for the proposed cultural grant for his organization.
- Jennifer Williams, representing ARTSTRA, spoke in support of Item 2 and thanked the City for the proposed cultural grant for her organization.
- Hannah Pick, representing Journey Theater Arts Group, spoke in support of Item 2 and thanked the City for the proposed cultural grant for her organization.
- Becky Moore, Artistic Director for Columbia Dance, spoke in support of Item 2 and thanked the City for the proposed cultural grant for her organization.

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

Consent Agenda (Items 1-4)

Motion by Councilmember Glover, seconded by Councilmember Lebowsky, and

carried unanimously to approve the Consent Agenda.

1. **Approval of 2020 Council Meeting Schedule**

Staff Report 178-19

Summary

City staff develops and publishes the annual Council meeting schedule and calendar every fall for the following year. Council Policy 100-32, revised Sept. 24, 2018, includes a provision for Council adoption of the upcoming annual Council meeting schedule on 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 a Regular meeting, which will typically fall on the first and third Mondays; Consent Agenda meetings with Citizen 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 2020 annual schedule includes 24 Regular Council meetings and 18 Consent Agenda meetings with Citizen Forum. Also included is a mid-year break in late June and an end-of-year break in late December. 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.

Subject to Council approval, the 2020 annual schedule will be publicly noticed in The Columbian, 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 will also be made available at Vancouver City Hall or may be requested by contacting the Council Assistant at 360-487-8605.

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.

2020 Annual Meeting Schedule

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

1/6/2020 Regular Meeting
1/13/2020 Consent Agenda Meeting w/ Citizen Forum
1/20/2020 No Meeting - holiday (Martin Luther King Jr. Day)
1/27/2020 Regular Meeting
2/3/2020 Regular Meeting
2/10/2020 Consent Agenda Meeting w/ Citizen Forum
2/17/2020 No Meeting - holiday (Presidents Day)
2/24/2020 Regular Meeting
3/2/2020 Regular Meeting
3/9/2020 Consent Agenda Meeting w/ Citizen Forum
3/16/2020 Regular Meeting
3/23/2020 Consent Agenda Meeting w/ Citizen Forum
3/30/2020 No Meeting - 5th Monday
4/6/2020 Regular Meeting
4/13/2020 Consent Agenda Meeting w/ Citizen Forum
4/20/2020 Regular Meeting
4/27/2020 Consent Agenda Meeting w/ Citizen Forum
5/4/2020 Regular Meeting
5/11/2020 Consent Agenda Meeting w/ Citizen Forum
5/18/2020 Regular Meeting
5/25/2020 No Meeting - holiday (Memorial Day)
6/1/2020 Regular Meeting
6/8/2020 Consent Agenda Meeting w/ Citizen Forum
6/15/2020 Regular Meeting
6/22/2020 No Meeting - Mid-Year Break
6/29/2020 No Meeting - 5th Monday
7/6/2020 Regular Meeting
7/13/2020 Consent Agenda Meeting w/ Citizen Forum
7/20/2020 Regular Meeting
7/27/2020 Consent Agenda Meeting w/ Citizen Forum
8/3/2020 Regular Meeting
8/10/2020 Consent Agenda Meeting w/ Citizen Forum
8/17/2020 Regular Meeting
8/24/2020 Consent Agenda Meeting w/ Citizen Forum
8/31/2020 No Meeting - 5th Monday
9/7/2020 No Meeting - holiday (Labor Day)
9/14/2020 Regular Meeting
9/21/2020 Regular Meeting
9/28/2020 Consent Agenda Meeting w/ Citizen Forum
10/5/2020 Regular Meeting
10/12/2020 Consent Agenda Meeting w/ Citizen Forum
10/19/2020 Regular Meeting
10/26/2020 Consent Agenda Meeting w/ Citizen Forum
11/2/2020 Regular Meeting
11/9/2020 Consent Agenda Meeting w/ Citizen Forum
11/16/2020 Regular Meeting

11/23/2020 Consent Agenda Meeting w/ Citizen Forum
11/30/2020 No Meeting - 5th Monday
12/7/2020 Regular Meeting
12/14/2020 Consent Agenda Meeting w/ Citizen Forum
12/21/2020 Regular Meeting
12/28/2020 No Meeting - End of Year Break

Request: Approve the 2020 annual City Council meeting schedule.

Amanda Delapena, Assistant to the City Council, 487-8605

Motion approved the request.

2. **Award of 2019 Cultural Grants**

Staff Report 179-19

A RESOLUTION relating to the award of City of Vancouver cultural grants for 2019 as recommended by the Culture, Arts and Heritage Commission.

Summary

On April 16, 2018, the City Council adopted a new Culture, Arts and Heritage Plan. In the 2019-2020 biennial budget, the Council approved \$397,000 per year to support the implementation of the plan. The plan recommended four strategies for restarting the City's Cultural Program including hiring a full-time Cultural Services Manager, appointing a new Culture, Arts and Heritage Commission, developing a public art program and restarting the City's cultural grant program.

The City launched the new cultural grant program in July 2019 and received sixteen grant applications from non-profit and governmental organizations totaling \$132,740. The Culture, Arts and Heritage Commission reviewed the proposals and is recommending full funding for fourteen of the grants, at a total of \$122,255. The funding is on a reimbursable basis and grant recipients must enter into a professional services agreement with the City.

Request: On December 2, 2019, adopt a resolution to award the 2019 cultural grants as recommended by the Culture, Arts and Heritage Commission and authorize the City Manager or his designee to execute professional services agreements with the grant recipients.

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

Motion adopted Resolution M-4048 approving the request.

3. Professional services agreements (PSAs) for on-call sanitary wastewater engineering planning and design services

Staff Report 180-19

Summary

Many of the City of Vancouver Public Works engineering teams use on-call contracting as a time efficient way to procure specific professional services as needs arise. In the on-call model, an RFQ is issued and a roster of the most qualified respondents is created using master contracts with overall not-to-exceed values. Then, as specific needs arise, the roster is used to select a pre-approved contractor for a task order assignment.

As past Sewer Fund debt is retired, past debt service obligations are being redirected into an increased sewer system capital construction program. The City's Wastewater Treatment Engineering Capital Improvement Program (CIP) budget is increasing for next year (2020) as well as over the following biennial budget cycles. The CIP includes equipment rehabilitation and replacement projects, as well as wastewater process improvement projects, which will require specialized engineering design services. Additionally, environmental regulatory permits and compliance programs are increasingly complex. Staff anticipates increasing planning, monitoring, inspections and reporting requirements in the next renewal cycles for wastewater discharge permits and air permits.

The City issued an RFQ for on-call wastewater treatment engineering planning and design services in June 2019 and received 14 responses in July 2019. Projects requiring consulting services have been broken out into six unique categories of work including:

- 1. Planning and Modeling;*
- 2. Wastewater Systems Design;*
- 3. Electrical Systems Design;*
- 4. Regulatory Services;*
- 5. Structural Engineering Design and Services; and,*
- 6. Construction Management Services.*

Consultants were asked to submit responses for categories that fall within their specific range of qualifications. Each category was reviewed by a review committee. After a review of all responses, the evaluation committee selected 12 consultants for on-call professional service contracts. Wastewater Treatment Engineering staff proposes to execute each contract for five years in the amounts and categories shown below.

Engineering Firm	Contract Amount	Work Categories
<i>Brown and Caldwell</i>	<i>\$800,000</i>	<i>1, 2, 3, 4, 5</i>
<i>Carollo Engineers, Inc.</i>	<i>\$500,000</i>	<i>6</i>
<i>Elcon Associates, Inc.</i>	<i>\$500,000</i>	<i>3</i>
<i>Jacobs Engineering Group, Inc.</i>	<i>\$800,000</i>	<i>1, 3, 4</i>
<i>Keller Associates, Inc.</i>	<i>\$500,000</i>	<i>2</i>
<i>Kennedy/Jenks Consultants Inc.</i>	<i>\$800,000</i>	<i>1, 2, 5, 6</i>
<i>Murraysmith</i>	<i>\$800,000</i>	<i>2, 4, 6</i>
<i>Stantec Consulting, Inc.</i>	<i>\$800,000</i>	<i>1, 2, 3, 5</i>
<i>TetraTech</i>	<i>\$500,000</i>	<i>6</i>
<i>Wallis Engineering</i>	<i>\$500,000</i>	<i>2</i>
<i>Water Systems Consulting, Inc.</i>	<i>\$500,000</i>	<i>4</i>
<i>WSP USA, Inc.</i>	<i>\$500,000</i>	<i>5</i>

Utilizing on-call contracts for these projects allows the City flexibility in staffing projects for time sensitive schedules and where specialty services are required.

It's important to note that these contract values will be "not-to-exceed" values. The actual individual task orders, which will be issued as needs arise, will include a more detailed scope and budget.

Request: Authorize the City Manager or his designee to execute Professional Service Agreements in the amounts listed in the staff report with Brown and Caldwell; Carollo Engineers, Inc; Elcon Associates, Inc; Jacobs Engineering Group, Inc; Keller Associates, Inc; Kennedy/Jenks Consultants, Inc; Murraysmith; Stantec Consulting, Inc., TetraTech; Wallis Engineering; Water Systems Consulting, Inc; and, WSP USA, Inc. for wastewater engineering planning and design services on an as-needed basis for five years.

Frank Dick, Wastewater Engineering Supervisor, 487-7179

Motion approved the request.

4. Approval of Claim Vouchers

Request: Approve claim vouchers for November 25, 2019.

Motion approved claim vouchers for December 2, 2019, in the amount of \$8,332,895.65

Public Hearings (Items 5-9)

5. Multifamily Tax Exemption: Roosevelt Commons Apartments

Staff Report 181-19

A RESOLUTION of the City Council of the City of Vancouver approving an agreement with RVC OZONE LLC for a 10-year property tax exemption for the property located at 2812 Falk Road (Tax Lots 30240080, 30240212, 30240217) in Vancouver, Washington.

Summary

The multi-family property tax exemption program in general is designed to incentivize new private multi-family development in targeted areas in the City. The program is a tool to assist cities in accommodating future population growth in designated centers, close to employment, shopping, and transit services and to encourage affordable housing where appropriate.

The Ginn Development Group is proposing a 10-year exemption for 36 residential units with 20% of those units being income restricted to 80% area median income (\$70,330 for a family of four). Additional information regarding the calculation of area median income for the MFTE program is described below. The development is located at 2812 Falk Road north of Fourth Plain Boulevard. The development consists of seven two-story apartment buildings with 84 on-site parking spaces.

The estimated 2019 taxes for the unimproved site are \$6,746. The tax impact of the proposed project is estimated as follows:

	Total – all taxing districts	City of Vancouver
<i>Net Present value of future tax revenue* (20 year)</i>	\$749,000	\$305,000
<i>Net present value of “foregone” tax revenue (8 years)</i>	(\$339,000)	(\$111,000)
NET PRESENT 20 YEAR BENEFIT	\$410,000	\$194,000

**Estimated discounted present value of construction sales tax, utility tax and property tax over 20 years*

In addition to the above considerations, the exemption accelerates a project that will be on the tax rolls for decades beyond the end of the 10-year exemption period.

Area Median Income

For the MFTE program, RCW 84.14 outlines the requirements and definitions for multifamily tax exemption projects. When calculating the area median income and household incomes, RCW 84.14 directs that the definition of area median, low, and moderate household income be derived from data "as reported by the United States Department of Housing and Urban Development". Unfortunately HUD does not report Vancouver data at a local level. The City of Vancouver data is aggregated into a Metropolitan Statistical Area (MSA) that includes the six counties surrounding Portland. HUD has calculated the 2019 area median income for Vancouver using the combined MSA data. This methodology creates a disparity in the income restrictions because the area median income used for Vancouver MFTE projects is now skewed by the higher incomes of the other MSA cities.

For example, the HUD 100% area median income for a family of four persons in the Portland-Vancouver-Hillsboro MSA is \$87,900. However, looking at the 2013-2017 American Community Survey median income report the estimated local Vancouver median income for a family of four is \$70,186, which is closer to the HUD 80% AMI.

In 2020, City staff will be working to find ways to reduce the disparity of median incomes and allowable rents between the MSA and local data as it pertains to the City's MFTE program.

Request: On Monday, December 2, 2019, subject to public hearing, adopt a resolution approving the Agreement and conditional tax exemption certificate for the Roosevelt Commons Apartments.

Peggy Sheehan, Community Development Programs Manager, 487-7952

Peggy Sheehan, Community Development Programs Manager, provided an overview of the proposed project and details about the proposed multi-family tax exemption (MFTE).

Councilmember Hansen thanked staff for explaining how a "do nothing" option on this property compares to the proposed development once the MFTE period is over.

Councilmember Stober requested more explicit detail about the tax breakouts,

specifically in regards to which taxes would come in at what points of time. He also noted that because HUD's AMI designation takes into account the entire Portland metro area, and not just Clark County, the income-restricted units under the MFTE program actually are affordable for the average Vancouver resident and not low-income residents. He stated that is important to remember as the City takes a look at the program in the future.

Councilmember Lebowsky agreed with Councilmember Stober regarding the AMI levels, but noted the City does not have control over HUD's designations and may need to explore changes in City policy in the future. But for the moment, Vancouver is in need of more housing at all income levels.

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

- Angelo Gonzales, Vancouver, expressed concerns about ensuring racial diversity in such developments.
- Danielle Jokela, Vancouver, stated Vancouver needs to ensure affordable housing is being provided to all residents, and if the City's policies or code do not actually support that, then changes should be made as soon as possible.

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

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and carried unanimously to adopt Resolution M-4049 approving the request.

6. **Four Seasons North Planned Development**

Staff Report 176-19

AN ORDINANCE approving the concept development plan for the Four Seasons North Planned Development; and providing for severability and an effective date.

Summary

The applicant requests approval a proposed planned development for a 114-lot single family subdivision totaling 8.77 acres in R-22 Higher Density Residential zoning.

On October 15, 2019, a public hearing was conducted before the Hearings Examiner. On November 6, 2019, the Hearing's Examiner issued findings, conclusions and recommendations (attached). Her finding recommended that both the planned development and subdivision ordinance be approved by City Council.

Request: On Monday, December 2, 2019, subject to the public hearing, adopt the proposed ordinance approving the planned development; and subject to the Council's decision on the proposed ordinance, grant preliminary plat approval of the proposed subdivision.

Mark Person, Senior Planner, 487-7885

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

Mark Person, Senior Planner, provided an overview of the proposed development.

Councilmember Stober asked for clarification as to what pedestrian access and connections are included in the proposed development. Mr. Person explained that the property was previously zoned commercial, and part of the rezone request were conditions to improve pedestrian connections. He pointed out where those access points would be added.

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 Ordinance M-4284.

7. **Proposed 2019 Vancouver Comprehensive Plan and Zoning Map and Text Changes**

Staff Report 177A-19

A. Fourth Plain Commons map amendment

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Comprehensive Plan and Zoning map designations for certain properties, providing for severability, and providing for an effective date.

B. Malloy map amendment

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Comprehensive Plan and Zoning map designations for certain properties, providing for severability, and providing for an effective date.

C. 5th Street/Hawes map amendment

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Comprehensive Plan and Zoning map designations for certain properties, providing for severability, and providing for an effective date.

D. Comprehensive Plan and Zoning Code amendments

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending text of Vancouver Comprehensive Appendix E, and Vancouver Municipal Code 20.150, 20.225, 20.245, 20.270, 20.290, 20.320, 20.330, 20.410, 20.420, 20.430, 20.440, 20.450, 20.630, 20.680, 20.700, 20.730, 20.740, 20.790, 20.890, 20.945, 20.960; providing for severability; and establishing an effective date.

Summary

Council is requested to review and make final determinations on the proposed map and text changes:

Two proposals with unanimous recommendations involving limited public testimony

- *The Fourth Plain Commons map change from R-22 to CC zoning at the former Warrior Field site on Fourth Plain Boulevard to allow development of a 4-5 story mixed use affordable housing building with first floor community facilities drew one comment in favor and one against. Neighborhood resident and non-profit founder Mark Maggiora testified in favor, while Maplewood Neighborhood Association Chair James Dougherty testified against, citing concerns about parking adequacy, lack of notice, and lack of clarity about the anticipated square footage of the first floor of the building.*
- *A proposed zoning code text change lowering minimum parking requirements for very affordable housing (50% of Area Median Income or less) to 0.75 spaces per resident, along with eliminating minimum parking requirements for residents at senior or disabled housing facilities pursuant to legislative changes under E2SHB 1923 was also opposed by James Dougherty.*

Request: On Monday, December 2, 2019, subject to second reading and public hearing, approve ordinances.

Bryan Snodgrass, Principal Planner, 487-7946

Mayor McEnemy-Ogle read the titles of the ordinances into the record.

Bryan Snodgrass, Principal Planner, provided an overview of the proposed

Fourth Plain Commons Map Amendment (Ordinance 7A).

Mayor McEnerny-Ogle opened the public hearing on this proposed map amendment and received the following testimony:

- Shareefah Hoover, Vancouver, expressed concerns about potential increases in traffic, as well as a reduction in school impact fees resulting in the cost of the development not being fully borne by the development, and reducing the parking requirement to 0.75 spaces per resident, as transit is not developed enough along Fourth Plain to ensure an alternative mode of transportation for those residents who need to travel to get to work or shopping.

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

Mayor McEnerny-Ogle noted that Council is only considering the zone change request at this time. She asked staff to address Ms. Hoover's concerns.

Mr. Snodgrass explained that traffic issues are addressed at a general level at this stage in the process, and a closer evaluation will be done at the site plan stage and the application has to be in compliance with City standards. He noted that parking details would also be addressed at that stage. In regards to the reduction in required parking, he explained that Ordinance D of this item includes a provision to allow 0.75 spaces per resident for developments to approve affordable housing opportunities, which is a state requirement that the Legislature recently approved.

Mayor McEnerny-Ogle asked how residents are notified once a project enters the site plan review. Mr. Snodgrass stated the City typically notifies adjacent property owners, but staff can also work with the chair of the relevant neighborhood association to increase notice to residents in the area.

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve Ordinance M-4285 regarding the Fourth Plain Commons Map Amendment.

Mr. Snodgrass provided an overview of the proposed Malloy Map Amendment (Ordinance 7B).

Mayor McEnerny-Ogle opened the public hearing for testimony on this proposed amendment and, receiving no testimony, closed the public hearing on this amendment.

Motion by Councilmember Paulsen, seconded by Councilmember Glover, and carried unanimously to approve Ordinance M-4286 regarding the Malloy Map Amendment.

Mr. Snodgrass provided an overview of the proposed 5th Street/Hawes Map Amendment (Ordinance 7C).

Mayor McEnery-Ogle opened the public hearing for testimony on this proposed amendment and, receiving no testimony, closed the public hearing on this amendment.

Motion by Councilmember Glover, seconded by Councilmember Paulsen, and carried unanimously to approve Ordinance M-4287 regarding the 5th Street/Hawes Map Amendment.

Mr. Snodgrass provided an overview of the proposed map corrections and text changes (Ordinance 7D), including changes to school impact fees (SIFs) for the Evergreen School District, and an expansion on recent statutory changes that would lower minimum parking requirements to 0.75 spaces per very affordable housing unit, and eliminate minimum parking for residents of senior or disabled persons housing.

In regards to the affordable housing parking, Mayor McEnery-Ogle asked what the definition of "very affordable" is. Mr. Snodgrass explained it would be less than or equal to 50 percent AMI. He explained the House Bill 1923 passed by the Legislature included a mandate to assess the parking requirements no more than 0.75 spaces per unit per resident for affordable housing near transit. The proposed amendment to the City code would expand that requirement citywide.

Councilmember Stober expressed concerns about lowering minimum parking standards for developments that may be located in areas where transit service is not fully developed. He stated he would support it along the Fourth Plain Corridor, but there are other corridors where it would be challenging.

Councilmember Hansen expressed concerns about the changes in the SIFs, noting that the fees were recently nearly doubled and now the proposal is to dramatically decrease them for multi-family residential development. He expressed concerns about a lack of predictability and asked about the method for calculating the fees. Mr. Snodgrass explained that the formula for calculating SIFs is set down in the City's code and the school districts provide the inputs for that formula to determine the fees.

