



CITY COUNCIL MEETING MINUTES

Vancouver City Hall | Council Chambers | 415 W. 6th St.
PO Box 1995 | Vancouver, WA 98668-1995
www.cityofvancouver.us

Anne McEnery-Ogle, Mayor

Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

October 24, 2022

WORKSHOPS

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

Workshops were conducted in person in the Council Chambers of City Hall. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, or www.facebook.com/VancouverUS.

View the CVTV video recording, including presentations and discussion, for workshops at:

https://www.cvtv.org/vid_link/35105?startStreamAt=0&stopStreamAt=4948

4:00 - 6:00 pm 2023-24 Biennial Budget

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

Summary

Staff led Council through a discussion of the 2023-2024 Biennial Budget.

**EXECUTIVE SESSION re: City Manager Performance Evaluation
(30 minutes)**

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 5:25-5:55 p.m. to discuss the City Manager Performance Evaluation.

COUNCIL CONSENT AGENDA MEETING

This meeting was conducted as a hybrid meeting with in person and remote viewing and participation over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting in person, 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 in person and via the GoToMeeting conference call.

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/35211?startStreamAt=0&stopStreamAt=2316 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

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. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmembers Harless, Perez, Fox, Paulsen, Stober, Hansen, and Mayor McEnerny-Ogle

Absent: None

Proclamations:

Native American Cultural Heritage Month

Mayor McEnerny-Ogle read and presented a proclamation to Duana Johnson, member of the Colville and Lakes Tribes, proclaiming the month of November 2022, as Native American Cultural Heritage Month.

34th Annual Veterans Parade at Fort Vancouver

Mayor McEnery-Ogle read and presented a proclamation to Temple Lentz, The Historic Trust President and CEO, and Larry Smith, Co-Chair of CMAC and retired U.S. Army Colonel, proclaiming November 5, 2022 as the 34th Annual Veterans Parade at Fort Vancouver.

Community Communications (Items 1-9)

Mayor McEnery-Ogle opened Community Communication and received testimony from the following community members regarding Items 1-9:

- Kimberlee Elbon, La Center, WA

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

Consent Agenda (Items 1-9)

Council requested Items 1 and 7 to be pulled.

Motion by Councilmember Harless, seconded by Councilmember Stober, and approved unanimously to approve the Items on the Consent Agenda.

1. **2022 West Curb Ramps Project, construction acceptance and release of retainage bond**

Staff Report: 149-22

This project installed 66 ADA compliant ramps at various intersection corners prior to the street resurfacing project as part of the Pavement Management program. Advance Excavating Specialists of Kelso, Washington has satisfactorily completed the subject improvements in accordance with the plans and specifications.

The original construction contract bid amount was \$707,000.00. Field adjustments during construction increased the contract amount to \$712,696.25, an 0.8% increase. The increase was due to an overrun in the flagging quantity necessary to safely perform the work.

An apprenticeship utilization goal for the project was 3%. The contractor achieved apprenticeship utilization of 4% by using 214 apprentice hours out of the 5096.25 hours worked on this project.

Request: On October 24, 2022, accept the 2022 West Curb Ramp Project as constructed by Advance Excavating Specialists, of Kelso, Washington, and authorize release of retainage bond, subject to receipt of all documentation required by law.

Steve Lee, Senior Civil Engineer, 360-487-7752

Motion approved the request.

2. Bid Award - Vista Robles Sewer Improvements

Staff Report: 150-22

The Vista Robles project is proposed to be constructed under the Sewer Connection Incentive Program (SCIP). This project will provide reliable sewer service to 27 parcels by installing approximately 660 linear feet of 8-inch gravity sewer mains and 530 Linear feet of 2-inch pressure mains in NE 137th Avenue, NE 65th Street, NE 66th Street and NE 67th Street.

On September 27, 2022, the City received 6 bids for the subject project. The bids ranged between \$446,807 and \$697,706. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Parker Pacific Development, Lake Oswego, OR</i>	<i>\$446,807.83</i>
<i>Advanced Excavating Specialists, LLC, Longview, WA</i>	<i>\$489,543.54</i>
<i>North Cascades Excavating, LLC, Woodland, WA</i>	<i>\$536,444.82</i>
<i>Halme Excavating, Inc., Battle Ground, WA</i>	<i>\$558,162.53</i>
<i>Nutter Corporation, Vancouver, WA</i>	<i>\$559,636.83</i>
<i>Clark & Sons Excavating, Inc., Battle Ground, WA</i>	<i>\$697,706.96</i>
<i>Engineers' Estimate</i>	<i>\$400,000</i>

The City of Vancouver's apprenticeship program establishes apprentice utilization goals based on the Engineer's Estimate for a given project. Based on the Engineer's Estimate, this project falls below the \$500,000 threshold and will therefore not be required to meet an apprenticeship utilization goal.

There is sufficient budget to allow for the low bid that has come in over the engineer's estimate.

Request: Award a construction contract for the Vista Robles Sanitary Sewer Improvement project to the lowest responsive and responsible bidder, Parker Pacific Development of Lake Oswego, OR at their bid price of \$446,807.83, which includes Washington State sales tax.

Sheryl Hale, Senior Civil Engineer, 360-487-7151

Motion approved the request.

3. Bid Award - NE 22nd AVE Pump Station Removal & Gravity Sewer Extension

Staff Report: 151-22

The NE 22nd Ave project is to be constructed under the Sewer Capital Improvement Program. This project will eliminate the need for a small pump station that serves very few parcels and was intended to be temporary when originally installed. Gravity sewer will be installed in NE 22nd Ave at a depth required to collect the flows that currently enter the pump station.

