



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

November 22, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

Councilmember Lebowsky arrived at 4:46 p.m.

4:00-5:00 p.m. Funding Additional Fire Resources

Natasha Ramras, Chief Financial Officer, 360-487-8484

Summary

Staff presented Council with a final proposal for a potential levy lid lift ballot measure to fund Fire and EMS services; Council provided feedback on final details of the proposed ballot measure.

5:00-6:00 p.m. Review of 2022-2032 Parks, Recreation and Cultural Services Comprehensive Plan

Dave Perlick, Interim Director, 360-487-8314; Monica Tubberville, Senior Planner, 360-487-8353

Summary

Staff presented Council with the final draft of the 2022-2032 Parks,

Recreation and Cultural Services Comprehensive Plan update.

COUNCIL CONSENT AGENDA MEETING

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

Call to Order and Roll Call

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

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

Absent: none

Community Communication (Items 1-9)

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

- Peter Fels, Vancouver, expressed concerns regarding Item 3 and authorizing the City Manager to approve settlement of claims up to \$300,000 without Council approval, stating Council and the public should at least be aware of the details of smaller claims.
- Cathryn Chudy, Vancouver, spoke in support of Item 8.
- Den Mark Wichar, Vancouver, spoke in support of Item 8.
- Rebecca Ponzio, representing Washington Environmental Council and Washington Conservation Voters, spoke in support of Item 8.
- Kimberlee Elbon, La Center, Washington, spoke regarding Item 4 and stated she contacted the contractor to ask if they were affiliated with ICLEI and that she intends to question all businesses doing business with the City to determine if they are affiliated with anything pertaining to sustainability or diversity, equity and inclusion.

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

Consent Agenda (Items 1-9)

Council pulled Items 1 and 2 from the Consent Agenda for discussion.

Councilmember Fox stated she wanted to highlight these two items to note that both contractors had exceeded the apprenticeship goals for the respective projects.

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

1. 2021 Resurfacing Project, construction acceptance and release of retainage bond

Staff Report 171-21

Summary

Lakeside Industries, Inc., of Vancouver, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original construction contract bid amount was \$2,520,734.23. Final construction costs were \$2,575,572.18, an increase of approximately 2% from original bid amount. The increase in costs were due to an aggregation of minor bid item overruns and not significantly attributable to any one item.

This project had a minimum apprenticeship goal of 4% of the utilized labor hours for this project, which corresponded to 262 labor hours required. The contractor exceeded this goal by delivering a total of 974 apprenticeship labor hours for the project, yielding a percentage of approximately 13% of the total hours used.

Request: On November 22, 2021, accept the 2021 Resurfacing Project as constructed by Lakeside Industries, Inc., of Vancouver, Washington, and authorize release of the retainage bond on file, subject to receipt of all documentation required by law.

Nicollette Roth, Civil Engineer, 360-487-7763

Motion approved the request.

2. 2021 West Curb Ramps Project, construction acceptance and release of retainage bond

Staff Report 172-21

Summary

Advanced Excavating Specialists, LLC, of Longview, WA, has satisfactorily completed the subject improvements in accordance with the contract plans and specifications. The original contract bid amount was \$875,442.00. Change orders and quantity adjustments increased the contract amount by 6.6% to \$933,180.64. This increase can be significantly attributed to quantity overruns for the total flagging hours and total asphalt tonnage required to complete the project as well as a contract change order to install brick pavers on curb ramps located downtown.

There was an apprenticeship requirement of 3% for this project. To fulfill the apprenticeship requirements the contractor needed a minimum of 216.7 delivered apprenticeship hours. The contractor successfully met the apprenticeship goal by delivering a total of 1055.7 apprenticeship hours for the project, yielding an actual apprenticeship utilization rate of 15%.

Request: On November 22, 2021, accept the 2021 West Curb Ramps Project as constructed by Advanced Excavating Specialists, LLC, of Longview, Washington, and authorize release of the retainage bond subject to receipt of all documentation required by law.

Bailey Smithline, Associate Civil Engineer, 360-487-7791

Motion approved the request.

3. 2020 East Curb Ramps, construction acceptance and release of retainage bond

Staff Report 173-21

Summary

The project constructed 55 ADA curb ramps.

The original construction contract bid amount was \$442,300.00. Minor quantity adjustments during construction increased the contract amount by 0.3% to \$443,711.49. Advanced Excavating Specialists of Longview, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. Due to an oversight by City staff, the project tracking system did not generate a reminder to complete a staff report, and the error was not noticed until this month. The City's project-tracking database has since been enhanced to make it more error-proof. The delay did not affect the Contractor's own closeout procedures in any way.

Request: On November 22, 2021, accept the 2020 East Curb Ramps

Project as constructed by Advanced Excavating Specialists of Longview, Washington, and authorize release of the retainage bond, subject to receipt of all documentation required by law.

Charles Fell, Senior Civil Engineer, 360-487-7790

Motion approved the request.

4. Bid Award for Water Tower 7 Internal Coating Project

Staff Report 174-21

Summary

Water Station 7 is a 3.7-acre site located adjacent to Evergreen Memorial Cemetery at 11595 NE 16th St. Water Station 7 has been used for both water production and elevated water storage since the City purchased the property. The existing water tower was built in 1968 and holds up to 1 million gallons of water. Combined with elevated water storage towers at Water Stations 5 and 6, the Water Station 7 tower provides northeast Vancouver with hydraulic pressure for drinking water and fire protection.

