



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

August 24, 2020 - 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.

4:00-5:00 p.m. I-5 and I-205 Toll Projects Update

Lucinda Broussard, ODOT Toll Program Director; Rebecca Kennedy, Long Range Planning Manager, 360-487-7896; Aaron Lande, Senior Policy Analyst, 360-487-8612

Summary

Oregon Department of Transportation staff and consultants provided the Council with an update on Interstate 205 and 5 tolling projects.

5:00-6:00 p.m. Transportation System Plan Update

Rebecca Kennedy, Long Range Planning Manager, 360-487-7896; Jennifer Campos, Principal Transportation Planner, 360-487-7728

Summary

Staff provided Council with an update on the City's project to update the Transportation System Plan.

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 Citizen Forum was 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 via video conference.

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

Absent: Councilmember Glover

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

Also present on the call were the following: Eric Holmes, City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Hassan Abdalla, Engineering Manager; Brian Carlson, Interim Deputy City Manager; Linda Carlson, Property Management Specialist; Chad Eiken, Community and Economic Development Director; David Galazin, Assistant City Attorney; Eric Hahn, Senior Civil Engineer; Julie Hannon, Parks and Recreation Director and Incident Commander for the City's COVID-19 Response; Michelle Henry, Senior Civil Engineer; Rebecca Kennedy, Long Range Planning Manager; Ryan Lopossa, Transportation Manager; Heidi Scarpelli, Fire Marshal; Mike Shrum, Facilities Contract Services Supervisor; Dan Swensen, Interim Public Works Director; Lisa Takach, Human Resources Director; Monica Tubberville, Senior Planner; and members of the public.

Citizen Communications (Items 1-11)

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

- Kate Fernald, Vancouver, representing the Heights Neighborhood Coalition, requested the Council schedule a workshop related to development of the

HX zone as soon as possible and create a new Citizen Advisory Committee to participate in creation of that zoning code.

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

Consent Agenda (Items 1-11)

Council pulled Items 7 and 8 from the Consent Agenda for discussion, as summarized below.

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

1. Bid Award for 2020 Fire/Security Alarm Monitoring, Installation and Maintenance Services Project (Bid 20-14)

Staff Report 104-20

Summary

The City of Vancouver's existing contract for monitoring of City building fire and security alarms expired on April 19, 2020. Facilities and Procurement prepared bid documents for a new 5-year contract to include monitoring for both the fire and security alarm systems in all City buildings, preventative maintenance of all systems and new installation or additions to all alarm panels and devices with a "not to exceed" cost of \$650,000.00 over a 5-year period. Procurement then posted the bid on April 24, 2020. The bid opening date was scheduled for May 19, 2020.

On May 19, 2020, the City received 2 bids for the subject project. The bids were \$98,079.83 and the other bid was Non-Responsive. The low bidder was responsive and responsible. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Action Technology Systems 835 SE 17 th Ave. Portland, OR 97214	\$98,079.83
ADT Commercial 9350 SW Nimbus Ave. Beaverton, OR 97214	NON-Responsive
Engineers' Estimate	\$80,000 -\$125,000 per year

Request: Award an Alarm Monitoring/Maintenance Contract for the 2020 Fire/Security Alarm Monitoring, Installation and Maintenance

Services Project, per Bid #20-14 project, to the lowest responsive and responsible bidder, Action Technology Systems, 835 SE 17th Ave. Portland, OR 97214 USA, at their bid price of \$98,079.83 per year or not to exceed \$650,000.00 in five years which includes Washington State sales tax.

Mike Shrum, Facilities Contract Services Supervisor, 360-487-8260

Motion approved the request.

2. **Bid Award for 2020 Fire Alarm/Sprinkler Inspection & Maintenance Project (Bid 20-18)**

Staff Report 105-20

Summary

The City of Vancouver's contract for regularly scheduled fire alarm and sprinkler inspections ended in March 31, 2020. Bid documents were prepared for a new 5-year contract for this work. Interested contractors were invited to submit proposals by July 7, 2020.

On July 7, 2020, the City received three bids for the project, one Non-responsive. The low bid was for an annual cost of \$132,150.44. The low bidder was deemed responsive and responsible. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Fire Systems West, Vancouver, WA 98661</i>	<i>\$132,150.44</i>
<i>Basic Fire Protection, Portland, OR 97211</i>	<i>\$225,024.20</i>
<i>Siemens Industry, Non Responsive</i>	<i>NON-Responsive</i>
<i>Engineers' Estimate</i>	<i>\$750,000 for Five Years</i>

Request: Award an inspection and maintenance contract for the 2020 Fire Alarm/Sprinkler Inspection & Maintenance Project, per Bid # 20-18 to the lowest responsive and responsible bidder, Fire Systems West, 600 SE Maritime Ave. Ste. 300 Vancouver, WA 98661, USA, for an amount not to exceed \$750,000.00 over 5 years, including Washington State sales tax.