On October 4, 2022, the City received 4 bids for the subject project. The bids ranged between \$590,000 and \$1,040,000. The low bidder was responsive. The bids are as follows:

<i>SUMMARY OF BIDS</i>	
<i>BIDDER</i>	<i>AMOUNT</i>
<i>Advanced Excavating Specialists, LLC, Longview, WA</i>	<i>\$592,225.55</i>
<i>Catworks Construction, Vancouver, WA</i>	<i>\$644,572.46</i>
<i>Nutter Corporation, Vancouver, WA</i>	<i>\$656,369.67</i>
<i>McDonald Excavating, Inc., Washougal, WA</i>	<i>\$1,040,919.71</i>
<i>Engineers' Estimate</i>	<i>\$459,683.00</i>

The City of Vancouver's apprenticeship program establishes apprentice utilization goals based on the Engineer's Estimate for a given project. The Engineer's Estimate for this project falls below the required threshold for apprentices, therefore, there is not an apprenticeship goal for this project.

There is sufficient budget to allow for the low bid that has come in over the engineer's estimate.

Request: Award a construction contract for the NE 22nd Ave Pump Station Removal & Gravity Sewer Extension project to the lowest responsive and responsible bidder, Advanced Excavating Specialists, LLC of Kelso, WA at their bid price of \$592,225.55, which includes Washington State sales tax.

Sheryl Hale, Senior Civil Engineer, 360-487-7151

Motion approved the request.

4. Easement Vacation - Heritage High School

Staff Report: 152-22

The existing sewer main running through the Heritage High School property was originally intended to be public and maintained by the City of Vancouver. As such, a public sewer easement over the main was dedicated to the City by the Evergreen School District. However, it was subsequently agreed that all sewer facilities within the school property would be owned

and maintained by the District under the campus provisions provided by WAC 173-240-104. The District has therefore requested that the City release the public sewer easement.

Request: Authorize the City Manager or their designee to sign the attached easement release.

Sheryl Hale, Senior Civil Engineer, 360-487-7151

Motion approved the request.

5. Job Order Contracting (JOC) Services for General Construction Contracts

Staff Report: 153-22

The City has utilized the Job Order Contracting (JOC) program for a variety of projects since 2016. The current JOC contracts expire on October 31, 2022.

The JOC program is an indefinite delivery, indefinite quantity program in which the costs of the project are based on a fixed price per item and the adjustment factor submitted by the contractor for the contract term. The JOC program is intended to save time and money through value engineering when needed and save time as the competitive procurement requirements have already been satisfied with the RFP process. With the award of these attached JOC Services for General Construction contracts, there is no need to prepare bid packages for individual jobs. Therefore, the City could access these JOC contractors on an as-needed basis. Because there are no guarantees of future award of projects, the JOC program motivates JOC contractors to maintain high quality of work.

The City issued RFP 32-22 on August 16, 2022, and closed it on September 14, 2022. The solicitation was advertised in the Columbian, the Daily Journal of Commerce (Portland), and published on the City's website. The City directly notified certified firms listed on the Office of Minority and Women Owned Business Enterprise directory of this solicitation. In addition, per the RCW each contractor will provide the City a Subcontracting Plan that will include how they will outreach and solicit quotes from certified firms.

Request: Authorize the City Manager or their designee to execute two (2) JOC contracts with Halbert Construction Services LLC of Vancouver, WA, and SDB Contracting Services of Hillsboro, OR, as they are the two highest scored proposers. Each contract will have an initial period of two (2) years with the option to renew for one (1) additional year and a not-to-exceed value of \$4,000,000 per year.

Anna Vogel, Procurement Manager, 360-487-8429

Motion approved the request.

6. Resolution Confirming Design Direction on Phase I of the Fourth Plain and Ft. Vancouver Way Safety and Mobility Project

Staff Report: 154-22

A RESOLUTION advancing the Phase 1 design options for the Fourth Plain and Fort Vancouver Safety and Mobility Project.

The City previously completed a Transportation System Safety Analysis (TSSA) in 2018 that showed that Fourth Plain Boulevard between Grand Boulevard and Andresen Road had the highest number of crashes per mile of all principal arterials in the City. This past month, the City completed an updated plan, The Vancouver Moves Local Road Safety Plan, with crash data from 2016-2020. During that period, on Fourth Plain Boulevard there were 110 vehicle and 23 bike/ped crashes resulting in severe injury, including 3 fatal traffic crashes and 2 pedestrian fatalities.

The Project addresses safety and mobility issues through roadway design options, including repurposing vehicle travel lanes to make more room for people biking, walking, rolling and using the bus. Lane reconfigurations were determined to be the best approach to safety issues in the corridor, and WSDOT provided grant funding on a portion of the corridor to implement roadway reconfiguration as a safety countermeasure. The project is also recommending other safety and mobility improvements such as better crossings, as well as treatments to improve the travel time and reliability of the Vine bus service on Fourth Plain Boulevard. The Project builds on extensive past planning in the area, including The Fourth Plain Corridor Subarea Plan (2008) and the Fourth Plain Action Plan (2015).

Phase I improvements in both corridors are anticipated to be implemented as part of repaving projects in 2023, with additional Phase II improvements anticipated as part of 2024 paving on the segment of Fourth Plain between Ft. Vancouver Way and Andersen Road. For both phases, some improvements may not be able to be implemented with the paving projects and would occur as part of future corridor investments, such as the upcoming Fourth Plain Community Supported Investment Strategy that will be funded with American Rescue Plan (ARPA) resources Council has previously dedicated to this corridor. To meet project schedules for the 2023 paving season, Phase 1 West Corridor roadway design options are moving in advance of the Phase 2 Eastern Corridor.