Regarding the minimum parking standards, Councilmember Paulsen noted that the applicable affordable housing has historically been developed in parts of the city where reliable transit is available, such as downtown and along Fourth Plain.

Regarding the proposed elimination of parking requirements for senior and disabled housing, Mayor McEnery-Ogle asked if parking is required for staff of such facilities. Mayor McEnery-Ogle expressed concerns that not requiring parking for staff would have an impact on neighborhood parking in the vicinity of these facilities.

Mr. Snodgrass stated the City code does not currently require staff parking, but the proposed text changes do include language that would require one

parking unit per employee be provided for very affordable housing and housing dedicated to seniors and persons with disabilities.

Councilmember Glover expressed concerns about whether required parking is the best use of land.

City Attorney Jonathan Young clarified that the state regulations regarding these parking standards allows for cities to establish a requirement for provision of more than 0.75 spaces per bedroom if the jurisdiction has determined that a particular housing unit is in an area with a lack of access to street parking capacity, physical space impediments or other reasons supported by evidence that would make on-street parking unfeasible for that unit. For senior housing, there is a comparable provision that would allow one or more spaces per bedroom if similar on-street parking impediments exist in the surrounding area.

Mayor McEnerny-Ogle opened the public hearing on this proposed ordinance and received the following testimony:

- Phil Wuest, representing Ginn Group LLC, asked for clarification about one provision outlined by Mr. Snodgrass that would eliminate allowance for single-use buildings on non-arterials to qualify as mixed-use, stating he could not find that specific language in the ordinance. He urged the Council to delay a decision on this particular provision to consider the broader impacts it could have on affordable housing development. He stated Ginn has several projects in the works that would rely on the flexibility of the current mixed-use code.
- Shareefah Hoover, Vancouver, urged the Council to delay action on this ordinance and retool some of the language, especially regarding the minimum parking requirements and school impact fees.
- Marnie Allen, representing the Evergreen School District, spoke in support of the proposed changes to the school impact fees. She explained that SIFs are a function of the Growth Management Act and are calculated based on construction costs and the formula is driven from a school district's capital facility plan. New development can only pay a portion of the cost to construct schools' capital facilities, and the formula outlined in the City's code is how that portion is determined. She noted the formula in Vancouver's code is the same one that is adopted and followed by jurisdictions across the state.
- Susan Steinbrenner, Executive Director of Facilities for Evergreen School District, explained how the school district funds capital projects and how changes in development trends impact the district's financing.

Council spoke at length regarding the calculation of SIFs, the impacts the formula and rates have on development and affordable housing in specific areas of the city, and the fluctuation and unpredictability in the rates.

Regarding the provision Mr. Wuest spoke to, Mr. Snodgrass confirmed the proposed provision was not actually included in the draft ordinance, and as such the issue is a moot point for the purposes of this hearing and Council action on the ordinance.

Mayor McEnerny-Ogle stated she would like the Planning Commission to further explore this potential code change and have a full discussion and the benefit of community input prior to bringing it back to the City Council. Councilmember Hansen agreed and recommended remanding that issue to the Planning Commission.

Councilmember Paulsen noted that the proposal regarding the minimum parking standards for affordable housing units would apply the 0.75 spaces per unit standard citywide, while the state statute only calls for the standard to apply along established transit corridors. He asked for clarification as to why it is being proposed citywide. Mr. Snodgrass explained it is largely due to ease of administration, as mapping 1,000 feet from every bus stop would be very challenging. In addition, a development could propose providing more parking than the minimum standard. Councilmember Paulsen stated he is not a fan of putting parking where it is not needed, and he is comfortable with the minimum standard within 1,000 feet of a transit stop, but he has concerns about development occurring in a transit desert and creating a substantial parking shortage.

- Danielle Jokela, Vancouver, thanked the Council for pointing out the impact of seemingly small language changes, and she encouraged the Council to delay action on the parking standards as there are still too many questions. She noted the transit infrastructure is not sufficient in Vancouver to support a citywide implementation of the minimum standards.

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

Councilmember Paulsen stated he would like further conversation to occur regarding the minimum parking standard. Councilmember Stober agreed.

Council spoke at length regarding the process for amending this ordinance and their levels of comfort with the two proposals regarding parking standards.

Councilmember Stober stated the Council could pass the ordinance as presented and request the Planning Commission take another look at the impacts and make recommendations for amendments in the next several months.

Councilmember Glover stated she was not comfortable enacting new provisions that the Council then intends to amend in the near future.

Motion by Councilmember Stober to adopt the ordinance as written and

request the Planning Commission conduct additional review and recommend revisions as necessary failed for lack of a second.

City Manager Eric Holmes stated that it seems Council is not in favor of the current proposals and he recommended Council remand only that section of the ordinance that deals with the parking standards back to the Planning Commission to do more work on those issues. The ordinance as amended without that section could come back for a final reading and public hearing on December 16 for Council to consider and take action on the remainder of the proposals.

Motion by Councilmember Glover, seconded by Councilmember Hansen, and carried unanimously to amend the ordinance to eliminate Section T relating to VMC 20.945.

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and carried unanimously to approve the ordinance as amended, setting date of second reading and public hearing for the amended ordinance for Monday, December 16, 2019.

8. **Proposed New Zoning Standards for Self-Service Storage Facilities**

Staff Report 162A-19

AN ORDINANCE of the City of Vancouver, Washington regarding self-service storage zoning standards; amending Vancouver Municipal Code ("VMC") VMC 20.895 "Miscellaneous Special Use Standards", VMC 20.160.020 "Listing of Use Classifications", VMC 20.430.030 "Uses", VMC 20.440.030 "Uses"; providing for severability; and establishing an effective date.

Summary

Self-storage is recommended to continue to be permitted in zoning districts where it is currently allowed (General Commercial, Community Commercial, Office Campus Industrial, and Light Industrial), but subject to the following:

- *Prohibit new storage uses on properties located in whole or part within 500 feet of major corridors as identified in the map.*
- *Allow existing self-storage businesses to expand or construct new buildings within parcels currently being used for self-storage if they are rendered nonconforming by new code changes.*
- *Require new self-storage to be two or more stories with interior access to storage units only.*
- *Prohibit outdoor storage on the property.*
- *Prohibit activities not appropriate within storage units such as heavy industrial activity, storage of hazardous materials or animals, or conducting garage or estate sales.*

- *Require each floor above the ground floor facing a street to be at least 15% glass.*
- *Require at least 75% of any ground floor building wall facing a primary, minor, or collector arterial street to incorporate interest-creating features.*
- *Update VMC 20.160 Use Classifications to specify that self-storage does not include outdoor storage, and specifically include outdoor storage in the warehouse/freight movement use category instead; prohibit tenants from using storage units for residential purposes; and state that the term mini-storage used in the code is meant to mean self-storage.*
- *Update use tables in VMC 20.430 Commercial and Mixed Use Districts and 20.440 Industrial Districts to add footnotes that reference the new self-storage standards.*

Request: On Monday, December 2, 2019, subject to an additional reading and public hearing, approve ordinance.

Bryan Snodgrass, Principal Planner, 487-7946; Cayla Cothron, Associate Long Range Planner, 487-7899

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

Mr. Snodgrass and Cayla Cothron, Associate Planner, provided an overview of the proposed self-storage regulations and prior Council review and action pertaining to this item.

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

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve Ordinance M-4288.

9. **Public Hearing on resolution in support of temporary moratorium on acceptance and processing of applications for permits for new or expanded developments, or subdivisions, generally located on Evergreen Boulevard from V Street to Grove Street, and Grand Boulevard from Evergreen to Mill Plain**

Staff Report 182-19

A RESOLUTION making findings of fact in support of the adoption of Ordinance M- 4277 declaring an emergency and imposing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the new development or expansion of existing buildings on the properties illustrated in Attachment A herein,

generally located on Evergreen Boulevard from V Street to Grove Street, and Grand Boulevard from Evergreen to Mill Plain.

Summary

The moratorium prohibits the acceptance and processing of new applications for permits for new development or expansion of structures until May 4, 2020. The ordinance, including a likely six-month extension to November 4, 2020, provides time to complete an analysis and develop recommendations for appropriate land uses, building orientation, and other related streetfront, parking, and access considerations.

Evergreen/Grand Standards General Workplan

2020 Q1	• Evaluate existing corridor conditions and future potential • Initiate local stakeholder outreach
2020 Q2	• Identify standards for appropriate land uses, building configuration and streetfront, parking and access issues
2020 Q3	• Draft initial recommendations for regulatory standards, policies, programs, and planning tools
2020 Q4	• Planning Commission and City Council worksession and public hearing • Remove development moratorium

Request: On Monday, December 2, 2019, subject to public hearing, adopt a resolution making findings of fact in support of Ordinance M-4277.

Bryan Snodgrass, Principal Planner, 487-7946; Brent Boger, Assistant City Attorney, 487-8500

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

Mr. Snodgrass provided background information on the moratorium and an update on the Commercial Corridors Strategy work plan.

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

- Glen Yung, Vancouver, asked what outreach had been done to residents and business owners in the area of the moratorium prior to Council enacting it.
- Don Allen, Vancouver, stated he and his wife Rachel own Allen's Crosley

Lanes located on Evergreen Blvd in the moratorium area, and they had been planning on selling the property in preparation for retirement just before the moratorium was enacted, and as a result, the prospective buyer pulled their offer. He expressed frustration that their plans now need to be put on hold for another year, and wanted the Council to know the impact of such decisions on residents in Vancouver.

- Rachel Allen, Vancouver, echoed Mr. Allen's concerns and explained their planned retirement was prompted after they both had experienced health issues. She requested that the City try to complete its work within the initial six-month moratorium if at all possible.

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

Councilmember Paulsen thanked the Allens for being present and offering their testimony. He asked staff if the Commercial Corridors study was being approached on a macro level to consider all corridors under one umbrella, and whether it would be feasible to finish work on that study within the six months. Mr. Snodgrass stated that would not be the approach given there is a moratorium in place for this specific corridor and noted that the Evergreen/Grand corridor is a top priority because of that. He stated staff would separately prioritize certain corridors. Mr. Snodgrass stated it would be difficult to complete the work within 6 months and do the appropriate outreach as expected by the Council and the community, as well as test proposed standards with the Planning Commission and the Council.

In regards to Mr. Yung's question regarding advance outreach prior to Council taking action on the moratorium, City Attorney Jonathan Young explained there was no outreach done, which was by design, as advance notice could have opened up a race for land use applications to vest to regulations prior to the moratorium taking effect, which could have in turn impacted the status quo of the corridor.

Councilmember Hansen noted that staff had done a great job sticking to the timeline for the self-storage moratorium and he has faith they will do the same with this one. He thanked Mr. Snodgrass for outreach to date at neighborhood association meetings to provide updates on the Commercial Corridors Strategy and solicit feedback from residents on what they want their neighborhoods to look like.

Councilmember Stober thanked the Allens for being present at the meeting and for the investment they have made for years in this corridor. He requested that they remain involved in the process going forward to help define the future of the corridor.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to adopt Resolution M-4050 approving the request.

Communications

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

Adjournment

9:50 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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

December 9, 2019 - City Council Meeting Minutes

WORKSHOPS

Firstenburg Community Center Community Room - 700 NE 136th Ave, Vancouver, WA

5:00-5:45 p.m. HP Development Agreement

Presenters: Chad Eiken, Community and Economic Development Director, 487-7882; Bob Brackin, HP, Inc.; Tim Schauer, MacKay Sposito

Summary

City staff and representatives from HP and Mackay Sposito provided Council with an overview of a proposed development agreement with HP for the development of a portion of the Section 30 Subarea.

5:45-7:00 p.m. Homelessness in Vancouver: An overview and recommendations for a strategic response

Presenter: Jackie K. St. Louis, MSC, LMHC, Homeless Resource Manager, 487-8610

Summary

Staff provided Council with an overview of the status of homelessness in the city and proposed strategic recommendations for future actions the City could take to address homelessness as part of the overall homeless response system in Clark County.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

COUNCIL CONSENT AGENDA MEETING

Pledge of Allegiance

Oath of Office: Councilmember Paulsen

Clark County Auditor Greg Kimsey administered the Oath of Office to Councilmember Erik Paulsen.

Call to Order and Roll Call

The consent agenda meeting of the Vancouver City Council was called to order at 7:30 p.m. by Mayor McEnerny-Ogle in the community room of Firstenburg Community Center, 700 NE 136th Ave., Vancouver, Washington.

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

Absent: None

Citizen Communication (Items 1-8)

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

- Glen Yung, Vancouver, spoke regarding Item 6, and stated that the make-up of the proposed commission is better than he expected it to be, but requested that a seat be designated for a representative from the business community.

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

Consent Agenda (Items 1-8)

1. 2019 Resurfacing Curb Ramps Project, construction acceptance and release of retainage

Staff Report 183-19

Summary

The project constructed 42 ADA-compliant curb ramps.

The original construction contract bid amount was \$529,620.00. Change orders and quantity adjustments during construction increased the contract amount by 3.8% to \$550,004.95.

The project had a 3% apprenticeship goal. The total reported number of hours worked on the project was 1,540.50. To meet the apprenticeship goal,

the contractor needed a minimum of 46.2 hours of reported apprenticeship hours. The contractor utilized 0 apprenticeship hours and did not meet the apprenticeship goal and was assessed a penalty of \$462.15.

Halme Excavating of Battle Ground, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications.

Request: Accept the 2019 Resurfacing Project as constructed by Halme Excavating of Battle Ground, Washington, and authorize release of retainage in the amount of \$27,500.25, subject to receipt of all documentation required by law.

Nicollette Roth, Civil Engineer, 487-7763

Motion approved the request.

2. 2019 East Curb Ramps Project, construction acceptance and release of retainage

Staff Report 184-19

Summary

The project constructed 87 ADA-compliant curb ramps. The original contract included 70 ramps, and 17 ramps were added by change order.

The original construction contract bid amount was \$686,000.00. Change orders and quantity adjustments during construction increased the contract amount by 22.1% to \$837,814.45.

The primary cost increase was associated with a change order that added ramps to the contract. Six of the added ramps were required upgrades due to the pavement preservation work scheduled for summer 2019, but were not included in any of the ramp contracts that were bid. The remaining ramps were associated with the other quadrants at the same intersections. Given that a portion of the added ramps were associated with upcoming 2019 summer preservation work, time was of the essence to complete construction of the ramps in a short time frame.

Upon review of the bid prices for each ramp contract under construction at the time, the City identified the most favorable pricing for the change order in the East Curb Ramps project. The Contractor was also able to complete the ramps without schedule impacts to the upcoming summer work.

The project had a 3% apprenticeship goal. The total reported number of hours worked on the project was 5,302.25. To meet the apprenticeship goal,

the contractor needed a minimum of 159.10 hours of reported apprenticeship hours. The contractor successfully met the apprenticeship goal by reporting a total of 1,116.50 apprenticeship hours for the project, yielding an actual apprenticeship utilization rate of 21%.

Advanced Excavating Specialists (AES) of Longview, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications.

Request: Accept the 2019 East Curb Ramps Project as constructed by Advanced Excavating Specialists (AES) of Longview, Washington, and authorize release of the retainage bond on file, subject to receipt of all documentation required by law.

Nicollette Roth, Civil Engineer, 487-7763

Motion approved the request.

3. 6th Street Parking Lot - Final Construction Acceptance and Release of Retainage (Bid#19-07)

Staff Report 185-19

Summary

McDonald Excavating, Inc. of Washougal, Washington, completed the construction of the temporary surface parking lot. The project included site grading, new pavement and striping, revision to exit controls at 6th street, surface water management and treatment, installation of 3 new overhead light poles and minor existing landscaping revisions. The new facility was designed and constructed to function as an extension of the existing City Hall parking lot.

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

TOTAL CONTRACT COSTS	
<i>Labor, Equipment and Material</i>	<i>\$312,487.14</i>
<i>Sales Tax</i>	<i>\$26,248.92</i>
<i>Total</i>	<i>\$338,736.06</i>
<i>Retainage</i>	<i>\$15,624.36</i>

The original contract amount was \$328,733.84 compared to a final amount of \$338,736.06, an approximate 3% increase. The increase can be primarily attributed to the placement of additional rock to stabilize existing poor underlying soils found during the excavation and mitigation for

unanticipated underground conflicts, such as an abandoned underground storage tank.

In keeping with current City policy on apprenticeship utilization, as the contract value was under \$500,000, no apprenticeship utilization goals were required.

Request: Accept the 6th Street Parking Lot project as constructed by McDonald Excavating, Inc. of Washougal, Washington, and authorize release of retainage in the amount of \$15,624.36, subject to receipt of all documentation required by law.

Jean Singer, Capital Facilities Project Manager, 487-7755

Motion approved the request.

4. Central Vancouver South PH1 Sewer Construction Acceptance

Staff Report 186-19

Summary

Halme Excavating, Inc of Battle Ground, Washington, has completed construction of the Central Vancouver South PH 1 Sewer Connection Incentive Program (SCIP) project. The project provided reliable sewer service to 35 parcels by installing over 2,050 linear feet of 8-inch gravity sewer mains in the following roadways: NE 102nd Ave., NE 14th St., NE 7th St., NE 100th Ave. and St Helens Ave in the Marrion and Vancouver Heights neighborhoods.

A coordinated effort with Pavement Management on this project resulted in a road restoration beyond the limits of the utility trenches.

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

TOTAL CONTRACT COSTS	
<i>Labor, Equipment and Material</i>	<i>\$559,006.92</i>
<i>Sales Tax</i>	<i>\$28,360.65</i>
<i>Total</i>	<i>\$587,367.57</i>
<i>Retainage</i>	<i>\$27,950.35</i>

The original contract amount, including sales tax, was \$560,133.13. The final project cost was \$559,417.22, which was \$715.91 (under 1%) less than the original contracted amount. The difference between original contract amount and final contract amount can be attributed to extra street

restoration required by Clark County, as well as the typical variances in unit prices and/or quantities commonly encountered during construction.

The project had a 3% apprenticeship goal. The total reported number of hours worked on the project was 1,143.8. To meet the apprenticeship goal, the contractor needed a minimum of 34.3 hours of reported apprenticeship hours. The contractor successfully met the apprenticeship goal by reporting a total of 35.0 apprenticeship hours for the project.

Request: Accept the facilities as constructed by Halme Excavating, Inc. of Battle Ground, Washington, and authorize release of the retainage subject to receipt of all documentation required by law.

Sheryl Hale, Senior Engineering Supervisor, 487-7151

Motion approved the request.

5. Vancouver Farmer's Market MOU

Staff Report 187-19

Summary

The Vancouver Farmer's Market (VFM) has operated at its current location on Esther Street, between 6th and 8th streets, in downtown Vancouver since 2000. In 2019, due to upcoming construction, and to allow for access to the new apartment development that was to be built on 6th Street, the Vancouver Farmers Market was asked to relocate its vendors on 6th Street to 8th Street. The Market has operated in this new configuration since March 2019 with great success and general approval of both neighbors and vendors alike.

The Market is a major attraction in downtown; with more than 250 vendors and thousands of customers, it is one of the largest farmers markets in the state. The City's previous agreement with VFM for the use of Esther Street (from 8th to 6th) and 6th Street (west of Esther) expired December 31, 2018. The proposed Memorandum of Agreement (MOA) is for 5 years, 2020-2024, and will allow VFM to continue to operate in its current location. VFM also has a separate agreement with the City that allows use of the City Hall parking lot on the southwest corner of Esther and 6th Streets for customers and vendors. That agreement will continue on an annual basis.

Request: Authorize the City Manager or his designee to sign a Memorandum of Agreement with the Vancouver Farmer's Market that will allow it to use portions of Esther and 8th

Streets for operation of the Market for 2020-2024.

*Teresa Brum, Economic Development Division Manager,
487-7949*

Item returned to staff for further development.