Mike Shrum, Facilities Contract Services Supervisor, 360-487-8260

Motion approved the request.

3. **Bid Award for the Water Station 5 Transmission Main (Bid 20-22)**

Staff Report 106-20

Summary

The project will install approximately 10,300 linear feet of 30-inch diameter ductile iron pipe to convey additional water from the Water Station 5 reservoir located at 5408 Idaho Street, to the developing eastern portion of the water service area. The pipeline has been engineered with future upgrades of the Water Station 5 site in mind to maximize hydraulic efficiency and minimize energy losses for the new pump station. The large diameter pipeline will be extended in the west bound lanes of East Mill Plain Boulevard from Water Station 5 to Garrison Road, then north in Garrison Road to Northeast 12th Street, and east in Northeast 12th Street to a final connection in the intersection of Northeast 12th Street and 87th Avenue.

The project will provide for full width pavement restoration in Garrison Road between Mill Plain and Northeast 14th Street to repair existing pavement presently in poor condition. The paving repairs are a coordinated effort between Water Engineering and Pavement Management, sharing in the final project costs related to the additional street improvements.

Five bids were opened on July 14, 2020, with the following results:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Tapani, Inc., Battle Ground, Washington</i>	<i>\$4,245,395.94</i>
<i>Nutter Corporation, Vancouver, Washington</i>	<i>\$4,496,524.27</i>
<i>Rotschy, Inc., Vancouver, Washington</i>	<i>\$4,799,319.22</i>
<i>McDonald Excavating, Inc, Washougal, Washington</i>	<i>\$5,125,606.70</i>
<i>Moore Excavating, Fairview, Oregon</i>	<i>\$5,613,463.78</i>
<i>Engineer's Estimate</i>	<i>\$4,500,000.00</i>

Tapani, Incorporated was the lowest responsive and responsible bidder. Tapani has successfully completed at least three similar construction projects of this size and scope in the last 10-years years. The required minimum apprenticeship utilization for this project is 5%. Tapani has submitted documentation with an estimated goal between 5% and 10% showing 6.3% coming from their staff.

Request: Award a contract for the construction of the Water Station 5 Transmission Main project to the lowest responsive and responsible bidder, Tapani, Incorporated of Battle Ground,

Washington, at their bid price of \$4,245,395.94, including Washington State sales tax.

Michelle Henry, Senior Civil Engineer, 360-487-7155

Motion approved the request.

4. NE 68th Street Interlocal Agreement between City of Vancouver and Clark County

Staff Report 107-20

Summary

NE 68th Street between Highway 99 and St. Johns Road is maintained by both the City of Vancouver and Clark County. The City maintains the eastern third of the segment while the County maintains the western two-thirds of the segment. There is not a continuous sidewalk along either side of the street, which presents challenges and safety considerations for pedestrians that walk to nearby Hazel Dell Community Park as well as those accessing the existing transit and commercial destinations located at either end of the corridor.

The City and County have received two pedestrian grants totaling \$1.7 million. These funds coupled with a local match will facilitate construction of a continuous sidewalk along the south side of NE 68th Street between Highway 99 and St. Johns Road. The City and County are currently coordinating the engineered design of the project. The County will facilitate the environmental permitting and right-of-way acquisition for the entire project and will also be responsible for administering the construction contract.

The attached Interlocal Agreement sets forth the financial and grant administration requirements for each agency as well as the responsibilities for each agency in the completion of the sidewalk project.

There will be no City Apprenticeship requirements for this project because federal guidelines for grant projects do not allow for the inclusion of local agency apprenticeship programs.

Request: Authorize the City Manager or his designee to execute the attached Interlocal Agreement on behalf of the City of Vancouver.

Hassan Abdalla, Engineering Manager, 360-487-7704; Ryan Lopossa, Streets and Transportation Manager, 360-487-7706

Motion approved the request.

5. Accept and record a Deed-of Right on George and Hazel Stein Neighborhood Park as required by the Washington Recreation and Conservation Office grant agreement (RCO #18-1679A)

Staff Report 108-20

Summary

The Stein acquisition project was completed in 2016 with authorization from City Council on May 23, 2016. The property was acquired under a Waiver of Retroactivity from the RCO to preserve the department's ability to seek a grant for acquisition of the property prior to completion of a grant agreement.

On June 10, 2019, RCO officially awarded the City \$235,415 from Washington Wildlife and Recreation Program (WWRP-Local Parks Parks) for acquisition costs associated with the George and Hazel Stein Neighborhood Park properties. Per RCO requirements, a Deed-of-Right (DOR) must be authorized and recorded prior to the release of grant funding. The Deed-of-Right is a covenant that specifies that the land is retained and managed in a manner consistent with the original intent of the grant program by committing the site to public outdoor recreational purposes in perpetuity. The attached Deed of Right is consistent with standard RCO format guidelines and grant requirements. Execution of the document will enable Park staff to complete the grant reimbursement process for release of the reimbursement funding within the grant agreement timeframe.