Lane Reconfiguration Analysis

The team conducted traffic analysis to understand how changes to roadway vehicle capacity would impact vehicle travel times in current and future conditions, and how it might address goals related to safety and mobility networks. The analysis used the RTC travel model to understand conditions today and in 2040 under a 'no-change' scenario, while also applying different roadway reconfiguration designs to understand potential outcomes. The analysis found that both Fort Vancouver Way and Fourth Plain Boulevard continue to perform well and meet City mobility standard with a lane reconfiguration. See the Attachment "March 2022 TMC Memo re: Reconfiguration Alternatives" for more information on travel impacts from a roadway reconfiguration.

Community and Stakeholder Engagement

The City and consultant team are engaging the public around two major project milestones. The first engagement round took place in early summer 2022, and gathered input on safety issues and corridor needs, while conversing with the community about the project purposes and goals. Round one engagement included creating project flyers in multiple languages, tabling at the farmers market, Clark College, and the LULAC Grows Mercado, canvassing corridor businesses, residential complexes and community organizations, holding stakeholder meetings, presenting to neighborhood associations, and garnering online feedback via survey, online open house, and through the BeHeard website. Through all these venues, some overarching themes the team heard included:

- *Inadequate and unconnected bike lanes do not provide a continuous, safe route. Nearly 80% said they felt very uncomfortable bicycling along the street.*
- *Wide roadway for pedestrians trying to cross. Many report that drivers fail to yield to pedestrians, even in marked and signalized crosswalks*
- *Sidewalks in corridor are uncomfortably narrow. Most survey respondents said they felt somewhat or very uncomfortable walking*
- *Respondents indicated that the top three most important evaluation criteria for design options were:*
 - *Safety Improvements for all users (31%)*
 - *Mobility improvements for all users (24%)*
 - *Greenhouse gas reduction benefits (19%)*

The second round took place in September and October 2022 and involved deeper discussion with the community on potential lane reconfiguration and safety improvements. The project team shared lane reconfiguration concepts with the community to identify the ideas that best meet the evaluation framework and community needs. Outreach activities include tabling and one on one conversation at a Back-to-School event in the park, The Multicultural Fair, a LULAC-Grows event, and tabling at the Vancouver Farmers Market. The team also held several in-person focus groups, as well as widely distributing an online open house and survey. The open house, survey, and other outreach materials can be found on the BeHeard Project webpage. In response to Council feedback at the October 3 workshop, another round of business canvassing was conducted over the last two weeks and elicited the the following feedback: 46% of business employees preferred designs that prioritize transit improvements, 38% expressed a need for safety improvements but did not prefer either design, 12% prefer prioritize bicycle and mobility lane improvements, and 4% (one individual) opposed a reconfiguration of the roadway. These responses were primarily focused on designs for Fourth Plain east of Fort Vancouver Way (phase 2 of the Project).

Phase 1 Design Details and Recommendation

The project team has developed 'alternatives for Phase 1 that were reviewed by the TMC in early September. The alternatives include different types of roadway treatments to improve conditions for people walking, bicycling, rolling or using a mobility device. Some treatments also aim to improve transit speed and reliability. The treatments that focus most on improved mobility for people outside of vehicles include mobility lanes, or lanes that are buffered for greater separation from traffic. Facilities that improve transit and create more space for mobility users include business access and transit (BAT) lanes. Both design options would be installed within the existing curb to curb roadway width by repurposing a vehicle travel lane.

Fort Plain Blvd – F Street to Fort Vancouver Way

Alternative 1 includes a cycle track treatment on Fourth Plain Boulevard from F Street to Ft. Vancouver Way on the south side of the street. This treatment avoids many of the conflict points created by the freeway interchange on and off-ramps, and scores highly on the evaluation criteria compared to the no build design option.

Fort Vancouver Way – Fourth Plain Blvd to McLoughlin

On Fort Vancouver Way, between Fourth Plain and McLoughlin, Alternative 1 repurposes the parking lane as a BAT lane and adds

an adjacent buffer to the mobility lane. Currently C-Tran operates bus rapid transit on this segment, which could be extended further south in future years.

Alternative 2 retains parking but moves the mobility lane to be curb-tight. In conversations with Clark College, they noted that the transition to hybrid operations has significantly dampened parking demand. Parks staff and the Marshall Center Director also confirmed low utilization on McLoughlin Boulevard and reported that they have nearly 300 parking spaces within their parking lots and adequate capacity for the impending opening of Harper's Playground as well as occasional large events.

Fort Vancouver Way – McLoughlin to Mill Plain Blvd

Alternative 1 on this segment repurposes the outside travel lanes to add parking that also acts as a buffer to a curb-tight mobility lane. This option adds new parking to a corridor where parking removal is recommended further north, recognizing the regional draw of the ballfields and the accessible playground built for community members of all ages and abilities.

Alternative 2 includes a mobility-focused design with an extra-wide buffer protecting the mobility lane. The design treatment within the buffer is still to be determined but would likely include vertical elements to prevent driving in the buffered area. At the southern end of the segment, the Project team recommends keeping two lanes for a short time to act as receiving lanes from the double left-turn off Mill Plain, then tapering to the single travel lane with a wide-buffered protected mobility lane. Both design options score relatively highly as compared to the existing design, but Alternative 2 scores higher when considering greenhouse gas reduction and mobility improvements for people walking, using a mobility device, bicycling, or using the bus. In addition, discussions with staff from Clark College, The Marshall Center, and Parks, Recreation and Cultural Services leadership revealed that significant parking capacity exists in the corridor, and each institution placed a higher priority on safer infrastructure for mobility users.