6. Establishment of a Transportation and Mobility Commission

Staff Report 188-19

AN ORDINANCE establishing a Transportation and Mobility Commission under Title 11 of the Vancouver Municipal Code; adding a new Chapter 11.75; and providing for severability and an effective date.

Summary

The City of Vancouver is experiencing significant growth, which has led to increases in both the number and complexity of the transportation challenges it must address. Given competing demands for limited right-of-way space and the need to evolve the transportation system to more efficiently move people throughout the City, there is a need to develop a new citizen oversight function to advise staff and the City Council on transportation programs, policies and projects.

Within the City of Vancouver, there are no existing boards or commissions tasked with advising City Council on transportation policy and implementation or providing guidance on citywide transportation issues. At their 2019 retreat, City Council directed the creation of a Transportation and Mobility Commission that would be responsible for making recommendations on transportation matters affecting the public right-of-way.

The proposed commission will utilize diverse representation and experience to provide advice to City Council, the City Manager and City staff on programs, policies, and large capital projects related to the public right-of-way. The Transportation and Mobility Commission will also provide ongoing feedback and guidance on the development of citywide transportation policy through the update to the Transportation System Plan that is currently underway.

Request: On Monday, December 9, 2019, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 16, 2019.

*Shannon Williams, Active Transportation Planner, 487-7898;
Jennifer Campos, Principal Transportation Planner, 487-
7728*

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

Motion approved the request.

7. Appointment to the Clark County Mosquito Control Board

Request: Nominate Wade Holbrook for reappointment to the Clark County Mosquito Control Board, term beginning January 1, 2020, and expiring December 31, 2021.

Council Committee 1

Motion approved the request.

8. Approval of Claim Vouchers

Request: Approve claim vouchers for December 9, 2019.

Motion approved claim vouchers for December 9, 2019, in the amount of \$13,441,550.61.

Citizen Forum - A Stronger Vancouver

Mayor McEnerny-Ogle opened the Citizen Forum on A Stronger Vancouver and received the following testimony:

- Phil Wuest, representing Ginn Group LLC, thanked the City for its commitment to affordable housing and urged the Council to consider the Building Industry Association of Clark County's (BIA) proposal for phasing modest increases to Park Impact Fees rather than increases contemplated as part of the Stronger Vancouver recommendations.
- Brian Stromberg, La Center, Washington, urged the City to take steps to expand support for people who are blind who are transitioning into the work force, as well as consider enacting legislation or a policy that would require private businesses to include closed captioning on all screens.
- Tracy Doriot, representing the Building Association of Washington, urged the Council to consider the Clark County BIA's proposal for phasing modest increases to Park Impact Fees rather than increases contemplated as part of the Stronger Vancouver recommendations.

- Billy Ferguson, Sherwood, Oregon, representing Darter Homes, urged the Council to consider the BIA's proposal for phasing modest increases to Park Impact Fees rather than increases contemplated as part of the Stronger Vancouver recommendations.
- Jon Girod, Vancouver, representing Quail Homes, urged the Council to consider the BIA's proposal for phasing modest increases to Park Impact Fees rather than increases contemplated as part of the Stronger Vancouver recommendations. He suggested park investments should be funded by private/public partnerships instead of impact fees.
- Michael Shanaberger, president of the BIA of Clark County, urged the Council to consider the BIA's proposal for phasing modest increases to Park Impact Fees rather than increases contemplated as part of the Stronger Vancouver recommendations.
- Sam Bateman, Vancouver, expressed concerns about the impact of the Stronger Vancouver proposals on affordability and quality of life for Vancouver residents and urged the City to reset its priorities to taking care of assets it already has and funding only essential services.
- Bianca Kednay, Vancouver, spoke in support of the Stronger Vancouver proposals and encouraged the City and community to reconsider building light rail between Portland and Vancouver.
- Craig Peterson, Vancouver, urged the City to finish the projects that have already been initiated before investing in new proposals under the Stronger Vancouver initiative.
- Jerud Martin, representing Urban NW Homes, urged the Council to consider the BIA's proposal for phasing modest increases to Park Impact Fees rather than increases contemplated as part of the Stronger Vancouver recommendations.
- Michael Langsdorf, Vancouver, spoke in opposition to the Stronger Vancouver initiative.
- Eric LaBrant, Vancouver, spoke in support of the Stronger Vancouver initiative, but asked the City to be mindful of those residents who would be impacted the greatest.
- Corey Grandstaff, Vancouver, representing the blind community, expressed support for the priorities of the Stronger Vancouver initiative, especially in regards to affordable housing, transportation, and creation of jobs. He also urged the City to consider hiring a staff member to manage accessibility within any of the programs and projects from the beginning of implementation.
- Melissa von Borstel, Vancouver, read a statement on behalf of Kay von Borstel, which expressed support for better mobility options and park safety,

as well as completion of sidewalks along Evergreen Blvd.

There being no further testimony, Mayor McEnerny-Ogle continued the Citizen Forum on all other items of interest (testimony summarized below).

Background: A Stronger Vancouver

Citizen Forum

Mayor McEnerny-Ogle received the following Citizen Forum testimony:

- Peter Bracchi, Vancouver, urged the City to hire an outside investigator to assess environmental damage done along the Burnt Bridge Creek trail near SR500 and the Ross Substation.
- Peter Fels, Vancouver, spoke regarding the proposed development agreement with HP, which was the subject of a workshop, and urged the City to work with HP to make the proposed development as carbon neutral as possible and consider all environmental impacts and potential mitigation efforts.
- Clifford McFall, expressed concerns about people experiencing homelessness in Vancouver, especially in the colder weather months.
- Jamie Spinelli, Vancouver, spoke in support of the report on homelessness that was the subject of a workshop, and noted that the community needs to focus on housing and shelters for people who are experiencing homelessness.
- Teresa Hardy, Vancouver, urged the City to continue to consider mobility options for senior citizens who no longer drive. She also requested more clarification regarding impact fees and why developers pass those fees onto customers.
- Melissa von Borstel, Vancouver, stated that new energy codes at the state level will bring down long-term costs of utilities and improve housing affordability.

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

Adjournment

8:49 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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December 16, 2019 - City Council Meeting Minutes

WORKSHOPS

Vancouver City Hall - 415 W 6th Street, Vancouver WA

4:30-5:30 p.m. Affordable Housing Fund: Shelter Funding Recommendations

Presenter: Peggy Sheehan, Community Development Programs Manager, 487-7952; Danell Norby, Community Development Coordinator, 487-7953

Summary

Staff provided Council with an overview of the proposed Affordable Housing Fund awards for shelter projects.

Farewell Reception for Councilmember Turlay (5:30-6:30 p.m.)

COUNCIL REGULAR MEETING

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

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

Absent: None

Approval of Minutes

Minutes - November 25, 2019

Motion by Councilmember Turlay, seconded by Councilmember Paulsen, and carried 6-1, with Councilmember Turlay voting No.

Citizen Communication (Items 1-10)

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

Consent Agenda (Items 1-10)

Council returned Item 5 to staff for further development.

Motion by Councilmember Turlay, seconded by Councilmember Lebowsky, and carried unanimously to approve the Consent Agenda.

1. Public Defense Services - Conflict Contract

Staff Report 189-19

Summary

The City is constitutionally mandated to provide public defense counsel to indigent persons entitled to representation as authorized by law. These services are currently provided through contracts with private attorneys. The City's primary contract for legal and other professional public defense services is with Jeffrey D. Barrar (dba Vancouver Defenders). In some cases, Vancouver Defenders may have a conflict of interest with an indigent client assigned to them. This conflict can occur through circumstances such as when there is more than one defendant in a case and it would be conflict for Vancouver Defenders to represent both clients; when the client has been served by Vancouver Defenders in the past and requests a different attorney, etc.

The City contracts with a separate firm to provide indigent defense services when there is a conflict with the primary attorney. On October 18, 2019, the City issued a Request for Qualifications (RFQ) for a firm to provide conflict indigent defense services. One qualified response was received from W. Todd Pascoe, PLLC, who is currently providing conflict indigent defense services for the City.

Request: Authorize the City Manager or his designee to sign an agreement with W. Todd Pascoe, PLLC to provide public

defense services to indigent clients in the City of Vancouver.

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

Motion approved the request.

2. Award of Grant Funds from the PEG Capital Support Fund

Staff Report 190-19

A RESOLUTION relating to cable television and to the award of Public, Educational and Governmental (“PEG”) capital contribution funds to The Vancouver Educational Telecommunications Consortium (“TV ETC”) and Clark Vancouver Television (“CVTV”) respectively, the designated educational and government access providers for the City of Vancouver.

Summary

The franchise agreements between the City of Vancouver, Clark County and Comcast Corporation provide for a capital contribution in the amount of \$1/month per subscriber for support of Public, Education, and Government (PEG) access and monthly transport costs for public I-NET users. This contribution may only be awarded to designated access providers and iNET users.

The Vancouver Educational Telecommunications Consortium (“TV ETC”), the Designated Access Provider for Education, and Clark/Vancouver Television (“CVTV”), the Designated Access Provider for Government, submitted applications for PEG capital support funds under the requirements established by the City/County Telecommunications Commission (“Commission”). In total, fourteen proposals were received totaling \$632,480. Estimated funds available for distribution in 2019 are approximately \$825,000. The grant applications were reviewed by outside technical experts and the PEG Committee, a subcommittee of the Commission.

The Telecommunications Commission through Resolution 2019-04 (attached) recommends that Vancouver City Council award PEG Capital Support Funding as follows:

Applicant	Total Amount Requested	Total Amount Funded
TV ETC	\$337,989	\$340,256
CVTV	\$294,491	\$294,491
Total PEG Access Capital Grant Funds	\$632,480	\$634,747

Request: On December 16, 2019, adopt a resolution, under the terms of the interlocal agreement between the City of Vancouver and Clark County, awarding from the PEG Capital Support Funds grants in the amount of \$ to \$340,256 to TV ETC and \$294,491 to CVTV. *(Note: Under the terms of the Interlocal agreement between the City and the County, both Councils must approve the grants for funds to be awarded.)*

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

Motion adopted Resolution M-4051 approving the request.

3. **Amended Local Grant Agreement For Litter Collection and Cleanup in Vancouver**

Staff Report 191-19

Summary

For the last two and a half years, Share has provided litter pick up services to downtown Vancouver, public parks and other City property, including the Navigation Center and surrounding neighborhoods, through its Talkin' Trash crew. The Talkin' Trash crew is limited to removing litter only within City right-of-way and Council-approved private property near the Navigation Center five days a week.

This program receives the majority of it's funding from the City's Solid Waste program. In August, the City Manager authorized staff to apply for state grant funds (RFP No. 20-46116-126) to expand the current Talkin' Trash program, for which the City was the successful applicant. With Council approval, effective November 1, 2019, through June 30, 2021, the City will be awarded \$180,000.00 by the Washington State Department of Commerce to expand Share's current labor program and provide additional jobs to individuals experiencing homelessness that leads to full-time employment and stable housing.

In September 2019, the Nonprofit Network of Southwest Washington recognized Share's Talkin' Trash program with the Nonprofit Excellence Award for Excellence in Innovation for the program's creative approach to helping those affected by homelessness while providing critical cleanup services to the City. Furthermore, Share was recently awarded a private grant to purchase a second, more reliable vehicle for the crew. The additional vehicle positioned the program to be able to expand from one full time crew working weekdays, to grow into two teams, available to work full

time, seven days a week.

Since October 2019, the City has utilized the Talkin' Trash crew to address health and safety concerns posed by specified human waste and debris in the vicinity of the Navigation Center, by piloting a program calling for removal of specified items from private property with owner consent, within a Council-defined boundary surrounding the Navigation Center. City staff continue to work with Share and the Talkin' Trash crew to pilot this effort to address collection of items that present a public health and/or safety concern on private property to the benefit of these entities and the broader community. The proposed amendment furthers their role in providing support and fulfilling the Good Neighbor Commitment by extending service expectations to seven days a week service, twice daily cleanup of the Navigation Center grounds and surrounding neighborhood, and requires their availability for timely litter response when requested by designated City staff for private properties in the identified pilot area.

If authorized by Council, the City and State Department of Commerce Housing Assistance Unit agree to enter into an interagency agreement for the Expansion of the Talkin' Trash program and the Recipient, SHARE, is the designated subcontractor to perform the expanded scope of work. A retroactive date of November 1, 2019, is proposed to allow for full compensation of Share for the expanded crew and additional service capacities, such as seven days a week service.

Based on favorable performance and an existing community need, staff proposes to extend approval to accept Commerce funding and adjust the scope of work, and benefits to maintain agreements.

Request: Authorize the City manager or his designee to execute the Amended Local Grant Agreement for Litter Collection and Cleanup in Vancouver between Share and City of Vancouver for an additional four years; and authorize the City manager or his designee to execute the Interagency Agreement with the Department of Commerce for Expansion of Talkin' Trash Program.

Julie Gilbertson, Solid Waste Manager, 487-7162

Motion approved the request.

4. Watershed Alliance of Southwest Washington - 2020-2024 Grant Agreement

Staff Report 192-19

Summary

The Watershed Alliance of Southwest Washington (formerly the Vancouver

Watersheds Council) is a 501(c)(3) entity that was initially created by the City in part to comply with the settlement of a Clean Water Act lawsuit between the City and the Rosemere Neighborhood Association and for the purpose of furthering the City's goals of environmental preservation and restoration in both riparian and upland areas through engagement and participation of the Vancouver community. The Watershed Alliance provides ongoing education and outreach efforts to inform the public on topics related to environmental and water quality issues and this supports the City's surface water program in meeting its Stormwater NPDES permit requirements (specifically S5.C1 Public Education & Outreach and S5.C2 Public Involvement and Participation).

The new five year agreement utilizes a direct grant approach which supports the organization in continuing to address the City's intended outcomes while being accountable for meeting specific deliverables and standards. Quarterly and annual program and financial reporting will keep the City's program staff informed of key Watershed Alliance accomplishments and the steady progress being made on City priorities. New tasks are identified that support expansion of services provided to the City though without additional expenditures. The Watershed Alliance has grown in recent years to offer similar services to other regional jurisdictions and partners through a steady increase in non-City funding.

Request: Authorize the City Manager or his designee to sign the agreement with the Watershed Alliance of Southwest Washington.

Rich McConaghy, Environmental Services Manager, 487-7165

Motion approved the request.

5. Award of Lodging Tax Grants for 2020

Staff Report 193-19

Summary

RCW 67.28.180 allows municipalities to impose a 4% lodging tax on stays of more than 30 days at hotels, motels, campgrounds, bed and breakfasts and RV parks. Those funds can only be used for tourism-related projects, events and facilities. Vancouver increased its lodging tax from 2% to 4% in 1998 with the second 2% dedicated to debt service and capital improvements for the downtown Hotel/Convention Center. The original 2% continued to be used to fund other tourism related projects. One of the impacts of the recession was that from 2009-2016, all of Vancouver's lodging tax funds were allocated to support the Hotel/Convention Center.

For 2020, 15% of lodging tax revenue (\$385,294) will be allocated to Visit Vancouver USA. Additionally, the City has \$114,500 in lodging tax revenue that is excess to the needs of the Hotel/Convention Center and is available for other tourism-related projects. The RCW requires that in order to expend lodging tax funds, municipalities must appoint a Lodging Tax Advisory Committee, comprising equal numbers of lodging tax generators and potential lodging tax recipients, who will make recommendations on proposed expenditures to the City Council. The Committee was appointed in May 2016, and in July, the City solicited lodging tax grant proposals from interested parties. Nine proposals were received totaling \$229,000. The Committee reviewed the proposals and is recommending full or partial funding of seven, which totals \$114,500.

Per state regulations, the City Council only may approve awards to candidates recommended by the Lodging Tax Advisory Committee and only at the amount recommended unless Council submits its change in the amount to the LTAC for comment. All approved grant recipients must enter into a professional services agreement with the City.

Request: On December 16, 2019, adopt a resolution approving the 2020 Lodging Tax Grants as recommended by the Lodging Tax Advisory Committee and authorizing the City Manager or his designee to execute professional services agreements with the grant recipients.

*Teresa Brum, Economic Development Division Manager,
487-7949*

Item returned to staff for further development.

6. Third Lease Amendment between the City of Vancouver and Charles Milne for property located at 703 North Devine Road, Vancouver, Washington, 98661

Staff Report 194-19

Summary

Mr. Milne has operated Vanco Driving Range at the current site for a number of years, and it provides a community recreation amenity to Vancouver residents. In 2018, the City initiated a subarea planning process for the Heights District, with the goal of providing a vision for the overall District and the Tower Mall Redevelopment Area, which includes the subject property where Vanco Driving Range is currently located.

The Heights District Plan has involved significant public input and

engagement, and envisions a future neighborhood center with a mix of uses, connectivity improvements, and public open space. Implementation of the Heights District Plan will occur over a 20-year time period and include several phases; redevelopment of the Tower Mall Redevelopment Area will include demolition of the existing Town Plaza structure and other steps to prepare the site for new development.

Mr. Milne has expressed his desire to continue operating Vanco Driving Range at this location until such time as the site is needed for redevelopment in alignment with the vision set forth in the Heights District Plan.

Request: Ratify the Third Lease Amendment between the City of Vancouver and Charles Milne and authorize the City Manager or his designee to execute the Third Lease Amendment.

Rebecca Kennedy, Long Range Planning Manager, 487-7896

Motion approved the request.

7. Affordable Housing Fund Contract for Van Vista Rehabilitation

Staff Report 200-19

Summary

City Council approved Affordable Housing Funding for the Van Vista Rehab project on February 4. Since that time the City has completed the environmental review required by HUD, as the project uses federal funds for the rental assistance. The City has also approved the language in the note, deed and covenant. The Vancouver Housing Authority has been in negotiations with tax credit investors and completing the architectural designs and needs assessments as well as applying for permits. The closing (required for tax credits) will be the week of December 13.

Request: Authorize the City Manager or his designee to execute the Affordable Housing contract with Vancouver Housing Authority to rehab Van Vista.

Peggy Sheehan, Community Development Programs Manager, 487-7952

Motion approved the request.

8. **Appointment to the Building/Fire Code Commission**

Request: Reappoint Jason Olson to the Building/Fire Code Commission, term beginning immediately and expiring December 2026.

Council Committee 1

Motion approved the request.

9. **Appointment to the Planning Commission**

Request: Appoint Tim Schauer to the Planning Commission, term beginning immediately and expiring December 31, 2021.

Council Committee 2

Motion approved the request.

10. **Approval of Claim Vouchers**

Request: Approve claim vouchers for December 16, 2019.

Motion approved claim vouchers for December 16, 2019, in the amount of \$2,820,005.10.

Public Hearings (Items 11-16)

11. **Declaration of Real Property as Surplus**

Staff Report 195-19

A RESOLUTION declaring that certain land originally acquired for public utility purposes is now surplus to the needs of the City of Vancouver (the “City”) and authorizing the disposition of the surplus real property.

Summary

In 2006 the City of Vancouver purchased approximately 15 acres of property located at SE 162nd Avenue and SE 65th Street for a future east side Operations Center. As the City continued to find increased efficiencies and processes in our Central Operations Center it was determined that our

citizens could be served best with one Operations Center more centrally located.

The current Operations Center has outlived its useful life and needs replacement. A 35-acre site has been purchased near the Leichner Landfill. The City will be able to efficiently serve our customers from the new Operations Center location. Accordingly it has been determined there is no longer a public need for the 15 acres purchased in 2006.

Because the subject property was originally acquired by and owned by the City's Water Utility, RCW 35.94.040 applies to the surplus and disposition of the subject property, rather than VMC Chapter 3.30. RCW 35.94.040 provides that whenever the City determines that any land "is surplus to the city's needs and is not required for providing continued public utility service, then such legislative authority by resolution and after a public hearing may cause such lands, property, or equipment to be leased, sold, or conveyed," and that the resolution should state the fair market value or other consideration to be paid. Proper notice was provided and this matter is scheduled for public hearing on December 16, 2019.

In July 2018, the 15 acres was appraised at \$4,260,000. Current value is somewhat higher based on recent market trends. An updated appraisal will be performed in early 2020.