Request: Accept and authorize the City Manager, or his designee, to execute the Deed of Right and direct the signed document be recorded and forwarded to the state as required by the Project Agreement.

Monica Tubberville, Senior Planner, 360-487-8353

Motion approved the request.

6. Collective Bargaining Agreement with Vancouver Fire Department Guild

Staff Report 109-20

Summary

The labor group consisting of the Fire Marshal's Office personnel including the deputy fire marshal 1 and 2, lead deputy fire marshal, fire plan

examiner, resource service technician, and fire code officer classifications petitioned and were approved by the Public Employment Relations Commission (PERC) to change their labor representation to the Vancouver Fire Department Guild. The change in representation caused the need to negotiate a new contract between the City and the Vancouver Fire Department Guild. The parties were able to work through a collaborative process and consensual decision making for a new three-year agreement. The labor agreement is being brought to Council for approval.

Request: Authorize the City Manager or his designee to sign and thereby ratify the 2020-2022 Collective Bargaining Agreement with the Vancouver Fire Department Guild.

Lisa Takach, Human Resources Manager, 360-487-8611

Motion approved the request.

7. Street vacation of partially improved right-of-way associated with the alley connecting U Street and Fort Vancouver Way

Staff Report 110-20

A RESOLUTION fixing September 21, 2020, as the date for a public hearing on a proposal to vacate the public right-of-way associated with the alley connecting U Street and Fort Vancouver Way, on the south side of Fourth Plain Blvd, located within a portion of Rowley's Eighth Addition, in the Southeast Quarter of Section 23, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington.

AN ORDINANCE vacating the right-of-way associated with the alley connecting U Street and Fort Vancouver Way, on the south side of Fourth Plain Blvd, located within a portion of Rowley's Eighth Addition, in the Southeast Quarter of Section 23, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington; and providing for an effective date.

Summary

The City has received a request from Clark Community College District No. 14 Foundation (the Applicant) to vacate a portion of public alley connecting U Street to Fort Vancouver Way, located on the south side of Fourth Plain Blvd. The right-of-way is specifically located within a portion of Rowley's Eighth Addition, within the Southeast Quarter of Section 23, Township 2 North, Range 1 East, Willamette Meridian.

The alley right-of-way extends from the east side of the U Street right-of-way eastward approximately 120 feet where it connects to the right-of-way for

Fort Vancouver Way. This right-of-way has historically been used to provide property access to the adjoining properties, and is roughly paved, with no sidewalk, curb or gutter. The physical connection of this alley to Fort Vancouver Way was abandoned and blocked in 2016 with the construction of a stop for The Vine bus rapid transit system at this location.

Staff has reviewed the City's Transportation System Plan and determined there is no future need for this portion of alley right-of-way. Therefore, vacation of this alley right-of-way will have no adverse impact on the City's transportation assets. Staff has contacted all private utility owners with facilities potentially located within the alley right-of-way to be vacated; there are no known private utilities identified within the right-of-way. Also, the alley right-of-way contains no known City of Vancouver utilities.

Generally under VMC 11.05.130, the property associated with a vacated street belongs to the abutting property owners, one-half to each, subject to vested property rights. Multiple parcels adjoin the alley right-of-way to be vacated. The single parcel on the south side of the alley is owned by the State of Washington and is part of the Clark College campus. The parcels on the north side of the alley are owned by the Applicant. The Applicant has contacted the State and they have agreed to release all interest in the subject right-of-way, allowing the applicant to obtain the entirety of the area to be vacated. A letter from the State of Washington Department of Enterprise Services is attached.

RCW 35.79.030 and VMC 11.05.120 authorize, but do not require, the City to collect compensation for the value of public right-of-way that is vacated. Based on a property value analysis of this area, the value of the subject right-of-way is estimated to be \$27,952. City Council may pass an ordinance to vacate a property without requiring compensation for such vacation where: (1) the property was not acquired at City expense; (2) the subject property is not needed for public travel either now or in the foreseeable future; and (3) the City's maintenance or upkeep of the subject property is unrelated to its use for public travel.

Records indicate that the subject area of right-of-way was dedicated in 1905 as part of the plat for Rowley's Eighth Addition; it appears that the City incurred no cost in obtaining this right-of-way. Because the physical connection of this alley to Fort Vancouver Way was abandoned with the construction of The Vine bus rapid transit system, there is no present or future transportation needs associated with this portion of alley right-of-way. In addition, vacation of the right-of-way will facilitate the Clark College Foundation's plans for redevelopment of this area as a gateway to the Clark College campus in support of the public higher education mission. As a part of that development, Clark College will provide improved pedestrian circulation facilities between Fourth Plain Blvd. and Fort Vancouver Way. Based on these circumstances, per the provisions of VMC 11.05.120(D),

staff recommends that no compensation be required for the vacated right-of-way.