Renderings of the alternatives are included in the Attachment titled "Presentation: Council Project Update (October 2022)".

Recommendation

In making a recommendation, staff considered feedback from the TMC on the design alternatives, earlier Council direction for the project goals, public engagement feedback, and analysis of traffic impacts through lane reconfiguration as well as parking utilization studies. Based on these, the project team recommends the

following design options for Phase 1:

- *Alternative 1 on Fourth Plain between F Street and Fort Vancouver Way (south side cycle track)*
- *Alternative 2 on Fort Vancouver Way between McLoughlin and Fourth Plain (remove parking, add BAT lane and buffered mobility lanes)*
- *Alternative 2 on Fort Vancouver Way south of McLoughlin to Mill Plain (repurpose travel lane for wide-buffered mobility lane on each side. At the Mill Plain intersection, the southbound lane retains the right-turn lane, and the northbound lanes will retain two receiving travel lanes that taper to the wide-buffered mobility lane treatment)*

Request: Approve the resolution to advance Phase 1 recommended design options for Fourth Plain Boulevard from F Street to Fort Vancouver Way, and on Fort Vancouver Way from Fourth Plain and Mill Plain.

Kate Drennan, Principal Planner, 360-487-7959

Motion adopted Resolution M-4194 to approve the request.

7. Garbage, Recycling and Organics Collection Rate Increases for 2023

Staff Report: 155-22

AN ORDINANCE relating to the collection of solid waste, recyclable materials and organics, and amending certain sections of VMC 6.12 to increase or adjust rates and charges consistent with approved utility user taxes and rates and in accordance with current contracts for the coming year; providing for savings, severability and an effective date.

City Council is the rate-making authority for garbage, residential recycling, and organics collection services within the City of Vancouver. The City contracts with a private hauling company, Waste Connections of Washington, to provide comprehensive garbage, recycling and organics collection services to residents and businesses within city limits. The contract terms authorize Waste Connections to receive annual adjustments to customer rates based on changing operating conditions including:

- *an inflation adjustment factor tied to a percentage of the CPI and fuel cost changes over the past year (July through June),*
- *disposal tip fee changes scheduled for the coming year,*
- *the number of customers served and,*
- *fees paid to the City to support solid waste related programs.*

All adjustments to rates are made in accordance with Exhibit D of the

contract. Garbage rates also include the City's utility tax that is embedded within them. The City's utility tax does not apply to recycling or organics collection services.

Consistent with the contract, the updated model for 2023 requires an increase of 8.5 percent for most garbage rates, while many recycling, organics and selected other fees, not linked to the disposal tip fee or utility tax, will need to increase by 9.4 percent, effective January 1, 2023. Key reasons for this increase are an 8.586 percent increase in the CPI, a 48.62 percent increase in the diesel fuel index, and a 6.5 percent increase in the disposal tip fee. For the most typical residential customer with 32-gallons per week of garbage, every-other-week recycling and every-other-week organics collection (96-gallons for each) this means a monthly rate increase of 6.6 percent, from \$33.33 per month to \$35.54 per month, this is a net increase of \$2.21 per month.

Inflation Adjustment Factor

Under the contract, collection costs for garbage, recycling and organics adjust at 80 percent of a blended and combined CPI (92 percent) and diesel fuel index (8 percent) – Inflation Adjustment Factor (IAF), which leads to a 9.43 percent increase for the collection and disposal cost component, the City Fee and other miscellaneous fees.

Disposal Tip Fees

On January 1, 2023, the disposal tip fee is scheduled to increase \$6.46 per ton (or 6.5 percent) from \$99.88 per ton to \$106.34 per ton. In addition to the allowed CPI increase on the base tip fee (going from \$98.08 per ton to \$104.40 per ton), this tip fee includes \$0.51 per ton for additional work being done under the Clark County contract by Columbia Resource Company at the Central Transfer and Recycling Station (\$0.14 of this is new for 2023 related to construction access improvements for safety) as well as \$1.43 per ton for a surcharge approved by the Clark County Council in 2017 to make up for lost state funding for regional solid waste programs and planning.

Recycling Fees

The rates proposed for January 1, 2023, include a subsidy or rate-buy down of \$0.72/month per household paid to Waste Connections from the City's Solid Waste Fund to support curbside recycling service provided to individual households (adjusting customer monthly charges from the current fee of \$3.37 to \$2.97, an 11.9 percent decrease). The multi-family recycling collection service fees (increasing from \$1.36 to \$1.49) are based solely on the Inflation Adjustment Factor detailed above, without a subsidy, as well as annual adjustments to the recycling processing surcharges, which were added April 1, 2019 to recover costs associated with the local response to the global market issues and the ongoing need for supplying quality materials to these markets. Based on a review of operational factors, Clark County has indicated that the \$48.56 per ton processing fee in 2022

will be adjusted to \$41.73 on January 1, 2023. The combined impact for the combined curbside recycling fee and processing surcharge components is an 8.3 percent decrease (\$0.34 per month) in curbside recycling charges. The multi-family combined impact for the recycling fee and processing surcharge is an increase of 15.7 percent (\$0.26/mo).

Organics Fees

The rates proposed for January 1, 2023, include 9.4 percent adjustments to the organics rates which are tied to the Inflation Adjustment Factor. For the standard subscription service of 96-gallons collected every-other-week, the current rate of \$8.05 per month adjusts to \$8.81 per month. Recommended 2023 rates at other levels of service, following the same every-other-week schedule, are \$7.62 for 64-gallon carts, \$6.44 for 32-gallon carts, and \$5.25 for 20-gallon carts.