Request: On December 16, 2019, following a public hearing, adopt a resolution approving certain real property located at SE 162nd Avenue and SE 65th Street (Assessor's parcel numbers 159145-010 and 159147-000) as surplus to the needs of the City.

Linda Carlson, Property Management Specialist, 487-8423; Brian Carlson, Public Works Director, 487-7131

Chris Malone, Public Works Finance and Asset Manager, provided an overview of the proposed surplus item.

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

Motion by Councilmember Turlay, seconded by Councilmember Glover, and carried unanimously to adopt Resolution M-4052 approving the request.

12. Amendment to The Landing Development Agreement

Staff Report 196-19

Summary

Portions of the overall master plan have been developed. Multifamily

residential and a congregate care facility have been developed on Phase 2 as well as a hotel on Phase 3A. Phase 1 (central portion of the site fronting Mill Plain) and Phase 3B (eastern portion of the site fronting Mill Plain) have yet to be developed. In the course of developing the site, the owners have invested significant resources (currently over \$100 million) for a variety of costs related to on-site development, off-site improvements and costs related to traffic impacts.

The request is to extend the vesting of the Development Agreement and all associated approvals for an additional 10 years to 2029. The vesting includes all transportation-related approvals including transportation concurrency and traffic impact fees already paid. The vesting extension would also apply to the existing project approvals as well as the development standards and alterations procedures.

The requested extension would, however, be in potential conflict with the some of the upcoming City planning efforts since the development of the site would be vested to the current City code. Council should be aware that the subject site is located within the area identified for the City's upcoming planning effort with regard to enhancing identified commercial corridors. The Commercial Corridor Strategy project is intended to enhance commercial corridors, increase walkability and access to amenities and services, promote efficient and coordinated economic development and add housing at urban densities near transit lines. The project will result in the development of general corridor design concepts, amendments and updates to zoning designations and standards related to allowed uses, building densities, building orientation in relationship to the street, and access and parking requirements, recommendations related to the location and density of housing, improvements to multi-modal transportation and access and place making recommendations to provide services and amenities to nearby residents. One of the focused corridors for this effort is Mill Plain Boulevard, from East Reserve to SE 192nd Avenue which includes The Landing site. The extension of the Development Agreement could potentially lead to development inconsistency in what is permitted and built on the subject site with the upcoming commercial corridor development strategies. The existing development agreement vests the development to the development standards in place at the time and the Commercial Corridor Strategy project will facilitate the development of a new set of design standards.

Additionally, the City's identified scope for the Commercial Corridors Strategy project includes developing placemaking recommendations as appropriate in older commercial corridors, and near existing and planned Bus Rapid Transit stations on Fourth Plain and Mill Plain Boulevard. Mill Plain Boulevard has been identified by C-Tran as the next bus rapid transit corridor. The planning process for the new BRT line is currently underway. Two of the identified preliminary station locations are in close proximity to

The Landing development with one at 136th and Mill Plain and the other at Hearthwood and Mill Plain. The location of the subject site is located within an older commercial corridor and the extension of the development agreement for this project could potentially hinder the City's placemaking efforts in relation to BRT stations.

Because of these reasons, staff is recommending that Council deny the extension request. An affirmative vote by Council to approve the Action Requested will enact Staff's Recommendation and deny the extension request by the Developer.

Please note that a Resolution and a DA Amendment approving the requested extension have been included in your packets. Adoption of these these documents is not recommended. They have been included solely to provide the City Council with the widest decision-making latitude on this item because this is the last Council meeting prior to expiration of the DA. If the Council hears compelling testimony at the public hearing in favor of an extension, the fact that this resolution is included with the public agenda assures Council has the latitude to make a decision contrary to the recommendation.

In the event Council wishes to approve the requested development agreement extension, an appropriate set of actions would be:

- Move to deny the Action Requested within the Staff Report for the Evergreen Landing development agreement.*
- Move to adopt the attached resolution authorizing the City Manager or designee to sign the amendment to the Landing DA.*

Request: On December 16, 2019, subject to public hearing, deny the request to modify The Landing Development Agreement.

Greg Turner, Land Use Manager, 487-7883

Greg Turner, Land Use Manager, provided an overview of the proposed request, development history of the site, staff findings and the recommended denial of the request.

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

- Matt Harrell, representing the applicant, spoke in opposition to the proposal to deny the amendment, and stated there is uncertainty about what recommendations will come out of the Commercial Corridors Strategy, and if The Landing development agreement is not longer in place at that point in time, he is unsure how that will impact other land use approvals for the project.

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

Councilmember Stober noted the original development agreement was approved in 2005 and Vancouver's vision and growth has progressed significantly since that time. He stated there are two pieces of property in the corridor that have been managed in non-standard ways, but the City has come to a point where it can manage development in standard ways across the city. He stated it is time to take a pause and make sure there is consistency in development along this corridor.

Councilmember Glover stated she agrees with the staff findings regarding this development agreement.

Councilmember Lebowsky stated she also agrees, noting there is a significant planning effort underway and this property should be included in that effort.

Mayor McEnerny-Ogle asked what the next step for this project would be if the DA is not extended. Mr. Turner stated future projects on the site would need to be developed under current standards.

Councilmember Turlay stated he has concerns with the proposed denial, stating the developer has invested a lot on this project and will be the one to take the hit.

City Manager Eric Holmes noted that the original development agreement included an end date and there is no requirement for Council to extend it, and that has been clear to all parties since the inception of the DA.

Motion by Councilmember Stober, seconded by Councilmember, and carried 6-1 to deny the request to modify the The Landing development agreement. Councilmember Turlay voted No.

13. **Establishment of a Transportation and Mobility Commission**

Staff Report 188-19

AN ORDINANCE establishing a Transportation and Mobility Commission under Title 11 of the Vancouver Municipal Code; adding a new Chapter 11.75; and providing for an effective date.

Summary

The City of Vancouver is experiencing significant growth, which has led to increases in both the number and complexity of the transportation challenges it must address. Given competing demands for this limited right-of-way and the need to evolve the transportation system to more efficiently move people throughout the City, there is a need to develop a new citizen oversight function to advise staff and the City Council on transportation

programs, policies and projects.

Within the City of Vancouver, there are no existing boards or commissions tasked with advising City Council on transportation policy and implementation or providing guidance on citywide transportation issues. At their 2019 retreat, City Council directed the creation of a Transportation and Mobility Commission that would be responsible for making recommendations on transportation matters affecting the public right-of-way.

The proposed commission will utilize diverse representation and experience to provide advice to City Council, the City Manager and City staff on programs, policies, and large capital projects related to the public right-of-way. The Transportation and Mobility Commission will also provide ongoing feedback and guidance on the development of citywide transportation policy through the update to the Transportation System Plan that is currently underway.

Request: On Monday, December 16, 2019, subject to second reading and public hearing, approve ordinance.

*Shannon Williams, Active Transportation Planner, 487-7898;
Jennifer Campos, Principal Transportation Planner, 487-7728*

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

Jennifer Campos, Principal Transportation Planner, provided an overview of the proposed commission.

Councilmember Glover stated she is excited to have this commission established, as the city has experienced significant growth and associated congestion. She stated she is pleased with the anticipated outreach moving forward in recruiting for members of the commission.

Councilmember Glover stated she is excited to have a commission tasked with looking at transportation modes comprehensively and not in silos. She asked if this group is intended to be a technical advisory body as the City begins reviewing and revising the Transportation System Plan in 2020. Ms. Campos stated the commission will be responsible for the oversight of the development of the work that goes into that review.

Councilmember Stober asked about the designated neighborhood seat and who that is intended to target, as anyone who lives within a neighborhood association is considered a member. He asked if the intent is for it to be a neighborhood officer, why that would not be spelled out in the ordinance. Ms. Campos explained it is intended to include officers of a neighborhood association but staff did not want to be so prescriptive in the ordinance. Mr. Holmes explained that these will be Council appointments, and the narrower

the definition in the ordinance, the narrower the choices will be for Council.

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

- Glen Yung, Vancouver, noted that the ordinance published for this second reading did not include the same commission membership designations as the version published under first reading and asked for clarification.

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

City Manager Eric Holmes confirmed the incorrect version of the ordinance had been posted for second reading due to a publishing error. The correct version had been read at first reading on December 9.

City Attorney Jonathan Young advised the Council hold a second reading and public hearing on the correct version of the ordinance at its next regular meeting on January 6, 2020, and nullify the activities of this meeting.

Item returned to staff with second reading and public hearing to be held on Monday, January 6, 2020.

14. **Proposed 2019 Vancouver Comprehensive Plan and zoning map corrections, and text changes**

Staff Report 197-19

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending text of Vancouver Comprehensive Appendix E, and Vancouver Municipal Code 20.150, 20.225, 20.245, 20.270, 20.290, 20.320, 20.330, 20.410, 20.420, 20.430, 20.440, 20.450, 20.630, 20.680, 20.700, 20.730, 20.740, 20.790, 20.890, 20.945, 20.960; providing for severability; and establishing an effective date.

Summary

Council is requested to review and make final determinations on the proposed map corrections and text changes:

- *Four Comprehensive Plan or zoning map corrections* – resolution of split-zoning designations on six single-family residential properties at 28th Way and 87th Avenue, removal of an inappropriate Open Space Comprehensive Plan designation on homesite and school properties, addition of Open Space designation on a park site.
- *One Comprehensive Text Change* – Adoption by reference of the

Evergreen School District Capital Facilities Plan 2019-2025

- *Twenty-One Zoning Code Text Changes* - *Changes with policy implications consist of:*
 - *Updates to Planned Development standards to allow densities of up to 15% beyond base zoning; to allow duplexes, triplexes and town homes within overall density limits; and to clarify that open space must be centralized*
 - *Updates to School Impact Fees in the Evergreen School District pursuant to the District Capital Facilities Plan, increasing fees per single family unit from \$6,100 to \$6,432, and decreasing fees per multi-family unit from \$7,641 to \$3,753.*
 - *Streamlining of Conditional Use Permit requirements for schools and other uses*
 - *Elimination of 800 s.f. limit on residential accessory structures other than Accessory Dwelling Units. Detached ADUs remain limited to 800 s.f. in size.*

Request: On Monday, December 16, 2019, following second reading and public hearing, approve the ordinance.

Bryan Snodgrass, Principal Planner, 487-7946

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

Bryan Snodgrass, Principal Planner, provided an overview of the proposed Comprehensive Plan and Zoning Code amendments.

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

Motion by Councilmember Glover, seconded by Councilmember Lebowsky, and carried unanimously to approve Ordinance M-4289.

15. Block 10 Disposition and Development Agreement First Amendment

Staff Report 198-19

A RESOLUTION relating to the approval of a the first amendment to the disposition and development agreement pursuant to RCW Chapter 36.70B entered into between the City of Vancouver (City) and Holland Acquisitions Co., LLC (Holland); and authorizing the City Manager to execute a disposition and development agreement.

Summary

As lessee of Block 10, Holland is entitled to a due diligence period to

examine any and all aspects of the property such as grading, settling, soil composition and conditions, drainage, hydrology, existence of Hazardous Materials (if any) structural aspects, easements, rights-of-way, feasibility, building and other permits, approvals, laws and restrictions, land use and other governmental conditions and restrictions, zoning matters, traffic and flight patterns, demographics, title matters, etc. Due to extenuating circumstances, Holland has not been able to thoroughly complete its due diligence within 60 days and is asking for an additional six weeks.

The initial deadline for closing on the lease agreement of December 31, 2019, was requested by Holland in order to fully utilize the Opportunity Zone benefits; however, they have now indicated that they would like to extend the deadline to February 28, 2020, with a right by Holland to extend the closing date upon request to no later than March 31, 2020.

There will be no changes to the target dates for submitting permit applications or commencing and completing construction.

Request: On Monday, December 16, 2019, subject to public hearing, adopt the resolution authorizing the City Manager or designee to sign the proposed First Amendment to the Block 10 Disposition and Development Agreement.

Chad Eiken, Community and Economic Development Director, 487-7882

Chad Eiken, Community and Economic Development Director, provided an overview of the proposed amendment to the Block 10 Disposition and Development Agreement (DDA).

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

Motion by Councilmember Turlay, seconded by Councilmember Stober, and carried unanimously to adopt Resolution M-4053 approving the request.

16. **HP Development Agreement**

Staff Report 199-19

A RESOLUTION relating to the approval of a development agreement pursuant to RCW Chapter 36.70B; establishing various development regulations under which the HP, Inc. Section 30 development shall be vested; authorizing the City Manager to execute a development agreement; and providing for an effective date.

Summary

In the fall of 2018, the City was contacted by a national site selector firm under a Request for Proposals (RFP) regarding a retention/recruitment project. The project was described as a facility for more than 1,000 highly skilled advanced research and development employees. Two local sites in Vancouver were suggested as possible locations, and City staff assumed that other cities were in the running as possible alternative locations. The City, as is typical of such RFPs, submitted a formal response with a list of possible incentives that might be considered in order to make Vancouver as enticing a site as possible for the opportunity.

Soon after the City submitted its response to the site selector, staff was informed that Vancouver was being strongly considered. In early fall of 2019, the City was informed that Section 30 had been selected, and that the company wanted to formalize the City's proposal from the RFP response in the form of a development agreement (DA). For the past four months, staff has been discussing elements of a possible development agreement with the HP, Inc. real estate team in order to facilitate the phased development of 68 to 98 acres in the southwest corner of Section 30.

HP Inc.(HP) has had a major presence in east Vancouver for the past 40 years and currently employs approximately 700 permanent and 400 contract employees. HP is currently leasing space at Columbia Tech Center.

The property is anticipated to be developed in phases over 15-20 years. Phase 1 will consist of at least two multi-story buildings totaling 330,000 square feet for office, research and development and manufacturing uses, with related on-site parking and landscape improvements, an extension of NE 184th Avenue with an adjacent multi-use path north from SE 1st Street by approximately 1/4 mile, on-site storm water facilities and extension of water and sewer utilities. Construction would be anticipated to occur between 2023 and 2025 for the first phase. Future phases could potentially result in a total of 1,500,000 square feet of new office and R&D related uses, as well as further extensions of street and utility infrastructure into Section 30.

The proposed project is significant as the first major employer to develop in Section 30, which is approximately 553 acres in size and designated for a future employment center through the Section 30 Subarea Plan, adopted by City Council in 2009. Section 30, located between SE 1st Street and NE 18th Street and west of NE 192nd Avenue, consists of a number of former gravel mines (at least one that is currently active), as well as recreational uses, a winery, and The Humane Society. The subarea plan envisions a 20-30 year build-out for urban scale employment uses (office, clean industrial and tech/flex) with residential and supporting commercial uses in one or two centers. The plan also calls for a well-connected street network

and identifies public utilities needed and public paths for walking and cycling throughout. Approximately 440 acres have redevelopment potential for employment and supporting uses, but due to a number of constraints, have to-date remained undeveloped.

The proposed DA includes a description of the project and anticipated construction timelines. In order to facilitate HP's move, the development agreement will formalize the following commitments negotiated between City staff and HP, as follows:

- City will allow Phase 1 to be reviewed using a Type 2 administrative site plan process because of its relatively small impact on adjacent properties in terms of future street connections, provision of utilities, and site grades; however, future phases must be processed under a Type 4 master plan process.*
- City will consider a code amendment to VMC 5.04 to apply a business license surcharge reduction incentive to businesses that relocate significant jobs within city boundaries, subject to certain minimum wage and capital investment criteria. Such an amendment will be subject to a separate ordinance and public hearing before City Council.*
- City will consider a code amendment to VMC 20.915 Impact Fees to apply a transportation impact fee reduction incentive to businesses that relocate at least 700 jobs within city boundaries, subject to certain minimum wage criteria. Such an amendment will be subject to a separate ordinance and public hearing before City Council.*
- City will 'lock in' a current building permit valuation cap of \$10 million for purposes of calculating building permit fees for all phases. This valuation cap, which is available to all qualifying projects, results in fees being based on construction that is valued at \$10 million.*
- A new sewer pump station will be needed in order to serve Section 30 beyond HP's first phase of development. City will provide for reservation of sanitary sewer capacity for the project, including future phases.*
- City will vest the project to current development standards as allowed by law; development review fees and impact fees will not be vested.*
- City will reserve transportation capacity for future phases up to 5,565 daily trips.*
- City will commit to funding up to \$3.5 million in public infrastructure costs as part of Phase 1, to be determined by HP; likely this will be*

used toward public roads, or other public infrastructure.

- *City will commit to funding up to an additional \$6.5 million in public infrastructure as part of subsequent phases; likely to be applied toward construction of a public sewer pump station, public streets further north, or other infrastructure.*
- *City will utilize its streamlined permit review process for land use, engineering and building review at no additional charge.*
- *Term of the agreement will be 15 years, with one option to extend by 5 years through a Type I review process.*

Request: On Monday, December 16, 2019, subject to public hearing, adopt a resolution approving the Development Agreement between HP and City of Vancouver.

Chad Eiken, Community and Economic Development Director, 487-7882

Mr. Eiken and Bob Brackin, representing HP, provided an overview of the proposed development agreement (DA). Jennifer Brager, legal counsel for HP, also provided comments.

Mr. Eiken stated that HP had developed a proposed amendment to the recitals of the DA that outlines specific sustainability goals for the development in response to some of the comments and testimony the company's representatives had heard during the December 9 Council meeting. Mr. Eiken read and presented the proposed amendment for Council's consideration.

Mayor McEnerny-Ogle expressed concerns about enforcing such standards if HP was bought by another company.

Councilmember Stober stated the challenge is the City does not currently have any climate targets or goals in place, and putting specific sustainability goals into this DA could potentially bind future Councils to those goals.

Councilmember Paulsen noted the language proposed by HP is not binding. He applauded the intent but he did not see how the language would actually accomplish anything.

Ms. Brager stated HP was attempting to be proactive in responding to what it had heard at the previous meeting. She stated the company has high aspirations in regards to sustainability, which will come through in the master planning process, but as that process has not been completed there is nothing concretely proposed yet. She stated the DA is acceptable to HP without the amendment but HP is also happy to accommodate Council feedback on what might be included alternatively in regards to sustainability goals.

Council spoke at length regarding how the language could be changed to meet the City's needs and HP's aspirations for the project, as well as the outline of the master planning process moving forward and how that would relate to potential environmental mitigation.

Councilmember Lebowsky stated the difficulty Council is having with this particular amendment serves as a reminder that the City has no adopted climate action plan or associated targets.

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

- Peter Fels, Vancouver, stated the Council should not consider amending the recitals, but rather look at the section pertaining to vesting rights and reconsider removing that incentive so future development at the site has to meet the whatever the current development standards at the time, as those standards will surely evolve over the life of the project.
- Dawn Zukas, Vancouver, expressed concerns about how this development would impact the surrounding neighborhood.
- Glen Yung, Vancouver, expressed concerns that any fees waived for HP would have to be made up for by other businesses.
- Karen Morrison, representing Odyssey World International, stated this discussion was confusing and she urged the Council to have a clearer vision in 2020 and to articulate that to smaller nonprofits in the community.
- Marian English, Vancouver, stated she is concerned about other projects in Section 30, particularly an asphalt plant that does not seem to be a compatible neighbor to what HP is proposing.
- Chris Dickinsen, Vancouver, stated she supports HP, but expressed concerns about the business license surcharge waiver proposed in the DA as it seems to contradict what is being proposed in the Stronger Vancouver initiative. She stated smaller businesses would be asked to pay an increase in that fee while the fee would be potentially waived for HP.
- Mike Bomar, representing CREDC, spoke in support of the proposed DA and stated the project will be a catalyst for economic development in Section 30 and drive infrastructure improvements in the area.

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

City Attorney Jonathan Young presented an updated version of the amendment HP had proposed. Council discussed at length further possible

edits to the proposed language.

Motion by Councilmember Hansen, seconded by Councilmember Turlay, to approve the development agreement as originally presented without the proposed amendment to the recitals.