This project provides a new internal coating to replace the current Tower 7 internal coating that was applied in 1984. The exterior coating was replaced in 2012 and continues to perform well. The typical life expectancy of coating on a steel water tank like Water Tower 7 is approximately 30 years for both the internal and external coating.

On November 2, 2021, the City received two (2) bids for the subject project. The bids are as follows:

SUMMARY OF RESPONSIVE BIDS	
BIDDER	AMOUNT
<i>HCI Industrial and Marine Coatings, Brush Prairie, WA</i>	<i>\$481,197.50</i>
<i>Long Painting, Kent, WA</i>	<i>\$953,206.14</i>
<i>Engineers' Estimate with tax</i>	<i>\$550,000.00</i>

HCI has completed projects of similar size and scope in the past and has met the requested supplemental responsible bidder criteria.

Although the bid came in below \$500,000, setting a formal apprenticeship utilization requirement for a project is based upon the engineer's estimate established before bids are received per current policy. In this case the engineer's estimate of \$550,000 was over \$500,000 threshold, so the project carries a 3% apprenticeship utilization requirement. The contractor

acknowledges the City's desire for Apprenticeship Utilization on this project and is anticipating exceeding the 3% goal.

Request: On November 22, 2021, award a construction contract for the Water Tower 7 Internal Coating project to the lowest responsive and responsible bidder, HCI Industrial and Marine Coatings of Brush Prairie, WA, at their bid price of \$481,197.50, which includes Washington State sales tax; and authorize the City Manager or designee to execute a contract with HCI Industrial and Marine Coatings for the same.

Tyler Clary, Water Engineering Program Manager, 360-487-7169

Motion approved the request.

5. Commute Trip Reduction Program 2021-2023 Contract

Staff Report 175-21

In 2006, the Washington Legislature passed the Commute Trip Reduction (CTR) Efficiency Act, requiring local governments in identified urban areas with traffic congestion to develop programs that reduce the drive-alone trips and vehicle miles traveled per capita. The CTR Efficiency Act amended the 1991, Commute Trip Reduction Law, codified as §70.94.521-.551 RCW. Biannually, the State Legislature allocates grant funds to support local CTR activities. Since 2005, the City of Vancouver, Clark County and the cities of Camas and Washougal, have developed an intergovernmental agreement establishing a regional work plan and assignment of administration responsibilities for the CTR program.

The City of Vancouver provides program management and oversight of the CTR program for Vancouver, Clark County (those portions lying within the unincorporated Vancouver UGA), Camas and Washougal. Through this program, the City will provide direct services to a total of approximately 55 affected participating worksites (100 + employees that report to work between 6 am – 9 pm).

As part of the 2021 Legislative session, the CTR program was authorized for funding for the 2021-2022 biennium with a projected funding for the 2022-2023 biennium. These funds are distributed on a formula basis through the Washington State Department of Transportation, Office of Public Transportation and Commute Options. In this case, the City of Vancouver will be the primary contracting agency for the Vancouver, Camas and Washougal urban growth areas. Council approval is requested to enter into an agreement with the Washington State Department of Transportation that authorizes the City of Vancouver to receive state grant

funds which cover the costs of the regional CTR administration and program costs for the 2021-2023 Commute Trip Reduction (CTR) program.

Request: Authorize the City Manager or his designee to sign the Transportation Demand Implementation Agreement with the Washington Department of Transportation (PTD0436).

Jennifer Campos, Principal Transportation Planner, 360-487-7728

Motion approved the request.

6. Resolution re: City Manager Contracting Authority

Staff Report 176-21

A RESOLUTION relating to the City Manager's authority to enter into agreements; the city's policy and procedure on initiating, handling and settling claims and lawsuits; delegating authority to settle claims and lawsuits within certain thresholds; and repealing Resolution M-3837 and Policy 310-02.

Summary

In 2010, the Council passed Ordinance M-3960, which enabled procurement contracts of three hundred thousand dollars (\$300,000) or less to be approved by the City Manager or City Manager's designee. As reflected in the accompanying staff report, the purpose of the revision was "[t]o provide for more streamlined and timely purchasing procedures and methods by increasing purchasing limits necessary for Council review." This revision has enabled the City to provide services to residents far more efficiently, while still retaining direct Council oversight for larger purchases or projects in excess of \$300,000. However, the City Manager has not been granted similar authority for many contracts, including settlement agreements and those contracts in which the City utilizes property for purposes of police and fire training and there is no financial consideration given other than a promise to hold the property owner harmless for any injuries or damages. The present resolution aligns the City Manager's authority in those situations to the same authority possessed by virtue of Council's 2010 Ordinance modifying procurement procedures. In so doing, Council is asked to repeal conflicting provisions in its earlier resolution (M-3836 (2014)) addressing settlement authority.

Request: Adopt a resolution pertaining to the City Manager's authority to enter into agreements, initiate legal proceedings to enforce terms of contracts, and settle claims.

Dan Lloyd, Assistant City Attorney, 360-487-8500

Motion adopted Resolution M-4151 approving the request.