Contractor Performance

During 2022 the contractor made operational changes to garbage and recycling services provided outside of Vancouver's city limits that resulted in significantly increased call and email volumes to their regional Customer Service call center. These changes had a negative impact to Vancouver customers' ability to experience the level of customer service expected in the City's contract. As a result, and pursuant to Section 3.3.2 of the contract, City staff is currently working with the contractor on a strategy to address this performance concern so that our residents are not "left hanging" when they call in or email the company to address their service, billing or account set-up needs.

Typical Residential Rate Impact

For 2023 overall, the combined typical residential customer rates for 32-gallons of weekly garbage service with recycling and organics collection increases 6.6 percent or \$2.21 per month under the proposed rates. This reflects a \$1.79 increase in garbage charges, a net \$0.34 decrease in the combined recycling collection rate and recycling processing surcharge fees, and a \$0.76 increase in the organics charge. Households that have chosen different service levels may experience slightly different rate impacts.

Staff recommends adjusting customer rates as detailed in the Summary of Proposed 2023 Solid Waste Rates to meet the contractual obligations associated with the defined Inflation Adjustment Factor and anticipated tip fee changes and to set the City Fee amount for the coming year. If approved, all adjustments will be effective January 1, 2023.

Request: On October 24, 2022, approve ordinance on first reading, setting the date of second reading and public hearing for November 7, 2022.

Julie Gilbertson, Solid Waste Supervisor, 360-487-7162

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

Motion approved the request.

8. Ordinance amending Section VMC 3.40.070 (A) authorizing the Vancouver Transportation Benefit District to establish up to one-tenth of one percent sales and use tax

Staff Report: 156-22

AN ORDINANCE of the City of Vancouver authorizing the Vancouver Transportation Benefit District Board to establish an up to one-tenth of one percent (.1%) sales and use tax pursuant to RCW 36.73.065(4)(a)(v); adopting legislative findings; amending Section 3.40.070(A) of the Vancouver Municipal Code to reflect recent changes in state law; providing for severability; and setting an immediate effective date.

The City of Vancouver created a transportation benefit district (TBD) in 2015 to generate additional funding for transportation infrastructure in the City. Though the TBD is a separate legal entity with a governing body separate from the City Council, the members of the City Council sit as the governing board of the TBD.

At the time of the Vancouver TBD creation, state law defined the revenue options to fund TBDs as including councilmanic approval for vehicle license fees and a voted option for sales and use tax. During the 2022 legislative session, Senate Bill 5974 increased the maximum transportation benefit district sales tax authority from 0.2 to 0.3% and authorized the TBD governing board to impose 0.1% of the sales tax under councilmanic authority for up to 10 years.

The Vancouver Municipal Code (VMC) chapter 3.40 established the Vancouver TBD and its associated authority. This code needs to be updated to incorporate the new authority granted to the TBD by the State in 2022 before the Vancouver TBD can consider implementing the new sales tax. The amendment to the municipal code falls under the authority of the City Council.

If the City Council approves amendment of VMC 3.40 to authorize the TBD to implement the sales tax, a separate, subsequent action by the TBD is required to implement the tax. The first reading on that action is planned following the City Council meeting on October 24.

Because this new revenue is anticipated as part of the recommended City of Vancouver 2023-24 biennial budget, it is being brought forward to Council (to amend the VMC to authorize the TBD) and the TBD (to enact) in advance of City Council's final action on the budget. This sequencing

and timing supports greater predictability in budget adoption and assures procedural compliance with the City Charter and Open Public Meetings Act (OPMA) for both the City Council and the TBD.

The attached ordinance updates the relevant section of the VMC to reflect the recent change in state legislation.

Request: On October 24, 2022, approve ordinance on first reading, setting date of second reading and public hearing for November 7, 2022.

Taylor Hallvik, Assistant City Attorney III, 360-487-8521

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 October 24, 2022.

Motion approved claim vouchers in the amount of \$9,283,931.59.

Old Business (Item 10)

10. Termination of Emergency Orders 2020-01, 2020-14, and 2020-17

Staff Report: 157-22

A RESOLUTION terminating the City of Vancouver's declared state of emergency for the COVID-19 pandemic; terminating Emergency Order 2020-01: Declaration of Civil Emergency; terminating Emergency Order 2020-14, Section 4: Extension of Specified Temporary Employment Policies; and terminating Emergency Order 2020-17: City Manager's Emergency Purchasing Authority and Emergency Budget Authority.

On September 8, 2022, Governor Jay Inslee announced that the state of emergency order pertaining to the COVID-19 pandemic statewide will be expiring on October 31, 2022. These orders reflect the shift of the pandemic from an acute emergency response to long-term management and recovery.

In alignment with the Governor's orders, the City of Vancouver will terminate the following: Emergency Order 2020-01, Declaration of Emergency; and related Emergency Orders 2020-14 Section 4; and Emergency Order 2020-17 (which were specified to run through the end of the declared state of emergency) effective October 31, 2022.

Operationally, the City of Vancouver has transitioned along with statewide orders, and encourages the use of face masks, and hygiene protocols such as hand washing, use of hand sanitizer and physical distancing within its public spaces and worksites. These practices have been integrated within City public spaces and work sites. Hybrid public meetings, which have been implemented, are now a standard practice, which allows for broader civic engagement.