Councilmember Hansen stated that anything that is added to the recitals will not have the teeth to do what the Council wants. He stated he appreciates HP's gesture, but he does not want to see the Council legislate on the fly.

Councilmember Paulsen agreed, stating the proposed language is aspirational but not binding. He stated this project is about jobs in our community, and HP has been a community partner and has done great things in Vancouver for years. He stated that track record affords the company a lot of trust moving forward, and the City should expect the same kind of collaboration in the future.

Councilmember Stober stated he shares the equity concerns brought up during the testimony regarding the fee waivers being proposed while other smaller businesses would be expected to pay the fees, and the Stronger Vancouver initiative proposes potentially increasing the business license surcharge. He stated this will be a long-term commitment to whoever occupies this site, and the City leaves itself very open to vesting development standards for a great deal of time.

Motion carried 5-2 to adopt Resolution M-4054 approving the development agreement with HP. Councilmember Stober and Mayor McEnery-Ogle voted No.

Communications

A. From the Council

B. From the Mayor

a. Clark County Transportation Alliance 2020 Policy Statement

Mayor McEnery-Ogle asked the Council to consider that Clark County Transportation Alliance 2020 Policy Statement. By consensus Council expressed its support for the statement.

C. From the City Manager

Adjournment

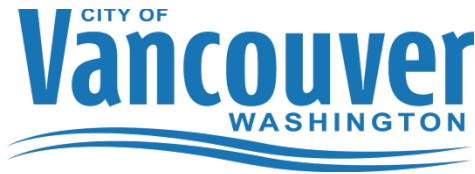
8:56 p.m.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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



DATE: December 31, 2019

TO: Anne McEnerny-Ogle, Mayor
City Council

FROM: Eric J. Holmes, City Manager

RE: **A Stronger Vancouver – Vision and Values**

Consistent with the work program affirmed by Council in November (attached), the January 6 work session is an opportunity for Council to refresh its shared understanding of the vision and values upon which the Stronger Vancouver initiative is based. Below are excerpts and a summary of these aspects of the recommendation from the Executive Sponsors Council. This memo is not intended to introduce new information but rather assemble key elements of the vision, values and principles in one place for Council's ease of reference.

Vision

Vancouver's Community Vision has remained consistent for decades, appearing in the Comprehensive Plan, the Strategic Plan, and serving as the foundation for other planning efforts across the City, including subarea plans and the Culture, Arts and Heritage plan. The Vision is:

Vancouver is the heart of southwest Washington, connecting people and places throughout the region. We are a safe and welcoming city for all ages, incomes, abilities and backgrounds, with unique and vibrant neighborhoods. We are the most livable city in the Pacific Northwest. Residents and businesses across our city are passionate about building a thriving, prosperous and sustainable community together.

A finer grained articulation of the vision was developed in the context of the Stronger Vancouver initiative. This articulation reflects some essential principles of [community attachment](#) as well as the aspiration of many other policy documents adopted by the city, such as the [Culture, Arts and heritage Plan](#); various [subarea plans](#) across the City, the [2016-2021 Strategic Plan](#) and the [2011-2030 Comprehensive Plan](#). It supports a clearer understanding of what a practical realization of the community's vision means, offering a more concrete translation of the vision into specific attributes of what kind of City Vancouver aspires to be a decade into the future.

A Stronger Vancouver recognizes that by 2030 Vancouver will be a much more urban city. Through growth and annexation, nearly a third of a million people will call Vancouver home. Vancouver is a top

tier city in the nation, ranking in the top 0.5 percent of all cities nationwide by population but more importantly, in the quality of the community.

While it is a much denser city, Vancouver has focused on growing in a way that puts people first, making us the most livable city in the Pacific Northwest. Vancouver's projects, investments and partnerships are built on policies and initiatives that result in:

- A city that is welcoming to all people.
- Strong corporate citizenship and many opportunities for civic engagement through events and volunteerism.
- Improved affordability and inclusive services and opportunities that help reduce poverty and homelessness.
- An exceptional, expanded park system that equitably serves the entire city.
- Programs that grow, steward and celebrate a diverse array of arts, culture and heritage.
- Vibrant neighborhoods and business districts throughout the city that offer a range of housing choices and unique day- and nightlife options.
- A diverse, resilient economy that offers a range of employment opportunities, the ability to earn a living wage, and the potential for economic mobility.
- A community that is well connected via a safe system of streets, sidewalks, trails, transit and technology that efficiently connect neighborhoods to each other, to services and to business districts.
- A community that is exceptionally safe, through proactive public safety programs and improved infrastructure, and well prepared for natural and man-made disasters.

Guiding Principles and Values

The Executive Sponsors Council developed a set of guiding principles and values to frame their work on projects, programs and revenues that ultimately became the recommendation to the City Council:

The Stronger Vancouver recommendation to the Council relied on the following guidelines when choosing the capital and operating areas to be included in the service package:

- Helps retain and/or attract diverse talent to the local community and economy
- Serves as a catalyst to lead and promote private investment
- Prevents problems or proactively addresses causes
- Provides tangible services to residents, especially those who are underserved
- Enhances relationships and connections among residents
- Promotes social and geographic equity of service delivery
- Focuses on services or responsibilities that rest solely or primarily with the City
- Provides opportunities for positive financial or community return-on-investment
- Reflects stewardship of what we already have
- Has potential to increase City revenue base
- Focuses toward the long term (sustainability and prevention)

The recommendation further relied on the following principles in developing the revenue framework:

- **Fair:** Attempts to raise dollars across sectors, users and customers in an effort to not impact one particular group over another
- **Sustainable:** Keeps pace with inflation over time
- **Simple:** Helps to simplify the taxing structure
- **Scalable:** Able to grow with future needs
- **Stable:** Reliable and predictable revenue
- **Equitable:** Attempts to not disproportionately impact any one group or population

There are a few specific revenue elements of the recommendation that have been addressed over the last several months. During earlier review of the revenue aspects of the initiative, the Council has given direction with respect to the business and occupation tax aspect of the recommendation, removing it from further consideration. The Business Improvement District element focused on downtown initiatives is not moving forward at this time due to an insufficient petition from downtown property owners. The Parks and recreation Advisory Commission and Planning Commission have developed a recommendation regarding Park Impact Fees that will be presented to Council in the context of the Stronger Vancouver initiative for consideration.

I look forward to the discussion on January 6.

Attachments: A Stronger Vancouver Work Program (1.6.2020)

Meeting Date	Stronger Vancouver activity
✓ November 18	• Review work program • Introduce I-976 contingency options
✓ November 25	• Citizen Forum on Stronger Vancouver initiative
✓ December 9	• Work session on homelessness strategy • Citizen Forum on Stronger Vancouver initiative
	Holiday
January 6	• Refresh on Vision & values
January 13	• Work session I on Capital/revenue nexus ○ I-976
	Holiday
January 27	• Finalize Capital • Work session on Programs/revenue nexus
February 3	
February 10	• Finalize Program/revenue • Preview levy design
	Holiday
February 24	• Workshop on Levy design ○ Single/multi-year ○ Rate ○ Election timing
March 2	
March 9	• Work session on complete package ○ Capital & Programs ○ Revenues ▪ PIF ▪ BLS ▪ Utility Tax ▪ Admissions tax ▪ Levy ▪ Phasing & effective dates
March 16	• Review legislative documents ○ Ballot resolution ○ Utility rate and tax ordinances ○ BLS Surcharge ordinance ○ Admissions tax ordinance ○ “Accountability” resolution • Vision & Values Check
March 23	
April 6	• 1st Reading with hearing
April 13	
April 20	• 2nd reading/hearing/adoption



A STRONGER VANCOUVER **VISION**



City Council Workshop
January 6, 2020

Why A Stronger Vancouver?



Vision

Efficiencies



Headwinds

Gaps in
Gaps in essential
services



Changing
community

Emerging
inequities

A Stronger Vancouver Vision - 2

Context: 2012-2017 Initiatives



Process



Community Engagement



1,319 FACE-TO-FACE PARTICIPANTS

- 18 tabling events
- 7 focus groups (incl. underrepresented communities)
- 3 open houses (East, West and Central)



1,027 ONLINE SURVEY RESPONSES

- 60 social media posts by the City
- 297 social media comments by residents
- 250+ comments and ideas submitted by residents



574 STATISTICALLY-VALID SURVEY RESPONSES

- 200+ comments and ideas submitted by residents

Framework



SAFE COMMUNITY

Improved facilities for
first responders

Fire and crime prevention
and intervention programs

Traffic safety and mobility



ECONOMIC VITALITY

Proactive planning and
targeted infrastructure
investments

Arts, culture and
heritage programs

Homelessness programs
and facilities



NEIGHBORHOOD VIBRANCY

Build new and improve
current parks

Enhance and
expand programs



**A STRONGER
VANCOUVER**
Investing in our future

CAPITAL PROJECTS



www.strongervancouver.org

Process



ESC and community
based process
(2017-2019)



Council Action
(Q2 2020)

Community Vision



Birthplace of the Pacific Northwest, Vancouver is the heart of southwest Washington, connecting people and places throughout the region.



The mighty Columbia River is the link
to our past and key to our future.

We are a safe and welcoming city for all ages,
incomes, abilities and backgrounds, with proud,
unique and vibrant neighborhoods.



We are dedicated to preserving our heritage and natural beauty, while welcoming the opportunities change brings to our lively metropolitan community. We are the most livable city in the Pacific Northwest.

By 2030

A Stronger Vancouver is ...

- A much more urban city – home to nearly a third of a million people
- A top tier city, nationally – ranking in the top 0.5% by population, but more importantly, in the quality of the community



A Stronger Vancouver ...

- Is welcoming to all people
- Has strong corporate citizenship and civic engagement



A Stronger Vancouver ...

- Has improved affordability, inclusivity and opportunities that help reduce poverty and homelessness
- Has an exceptional, expanded park system that equitably serves the entire city
- Has programs that grow, steward and celebrate a diverse array of arts, culture and heritage



A Stronger Vancouver has ...

- Vibrant neighborhoods and business districts throughout the city that offer a range of housing choices and unique day- and nightlife options
- A diverse, resilient economy that offers a range of employment opportunities, the ability to earn a living wage and the potential for economic mobility



A Stronger Vancouver ...



Is a community that is well connected via a safe system of streets, sidewalks, trails, transit and technology that efficiently connect neighborhoods to each other, to services and to business districts.

A Stronger Vancouver ...



Is a community that is exceptionally safe, through proactive public safety programs and improved infrastructure, and well prepared for natural and man-made disasters.

Guiding Principles & Values

Projects and Programs

- Helps retain and/or attract diverse talent to the local community and economy
- Serves as a catalyst to lead and promote private investment
- Prevents problems or proactively addresses causes



Guiding Principles & Values

Projects and Programs

- Provides tangible services to residents, especially those who are underserved
- Enhances relationships and connections among residents
- Promotes social and geographic equity of service delivery



Guiding Principles & Values

Projects and Programs

- Focuses on services or responsibilities that rest solely or primarily with the City
- Provides opportunities for positive financial or community return on investment



Guiding Principles & Values

Projects and Programs

- Reflects stewardship of what we already have
- Has potential to increase City revenue base
- Focuses toward the long term (sustainability and prevention)



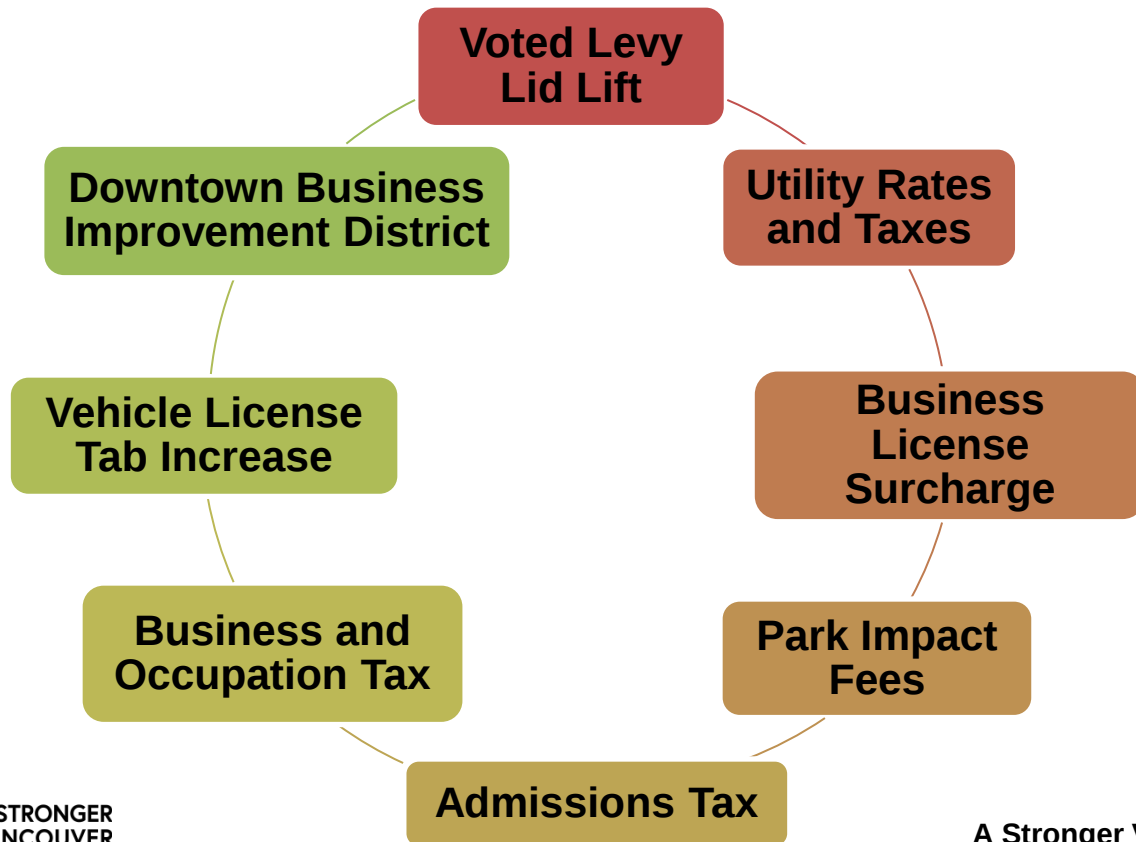
Guiding Principles & Values

Revenue

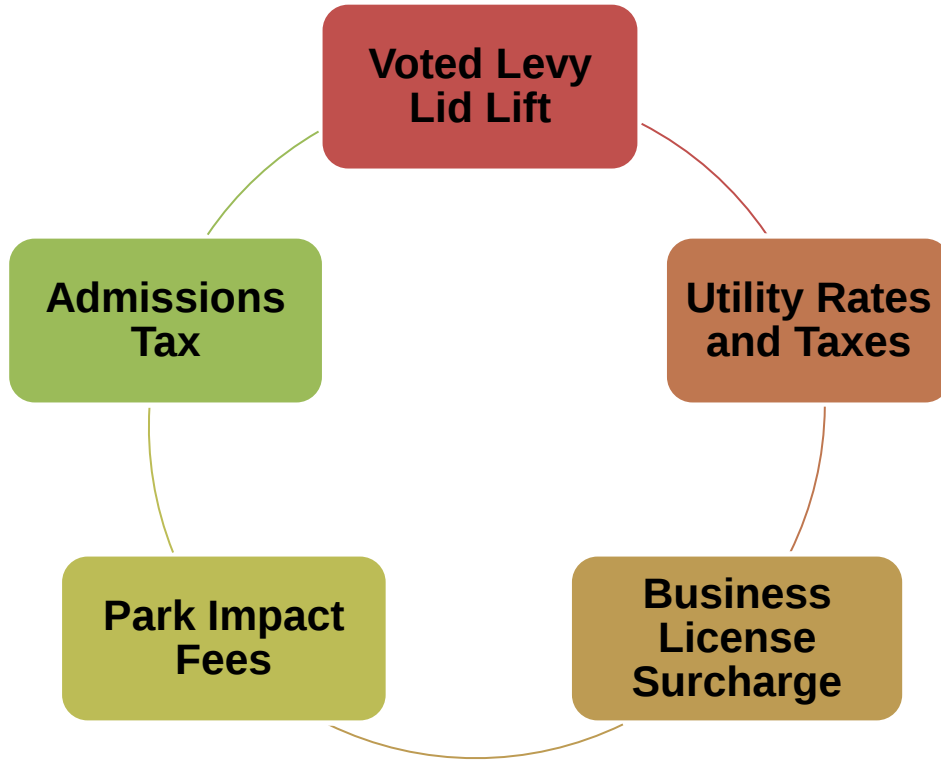
- Fair
- Sustainable
- Simple
- Scalable
- Stable
- Equitable



Revenues: ESC Recommendation



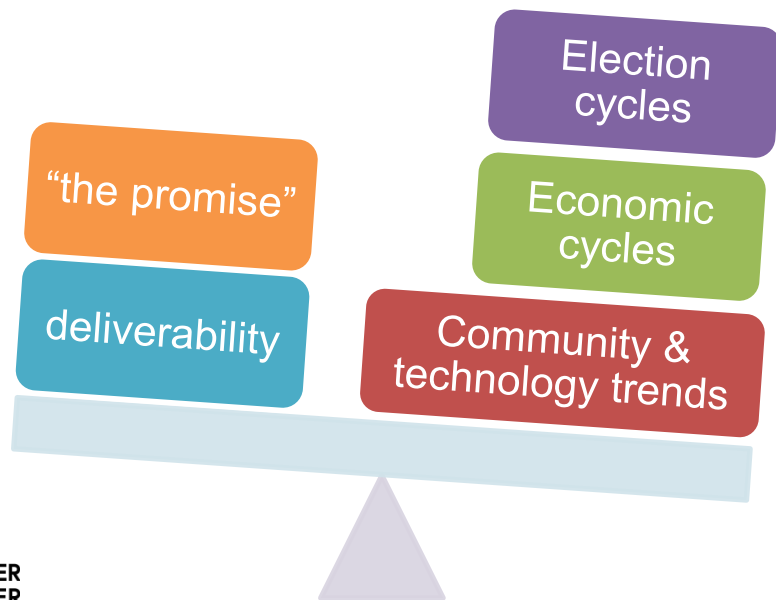
Revenues: Current Options



Now - 2030

PREDICTABILITY

ADAPTABILITY



Process



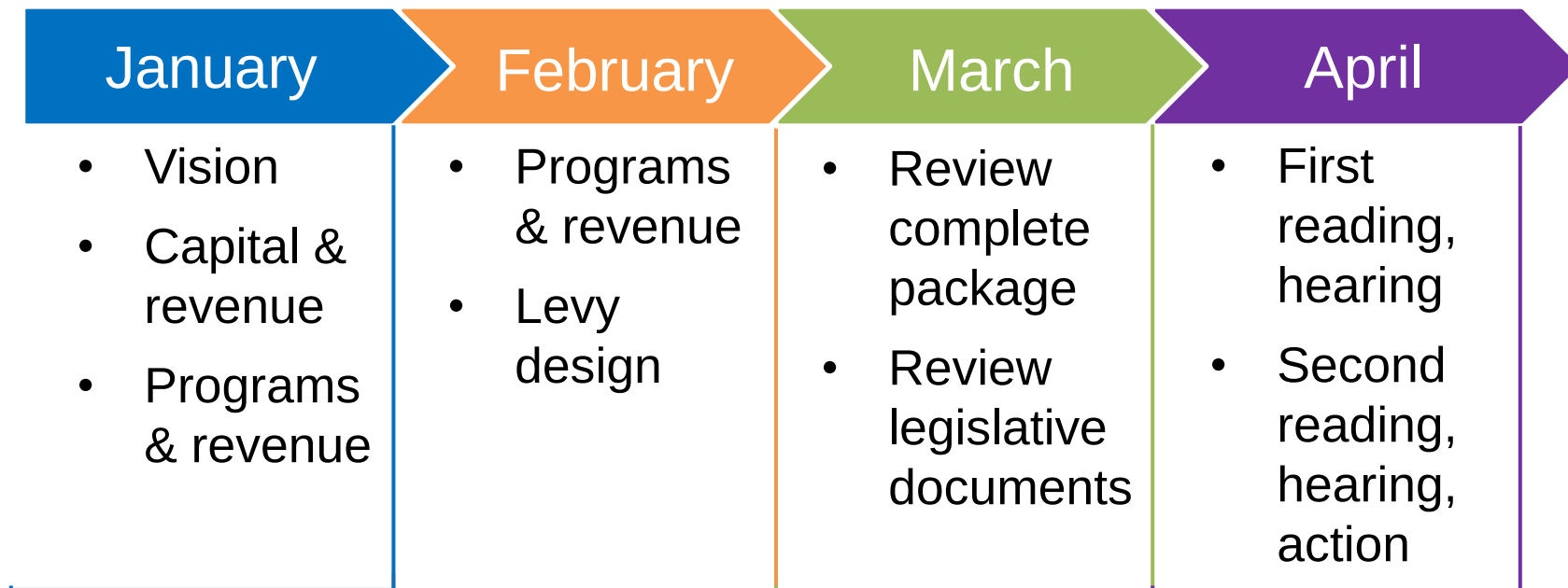
ESC and community
based process
(2017-2019)



Council Action
(Q2 2020)

**We are
here**

Next Steps



Discussion





Staff Report 001-20

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 1/6/2020

SUBJECT Final Construction Acceptance of Water Station 1 Phase 1 - Tower Booster Pump Station, Sodium Hypochlorite Building, and Site Electrical Upgrades

Key Points

- Water Station 1 is essential to the City's water system in providing safe clean drinking water.
- This completed project is Phase 1 of three projects per an approved facility master plan to:
 - Replace aging electrical supply and control systems as well as adding back-up power generation capabilities to ensure reliability, increase efficiency, resiliency, and meet current standards;
 - Increase capacity and delivery capabilities with the construction of a new booster pump station and upsizing transmission pipes necessary to meet current and future water needs; and
 - Increase security of the site and improve protection for this vital water resource.
- The contractor has completed the construction of Phase 1.