7. Fall 2021 Title 20 Zoning Code Map and Text Corrections

Staff Report 177-21

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver zoning map, and VMC 20.180, 20.230, 20.320, 20.410, 20.440, 20.450, 20.912, 20.920, and 20.790; providing for severability; and establishing an effective date.

Summary

The proposed corrections to the Title 20 Zoning Code and map are being brought forward for Council consideration:

- *Change the VMC 20.450-2 map of the Vancouver Lake Greenway Overlay District. Exclude 50-acre parcel 986028822 which should have been excluded from the Overlay District when its underlying zoning designation was changed to IL in 2007, and add nearby 39-acre parcel 985026887, which should have been included when annexed to the City of Vancouver in 2009. See October 25 Council workshop staff report (attached) for more detail.*
- *Change VMC Title 20 zoning code text as follows:*

Code Section	Change
<i>1. Fees (20.180.050)</i>	<i>Change Consumer Price Index reference to Seattle/Tacoma/Bellevue because Portland Metro CPI no longer tracked by the federal government</i>
<i>2. Application vesting (20.210.110)</i>	<i>Change “permit application” to “land use application” reflecting current code terminology</i>
<i>3. County to City map designation conversion table for annexation (20.230.030-1)</i>	<i>Update to reflect latest County Comprehensive Plan and zoning designation titles</i>
<i>4. Final Plat Application (20.320.050)</i>	<i>Change references to surveyors to be consistent with state law</i>
<i>5. Technical Standards for subdivisions (20.320.070)</i>	<i>Eliminate reference to septic systems, which is not allowed for land divisions</i>
<i>6. Minimum and Maximum Densities in</i>	<i>Eliminate footnote reference to infill, which has its own standards</i>

<i>single family zones (20.410.040)</i>	
<i>7. Uses in Industrial Zones (20.440.030)</i>	<i>Eliminate implied allowance for mixed use buildings in IL and OCl zone, which are not allowed by MX standards of VMC 20.430.060</i>
<i>8. Fences and walls, permits required (20.912.030)</i>	<i>Correct inaccurate cross reference</i>
<i>9. Fences and walls, Planned Unit Developments (20.912.070)</i>	<i>Clarify application of sound walls</i>
<i>10. Infill relationship to other standards (20.920.030)</i>	<i>Correct inaccurate cross reference</i>
<i>11. SEPA substantive authority (20.790.620)</i>	<i>Correct inaccurate cross reference</i>

Request: On Monday, November 22, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 6, 2021.

Bryan Snodgrass, Principal Planner, 360-487-7946

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

Motion approved the request.

8. Six-month extension of temporary moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities

Staff Report 178-21

AN ORDINANCE further extending for an additional period of six months the moratorium originally enacted by Ordinance No. M-4295, which was first extended by Ordinance No. M-4323, and subsequently extended a second time by Ordinance No. M-4335, prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities; directing staff to work to consider the issues noted by the various stakeholders and to ensure that the proposed amendments to the City Code adequately address the legal concerns raised by current industry operators; and establishing an effective date.

Summary

The current moratorium prohibits the acceptance, processing, and granting of applications for permits for establishment of new, or expansion of existing, large-scale fossil fuel facilities until December 8, 2020. This provides time for work to continue on updates to the Strategic Plan, VCCV, Title 20 updates, and the drafting of a Climate Action Plan. This extension would keep the current moratorium in place until June 8, 2021.

Request: On Monday, November 22, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 6, 2021.

Chad Eiken, Community Development Director, 360-487-7882

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

Motion approved the request.

9. Approval of Claim Vouchers

Request: Approve claim vouchers for November 22, 2021.

Motion approved claim vouchers in the amount of \$7,683,831.62.

Unfinished Business

City Council Policy Updates

Council continued its discussion from the November 15 workshop regarding potential updates to Council policies and procedures.

City Attorney Jonathan Young summarized the policy updates Council had previously recommended move forward for formal action.

Council discussed additional updates to its policies pertaining to filling vacancies on the Council, appointments to advisory boards and commissions, and Council meetings structure.

A series of updates based on Council's feedback will be presented for action at the December 13 Council meeting. Additional discussion pertaining to Council policy updates will be scheduled in early 2022.

Community Forum

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

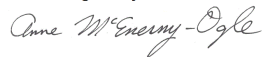
- Casey Wyckoff, Vancouver, expressed concerns regarding certain City processes, and stated he would be sharing with the City specific gaps and issues he has observed and potential methods for addressing them.
- Dan Serres, Portland, Oregon, representing Columbia Riverkeeper, thanked City staff for its work on the City's climate policy and the moratorium on fossil fuel facilities. He expressed support for extension of the moratorium.
- Jean Avery, Vancouver, expressed support for extending the moratorium on fossil fuel facilities, and requested the City participate in meetings with a group convened to work towards preservation and improvement of Vancouver's tree canopy.
- Audra Houston, Vancouver, expressed concerns regarding removal of mature trees due to development projects and urged the City to work with the community to discuss how to align climate goals with preservation of Vancouver's tree canopy.
- Teresa Hardy, Vancouver, spoke in support of extending the moratorium on fossil fuel facilities, urged the Council to maintain CVTV coverage of Community Forums in its discussion of Council policies, and acknowledge the work of staff and the Parks and Recreation Advisory Commission in developing the updates to the Parks, Recreation and Cultural Services Comprehensive Plan.
- Glen Yung, Vancouver, expressed concerns that the proposed levy lid lift ballot measure is moving forward too quickly and will not allow for appropriate public outreach. He also expressed concerns about the proposed framework for utilizing American Rescue Plan Act funding.
- Justin Forsman, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic.
- Melanie Gabriel, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic, and requested the Council return to in-person meetings.
- Megan Gabriel, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic, and requested the Council return to in-person meetings.
- Harold Hanson, Vancouver, expressed concerns regarding a camp of people who are experiencing homelessness near 112th Avenue and Chkalov; he also expressed concerns about the ICLEI and stated Vancouver and Clark County should only do business with local companies.