The vacation process for this right-of-way was originally initiated March 2, 2020, with Council approval of a resolution of intent to set a public hearing on the proposed vacation for April 6, 2020. That public hearing was canceled due to restrictions to the types of actions public agencies were allowed to take during the Governor's Stay Home Stay Healthy order in response to the COVID-19 pandemic. Those restrictions have since been lifted, and staff is requesting the vacation process for this alley be re-initiated at this time.

Request: On Monday, August 24, 2020, adopt a resolution of intent and approve ordinance on first reading to vacate a portion of public alley connecting U Street to Fort Vancouver Way, located within the Southeast Quarter of Section 23, Township 2 North, Range 1 East, Willamette Meridian, and within Rowley's Eighth Addition, setting the date of public hearing for September 21, 2020.

Eric Hahn, Senior Civil Engineer, 360-487-7702; Ryan Lopossa, Streets and Transportation Manager, 360-487-7706

Mayor McEnemy-Ogle read the title of the ordinance into the record

Councilmember Fox asked where revenue collected for a right-of-way vacation is deposited. Ryan Lopossa, Streets and Transportation Manager, explained those revenues would be deposited into the City's general fund to go towards future work.

Councilmember Fox noted that for Item 7, staff recommends not collecting compensation for the vacation, but does recommend the City collect compensation under the Item 8 right-of-way vacation. She stated that the City is currently dealing with impacts to the transportation budget, and it would be useful to collect compensation for both vacations. She asked whether the value anticipated being returned for the future work related to the vacation under Item 7 is equivalent to what the compensation would be if it were requested for the vacation.

Mr. Lopossa stated that the Clark College vacation, Item 7, meets the City's tests wherein staff would typically recommend no compensation, and the difference between that request and the vacation under Item 8 is that Clark College will eventually be developing the property to be vacated under Item 7 to provide a future public benefit, whereas the vacation under Item 8 would primarily benefit a private developer.

Councilmember Fox requested more information about how the College plans

to develop the subject property under Item 7. Mr. Lopossa stated that property is within the Fourth Plain corridor, and there are enhanced pedestrian features that will be installed along the frontage of Fourth Plain Boulevard and Fort Vancouver Way. He stated that City staff will work with the college to ensure pedestrian connectivity throughout the property, such as a shortcut for pedestrians trying to get to the college from Fourth Plain.

Councilmember Stober stated it would be helpful to have representatives from Clark College appear before the Council at some point in the future to discuss the college's future vision for the campus. City Manager Eric Holmes stated staff would reach out to the college to arrange a future briefing.

Motion adopted Resolution M-4087 to approve the request.

8. **Street vacation of approximately 5,193 square feet of unimproved street right-of-way associated with E 5th Street, located west of Grand Boulevard**

Staff Report 111-20

A RESOLUTION fixing September 21, 2020 as the date for a public hearing on a proposal to vacate a portion of E 5th Street right-of-way located west of Grand Boulevard. The right-of-way is located within the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Willamette Meridian.

AN ORDINANCE vacating a portion of public right-of-way, associated with E 5th Street located west of Grand Boulevard, and situated within the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington; and providing for an effective date.

Summary

Staff has received a request from the applicant, Lee-Way Development Company LLC, to vacate a portion of E 5th Street right-of-way located west of Grand Boulevard. The right-of-way is specifically located within the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Willamette Meridian.

The right-of-way to be vacated contains no public street improvements. Staff has reviewed the City's Transportation Systems Plan and determined there is no future need for this right-of-way to accommodate public travel. Therefore, vacation of this right-of-way will have no adverse impact on the City's transportation assets.

Staff has contacted all utility owners with facilities potentially located within the subject area. The City of Vancouver has no utilities within the area of the proposed vacation. Clark Public Utilities and Century Link have lines

running adjacent to but just outside the proposed vacation area; these facilities will remain within the existing right-of-way. Therefore, no utility easements are required in the proposed vacation area.

Pursuant to VMC 11.05.130, the property associated with a vacated street shall belong to the abutting property owners, one-half to each. The right-of-way to be vacated is adjoined only by the parcel represented by the applicant and that portion of E 5th Street maintained by the City. Therefore, the entirety of the area to be vacated will become part of the applicant's parcel.

RCW 35.79.030 provides for, but does not require, the City to collect compensation for the value of public right-of-way that is vacated. Further, VMC 11.05.120 stipulates provisions for the City to calculate and collect compensation for vacated public right-of-way. Property records indicate that the subject area of right-of-way was dedicated in 1942 to the State of Washington to accommodate the 5th Street corridor, which served as a segment of the primary access route to the Kaiser Shipyards from downtown Vancouver. Subsequently, the City received the right-of-way from the State as part of transfers of public streets during annexations of the area.