Request: Adopt a resolution terminating the City of Vancouver's declared state of emergency for the COVID-19 Pandemic, and termination of Emergency Order 2020-01: Declaration of Civil Emergency; termination of Emergency Order 3030-14, Section 4: Extension of Specified Temporary Employment Policies; and termination of Emergency Order 2020-17: City Manager's Emergency Purchasing Authority and Emergency Budget Authority effective October 31, 2022.

*Lisa Brandl, Deputy City Manager, 360-487-8600;
Geraldene Moyle, General Services Director, 360-487-8633*

Motion by Councilmember Stober, seconded by Councilmember Perez, and approved unanimously to adopt Resolution M-4195.

Community Forum

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

- Kimberlee Elbon, La Center, WA

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

Adjournment

7:07 p.m.

DocuSigned by:
Anne McEnerny-Ogle
6C89D9089EC8424...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
Natasha Ramras, City Clerk

From: [Robert](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Sunday, October 23, 2022 5:15:35 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.



City Council Contact Form

Submitted date: Sunday, October 23, 2022 - 5:15pm

Contact Information

First name:

Robert

Last name:

Rhodes

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98660

Inquiry Information

Subject:

Recipient:

All of Council

Message:

I am a resident of Heritage Place Condominiums in downtown and I am writing to express my support for the Stay Safe shelter proposed for our neighborhood. I applaud the Council for its best practices approach to addressing homelessness by acknowledging the first step in helping a person transition from houselessness to stability is to get them safely housed. As a former Chair of the Council for the Homeless, I know that many people resist the thought of any services being located in their neighborhood. I am one member of the downtown community that will support this effort. Bob Rhodes

Upload a file:

From: [Brody](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Saturday, October 22, 2022 5:15:29 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.



City Council Contact Form

Submitted date: Saturday, October 22, 2022 - 5:15pm

Contact Information

First name:

Brody

Last name:

Sargent

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98661

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Hello City Council of Vancouver. My name is Brody Sargent and I am the Equity Program Specialist of the Portland Police Bureau. I would like to comment that I think it is a good use of resources to invest in a fulltime Equity Staff for Vancouver's Police Bureau. In a current time of nationwide staffing shortages for officers and increasing call loads it can be difficult for sworn staff to spare the time to create and further equity initiatives and having a fulltime Equity Position makes it easier to ensure this work is done. Further you would be joining Cities like Los Angeles, New York and Baltimore which have invested in equity staff. Our office at the Portland Police Bureau currently has a staff of four and is expected to grow further. It is my belief that staffing this position is giving the Vancouver Police the resources it needs and demonstrating the City of Vancouver's commitment to equity,

fairness and continued growth.

Upload a file:

From: [Dollar, Sarah](#)
To: [Delapena, Amanda](#)
Subject: Fw: covid vaccines should not be taken
Date: Thursday, October 20, 2022 8:06:01 AM

From: Wynn Grcich <[REDACTED]>
Sent: Wednesday, October 19, 2022 4:51 PM
To: Dollar, Sarah <Sarah.Dollar@cityofvancouver.us>; Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>; Paul.Harris@leg.wa.gov <Paul.Harris@leg.wa.gov>
Subject: covid vaccines should not be taken

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.

**Give this to the councils. majors. .Clark County Health Board,
anand Dr. Melneck**

State Surgeon General Dr. Joseph A. Ladapo Issues New mRNA COVID-19 Vaccine Guidance

Florida Department of Health sent this bulletin at 10/07/2022 06:12 PM EDT

[View as a webpage](#) / [Share](#)



Florida Department of Health

October 7, 2022

State Surgeon General Dr. Joseph A. Ladapo Issues New mRNA COVID-19 Vaccine Guidance

TALLAHASSEE, Fla. – Today, State Surgeon General Dr. Joseph A. Ladapo has announced new guidance regarding mRNA vaccines. The Florida Department of Health (Department) conducted an [analysis](#) through a [self-controlled case series](#), which is a technique originally developed to evaluate vaccine safety.

This analysis found that there is an 84% increase in the relative incidence of cardiac-related death among males 18-39 years old within 28 days following mRNA vaccination. With a high level of global immunity to COVID-19, the benefit of vaccination is likely outweighed by this abnormally high risk of cardiac-related death among men in this age

group. Non-mRNA vaccines were not found to have these increased risks.

As such, the State Surgeon General recommends against males aged 18 to 39 from receiving mRNA COVID-19 vaccines. Those with preexisting cardiac conditions, such as myocarditis and pericarditis, should take particular caution when making this decision.

“Studying the safety and efficacy of any medications, including vaccines, is an important component of public health,” said **Surgeon General Dr. Joseph Ladapo**. “Far less attention has been paid to safety and the concerns of many individuals have been dismissed – these are important findings that should be communicated to Floridians.”

The analysis can be found [here](#). The guidance can be found [here](#).

From: [Dollar, Sarah](#)
To: [Delapena, Amanda](#)
Subject: Fw: Toxic Torts: An Interview With Fluoridation Chemical Expert Gary Pittman
Date: Thursday, October 20, 2022 8:06:23 AM

From: Wynn Grcich [REDACTED]
Sent: Wednesday, October 19, 2022 10:55 AM
To: Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>; Dollar, Sarah <Sarah.Dollar@cityofvancouver.us>; Paul.Harris@leg.wa.gov <Paul.Harris@leg.wa.gov>; electmichellebelkot@gmail.com <electmichellebelkot@gmail.com>
Subject: Fwd: Toxic Torts: An Interview With Fluoridation Chemical Expert Gary Pittman

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.