- Laurel Pascual, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic, and stated people should be able to be treated with Ivermectin for COVID-19.
- Wynn Grcich, Vancouver, stated COVID-19 vaccines are bio-weapons developed for the intentional killing of the public.
- Peter Bracchi, Vancouver, expressed concerns about potential environmental impacts of the City's first Safe Stay community for people who are experiencing homelessness.
- Meridian Green, Vancouver, urged the City to protect the existing tree canopy by placing a moratorium on the removal of trees and habitat until wildlife corridors can be established. She also expressed concerns regarding potential conflicts of interest of Planning Commissioners in reviewing development projects where they may have a financial stake.
- Cambrie Murray, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic.
- Kimberlee Elbon, La Center, Washington, urged the Council to return to in-person meetings with no mask requirements and allow members of the public to speak on all agenda topics. She stated the Council should require an immediate election to fill any vacancies, and stated she is against any equity groups.

There being no further testimony, Mayor McEnerny-Ogle closed the Community Forum. The Mayor reminded listeners and those in attendance that the Community Forum is the opportunity for the Council to listen to members of the public, and the opinions expressed by speakers are those of the individuals and may not necessarily represent the view of the City of Vancouver or CVTV.

Adjournment

8:22 p.m.

DocuSigned by:

58CB15C0632E403...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

BCF6734E40E94AE...
Natasha Ramras, City Clerk

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

From: [Peter L. Fels](#)
To: [City of Vancouver - Office of the City Manager](#); [Young, Jonathan](#)
Subject: Consent Agenda Nov. 21, #6, CMO contracting authority
Date: Sunday, November 21, 2021 3:53:51 PM

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

Dear Mayor, City Councilors, City Manager and City Attorney,

I hope you will carefully consider Section 3 of the proposed resolution. This section authorizes the City Manager to approve settlement of legal claims under \$300,000 without bringing them before the City Council.

While I understand and appreciate the need for efficiency in resolving small claims, as an attorney I represented many people with small claims and I can tell you that small claims sometimes involve larger policy concerns. Here are a couple of examples:

- 1) Someone sues the city for violation of their constitutional rights. As is often the case, the individual's monetary damages are small (fortunately they are not injured or killed) but it turns out a City employee or Department involved has had multiple tangles with people of color or a City policy has been routinely interpreted in a way that adversely impacts the BIPOC community or some other specific group. The person harmed realizes they cannot afford financially or emotionally to pursue the matter further and agrees to a financial settlement. However, with the matter settled administratively and confidentially, the problems that caused the violation, whether due to a "bad apple" employee, bad policy, or poor implementation of a policy, may never come to the attention of the public or the City Council.
- 2) There are multiple suits against the City for the same problem, each causing less than \$300,000 damages. Examples might be a hazardous road condition, leaking sewage, negligent repair by City crews, etc. The multiple claims might point to a need to better manage City property or projects, to create a budgetary solution, or change City policies. But if you don't know about the details of the claims, you will not be in a position to resolve the issues.

I realize you have good reasons to have confidence in the current City Manager. However, the City Manager may not be adequately informed of all the details of an incident or some future CM may not want to expose their own failure to supervise and direct City operations.

While it may not be necessary for the Council to review the details of every minor claim, you should be aware of them ***and the public needs to know about them***. I suggest this provision of the proposed Resolution be deleted or be amended to require the City Manager, City Attorney's office or designee to advise the Council in written and oral reports with a summary of each claim settled.

s/

Peter Fels

From: [Cathryn Chudy](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Testimony in support of Consent Agenda Item #8 - Fossil Fuel Moratorium Extension
Date: Monday, November 22, 2021 11:37:22 AM
Attachments: [ACE ltr toCOV 11.1.2021.pdf](#)

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

Vancouver City Council and staff,

I am planning to testify this evening, at the first reading of the Ordinance, Item #8 on the Consent Agenda this evening:

AN ORDINANCE further extending for an additional period of six months the moratorium originally enacted by Ordinance No. M-4295, which was first extended by Ordinance No. M-4323, and subsequently extended a second time by Ordinance No. M-4335, prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities; directing staff to work to consider the issues noted by the various stakeholders and to ensure that the proposed amendments to the City Code adequately address the legal concerns raised by current industry operators; and establishing an effective date.

I am personally in support of the Moratorium being extended, in order to continue protecting the health and safety of Vancouver citizens, while giving city staff the time necessary to address issues raised in the appeal by industry operators in September 2021.