The City incurred no cost in obtaining the right-of-way. The City has not constructed any street improvements within the subject right-of-way, does not intend to construct any future improvements, and has historically performed no maintenance of this right-of-way area. With this vacation, the subject right-of-way will be returning to the property from which it originated.

However, per the stipulations of VMC 11.05.120(C), when vacated properties have been part of a dedicated public right-of-way for 25 years or more, the applicant must compensate the City in an amount equal to the full fair market value of the property to be vacated. In addition, vacation of the subject right-of-way will provide a direct benefit for private development. Therefore, staff recommends that full compensation be required for the vacated right-of-way. An analysis of the County Assessor's records for similar properties in the vicinity of the proposed vacation area resulted in an estimated property value equal to \$6.30 per square foot. The total area of the proposed vacation is 5,193 square feet. This results in a total estimated property value equal to \$32,716. This sum shall be remitted to the City prior to the right-of-way vacation becoming effective.

Request: On Monday, August 24, 2020, adopt a resolution of intent and approved ordinance on first reading to vacate a portion of public right-of-way associated with E 5th Street located within the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Willamette Meridian, setting the date of public hearing for Monday, September 21, 2020.

Eric Hahn, Senior Civil Engineer, 360-487-7702; Ryan Lopossa, Streets and Transportation Manager, 360-487-7706

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

Motion adopted Resolution M-4088 to approve the request.

9. **Continuation of a temporary moratorium on the acceptance and processing of applications for permits for the development of new structures; the expansion of existing structures; or subdivisions in the Tower Mall area**

Staff Report 112-20

AN ORDINANCE declaring an emergency and continuing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development of new structures; the expansion of existing structures; or subdivisions in the Tower Mall area as defined herein; establishing six months as the tentative effective period of this ordinance; and establishing an immediate effective date.

Summary

The Heights District Subarea is identified as a future urban center in the City of Vancouver Comprehensive Plan. In order to establish a vision for the area and guide its future growth and development, the City of Vancouver is undertaking a subarea planning process for the Heights District. In June 2017, the Vancouver City Council approved the purchase of an 11.83-acre parcel known as the Tower Mall site. Following the purchase of the property, Council adopted a six-month development moratorium for the site and adjacent properties in the Tower Mall area, and has adopted six subsequent ordinances continuing the temporary moratorium, in November 2017, May 2018, November 2018, April 2019, October 2019, and March 2020. This temporary moratorium prohibits the acceptance and processing of applications for permits for the development of new structures, the expansion of existing structures, or subdivisions in the Tower Mall area.

After purchase of the Tower Mall site in May 2017, the City initiated a subarea planning process for the 205-acre Heights District. Over the last two years, City staff and a consultant team have conducted extensive public outreach on the future of the Heights District, including one-on-one meetings, focus groups, group presentations, large public open houses, and online surveys. Staff have heard from a variety of stakeholders, including neighborhood associations, property owners, residents,

Vancouver Public Schools, C-TRAN, the faith community, social service providers, non-profit organizations, community members with mobility challenges and people with disabilities, and a 20-member Community Advisory Committee that met monthly throughout much of the planning process and helped guide project decision-making.

In addition to public outreach, the project team has completed a detailed technical analysis of existing land use, transportation, and environmental conditions, as well as a feasibility study to determine what future uses and development typologies the market will support. Information gathered through the public outreach process, technical analysis, and market study informed the development of conceptual redevelopment alternatives for the Tower Mall Area, which were presented to the public in fall 2018 for input and feedback. Based on this public engagement and guided by the project goals, a draft redevelopment concept for the Tower Mall area was developed and made available for public review starting in April 2019. The draft redevelopment concept responds to public input that highlights the need for programmable open space, safer mobility and increased connectivity, a variety of housing types, and amenities that encourage community integration and support health, equity and wellness.

In the second half of 2019, the project team continued to refine the Redevelopment Plan for the former Tower Mall, and incorporated this into a draft Heights District Plan that includes policies and recommendations for the entire District as well as those specific to the Redevelopment Area. District-wide recommendations related to land use, transportation, housing, economic development, parks and open space, and sustainability are included in the draft plan.

A public comment draft of the plan was released in November 2019, in advance of planned workshops with the Planning Commission and the City Council. Based on feedback gathered through ongoing public engagement, the draft plan was refined and an updated draft was released in January of this year. Along with the updated Plan document, a Draft Environmental Impact Statement (DEIS) was also released on Jan. 23, and provided an analysis of environmental impacts and mitigation measures for the project alternative. In response to public feedback, the DEIS public comment period was extended from 30 to 120 days, and closed on May 22, 2020. On July 10, 2020, the Planned Action Final Environmental Impact Statement (FEIS) for the Heights District Plan was released, and included a new chapter that listed all questions and comments received through the Draft EIS public comment period, and provided responses to all substantive comments.