Strategic Plan Alignment

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained.

Goal 1, Action 1.2.1: Build a new, state-of-the-art water facility at Water Station 1.

Present Situation

The existing water production facility, Water Station 1, currently operates every day around the

clock to produce safe, clean drinking water for the City's water service area, which spans beyond the city limits. The Water Station 1 site has been used for water production since the late 1800s and today is still the City's most prolific water production facility. It is an essential site within the City's water system with a well pumping capacity of 34 million gallons per day. To put this in perspective, Vancouver's average daily water demand is 27 million gallons per day with a maximum daily water demand of 56 million gallons per day.

Water Station 1 is a 24.5-acre Water Utility owned site located on the southeast corner of East Fort Vancouver and Fourth Plain Boulevard. The primary purpose of Water Station 1 has been and will continue to be the production of potable water, although portions of the site are open to community recreation. The site is the backbone of the City's water supply system.

In order to maintain this essential resource a facility master plan was developed for Water Station 1 and approved to: 1) replace aging facilities to ensure reliability, increase efficiency and meet current standards; 2) increase capacity and delivery capabilities necessary to meet future water needs; and 3) increase security of the site and improve protection for this vital water resource. The Water Station 1 facility improvements have been divided into three phases and the construction of Phase 1 has been completed by the Stellar J Corporation of Woodland, Washington.

Summary of the Phase 1 improvements constructed:

- **Electrical Upgrades**—Site-wide electrical distribution system upgrades including emergency diesel powered electrical generation consisting of a 2.5 megawatt (MW) generator and a 12,500 gallon fuel tank to provide water production, treatment and distribution in an emergency. Switchgear and electrical system controls are housed in the new Tower Booster Pump Station with a separate electrical room. Existing electrical equipment has been replaced in nearly all facilities except those that are newer or slated for replacement.
- **Supervisory Control and Data Acquisition (SCADA) Upgrades**—Installation of a new onsite fiber optics network and communications system providing offsite communications to the City-wide water SCADA system, and upgraded control panels.
- **Tower Booster Pump Station**—Construction of an approximately 5,000 square foot multipurpose building including an 8,000 gallon per minute booster pump station to replace and consolidate aging equipment and increase pumping capacity to the elevated tower.
- **Operations Support Facilities**—A 5,000 square foot facility in the Tower Booster Pump Station for an emergency operation base as a backup to the City's primary water control center located offsite at the City's main operations center. The emergency operations base will act as a crisis center to facilitate water operations in the event of an emergency.
- **Onsite Generation of Sodium Hypochlorite**—Construction of an approximately 1,500 SF building to provide for on-site sodium hypochlorite generation and storage. The new sodium hypochlorite system replaced the existing chlorine system.
- **Improved Maintenance Access** – The south entrance was widened to allow for bulk salt deliveries as needed for the proposed sodium hypochlorite system.
- **Bike/Pedestrian Access** – This project improved the bike and pedestrian access at East

20th Street for an improved bike connection across the site within recreational use areas. Pathway lights were installed to improve pedestrian and bike safety.

- Security Upgrades—Security upgrades include upgraded intrusion detection for all water facilities, increased site lighting, and a new video surveillance security system to provide additional remote monitoring capabilities.

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

TOTAL CONTRACT COSTS	
Labor, Equipment and Material	\$11,000,561.75
Sales Tax	\$924,047.19
Total	\$11,924,608.94
Retainage	Bond

The original bid amount was \$11,346,011.20 compared to a final amount of \$11,924,608.94, an approximate 5.1% increase. The increase can be mostly attributed to modifications made during construction to ensure the site remained operational at all times, preventing any loss of water service to the community during construction.

Apprenticeship utilization goals of 8% were exceeded by 4% for a total of 12% apprenticeship utilization during the construction of the project.

Advantage(s)

1. Improved overall site reliability and resiliency through the installation of back up power systems, replacement of old electrical systems, and replacement of old power distribution lines.
2. Provided for the replacement of antiquated SCADA system components to improve system control, reliability, and security.
3. Provided construction of new facilities which replaced aging booster pump facilities and piping to ensure efficient and reliable delivery of the water supply.
4. Provided security improvements at the site.
5. Provided for replacement of the chlorine system.
6. Completes the City's contractual and statutory process for accepting the project.
7. Formal project acceptance allows for closure on third-party claims and facilitates release of the contractor's retainage.

Disadvantage(s)

None.

Budget Impact

The funds for this project have been budgeted in the Water Capital Improvement Budget since 2015.

Prior Council Review

1. Council Workshop on [December 8, 2014](#), Water Station 1 Project Overview.
2. Approved in the 2015 - 2020 Water Capital Improvement Budgets.
3. Staff Report [115-16](#); Council Approved Bid Award on August 15, 2016.
4. Council Workshop on [February 25, 2019](#), Water Station 1 Project Update.

Action Requested

Accept the Water Station 1 Phase 1 project as constructed by Stellar J Corporation of Woodland, Washington, and authorize the release of bond, subject to receipt of all documentation required by law.

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



Staff Report 002-20

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 1/6/2020

SUBJECT Donation of "Wind-and-Wave" Artwork

Key Points

- The Kenneth E. and Eunice T. Teter Charitable Fund is donating a piece of metal art, entitled "Wind-and-Wave," to the City's Public Art Collection.
- The proposed donation has been reviewed by the Public Art Committee and the Culture, Arts and Heritage Commission, both of which are recommending acceptance of the donation.
- Council is being asked to adopt a resolution accepting the donation of the art.

Strategic Plan Alignment

Goal 5, Objective 5.2: Build a vibrant, regionally recognized arts and cultural community.

Goal 8, Objective 8.1: Make downtown Vancouver a vibrant destination for the community and the region.

Present Situation

Kenneth and Eunice Teter, long-time Vancouver residents, left a bequest for a piece of public art that reflected their love of the water and could be placed on the Vancouver waterfront. Mr. Teter served on the Vancouver City Council in the 1950s and '60s. The artwork, Wind-and-Wave, was purchased by the Teter Charitable Trust from local artists, Cobalt Designworks. The proposed donation has been reviewed by the Public Art Committee, which has determined the piece meets the selection criteria in the City's draft Public Art Plan, and by the Culture, Arts and Heritage Commission, which is recommending that the artwork be accepted by the City Council. The Parks and Recreation Department has agreed that Wind-and-Wave (photo attached), can be installed in the new Waterfront Park.

The City's Donation Acceptance Policy, No. 100-41, requires that donations of artwork that will be on permanent or long-term display be approved by the City Council. The piece will be added to

the City's Public Art Collection.

Advantage(s)

1. The piece fits with the scope of collections in the City's draft Public Art Plan;
2. This acquisition supports the production and display of work by local artists
3. The City will acquire, at minimal cost, a new piece of public art valued at \$16,500

Disadvantage(s)

The City will be responsible for installation, maintenance and insurance of the artwork. There are funds available for this purpose in the 2019-2020 biennial budget.

Budget Impact

The City will be responsible for installation and maintenance of the artwork. Because the artwork is already completed and ready to install, both expenses should be minimal.

Prior Council Review

Council Workshop on public art on [October 21, 2019](#)

Action Requested

Adopt a resolution accepting the donation of the artwork entitled, Wind-and-Wave.

Jeanette (Jan) Bader, Cultural Services Manager, 487-8606

ATTACHMENTS:

- ▢ Resolution
- ▢ Wind-and-Wave photo

01/06/20

RESOLUTION NO. M-

A RESOLUTION accepting a donation for the City's Public Art Collection of a work of art entitled "Wind-and-Wave" which will be installed in Vancouver's Waterfront Park.

WHEREAS, long time Vancouver residents, Kenneth and Eunice Teter left a bequest for a piece of public art that would reflect their love of the water and could be sited on along the waterfront; and

WHEREAS, the artwork "Wind-and-Wave" was purchased by the Teter Charitable Trust from Cobalt Designworks to fulfill that bequest; and

WHEREAS, the Vancouver Parks and Recreation Department has identified locations for public art in the new Waterfront Park and has agreed that Wind-and-Wave can be installed in one of the identified locations; and

WHEREAS, the City's Public Art Committee and Culture, Arts and Heritage Commission have reviewed the proposed donation of "Wind-and-Wave" and are recommending that the City Council accept this donation; and

WHEREAS it is the intention of the City and the Kenneth E. and Eunice T. Teter Charitable Trust that "Wind-and-Wave" be added to the City's Public Art Collection and henceforth will be owned and maintained by the City.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Consistent with the City's Donation Acceptance Policy, No. 100-41, the City hereby accepts the donation of Wind-and-Wave from Cobalt Designworks.

RESOLUTION - 1

Section 2. The City Manager or designee is hereby authorized to execute agreements and other documents to effectuate this transaction.

DATED this 6th day of January, 2020.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

RESOLUTION - 2





Staff Report 193A-19

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 1/6/2020

SUBJECT Award of Lodging Tax Grants for 2020

Key Points

- The City collects a 4% lodging tax on hotel and motel room nights. These funds can be used by municipalities and community organizations and for the purpose of supporting tourism-related events, activities and facilities.
- The City's Lodging Tax Advisory Committee, which is required by state regulations in order to expend the funds, reviewed applications for lodging tax funds and is making recommendations to the City Council.
- Council is being asked to approve partial or full funding for seven grant applications totaling \$114,500.

Strategic Plan Alignment

Goal 8: Strengthen commercial, retail and community districts throughout the city.

Goal 5: Continue to build high quality historical and cultural experiences for residents and visitors.

Present Situation

RCW 67.28.180 allows municipalities to impose a 4% lodging tax on stays of more than 30 days at hotels, motels, campgrounds, bed and breakfasts and RV parks. Those funds can only be used for tourism-related projects, events and facilities. Vancouver increased its lodging tax from 2% to 4% in 1998 with the second 2% dedicated to debt service and capital improvements for the downtown Hotel/Convention Center. The original 2% continued to be used to fund other tourism related projects. One of the impacts of the recession was that from 2009-2016, all of Vancouver's lodging tax funds were allocated to support the Hotel/Convention Center.

For 2020, 15% of lodging tax revenue (\$385,294) will be allocated to Visit Vancouver USA, per Professional Services Agreement No. 100049 approved by Council on April 8, 2019. Additionally, the City has \$114,500 in lodging tax revenue that is excess to the needs of the

Hotel/Convention Center and is available for other tourism-related projects. The RCW requires that in order to expend lodging tax funds, municipalities must appoint a Lodging Tax Advisory Committee, comprising equal numbers of lodging tax generators and potential lodging tax recipients, who will make recommendations on proposed expenditures to the City Council. In September 2019, the City solicited lodging tax grant proposals from interested parties. Nine proposals were received totaling \$229,000. The Lodging Tax Advisory Committee reviewed the proposals and is recommending full or partial funding of seven, which totals \$114,500.

Per state regulations, the City Council only may approve awards to candidates recommended by the Lodging Tax Advisory Committee and only at the amount recommended unless Council submits its change in the amount to the LTAC for comment. All approved grant recipients must enter into a professional services agreement with the City.

Advantage(s)

Grant funds will support tourism-related events, activities and facilities that help strengthen Vancouver's appeal to day and overnight visitors.

Disadvantage(s)

None

Budget Impact

The 2020 budget contains the appropriation sufficient to cover grants in the amount of \$114,500 in lodging tax funds.

Prior Council Review

[December 16, 2019](#) - Item returned to staff for further revisions.

Action Requested

Adopt a resolution approving the 2020 Lodging Tax Grants as recommended by the Lodging Tax Advisory Committee and authorizing the City Manager or his designee to execute professional services agreements with the grant recipients.

Teresa Brum, Economic Development Division Manager, 487-7949

ATTACHMENTS:

- ▢ Resolution
- ▢ Exhibit A - 2020 Grant Recommendations

1/06/2020

RESOLUTION NO. _____

A RESOLUTION relating to the award of lodging tax grant funds for 2020 as recommended by the City Council appointed Lodging Tax Advisory Committee.

WHEREAS, RCW 67.28.180 and 67.28.181 allow municipalities to impose a lodging tax of up to 4% on overnight stays in a lodging establishment such as a hotel, motel, bed and breakfast facility, or campground; and

WHEREAS, funds collected through the lodging tax can be used for the purpose of supporting tourism promotion, including but not limited to events, activities and facilities designed to increase tourism; and

WHEREAS, RCW 67.28.1816 and 67.28.1817 require that in order to expend lodging tax funds, municipalities appoint a Lodging Tax Advisory Committee, comprising equal numbers of lodging tax generators and potential lodging tax recipients, who will make recommendations on proposed expenditures to the City Council; and

WHEREAS, the City solicited lodging tax grant proposals from interested parties which were reviewed by the Lodging Tax Advisory Committee in order to provide the City Council recommendations on grant funding to support tourism promotion.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. As recommended in the Lodging Tax Advisory Committee 2020 Grant Recommendations, attached hereto as Exhibit "A", the recipients are hereby awarded grants for tourism related events, activities and facilities.

Section 2. The City Manager or his designee is hereby authorized to execute on behalf of the City all necessary agreements with the recipients to ensure compliance with the terms of the grant.

ADOPTED at a regular session of the Council of the City of Vancouver, on this 6th day of January, 2020.

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney



EXHIBIT A

LODGING TAX ADVISORY COMMITTEE 2020 GRANT RECOMMENDATIONS

The following projects were recommended for grant funds:

1. **Organization: Columbia Springs**
Project: Website and Brochure development
Summary: Request would fund website and brochure development
Requested: \$11,000 **Recommended:** \$10,000
2. **Organization: Cruise the Couve**
Project: Event
Summary: Request would help fund the Cruise the Couve event
Requested: \$20,000 **Recommended:** \$10,000
3. **Organization: Dollar For**
Project: Noel
Summary: Request would fund a new holiday event called Noel
Requested: \$100,000 **Recommended:** \$51,500
4. **Organization: Fourth Plain Forward**
Project: Fourth Plain Multicultural Festival
Summary: Request would fund Fourth Plain Multicultural Festival
Requested: \$10,000 **Recommended:** \$8,000
5. **Organization: PAL**
Project: Marathon
Summary: Request would fund Apple Tree Marathon Festival 2020
Requested: \$40,000 **Recommended:** \$10,000
6. **Organization: The Historic Trust**
Project: Tour Map
Summary: Request would fund a self-guided Officers Row Botanical Tour Map
Requested: \$10,000 **Recommended:** \$10,000
7. **Organization: Why Racing**
Project: Triathlon
Summary: Request would fund Columbia River & Girlfriends Triathlon Festival
Requested: \$ 15,000 **Recommended:** \$15,000

The following projects were not recommended for grant funds:

Organization: Meals on Wheels

Project: The Diner Vancouver

Summary: Request would fund the Diner Vancouver

Requested: \$8,000 **Recommended:** \$0

Organization: Why Racing

Project: Run

Summary: Request would fund Girlfriends Run for a Cure

Requested: \$15,000 **Recommended:** \$0



Staff Report 187A-19

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 1/6/2020

SUBJECT Vancouver Farmer's Market Memorandum of Agreement

Key Points

- A 5-year Memorandum of Agreement (MOA) with the Vancouver Farmer's Market (VFM) will allow the Market to continue to use City-owned space on Esther and 8th Streets for operation of the Market.

Strategic Plan Alignment

Goal 8, Objective 8.1: Make downtown Vancouver a vibrant destination for the community and the region.

Present Situation

The Vancouver Farmer's Market (VFM) has operated at its current location on Esther, between 6th and 8th streets in downtown Vancouver, since 2000. In 2019, due to upcoming construction, and to allow for access to the new apartment development that was to be built on 6th Street, the Vancouver Farmers Market was asked to relocate its vendors from 6th Street to 8th Street. The Market has operated in this new configuration since March 2019 with great success and general approval of both neighbors and vendors alike.

The Market is a major attraction in downtown; with more than 250 vendors and thousands of customers, it is one of the largest farmers markets in the state. The City's previous agreement with VFM for the use of Esther Street (from 8th to 6th) and 6th Street (west of Esther) expired December 31, 2018. In 2019, VFM staff and City staff reviewed and revised the MOU, however, the process took a lengthy period of time because the parties needed to work out details related to the new market location. The proposed Memorandum of Agreement (MOA) is for 5 years, 2019-2024, retroactively covering 2019 (the first year in the new location) and future years through 2024 and will allow VFM to continue to operate in its current location. VFM also has a separate agreement with the City that allows use of the City Hall parking lot on the southwest corner of Esther and 6th Streets for customers and vendors. That agreement will continue on an annual

basis.

Advantage(s)

1. Allows one of downtown's premier attractions to continue to be available to the public.
2. Supports small businesses including encouraging the availability of locally grown agricultural products.

Disadvantage(s)

Portions of Esther and 8th Streets are not available for vehicular traffic on Saturdays and Sundays from March through October.

Budget Impact

None.

Prior Council Review

[December 9, 2019](#) - Item returned to staff for further revisions.

Action Requested

Authorize the City Manager or his designee to sign a Memorandum of Agreement with the Vancouver Farmer's Market for use of portions of Esther and 8th Streets for operation of the Market for 2019-2024.

Teresa Brum, Economic Development Division Manager, 487-7949

ATTACHMENTS:

- ▢ Memorandum of Agreement
- ▢ MOA Exhibits

**Memorandum of Agreement
Between the City of Vancouver and
Vancouver Farmers Market Association
For the 2019-2024 Farmers Market**

BACKGROUND

The City of Vancouver (“City”), a municipal corporation formed under the laws of the State of Washington, allows the Vancouver Farmers Market Association (“Market”), a Washington non-profit corporation, to operate on City-owned streets, parking lots and right-of-way near Esther Short Park in downtown Vancouver. The Market is a valued downtown amenity drawing thousands of visitors on an annual basis. The Market is interested in renewing its agreement with the City for use of streets and other City-owned facilities for the operation of the market. The City has determined that the Market has complied with the conditions in the 2014-2018 Memorandum Agreement for the operation of the Farmer’s Market.

The Market must comply with the terms and conditions of this Agreement and any and all City-issued permits as well as the requirements of other agencies with jurisdiction regarding Market operations including, but not limited to, the Clark County Health Department. It is understood that the City reserves the right to change the terms and conditions of this Agreement at the time of the annual review as described herein in order to provide for public health, safety and welfare.