I am also submitting, **for the record, for both the first reading (Nov. 22) and the second reading and public hearing (Dec. 6)**, the attached letter from our Alliance For Community Engagement (ACE). The letter conveys the support of our coalition of eleven community and regional organizations, for the City to resolve any concerns and complete a strong, protective ordinance update as soon as possible:

"The City is well positioned to move forward with a strong and protective policy against bulk fossil fuel terminals. We encourage the City to do this in a way that protects our health and safety and aligns local land use codes with existing City policy and goals."

Cathryn Chudy

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

Vancouver City Council
Vancouver WA

Dear Staff and Vancouver City Councilmembers:

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

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

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

As a coalition of organizations and community members, ACE fully supports and protects the public engagement and issue evaluation required under SEPA. The review of impacts and the required public engagement is core to any lead agency adequately understanding the weight of its decision. Industry tactics of delay and obstruction undermine Vancouver's ability to protect the health and safety of its community. We support the City ensuring all SEPA procedural requirements are met on this crit-

ical and timely issue. We urge the City to continue moving forward, while updating the SEPA analysis, turning the moratorium into a permanent ban against new and expansion of existing bulk fossil fuel terminals. The reasons City Council gave when it first initiated the moratorium in 2020 still ring true, and are more timely than ever.

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

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

Signed,

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

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



**Friends of
Clark
County**



**SIERRA
CLUB**



**SUNRISE
MOVEMENT**



**WASHINGTON
ENVIRONMENTAL
COUNCIL**



Vancouver Audubon Society



**WASHINGTON PHYSICIANS
FOR SOCIAL RESPONSIBILITY**

ENDNOTES

- 1 "Tesoro Savage Adjudication Findings | Stand up to Oil." n.d.
<https://www.standuptooil.org/tesoro-savage/tesoro-savage-adjudication-findings/>.
- 2 "Final Report on Vancouver Oil Terminal Highlights Safety, Environmental Risks." n.d. Opb. Accessed October 28, 2021. <https://www.opb.org/news/article/vancouver-port-terminal-final-report-safety-risk/>.
- 3 "Tesoro Savage Adjudication Findings | Stand up to Oil." n.d.
<https://www.standuptooil.org/tesoro-savage/tesoro-savage-adjudication-findings/>.

From: [Lori Benton](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Agenda item #8
Date: Sunday, November 21, 2021 5:13:04 PM

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

Please extend the Fossil Fuel Moratorium, for our health and safety, now and in the future. Thank you.
Lori Benton 13210 Se 7th St., Unit E25 97218 971-444-2905

From: [Peter L. Fels](#)
To: [City of Vancouver - Office of the City Manager](#)
Cc: [Don Steinke](#); [Cathryn Chudy](#); [ACE](#); [Lande, Aaron](#); [Alona](#); [Coal-WA-SW-Leaders](#); [felget](#)
Subject: Fossil Fuel Moratorium extension: Item #8 on 11/22 consent agenda
Date: Monday, November 22, 2021 10:49:24 AM

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

RE: Consent Agenda #8, Fossil Fuel Storage Moratorium Extension

Dear Mayor and Councilors:

I urge you to extend the Fossil Fuel Storage Moratorium until you can make it permanent.

Prohibiting large fossil fuel storage facilities is a benefit to the health and safety of the citizens of Vancouver, Clark County, the Columbia River drainage area, and the world as a whole. Further, it is an economic benefit to Vancouver.

When citizens opposed the creation of an oil terminal at the Port of Vancouver, some people, including Port Commissioners and staff, expressed concerns that denying the oil terminal would send a message that the Port was not open for business and that the denial would hurt the Port's revenues. In reality, stopping the oil terminal allowed for development of the Vancouver waterfront and the Port has had record revenues in the following years.

People and businesses want to live in a clean and safe environment. Prohibiting expansion of existing fossil fuel storage facilities and the building of new storage facilities is a step in that direction.

I support the permanent prohibition of fossil fuel storage as drafted by your staff. I encourage you to extend the moratorium until the permanent ordinances can be completed and approved.

Thank you.

s/
Peter Fels

From: [Kim Linden](#)
To: [City of Vancouver - Office of the City Manager](#)
Cc: [Audra Houston](#)
Subject: 11/22/21 City Council comments
Date: Monday, November 22, 2021 11:25:49 AM

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

Dear Honorable Mayor and Council Members:

I am requesting an immediate moratorium of the cutting and removal of Trees of any age in any location in Clark County, specifically those within newly proposed development projects or those projects currently speeding through your approval process.

In view of the climate crisis currently becoming acknowledged as a reality, I am trying to understand more fully the City of Vancouver's planning philosophy.

For example:

I see there is a Parks plan for 2022-2032 with no obvious connection to climate.

The Urban Forestry people work within the Planning and Zoning.

Rezoning is taking place within the City of Vancouver.

Acres of trees are slated to be cut.

There is an expiring 6 month moratorium of fossil fuels.

I am seeing piecemealing of a process that could be holistic in addressing the climate crisis.

Thank you for your time.

Kim Linden

To: Nov 22 City Council Meeting & Community Forum

RE: Comment on the Vancouver Innovation Center

There is a large forested area of contiguous forest of 21 acres in the NW corner of the Vancouver Innovation Center project. Neighbors have taken videos of wildlife dependent on this habitat. This acreage includes mature 50 year old mature Douglas Fir Trees. This is the last large forested area and wildlife habitat in Fishers Landing.