In July 2020, staff initiated a series of four workshops with Council to review the Heights District Plan recommendations in detail, in advance of a public hearing for adoption of the Plan. Following these and a first reading on

August 10, 2020, Council adopted the Heights District Plan on August 17, 2020

Forthcoming policy and regulatory updates are necessary to ensure future development aligns with the vision articulated in the Heights Plan. This includes the adoption of a new Heights Mixed Use zoning district and associated standards and design guidelines. This process is underway and staff anticipates holding workshops with the Planning Commission and Council this fall in advance of proposed adoption in early 2021.

Continuation of the moratorium allows staff the time to complete the subarea planning process that is underway, specifically the development of updated zoning standards and design guidelines. A continuation of the temporary moratorium is necessary to ensure that future development aligns with the vision articulated in the forthcoming plan.

Request: On August 24, 2020, approve ordinance on first reading, setting date of second reading and public hearing for Monday, September 14, 2020.

Rebecca Kennedy, Long Range Planning Manager, 360-487-7896

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

Motion approved the request.

10. Approval of purchase of office furniture through the US Communities contract #4400003404 from System Source exceeding the \$300,000 threshold.

Staff Report 113-20

Summary

The country has recently been affected by the pandemic known as COVID-19. This pandemic has required the City of Vancouver to utilize remote working for the majority of employees working out of City Hall.

The current cubicle furnishings located at City Hall will not allow employees to return to the office and meet the requirements of a safe work station. In order to create the correct work station, the City will need to increase the height of the panels by 30 inches. This would create a 6-foot height around each work station which will allow the existing furniture to meet the height and/or distance requirements for a safe work environment.

Systems Source is the local distributor for Knoll furnishings. The contract is

good until December 31, 2020. The City has requested that Systems Source provide the product to complete this project. The cost of this project is \$342,304.09, including installation and sales tax. This will allow modification of approximately 200 work stations located at City Hall.

This project is eligible for CARES funding. The City will be requesting reimbursement for these costs through the CARES Act grant.

Request: On August 24, 2020, approve purchase order with System Source in the amount of \$342,304.09 for the purchase of cubicle panel height extensions for all cubicle furniture located at City Hall.

Linda Carlson, Property Management Specialist, 360-487-8423

Motion approved the request.

11. Approval of Claim Vouchers

Request: Approve claim vouchers for August 24, 2020.

Motion approved claim vouchers for August 24, 2020, in the amount of \$5,528,166.38.

Old Business (Item 12)

12. Vancouver COVID-19 Emergency Response and Presentation of Emergency Order

A RESOLUTION ratifying and confirming Emergency Order 2020-17 as issued by the Vancouver City Manager.

Request: Adopt a resolution ratifying Emergency Order 2020-17.

Eric Holmes, City Manager

City Manager Eric Holmes provided a brief operation update on the City's COVID-19 response and a summary of the emergency order presented for Council ratification.

Motion by Councilmember Hansen, seconded by Councilmember

Paulsen, and carried unanimously to adopt Resolution M-4089 ratifying Emergency Order 2020-17.

Citizen Forum (up to 90 minutes)

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

- Holly Williams, Vancouver, expressed concerns about recent public demonstrations targeting City employees at their private homes and requested the City regulate the time, place and manner of public demonstrations as it is able to ensure the safety of employees and public officials.
- Carmen Deleon, Vancouver, expressed concerns with tenants of housing provided by Share and behavior of Share staff.
- Don Steinke, Vancouver, urged the City to further regulate the use and installation of natural gas in developments within the City.
- Cathryn Chudy, Vancouver, urged the City to express opposition to liquefied natural gas developments in the region and incorporate the current moratorium on large-scale fossil fuel facilities into City code.
- Glen Yung, Vancouver, requested the City establish a Citizens Advisory Committee to consult on all future implementation phases of the Heights District; he also requested the City place a higher priority on updating the multifamily tax exemption program and provide more avenues for residents to own homes.
- Randal Friedman, Camas, Washington, urged the City to use the development of the former HP campus in east Vancouver to create a clean energy development in collaboration with HP and establish an ad hoc committee to create a blueprint on how clean technology could make Vancouver a new desired business location for the 21st century.

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

Adjournment

7:11 p.m.

DocuSigned by:

Anne McEnerny-Ogle

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF0734E40E94AE...

Natasha Ramras, City Clerk

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

To: Vancouver City Council and Staff
Re: Fossil Fuel Moratorium

August 24, 2020
From: Cathryn Chudy, Vancouver WA

Today, a reckless and dangerous federal rule went into effect that we in Vancouver, as well as all rail communities through the Pacific Northwest should pay attention to. The rule was fast-tracked by the current administration whose agenda has been to expand America's for-profit fossil fuel exports.

Specifically, the rule allows unit trains to transport up to 30,000 gallons of liquified natural gas (LNG) per tank, with no limits on the number of LNG tanker cars in a particular train, and no restrictions on the routes these trains will travel.