The City of Vancouver and the Vancouver Farmer’s Market agree to the following:

A. TERM

1. Subject to the conditions and provisions set forth in this Agreement and in the Right-of-Way Use Permit, the City will allow the Market to continue to use City-owned streets and facilities for its operations for 2019-2024. During this period, the Market may continue to utilize the same locations as described herein, subject to modification or partial revocation pursuant to VMC 11.60.150 if the area for which the permit has been granted is needed for a public purpose due to constraints by construction projects adjacent to and in the general vicinity of this location. In the event that construction projects reduce or restrict the Market’s use of City right-of-way, the City will work cooperatively with the Market to find alternatives for their space needs.
2. The Market “season” is defined as every Saturday and Sunday, plus Memorial Day and Labor Day, beginning the third weekend in March and concluding the last weekend in October. The Market may operate special seasonal or holiday markets, in the same locations described herein, outside of the March-October timeframe with 30 days advance notification to the City.

**Memorandum of Agreement - 1
City of Vancouver & Vancouver Farmers Market**

3. The City and the Market will meet annually, prior to March 1, to facilitate and review the agreement. The Market agrees to discuss any concerns relating to this agreement with the City's liaison to the Market either at the annual meeting between the City and Market or as concerns arise. The designated representative of each party, for purposes of such meeting and for other necessary contact, is:

City:

Teresa Brum
Economic Development Division Manager
City of Vancouver
415 W. 6th St.
P.O. Box 1995
Vancouver, WA 98668-1995
(360) 487-7949
teresa.brum@cityofvancouver.us

Market:

Jordan Boldt
Executive Director
Vancouver Farmers Market
605 Esther St
PO Box 61638
Vancouver, WA 98666-1638
(360) 737-8298
j.boldt@vancouverfarmersmarket.com

B. RIGHT-OF-WAY USE PERMIT

1. Prior to use of City right-of-way pursuant to this Agreement, the Market will apply to the City's Public Works Department for a Type C Right-of-Way Use Permit for the Market, pursuant to the requirements of VMC Chapter 11.60. VMC Chapter 11.60 and the appropriate application form are attached hereto as Exhibits 1 and 2. The required application must be filed not later than January 15 of each year under which the MOA is effective. The City will process the application within sixty (60) days, as required by VMC 11.60.110.E.1.a. The permit may be renewed on an annual basis through 2024, pursuant to the conditions of VMC 11.60.140. The Market must apply for renewal of the permit each year, and must pay the fees as outlined in VMC 11.60.160 and VMC 20.180.070.
2. The Right-of-Way Use Permit will establish the City's conditions for approval of the use of Esther Street ending to the North approximately halfway between 8th Street and 9th Street. (The street closure will end before the entrance to the Heritage Place parking lot and the Dolle Building parking lot) and to the South ending at the North edge of the crosswalk at 6th

Memorandum of Agreement - 2
City of Vancouver & Vancouver Farmers Market

Street. Additionally, the Right-of-Way Use Permit covers the use of 8th Street from the East side of the east crosswalk at Franklin to the West side of the crosswalk to Esther Short Park (approximately halfway between Esther and Columbia). The use is granted from 5 a.m. on Saturday to 6 p.m. on Sunday. A map of the intended street use area covered by the Right-of-Way Use Permit is attached hereto as Exhibit 3. It is understood that there are ongoing construction projects adjacent to and in the general area of the Farmers Market and that such projects may conflict with the Market's operation on the above described areas. City and Market agree to work cooperatively to avoid or minimize such conflicts but Market acknowledges that it may not be able to fully utilize the above described areas during such construction periods. In the event of such conflict, the City reserves the right to modify or partially revoke the Market's Right-of-Way Use Permit pursuant to VMC 11.60.150 as necessary, if the area for which the permit has been granted is needed for a public purpose due to the construction projects.

3. Pursuant to 11.60.090.D, the City requires proof that the applicant has notified property owners and tenants within 200 feet of the edge of the proposed use or occupation whose access may be affected by the proposed use. The notice shall consist of a declaration signed by the applicant that the required notice was issued within 28 days prior to submittal of the permit application, a list of property owners and tenants notified, and a sample of the message of notification.
4. The City agrees to allow the Market to remain set up overnight between Saturdays and Sundays on Esther Street and 8th Streets, in the footprint approved for the Market through the Right-of-Way Use Permit, on the condition that overnight security is provided.
5. To make the park available to other community organizations and the public, Market vendor activity will be limited to Esther Street adjacent to Esther Short Park between 6th Street and 8th Street. The permitted area is bounded by the West curb of Esther Street to the east edge of the sidewalk on the west side of Esther Short Park, and on 8th Street the Market's use will be limited to the area from the north curb on 8th Street to the southern edge of the sidewalk on the north side of Esther Short Park as described in the Right-of-Way Use Permit. Driving over curbs on either Esther Street or 8th Street is not allowed. No other commercial activity will be permitted in the stated boundary during the hours of the Market operation, and a 5-foot path of the sidewalk will be kept clear for ADA accessibility purposes.
6. As required by VMC 11.60.090.E.6, the Market will submit to the City for review and approval a Traffic Control plan in compliance with VMC Chapter 11.40. The appropriate application form is attached hereto as Exhibit 4. The required application must be filed not later than January 15 of each year during which the MOA is effective. The City will process the application within sixty (60) days, as required by VMC 11.60.110.E.1.a. Barricade placement is the responsibility of the Market; RCW 46.55.113 requires barricades with signage establishing a tow away zone be placed on the street a minimum of 24 hours in

advance of the opening of the Market. Signs and barricades are to be stored offsite by the Market when not in use.

7. Any proposed additional signage must be authorized by the City's Public Works Department as part of the Traffic Control plan.
8. Given the unique nature of the Market as a regular weekly event that supports the City's long range strategic goals for Downtown, the City will waive the daily meter hood fee for use of the on-street parking spaces in the designated Market area. The Market will work with the Public Works department to secure new signage that indicates the dates and times when the street parking in the designated Market area will be unavailable for public use.
9. The Market shall not cause or permit any Hazardous Materials as defined by RCW 70.36.020(1) to be spilled, leaked, disposed of, or otherwise released on or under streets or parks. In the event that such an incident occurs, the Market shall report it to the Vancouver Fire Department, and shall comply with its requirements concerning required response. VMC 2.32.060-070.

C. PARK USE

1. If Esther Short Park is not reserved for a special event, the Market may use it free of charge one day per month. The request must be made thirty (30) days prior to the proposed date. Use will be approved if the park is not reserved and the request meets park use requirements under VMC Chapter 15.04. This free use is intended to enhance the Market and may not be donated, traded or sold to other organizations. To request use, the Market will contact the City Events Manager. In addition to the one free day per month, the City will consider use of the park by the Market on a case-by-case basis and has the option to charge a fee for any such additional use.
2. The Market may use the hard surface area between the Slocum House and the restrooms for Market patron seating, educational activities and light entertainment. Light entertainment is described as entertainment designed as "background" music or entertainment designed to accommodate small gatherings on the hard surface area.
3. Additional seating, demonstrations and entertainment is allowed only in the hard surface area north of the Slocum House. The Market may use the public sidewalk on the west side of the park north of Slocum House for additional table seating. Tables must be placed to comply with ADA regulations and allow a minimum of a four-foot clear walkway on the sidewalk. This clearway must be maintained at all times. The City reserves the right to rescind use of the sidewalk for tables or seating if safety or access issues occur.
4. Vendor overflow is not permitted into the park. Vendors must set up within the area from the west curb of Esther Street to the east edge of the sidewalk on the west side of Esther Short

Park or in the approved areas on 8th Street and the approved area on Esther Street north of 8th Street.

5. The Market understands that in some cases Esther Short Park will be fenced to accommodate special events. The City Events Manager will notify the Market thirty (30) days in advance if fencing is to occur.
6. The Market and the City will jointly foster a compatible environment with all renters of the park. It is the responsibility of the Market and community event users of the park to coordinate possible partnerships of events and the Market.

D. UTILITIES

1. Garbage.
 - 1.1. The Market may make use of the City's dumpsters behind the pump house in Esther Short Park including sharing the existing garbage, recycling and food waste containers. The Market and the City will coordinate closely, including arranging for extra service days, depending on the special events planned for the park. It is expected that although the containers will be shared, the Market will maintain an individual account with Waste Connections for its services.
 - 1.2. Responsibility for litter and garbage cans. It is the Market's responsibility to keep the area subject to the Right-of-Way Use Permit and this Agreement free of litter and debris when the Market is operating, and to clean up litter and garbage at the end of each Market weekend. This responsibility shall include emptying City-provided trash cans adjacent to the Market area on the west side of Esther Short Park as necessary to keep the area free of garbage.
2. The grey water, defined as wastewater having the consistency of residential domestic type wastewater, generated by vendors at the Vancouver Farmer's Market shall be either hauled away from the site and properly managed, or discharged to the City sanitary sewer system. At the time of the annual review, the Market shall provide the City with information concerning its arrangements for disposal of grey water, which the City may review and approve or disapprove. Discharge of grey water to the storm sewer is not authorized.
3. The Market is required to provide portable toilets and hand-washing facilities in appropriate locations, away from vehicular traffic, not blocking access to sidewalks or aisle ways, at least 20 ft. away from all storm drains and on level ground that provides unobstructed access for users on each Market weekend. Not less than four (4) portable toilets must be provided so that the capacity of the permanent restroom facilities is not stressed. The toilets may be delivered no earlier than the day before the Market and must be removed at the end of each Market weekend. The Market is responsible for ordering portable toilets and making sure they are removed as required in this agreement.

4. Clark Public Utilities (CPU) bills the Market for electricity used by the electrical boxes and the streetlights. The City reimburses the Market for the streetlight electrical usage.
5. The City will provide basic maintenance, including cleaning and restocking of supplies, for the permanent restrooms and the area surrounding the restrooms on a daily basis. However, it is the Market's responsibility to keep the area surrounding the restrooms, as shown on Exhibit 5, free of litter and debris when the Market is operating. The restroom space is available to the public and events within the park and is not for the sole use of Market patrons.
6. The City will provide and maintain potable water at three curbside locations and one restroom. It will be the Market's responsibility to provide for a Clark County Public Health Department approved means of distribution to vendors. A distribution system which leaks and/or adds other safety concerns will not be allowed. The City reserves the right to discontinue access to water if any of the conditions are not met.

E. OTHER CITY SERVICES

1. The Market agrees to work with the Slocum House operator, Esther Short Park Neighborhood Association, adjacent businesses and other users of the park to ensure good neighbor relationships.
2. It is understood that Market patrons will not be allowed to use Slocum House restrooms.

F. LIMITED PUBLIC FORUM AREA

The City of Vancouver recognizes that individuals and/or groups may wish to disseminate information at the Vancouver Farmer's Market. The City has granted the Market an exclusive Right-of-Way Use Permit to operate within the boundaries described in Section B of this Agreement, the Right-of-Way Use Permit, and on other City property as described herein. In the interest of public safety and to ensure the smooth flow of pedestrian traffic within the Market area and Esther Short Park, the following areas as shown in Exhibit 6 have been reserved for the use as a limited public forum for groups or individuals who wish to use a fixed location to disseminate information:

- The southern side of the sidewalk on the north side of Esther Short Park along 8th Street beginning at the East side of the northwest entrance to Esther Short Park and continuing mid-park to the Pioneer Mother Statue.
- The area directly in front of the gates and landscaping at the northwest entrance to Esther Short Park.
- The west side of the sidewalk on the east side of the Slocum House beginning at the Esther Short Park gazebo and continuing to the south side of the restrooms at Esther Short Park.

To facilitate use of the area, each group is limited to one table, two chairs and a pop-up awning or umbrella with a maximum size of 10'X10'. When in close proximity to others, the awning must be treated with fire retardants. To keep the sidewalk clear, the awning or tent may extend over the grass planting area and it must not hamper Market vendors or pedestrian access.

Establishment of this limited public forum area is not intended to restrict the free speech rights of individuals or groups who wish to disseminate information without use of a fixed location within the area subject to the Farmer's Market Right-of-Way Use Permit.

G. CALLS FOR ASSISTANCE

The Market is to call (360) 693-9302 for facilities needs that cannot wait until regular business hours (the following Monday). If the Market requires additional police services beyond routine downtown coverage, the Market should coordinate directly with the Vancouver Police Department. For all public safety concerns, the Market is to call 9-1-1.

H. INDEMNIFICATION, INSURANCE, AND LIABILITY

1. Indemnification. The Market agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred, of whatsoever kind or nature, arising out of, or in connection with, or incident to, the performance or failure to perform pursuant to this Agreement.

In the event that any suit based on such a claim, demand, loss, damage, cost, or cause of action is brought against the Market, the City retains the right to participate in said suit if any principal of public law is involved.

This indemnity and hold harmless shall include any claim made against the City by an employee of Market, vendor, subcontractor, agent, or attendees of the Market, even if Market is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 RCW, except to the extent that such liability arises from the sole negligence of the City. Market specifically acknowledges that the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that Market provides the broadest permitted scope of indemnity.

2. Insurance.

a. Prior to the commencement of the permitted use, the Market shall provide the City with satisfactory evidence in writing that the Market has in force, and will maintain in force throughout the duration of the permitted use, commercial general liability insurance satisfactory in form and substance to the City, duly issued by an insurance company authorized to do business in Washington.

b. The policy shall name the City of Vancouver as an additional insured, and apply as primary insurance, regardless of any insurance the City may carry. Also, the policy must include:

i. A “cross-liability” (severability of interest) clause; and

ii. A provision that the City be notified not less than 30 days prior to cancellation of the policy, except in the case of non-payment, when less than 10 days prior notice is required; and

iii. \$1 million comprehensive general liability insurance for bodily injury or death to any one person; and

iv. \$2 million comprehensive liability insurance for bodily injury or death resulting from one accident; and

v. \$1 million comprehensive general liability insurance for property damage resulting from any one accident.

3. Liability. The City will not be liable for actual damages or consequential damages to the Market, vendors, subcontractors, or agents if the Market must be closed for public health, safety or welfare purposes.

I. TERMINATION

The terms of this Agreement are incorporated into the Market’s Right-of-Way Use permit, and are conditions of that Permit. This Agreement and the Right-of-Way Use permit authorize the Market to conduct only such use as is described in this Agreement and in the permit and in accordance with the terms and conditions of the Agreement and the permit. It is unlawful for the applicant to violate the terms and conditions of the permit, or to continue with the use if the permit has been revoked or has expired. Pursuant to VMC 11.60.200, enforcement of this provision shall be governed by Title 22.

The City reserves the right to terminate the Agreement, for any public purpose, at the end of any Market season (last weekend in October) at its sole discretion provided the Market is notified in writing by July 31st of that year.

J. INDEPENDENT CAPACITY

At all times and for all purposes of this Agreement, each party shall act in an independent capacity and not as an agent or representative of the other parties.

K. NO ASSIGNMENT

Neither party shall sell, assign, sublet, transfer, or in any manner encumber the rights and privileges granted herein, nor allow such assignment, subletting, transfer, or any other

encumbrance to occur by operation of law or otherwise without the prior consent of the other parties.

L. AMENDMENT

The City reserves the right to amend this agreement for public health, safety, or welfare reasons subject to 60 day's notice to the Market and an opportunity for the parties to negotiate any proposed changes prior to implementation. No additions to, or alterations of, the terms of this Agreement shall be valid unless made in writing.

M. GOVERNING LAW AND DISPUTES

This Agreement shall be governed by the laws of the State of Washington. Before instituting any legal action hereunder, the parties, through the City Manager (for the City), and the Executive Director (for Market) shall meet with each other and attempt in good faith to resolve the disagreement. Venue for any action hereunder shall be brought in the Superior Court of Clark County, Washington.

This agreement dated this _____ day of _____, 2020.

CITY OF VANCOUVER

Eric J. Holmes, City Manager

VANCOUVER FARMERS MARKET

Jordan Boldt, Executive Director

Approved as to form:

Jonathan Young, City Attorney

Attest:

Natasha Ramras, City Clerk

Memorandum of Agreement - 9
City of Vancouver & Vancouver Farmers Market

EXHIBIT 1
VMC Chapter 11.60

VMC Chapter 11.60 available at:
https://www.cityofvancouver.us/sites/default/files/fileattachments/vmc/titles_chapters/11.60.pdf

EXHIBIT 2
Right-of-Way Use Permit Application

Right-of-Way Use Permit application available at:
https://www.cityofvancouver.us/sites/default/files/fileattachments/public_works/page/971/row_street_use_application_web.pdf

EXHIBIT 3
Map of Vancouver Farmer's Market
Right-of-Way Use Permit Area

Exhibit 3
Right of Way Use Permit Area



EXHIBIT 4
Application Form for a Traffic Control Plan

Application form for a Traffic Control Plan available at:
https://www.cityofvancouver.us/sites/default/files/fileattachments/public_works/page/971/tcp_application_finalsept2013.pdf