Vancouver Innovation Center removes this active forest, leaving one smaller contiguous area with many smaller narrow areas with newly planted trees. This would not allow the current wildlife to continue living in this area.

Vancouver needs to promote responsible land use. The project fails in protecting trees, habitat, a wildlife corridor, and carbon sequestration. The policy of Vancouver is to increase the tree canopy over time. It will be difficult to mitigate for this removal of most of 21 acres of wildlife habitat that includes 50 year old mature Douglas Fir Trees. If this project is approved including removing that forest, it should include that mitigation to replace it.

We want future generations to recreate and enjoy the serenity and beauty of Vancouver's natural environment.

Helen Ost
414 Flint Way
Vancouver WA 98664
503-367-5672
Helen.madsen.ost@gmail.com

From: [Jean M. Avery](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Citizen Comment for Nov. 22 City Council meeting
Date: Monday, November 22, 2021 6:34:59 AM

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

Hello, City Manager, Madam Mayor, and City Councilors,

I would like to share some impressions after attending City meetings recently:

First, as you know, City staff recommended extending the Fossil Fuel Moratorium. As part of a leading edge Climate Action Plan, **the Fossil Fuel ban must become permanent.**

Second, at a Policy workshop, there was a discussion of how best to receive citizens' comments. **Would it be possible to have focus groups, with give-and-take of information and ideas between citizens and the City?**

Third, I attended last Wednesday's Urban Forestry meeting. If my note-taking was accurate, the city-wide Urban Tree Canopy is currently 19%, with a goal of reaching 26% overall. The speaker, Jeremy Cantor, stressed the benefits of tree canopy -- air quality, storm-water runoff, carbon sequestration, etc. -- resulting in millions of dollars in annual savings. I urge you to review this impressive report.

Against the backdrop of this report and amid COP26 warnings of climate catastrophe, I urge you to prioritize tree canopy and green spaces, which are threatened by development. **Would you be willing to meet with a group of citizens called, "Save Vancouver Trees"?**

Thank you.
Jean M. Avery
Vancouver resident

From: [Kimberlee Elbon](#)
To: [City of Vancouver - Office of the City Manager](#); [Kimberlee Elbon](#)
Subject: City Council meeting Nov. 22, 2021
Date: Monday, November 22, 2021 11:59:35 AM

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Kimberlee Elbon
unityisachild@gmail.com
613 East 6th Street
La Center, Washington 98629

WE THE PEOPLE DEMAND the Vancouver City Council members, Clark County Managers meetings and ALL PUBLIC ACCESS NOW !!!

WE HAVE SENT Legal Documentation showing that THIS CITY COUNCIL and ALL PUBLIC SERVANTS of Clark County ARE FOLLOWING AN ILLEGAL MANDATE by governor jay inslee; of whom MAY HAVE TWO FELONY CHARGES coming soon !!!

WE WANT IN PERSON MEETINGS with OUR ELECTED officials !!!!!!! NOW !!!!!!!

THIS ILLEGAL MANDATE IS AFFECTING ALL AGES in more ways than imaginable !!!
HEALTH, SUICIDE, DIVISION between Loved Ones, PROPAGANDA is rampant
BECAUSE YOU HAVE NOT PUT THE CITIZENS FIRST !!!

WE WILL COME TOGETHER AND WE WILL PREVAIL !!!!!!! YOU WILL BE INDIVIDUALLY SUED IN a Court of Law as WE THE PEOPLE PREPARE TO DO SO.

You ALL took an OATH and YOU ALL WILL BE HELD ACCOUNTABLE !!!!!!! THIS MOVEMENT IS HAPPENING ALL ACROSS AMERICA and WE WILL DO THE SAME.

STOP THE ILLEGAL MANDATE - ITS BEEN ALMOST TWO YEARS that the CITIZENS of Clark County ARE HELD UNDER TYRANNY.

The web site for the City of Vancouver IS NOT TRANSPARENT !!! THE CITIZENS MUST BE INFORMED of the KNOWLEDGE the City has about this ILLEGAL MANDATE !!!

YOU ARE NOT PERFORMING YOUR DUTIES with TRANSPARENCY to THE CITIZENS !!!

WHEN WILL THIS STOP ??? WE believe the City is putting Our DEMANDS on HOLD - THIS MUST STOP NOW !!! Time WILL DOCUMENT these DEMANDS and compare them to the time the City Council members etc. had KNOWLEDGE of the ILLEGAL ACTIONS TAKEN by ALL Members of ALL PUBLIC SERVICE Workers as You continue to CONTROL WITH AN ILLEGAL MANDATE and SUPPRESS THE PEOPLE !!!

UNMASK THE CHILDREN in Our Schools
NOW !!! THIS STATE IS CORRUPT and is suffering under TYRANNY. YOU ARE

PART OF THE PROBLEM if the City of Vancouver continues this INHUMANE
TREATMENT of CHILDREN !!!!!!!!!!!!!!! WE ARE GATHERING IN MASSES and You
KNOW THIS and DO NOTHING !!! SHAME ON EACH OF YOU and LIFE, LIBERTY
and JUSTICE for ALL - and that's what WE MUST DO - JUSTICE !!!