Why should Vancouver care about this? The new rule allows these "bomb trains" to pass through dense population centers. According to Earthjustice, "the liquified natural gas from just one rail tank car - without even considering a whole train - could be enough to destroy a whole city." These are called "bomb trains" because in the case of any loss of containment, LNG rapidly expands by 600 times its volume to become a highly flammable gas.

Earthjustice points out that the rule now in effect allows transport of this highly flammable gas in untested tanker cars which are based on DOT-113 rail cars which have experienced numerous failures while transporting other, less dangerous cargoes. To make matters even worse, the rule sets a voluntary speed limit of up to 50 mph through densely-populated cities, even though officials at the Federal Railroad Administration note that tank cars are unlikely to survive impacts of even 30 mph.

Earthjustice is suing on behalf of a coalition of organizations to challenge the rule; 14 states and the District of Columbia are also suing. The National Transportation Safety Board and the National Association of State Fire Marshals oppose the rule as well, citing public safety and first responder risks.

In light of this latest federal push putting fossil fuel profits over the health and safety interests of the general public, Vancouver's Fossil Fuel Moratorium must be implemented into our city ordinance in a way that provides the strongest protection for our community. The Pacific Northwest is a target for fossil fuel exploitation, with the end goal being export for insatiable industry profit, not local benefit. Our power in protecting our city lies in local action, which is where the Moratorium turning into a protective ordinance comes into focus. Saying "NO" to bulk storage facilities that would handle these volatile and dangerous fossil fuels posing tremendous risks and no benefit to our community, is more than ever essential.

We often hear industry advocates warning us of "unintended consequences" of putting any limitations or restrictions on the business of fossil fuels they seek to continue profiting from, and exemptions that water down the protections that we seek. Please resist those warnings. Industry profits are simply not worth our health and safety. The action you can take as our elected representatives to implement a strong ordinance will lower the risks for "unintended consequences" of catastrophic outcomes that for now at least are foreseeable and preventable. That is all we are asking you.

What You Should Know About Liquefied Natural Gas and Rail Cars

Under current federal law, it's considered too dangerous to carry liquefied natural gas in tank cars. The Trump administration is attempting to change that.

Aug. 18, 2020

The explosion risk of transporting volatile liquefied natural gas in vulnerable tank cars through major population centers is off the charts.

Yet the Trump administration is finalizing a rule that would allow trains to travel the country filled with an unprecedented amount of explosive liquefied natural gas. The National Transportation Safety Board and the National Association of State Fire Marshals have objected to the proposed rule.

Earthjustice has filed a legal challenge to stop these “bomb trains.”

Here's what you should know:

How dangerous is it to transport liquefied natural gas by rail tank cars?

The liquefied natural gas from just one rail tank car — without even considering a whole train — could be enough to destroy a city.

It would only take 22 tank cars to hold the equivalent energy of the Hiroshima bomb. A train of 110 tank cars filled with liquefied natural gas would have five times the energy of the Hiroshima bomb.

In the event of any loss of containment, liquefied natural gas rapidly expands by six hundred times its volume to become a highly flammable gas — and can turn into a “bomb train.”

Since liquefied natural gas must be contained in a pressurized and temperature-controlled storage unit, it can also produce a BLEVE — “boiling liquid expanding vapor explosion.”

During a BLEVE, pressurized liquid ‘explodes’ both chemically and physically (simultaneously vaporizing and combusting). A BLEVE creates three primary dangers:

- A blast wave,
- Projections of the container fragments, and
- In the case of flammable vapors, a fireball.

What is the current law?

Under current federal law, it's considered too dangerous to carry liquefied natural gas in tank cars.

Liquefied natural gas can only be transported by ships, truck, and — with special approval by the Federal Railroad Administration — by rail in approved United Nations portable tanks.



A UN portable tank.

UN portable tanks are relatively small tanks that can be mounted on top of semi-truck trailer beds or on railcars.

By contrast, **tanker rail cars** can hold roughly three times the volume of the UN portable tanks.

The government has allowed two isolated experiments on Alaska and Florida rail lines with companies transporting liquefied natural gas inside the UN portable tanks, but not in rail cars. In December, the Trump administration gave approval for one company to transport the dangerous cargo in rail cars — the first time in U.S. history — through populated areas in Pennsylvania and New Jersey. The new proposed rule would expand that approval for companies to transport liquefied natural gas throughout the entire nation.



Tanker rail cars.

Have there been disasters involving liquefied natural gas?

Yes. In one of the worst examples of this danger, 131 people were killed, countless people were

injured, and a square mile of Cleveland, Ohio, was destroyed when liquefied natural gas escaped from a tank farm, flowed into the city's sewer system and ignited in 1944.

In the numerous explosions that followed, temperatures soared to 3,000°F, streets blew up, with one explosion opening a crater 25 feet deep, 30 feet wide, and 60 feet long.