Give this to the councils and Dr. MELNECK

----- Forwarded message -----

From: Fluoride Action Network <info@fluoridealert.org>
Date: Wed, Oct 12, 2022, 10:04 AM
Subject: Toxic Torts: An Interview With Fluoridation Chemical Expert Gary Pittman
To: Wynn Grcich <[REDACTED]>





Dear Friends,

IMPORTANT NOTE: The next status hearing for our **federal TSCA lawsuit** was originally scheduled for October 20th, however the Court has now pushed it back a week to **Wednesday, October 26th at 3:30PM (US Pacific) / 6:30 (US Eastern)**. We will keep you updated as the hearing approaches and provide Zoom login information so you can watch from home.

We have a special feature for our supporters today! Several weeks ago, members of the Fluoride Action Network had the opportunity to interview Gary O. Pittman on the connection between the phosphate industry and the fluoride chemicals that are added to drinking water in the United States. Gary spent a career as an industry consultant and phosphate plant manager for Occidental Chemical Corporation (now called OXY) at their mining and processing operations in northern Florida. This industry is the primary "producer" of

fluorosilicic acid, which is a toxic waste product captured by their pollution scrubber systems and distributed to towns and cities across the U.S. for use in the public water supplies as "fluoride."

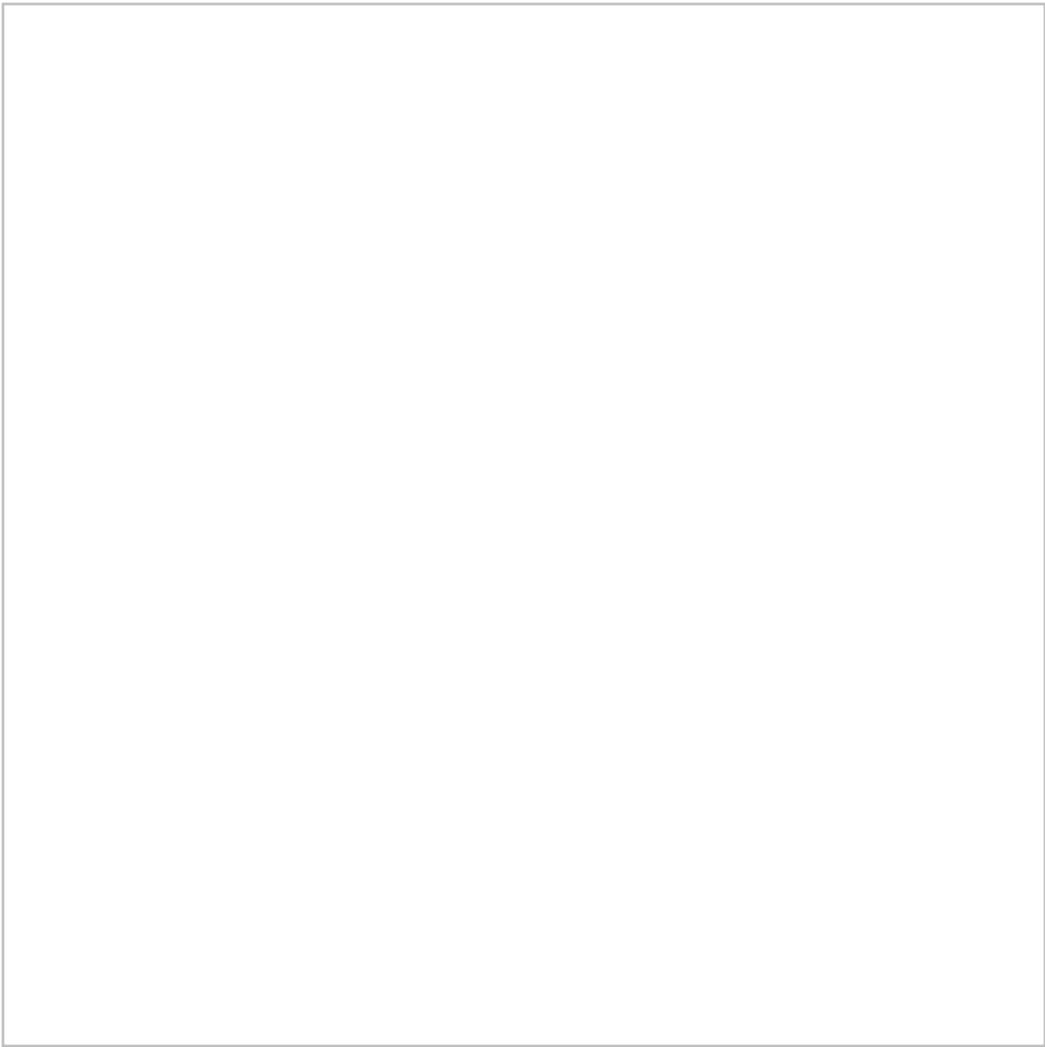
Pittman is the author of the book [*Phosphate Fluorides, Toxic Torts*](#), and appears in the recent film about the Florida fertilizer industry, [*Phosphate*](#).