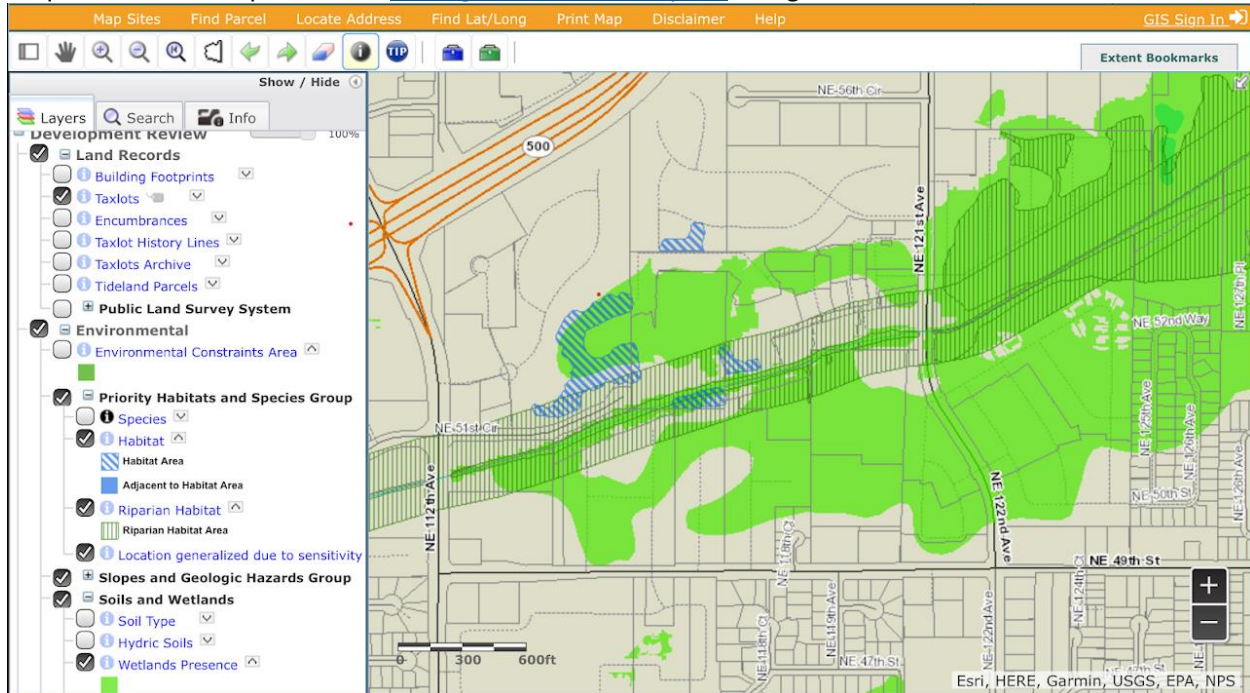
NO JABS' - SHOT MANDATES. We do not call it a vaccine; as it is not !!!

WE WILL CONTINUE OUR DEMANDS and I look forward to speaking tonight.

to Vancouver City Council from Peter Bracchi Nov 22,2021

I'd like to request ability to show pictures, movies, or power point presentations during my three minutes that I have for presentation to the City Council and City members.

Request for SEPA Report for 1st Manage Homeless Campsite along BBC and 51st Circle



Definition of Environmental Terrorism

Environmental terrorism consists of one or more unlawful actions that harm or destroy environmental resources or deprive others of their use.

More colloquially, the phrase is also used to label actions seen as the unnecessary or unjustified destruction of the environment for personal or corporate

The City of Vancouver has utilized Environmental Terrorism along BBC as a homeless solution.

I have presented prior emails with Movies and Photographs with GPS coordinates as witness

Link to one of several photo Libraries <https://photos.app.goo.gl/kE66S1DnUUUWir6MA>

It is easy to prove to you the City is using Environmental Terrorism as a Homeless solution because they refuse to Acknowledge, or Document the Destruction of the Environment and Pollution of Storm Water along BBC.

Refusal by the Storm Water Management Process Review to recognize damage done to the Environment, Storm Water Pollution and Flood Plain Damage along Class 5 303d list Burnt Bride Creek

Urban Forester Reports

2021

[2021 URBAN TREE CANOPYASSESSMENT](#)

[2020 Annual Report](#)

Water Reports

[Feb 2019 VANCOUVER WATERSHED HEALTH ASSESSMENT](#)

List goes on

From: [Wendy Withrow](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Comments for 11/22/21 Vancouver City Council Meeting
Date: Sunday, November 21, 2021 2:50:04 PM
Attachments: [Video.MOV](#)

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

City Manager Holmes and City Council members,

As I cannot attend the November 22 City Council meeting, I wish to communicate my concerns, using both the written word and video.

Attached is a 28-second video I took Sep. 5, 2021 as I was walking by the old HP campus, the site of the proposed Vancouver Innovation Center development. I live a block away from the west side of the site, and walk or bike next to it several times a week. As you see, birds were swarming around the mature trees near SE 29th (the street which will be extended through the VIC site), flying from trees to bushes to ground, back up into the air, swirling about and feeding. I took this video, because I thrive on Nature and was absolutely thrilled to see such a sight!