EXHIBIT 5
Map of the Vancouver Farmer's Market
Restroom Surrounding Area

Exhibit 5
Permanent Restroom Surrounding Area

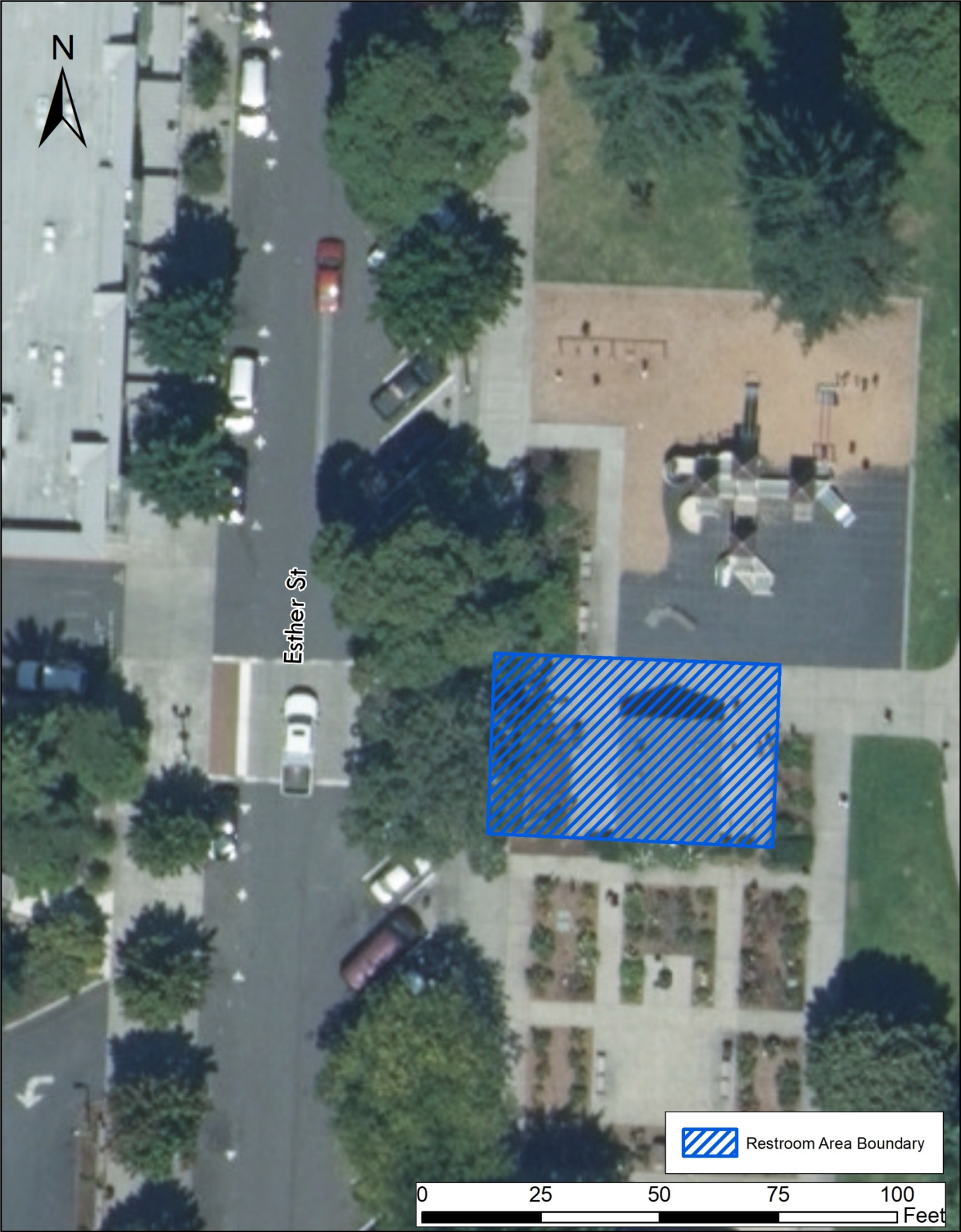
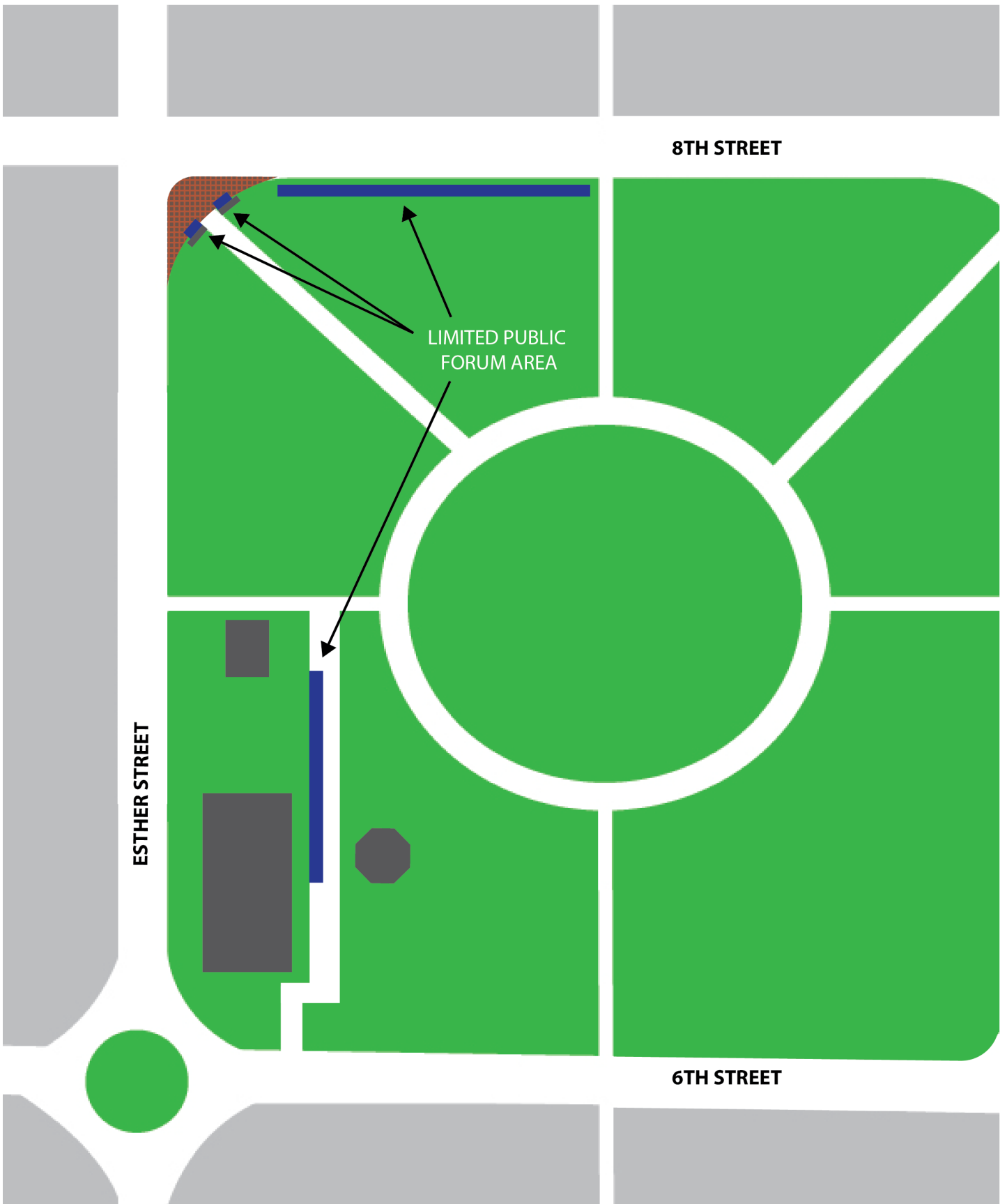
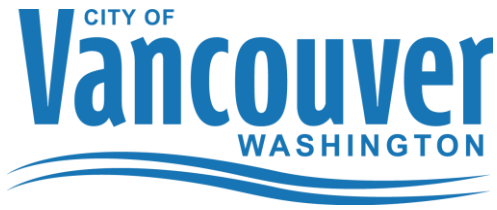


EXHIBIT 6
Map of the Vancouver Farmer's Market
Limited Public Forum Area at northwest corner of
Esther Short Park

Limited Public Forum Area at northwest corner of Esther Short Park





MEMORANDUM

DATE: December 13, 2019

TO: Mayor and City Councilmembers

FROM: Council Subcommittee 2 (Stober, Lebowsky, Turley)

CC: Eric J. Holmes, City Manager
Jill Brown, Boards & Commissions

RE: Recommendation for Appointment to the City Center Redevelopment Authority
--

The Downtown Redevelopment Authority (DRA) is a citizen advisory body appointed by City Council. The DRA is responsible for the oversight of Vancouver Hilton Hotel and Convention Center operations, finances and promotion.

Council Committee 2 recently interviewed five candidates for two upcoming vacancies on the Downtown Redevelopment Authority and recommends the reappointment of Richard Keller and Deborah Ewing. Their appointments would begin immediately and expire December 31, 2023.

If there are no objections, we would like to make these appointments at the **Monday, January 6** Council meeting.

Attachments:
Applications
Roster

September 27, 2019

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Re: Letter of Continued Interest – Deborah Ewing

Dear Council Committee,

It has been my honor to serve the Downtown Redevelopment Authority (DRA) for the past 15 plus years. Please accept this letter of continued interest as my formal application for reappointment.

I believe my participation on the Downtown Redevelopment Authority has benefitted its work primarily through the development of the Hilton Hotel and Convention Center. I had the opportunity to serve on the Board when the initial concept included a hotel, convention center and 6,000 plus seat sports arena (the sports arena component was later abandoned). The Board was involved in negotiations with the developer, review of Development Agreement, review of the financing structure, interviews and selection of the contractor, architect, designer, and hotel manager (Hilton). The Board has overseen the renovation of the hotel guest rooms, lobby and Grays Restaurant. This also involved review of budgets, selection of designers and contractors. The renovations have been critical to the success of the hotel/restaurant to ensure the hotel is in compliance with the hotel management's expectations and to provide a Class A, quality hotel/convention center the City can be proud of. Ongoing responsibilities include monthly review of the financial reports, operating and capital budgets, expense reports, hotel manager's report and annual budget review.

I am proud of what this group has accomplished throughout my term(s) of service, and look forward to future opportunities.

Once again, it has been my honor to serve the Downtown Redevelopment Authority. I hope that you will grant my request for reappointment.

Thank you in advance for your consideration.

Sincerely,

Deborah Ewing

September 9, 2019

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Re: Letter of Continued Interest – DRA

Dear Council Committee,

It has been my honor to serve the DRA board, the last several as its President. Please accept this letter of continued interest as my formal application for reappointment.

I believe that my participation on the DRA has benefitted its work in the following ways:

- Recruitment and selection of experienced real estate and hotel management directors
- Aiding in the refinancing of the hotel bonds to lower interest rates
- Working with our attorneys to achieve a valuable tax payment settlement from Hilton
- Annual reporting to Council
- Helping to plan the refurbishment of Gray's Restaurant and patio
- Organizing the effort to achieve extra security measures for the Hilton after the Las Vegas mass shooting

I am proud of what this group has accomplished throughout my term(s) of service, and look forward to future opportunities. We hope to continue the momentum established with the DRA to:

- 1) Work with Paul Lewis, our executive director, to fund room and lobby refurbishment
- 2) Work with the City and Paul to scope the Hilton participation in possible new structured parking
- 3) Work with the City, the Hilton, our asset managers and Paul to establish the feasibility of an expanded conference center.
- 4) Work with Hotel management to prepare for expected competition for 3 new hotels in close proximity

Once again, it has been my honor to serve the DRA. I hope that you will grant my request for reappointment.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Keller", with a long horizontal flourish extending to the right.

Richard Keller

Proposed Transportation and Mobility Commission

VANCOUVER
CITY HALL



January 6, 2020

City Council Public Hearing

Jennifer Campos, Principal Transportation Planner
Shannon Williams, Active Transportation Planner

Presentation Overview

- Proposed Commission Role and Scope of Authority
- Interaction with Other Boards and Commissions
- Proposed Commission Structure
- Next Steps

Proposed Commission Role and Scope of Authority

- Advise City Council, the City Manager, and staff on transportation-related issues
- Review and make recommendations on transportation programs, policies, and large capital projects related to public ROW
- Programs: TIP, Pavement Management, Safety Program
- Policies: TSP, Complete Streets, Title 11 Updates, Smart Mobility
- Projects: In the public ROW, exceeds \$2 million, area-wide significance

Interaction with Other Commissions

Planning Commission

- GMA-related polices will still go to PC – Transportation System Plan is transportation element of the Comprehensive Plan

Parking Advisory Committee

- Projects that occur within our parking management zones will go to the PAC as well as the Transportation and Mobility Commission

Bike and Pedestrian Stakeholders Group

- Bike/Ped representation on new Transportation and Mobility Commission; BPSG no longer formally supported by City

Proposed Commission Structure

- 11 Member Commission
- Membership representatives shall include: Youth (16-19), person 65+ years old, person with a disability, member of an active neighborhood association, transit user, cyclist, pedestrian, car commuter, person with expertise in freight, person with expertise in transportation field, 1 at large member
- 3-year terms, limit of 2 consecutive terms (youth appointee – 1-year terms)
- Food and language services to be provided, if needed
- Principal transportation planner as formal liaison with designated Public Works representative present at each meeting

Next Steps

- Outreach to ensure diversity of perspectives and expertise are included on the commission
- Open Position Advertising in January 2020
- On-boarding expected to conclude April 2020
- Target date for first Mobility Commission meeting is May 2020

Questions and Discussion

Jennifer Campos, Principal Transportation Planner

Jennifer.Campos@cityofvancouver.us or 360-487-7728

Shannon Williams, Active Transportation Planner

Shannon.Williams@cityofvancouver.us or 360-487-7898





Staff Report 188A-19

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 1/6/2020

SUBJECT Establishment of a Transportation and Mobility Commission

Key Points

- The City has experienced increasingly complex transportation projects and competing uses of the public right-of-way.
- There are no existing boards or commissions tasked with citywide transportation policy and implementation.
- During their 2019 policy setting retreat, City Council identified the need for establishing a transportation commission that would look at comprehensive transportation issues.
- Council held a public hearing on second reading of the ordinance on December 16, 2019, at which time a scrivener's error was discovered. The item was returned to staff and a second reading and public hearing for the correct ordinance was set for January 6, 2020, at that time.

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

Goal 1, Objective 1.1: Develop and maintain a safe, balanced and innovative transportation system that will meet the needs of future generations.

Present Situation

The City of Vancouver is experiencing significant growth, which has led to increases in both the number and complexity of the transportation challenges it must address. Given competing demands for limited right-of-way space and the need to evolve the transportation system to more efficiently move people throughout the City, there is a need to develop a new citizen oversight function to advise staff and the City Council on transportation programs, policies and projects.

Within the City of Vancouver, there are no existing boards or commissions tasked with advising

City Council on transportation policy and implementation or providing guidance on citywide transportation issues. At their 2019 retreat, City Council directed the creation of a Transportation and Mobility Commission that would be responsible for making recommendations on transportation matters affecting the public right-of-way.

The proposed commission will utilize diverse representation and experience to provide advice to City Council, the City Manager and City staff on programs, policies, and large capital projects related to the public right-of-way. The Transportation and Mobility Commission will also provide ongoing feedback and guidance on the development of citywide transportation policy through the update to the Transportation System Plan that is currently underway.

Advantage(s)

The proposed Transportation and Mobility Commission will advise City Council, the City Manager, and staff on complex and technical transportation issues.

Disadvantage(s)

None.

Budget Impact

The Transportation and Mobility Commission will have a budget of \$10,000 per year to cover meeting costs, training activities, and capacity building.

Prior Council Review

- [March 1, 2019 Council retreat](#)
- Council workshop on [November 25, 2019](#)
- First reading of ordinance on [December 9, 2019](#)
- [December 16, 2019](#) ordinance presented and returned to staff due to a scrivener's error.

Action Requested

On Monday, January 6, 2020, subject to second reading and public hearing, approve the ordinance.

Shannon Williams, Active Transportation Planner, 487-7898; Jennifer Campos, Principal Transportation Planner, 487-7728

ATTACHMENTS:

- ▢ Ordinance
- ▢ Presentation

12/09/19
01/06/20

ORDINANCE NO. M-

AN ORDINANCE establishing a Transportation and Mobility Commission under Title 11 of the Vancouver Municipal Code; adding a new Chapter 11.75; and providing for severability and an effective date.

WHEREAS, the City is experiencing significant growth which has led to increasingly complex transportation projects and competing uses of the public right-of-way; and

WHEREAS, City Council recognizes the need to balance competing demands for the public right-of-way and the need to evolve the transportation system to more efficiently move people throughout the City; and

WHEREAS, City Council has recognized a need to develop a Transportation and Mobility Commission, comprised of members of the community with diverse interests, experiences, and transportation needs, with the purpose of providing advice to City Council on transportation programs, policies and projects.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. A new Chapter 11.75 is added to the Vancouver Municipal Code to read as follows:

Chapter 11.75

TRANSPORTATION AND MOBILITY COMMISSION

Sections

11.75.010	Establishment and Purpose
11.75.020	Representative Membership
11.75.030	Authority and Responsibilities
11.75.040	Meetings and Voting

11.75.010 Establishment and Purpose

- A. ***Establishment.*** A Vancouver Transportation and Mobility Commission is hereby established, comprised of eleven (11) members in accordance with VMC 11.75.020.
- B. ***Purpose.*** The Transportation and Mobility Commission will advise and make recommendations to City Council and/or the City Manager as authorized under VMC 11.75.030 for the purpose of ensuring that transportation policy and projects adhere to the Transportation System Plan, the Vancouver Strategic Plan, and Vancouver's Complete Streets Policy. The Transportation and Mobility Commission shall provide informed decisions that are based on a review of information including competing transportation and mobility needs and concerns, with a goal toward developing a transportation system that is one of the safest, environmentally responsible, and well-maintained in the Pacific Northwest.

11.75.020 Representation and Membership Terms

A. *Representation.*

- (1) The Transportation and Mobility Commission shall consist of eleven (11) volunteer members, who are residents of the City or Vancouver Urban Growth Area. No more than two members of the Transportation and Mobility Commission may represent the Urban Growth Area.
- (2) Membership representatives shall include the following:
 - a.
 - i. Youth – between the ages of sixteen and nineteen
 - ii. Person with a disability
 - iii. Person 65+ or older
 - iv. Member of an active neighborhood association
 - v. Person with expertise or experience with the movement of freight
 - vi. Person with expertise or experience in the transportation field, such as in transportation planning or engineering
 - vii. At large member

b. The remaining members shall use the listed mode of transportation as their primary mode of transportation:

- viii. Transit
- ix. Cycling
- x. Walking
- xi. Driving

(3) In selecting members for appointment to the Transportation and Mobility Commission, the mayor and City Council shall seek to encompass a diversity of perspectives concerning transportation and mobility interests, including geographic and socio-economic diversity.

B. *Membership Terms.*

(1) *Initial Board.* When the Transportation and Mobility Commission is first established, the Mayor, with City Council approval, shall appoint members with terms as follows:

- (a) Four members shall serve a one-year term, which shall include the Youth Appointment;
- (b) Four members shall serve a two-year term; and
- (c) Three members shall serve a three-year term.

(2) *Subsequent Appointments.* All subsequent appointments shall be for three years, with the exception that the Youth Appointment shall serve for only one year. All members may serve for a maximum of two consecutive terms. If a Youth Appointment Member no longer qualifies for a Youth Appointment following the first term, he or she may apply as a non-Youth Appointment Member and may serve for an additional two consecutive terms (for a maximum of seven consecutive years). A member may reapply for appointment after not being on the Transportation and Mobility Commission for at least one year.

(3) *Vacancies.* Vacancies that occur before the expiration of a term will be filled for the remainder of the term.

(4) *Member Removal.* Members may be removed by the Mayor with the concurrence of City Council for any reason.

11.75.030 Authority and Responsibilities

A. ***Role of the Commission.*** The Transportation and Mobility Commission shall act in a policy advisory capacity to the City Council and/or the City Manager in order to support efforts to create and maintain a transportation system that enhances the economic, social and environmental quality of life in Vancouver now and into the future.

B. **Recommendations.** The Transportation and Mobility Commission shall provide recommendations to City Council and/or the City Manager concerning:

- (1) Amendments to Title 11 of the Vancouver Municipal Code (VMC).
- (2) The Transportation System Plan (TSP) and Amendments to the Complete Streets Policy.
- (3) Updates to transportation programs, including but not limited to the following programs: the Six Year Transportation Improvement Program (TIP), sidewalk management, pavement management, transportation demand management, and transportation safety, accessibility, and mobility.
- (4) Transportation projects in the public right-of-way that exceed two million dollars (\$2,000,000) in estimated project costs, or projects of area-wide significance, even if the two million dollar threshold is not met.
- (5) Other transportation-related matters as directed by City Council.

C. **Technical Advisory Groups.** The Transportation and Mobility Commission may appoint technical advisory groups (TAGs) to which it may assign specific responsibilities. Such TAGs shall make no recommendations except to the Transportation and Mobility Commission as directed.

D. **Limitations on Responsibility.** The Transportation and Mobility Commission is not responsible for traffic operations, street maintenance, or other activities where staff has received direction and authority from City Council.

11.75.040 Meetings and Voting

A. **Meetings.** The Transportation and Mobility Commission will meet a minimum of four times per year, but may meet more frequently if needed.

B. **Voting.** All actions of the Transportation and Mobility Commission shall be determined by a majority vote in a meeting at which a quorum is present. A majority of total appointed membership of the Transportation and Mobility Commission, excluding vacancies, shall constitute a quorum.

C. **Chair and Vice-chair.** At the first meeting of the Transportation and Mobility Commission, and then in each December of every year thereafter, the Transportation and Mobility Commission shall appoint a Chair and Vice-Chair. The term of office for each officer shall run until the subsequent election; provided, that vacancies caused by resignation or removal shall be filled for the remaining term of office.

D. **Bylaws.** The Transportation and Mobility Commission shall adopt bylaws that govern the transaction of its business at the first meeting of the Commission. The Transportation and Mobility Commission may thereafter amend the bylaws or repeal and replace the bylaws. The bylaws may contain any provisions for the regulation and management of the affairs of the Transportation and Mobility Commission not inconsistent with law or this Chapter. As necessary and appropriate, the City Council may amend the bylaws by ordinance.

E. **Public Meetings.** All Transportation and Mobility Commission meetings will be conducted in accordance with the Open Public Meetings Act, Chapter 42.30 RCW. Written and audio records of Transportation and Mobility Commission meetings and actions shall be kept by City staff and be made public.

Section 2. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 3. Effective Date. This ordinance shall be effective thirty (30) days after final passage.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2020.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE establishing a Transportation and Mobility Commission under Title 11 of the Vancouver Municipal Code; adding a new Chapter 11.75; and providing for severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).