Are rail tanker cars vulnerable to explosive disasters?

Yes. In 2013, a train carrying crude oil — less explosive than liquefied natural gas — derailed in Lac Mégantic, Quebec.

The resulting fire led to BLEVEs — “boiling liquid expanding vapor explosions” — of numerous tank cars, which leveled the town center and killed 47 people.

A BLEVE of a liquefied natural gas tank car would be expected to produce a fireball up to a mile wide and would be significantly more powerful than what happened in Lac Mégantic.

Why are liquefied natural gas rail shipments now being proposed?

On April 10, 2019, President Trump issued an executive order directing the Pipeline and Hazardous Materials Safety Administration to initiate rulemaking to allow liquefied natural gas transport by rail.

On July 24, 2020, the Pipeline and Hazardous Materials Safety Administration published a final rule to allow liquefied natural gas transport by rail in a new, untested tanker car. This untested tanker car will be heavier than almost all freight on our rails, which could have unforeseen consequences.

The class of rail cars the new tank car is based on — DOT-113 rail cars — have experienced numerous failures while transporting other, less dangerous cargoes.

How is the rule dangerous?

The Pipeline and Hazardous Materials Safety Administration’s rule proposes no restrictions on the number or distribution of liquefied natural gas tanker cars in a particular train, nor on the routes these trains may travel.

Under the rule, bomb trains would be subject to a voluntary speed limit of up to 50 mph through densely-populated cities.

Officials at the Federal Railroad Administration have noted that tank cars are unlikely to survive impacts at even 30 mph.

Have other federal agencies expressed concerns?

The National Transportation Safety Board says that allowing liquefied natural gas to be moved in railroad tank cars “would be detrimental to public safety,” and notes that the rule would allow the explosive substance to move across the U.S. in “unvalidated tank cars and lacking operational controls that are afforded other hazardous materials such as flammable liquids.”

In addition, the National Association of State Fire Marshals commented that, in the new rule, the federal Pipeline and Hazardous Materials Safety Administration “is not proposing any additional safety requirements on these rail cars, or the trains which transport them, despite the potential hazards of LNG product.”

The Fire Marshals added: “The combination of a lack of information with no increased safety measures is a dangerous proposition. This only serves to put the public and our first responders at even greater risk.”

In one report, the federal General Accounting Office noted that an accident involving only five rail tank cars loaded with liquid propane gas exploded over an area half a mile by three-quarters of a mile and was felt 45 miles away. Debris from the fire and explosions covered 20 blocks of Decatur, Illinois.

The General Accounting Office only considered the risk of propane tanker car explosions in its report (since liquefied natural gas tankers are not allowed due to danger), but the General Accounting Office’s concerns are equally applicable to the concerns about carrying liquefied natural gas in rail tankers:

- LPG cars travel through densely populated areas of cities, even cities which prohibit LPG storage. If large amounts of LPG or its vapor get into the sewers, subways, and other subterranean ducts in a big city, it could lead to a catastrophe.
- Sabotage of LPG cars or the trains they are part of would not be difficult.

This is precisely what happened in the Cleveland’s 1944 liquefied natural gas disaster, where liquefied natural gas spilled from a facility and flowed into the storm water system, where it vaporized and spread out under a square mile section of the city.

The final rule does not adequately address these concerns.

What's happening now?

On Aug. 18, 2020, Earthjustice filed a legal challenge to the Pipeline and Hazardous Materials Safety Administration's rule on behalf of the Center for Biological Diversity, the Clean Air Council, the Delaware Riverkeeper Network, the Environmental Confederation of Southwest Florida, the Mountain Watershed Association, and the Sierra Club. The legal action was filed in the U.S. District Court of Appeals, D.C. Circuit.

"It would only take 22 tank cars to hold the equivalent energy of the Hiroshima bomb," said Earthjustice attorney Jordan Luebke. "It's unbelievably reckless to discard the critical, long-standing safety measures we have in place to protect the public from this dangerous cargo. That's why we're filing this challenge."

The public comment period on the Pipeline and Hazardous Materials Safety Administration's proposed rule to allow trains to travel the country filled with an unprecedented amount of liquefied natural gas closed on Jan. 13, 2020. (See what the public had to say.)

Earthjustice attorneys submitted comments opposing the proposed rule, on behalf of the Center for Biological Diversity, Clean Air Council, Delaware Riverkeeper Network, Environmental Confederation of Southwest Florida, Mountain Watershed Association, and Sierra Club.

Read the comments:

There is a document reader at the link below, (the conclusion of the article) which allows you to read the 98 page comment document submitted by Earthjustice to the Pipeline and Hazardous Material Safety Administration (Dept. of Transportation, Washington DC) on January 13, 2020, objecting to the proposed rulemaking.

<https://earthjustice.org/features/liquefied-natural-gas-lng-by-rail-tanker-car>