When you hear the term “world-wide web,” I’m sure you think of the internet. My concern today, however, is the World-Wide Web of Life. You probably learned about “the web of life” clear back in elementary school. It is clear that all life forms — both flora and fauna — have their place in this web of interconnectedness and interdependency. When one strand is broken, the structure begins to lose its integrity. When numerous strands are broken, the web collapses.

Are you aware that the bird population in North America has plummeted? Since 1970, there are nearly 3 billion fewer birds on the continent — far more humans but far fewer birds. There’s a direct connection. The main reason for this staggering decline is loss of habitat.

That’s where you come in. Being in a position of power, you can protect habitat for birds, insects and other wild animals. You are in a position to protect forests and mature trees on open land. *All you have to do is make certain that Vancouver’s existing zoning laws are obeyed.* It’s an important role you play in keeping the world-wide web of life healthy and flourishing. Ultimately, humankind’s continued existence depends on that.

Thank you for your time.

Wendy Withrow

17200 SE 26th Dr., P55
Vancouver WA 98683

From: gstewart@orbiter.com
To: [City of Vancouver - Office of the City Manager](#)
Subject: For COVID Masks Don't Work and Harm You. This per Yale, Stanford, Danish Studies..
Date: Sunday, November 21, 2021 7:35:30 AM

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

Masks Harm us all and the data proves it. The CDC & UW IHME has no data with large sample sizes or confidence intervals.

Vaccination works.

Pushing masks caused my company to lose \$ 3 million annually because I am in the outdoor Sports business.

When it is known as a fact Masks don't work for COVID, not even for nurses in hospitals why wear them?

The only reason the CDC changed it's original recommendation of "If sick, wear a mask. If sick, stay at home." to a Mask Mandate is because Dr. Christopher Murray "Guessed" that wearing masks would reduce COVID 85%."

Everyone including the CDC now knows for COVID masks don't work. There are no studies that say masks work for COVID. NONE.

A trusting populace that believes in authority needs your help. As a German boss from WWII once told me "It is easy to get people that believe in authority to walk into a shower. Just order them and they will do it."

Stop the Mask Mandate. Liberate those that suffer like those in the fast food industry.

Download the studies from www.PHASE4.us

Thank you,
Greg Stewart
Executive Director
Open Washington (501-C3)

For the City Council Meeting on Monday, November 22 at 6:30pm

Written comment submission.

To City Council Members,

I'm bringing a concern forward to you regarding my observation of the rapid destruction of our tree canopy and our natural resources.

West Minnehaha

After watching at least fifty mature trees destroyed in the heart of nesting season near my home in West Minnehaha, I began to research municipal and state code. I also called for two meetings in August with the Urban Forestry department of Vancouver and Planning staff. What I learned is that the VMC code language is actually strong, and Vancouver has impressive goals including increasing the canopy significantly by 2030, as well as being carbon neutral by 2050.

Yet despite these bold city goals, the city approved a development plan wherein every last tree on a multi-acre site was destroyed. Additionally, all topsoil was removed or buried on the same site West Minnehaha site. Not one blade of grass, tree or natural landscape feature was left intact.

The reason the Urban Forestry lead gave in the meetings was that high density development gives special carte blanche and overrides code protections. I believe this is the heart of the problem.

As it stands, the city is using this arbitrary "high-density" designation as its ultimate trump card over natural resource protection outlined in the VMC code.

The city appears to be violating existing zoning designations and allowing lot sizes well under the zoning specification of R9. The city is allowing itself and developers such latitude through this questionable "high-density" label on development sites that violate the zone they are in. This practice ultimately allows the override of environmental protections in the VMC code and ordinances, leaving no protections whatsoever.

Kiggins Bowl

A similar case in point is the massive destruction of mature firs at the Kiggins Bowl in July. What is even more astonishing about Kiggins Bowl is that the State of Washington's Department of Ecology designated the area as sensitive due to its proximity to the Burnt Bridge Creek and Lake Vancouver watershed. The state applied this protection many years ago in the 1970s. An additional layer of protection to this sensitive area was given a "conditional use" status also by the State of WA.

And yet, despite the intent and additional protections applied to the Kiggins Bowl, the city of Vancouver allowed massive deforestation at the site.

And the rationale for doing so, especially in light of the sensitive environment is alarming. The city's rationale was that a second football field was desired at that site *despite a football field already there*.

How alarming it is to see that even in such a case of a sensitive area and protective "conditional use" provision, the city still allowed yet more of our canopy and forest area to be lost forever- and for a capricious reason at that. It leads one to the assumption, therefore, that the citizens can no longer rely on the city to protect our forests and wildlife. Really, what other conclusion can one come to?

With these two recent examples in mind, and now with additional proposed wildlife and 35-acre forest destruction at The VIC site, myself and many citizens are concerned and outraged.

I am interested to hear from the city council how they will re-examine these recent decisions, but also how Vancouver might become a leader among cities in a new commitment to the environment. The city has committed to goals, but the city needs to demonstrate a true commitment in its action.

From everything I have witnessed, the city has a critical systemic problem and needs to completely transform to ensure environmental protection for our vanishing natural resources and environmental justice for all communities. Otherwise, the city's goals are nothing more than cheap talk.

With great concern,
Audra Houston