This hour-long interview features a wide-ranging discussion on:

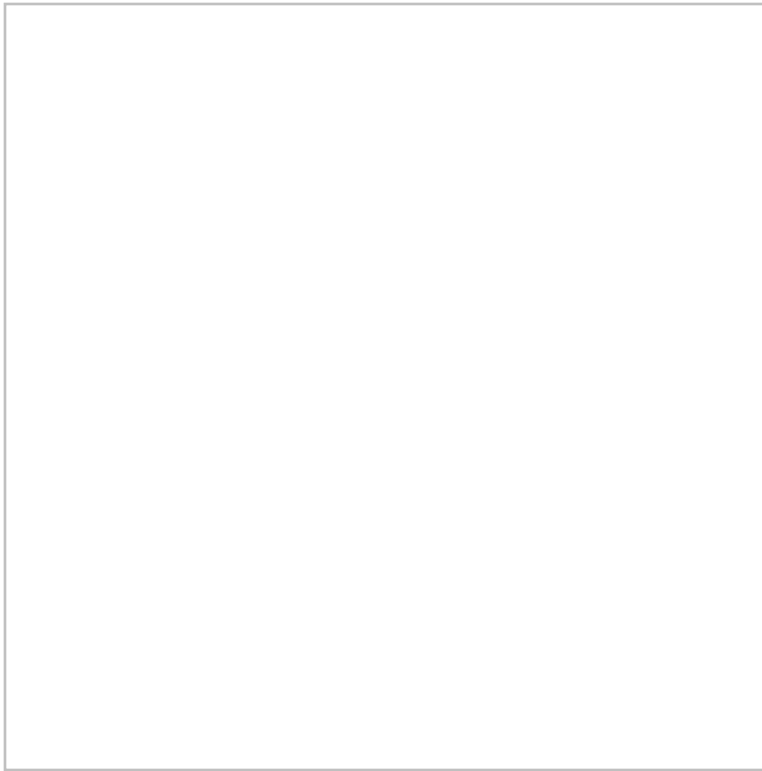
- * How phosphates are mined
- * Toxic chemicals at the phosphate plant
- * How fluoride is captured from from phosphate rock slurry
- * Why defoamers are used in the process
- * Toxic work conditions that impacted the health of workers and the environment
- * The financial and political influence of the chemical industry.

We hope that you enjoy it and share the links with your contacts and anyone who may be interested in knowing where fluoridation chemicals come from.

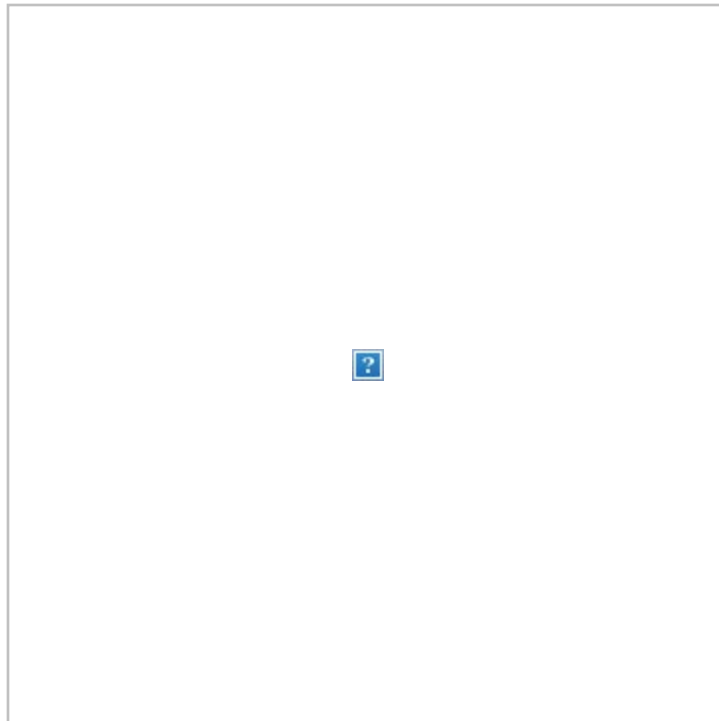
WATCH ON YOUTUBE:



LISTEN TO APPLE PODCAST:



LISTEN TO SPREAKER PODCAST:



For more information on the chemicals used for water fluoridation schemes, please [visit our webpage on the topic](#).

Thank you for your continued support,

Jay Sanders
Education & Outreach Director
[Fluoride Action Network](#)

[See all FAN bulletins online](#)

Make A Tax Deductible Donation Today!

Fluoride Action Network
Exeter, New Hampshire
info@fluoridealert.org

Follow Us



Having trouble viewing this email? [View it in your web browser](#)

[Unsubscribe](#) or [Manage Your Preferences](#)

From: [Dollar, Sarah](#)
To: [Delapena, Amanda](#)
Subject: Fw: Watch ""Pyramid" Nanoparticles: mRNA & Fetal Health w/ Dr. James Thorp & Dr. Kelly Victory – Ask Dr. Drew" on YouTube
Date: Thursday, October 20, 2022 8:13:25 AM

From: Wynn Grich [REDACTED]
Sent: Monday, October 17, 2022 5:40 PM
To: Dollar, Sarah <Sarah.Dollar@cityofvancouver.us>; Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>
Subject: Watch ""Pyramid" Nanoparticles: mRNA & Fetal Health w/ Dr. James Thorp & Dr. Kelly Victory – Ask Dr. Drew" on YouTube

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.

<https://youtu.be/2199TWEmjjU>. Give to council members, mayor's and Dr. MELNECK. confirm you sent this to them

From: [Dollar, Sarah](#)
To: [Delapena, Amanda](#)
Subject: Fw: Watch "Dr Russell Blaylock Fluorides Deadly Secret Part" on YouTube
Date: Thursday, October 20, 2022 8:13:18 AM

From: Wynn Grcich <[REDACTED]>
Sent: Monday, October 17, 2022 3:10 PM
To: Paul.Harris@leg.wa.gov <Paul.Harris@leg.wa.gov>; Dollar, Sarah
<Sarah.Dollar@cityofvancouver.us>; Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>;
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Watch "Dr Russell Blaylock Fluorides Deadly Secret Part" on YouTube

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.

<https://youtu.be/xvBlzkOB2W0>.

Give to council members