



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

April 6, 2020 - City Council Meeting Minutes

COUNCIL REGULAR MEETING

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 McEnery-Ogle. The meeting was conducted remotely over conference call.

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

Absent: None

Also present on the call were the following: Eric Holmes, City Manager, Jonathan Young, City Attorney, Amanda Delapena, Assistant to the City Council, Jan Bader, Program and Policy Development Manager, Carol Bua, Communications Director, Brian Carlson, Interim Deputy City Manager, Chad Eiken, Community and Economic Development Director, Julie Hannon, Parks and Recreation Director and Incident Commander for the City's COVID-19 response, Guy Lennon, Airport Manager, James McElvain, Police Chief, Joe Molina, Fire Chief, Natasha Ramras, Chief Financial Officer, Dan Swensen, Interim Public Works Director, Lisa Takach, Human Resources Director, and Jordan Boldt, Executive Director for the Vancouver Farmers Market.

Approval of Minutes

Minutes - March 9, 2020

Motion by Councilmember Glover, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of March 9, 2020.

Minutes - March 16, 2020

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve the meeting minutes of March 16, 2020.

Citizen Communication (Items 1-8)

Mayor McEnerny-Ogle opened Citizen Communication for remote testimony and, receiving none, closed Citizen Communication.

Consent Agenda (Items 1-8)

Council requested Items 2 and 4 be pulled for discussion, as summarized below.

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

1. Funding Authorization for Operations and Maintenance Agreement with SP Plus for the Park 'n Go Vancouvercenter Garage

Staff Report 036-20

Summary

Vancouvercenter is a mixed-use urban development with a parking structure, apartments, retail space, commercial office space, a public plaza and condominiums.

The City has owned and operated the Vancouvercenter parking garage and a public elevator since 2001. The City's operational responsibility includes general maintenance, cleanliness, appearance, operation of the garage. Operations of the garage have been contracted out to a private party since the City acquired the garage in 2001.

In 2016, the City undertook a competitive process to identify a firm to manage the facility for the next 5 years. One firm, SP Plus, responded to the Request for Proposals. Their proposal was evaluated and references were contacted. On the basis of the evaluation conducted, SP Plus was deemed to be highly qualified and the evaluation team recommended that they be awarded a contract to manage the facility.

In 2019, the contract with SP Plus was extended until June 2021. An increase in the authorized amount of the contract is now needed to fund operations for 2020 and 2021.

Request: Authorize an increase of \$195,000 to the maximum authorized amount of the contract with SP Plus to fund services to be provided through June 2021.

Steve Kaspan, Parking Manager, 487-8658

Motion approved the request.

2. Funding Authorization for Roofing Projects (KCDA AEPA #017-F)

Staff Report 037-20

Summary

The City of Vancouver is currently piggy-backing the KCDA AEPA Roofing contract with Progressive Roofing and intends to use the services of Progressive Roofing to complete a portion of the roofing projects listed on the 2020 work plan.

Request: Authorize an increase to the maximum authorized amount of the City's KCDA Contract #17-F with Progressive Roofing from \$300,000 to \$800,000.

Justin Serface, Facilities Maintenance Supervisor, 487-8386

Motion approved the request.

Councilmember Fox asked for more information about which projects would be included under the extended contract. She also asked how that portion of Strategic Plan Goal 1, Objective 1.2 that refers to City infrastructure being environmentally responsible would pertain to these projects.

Mr. Holmes explained the two roofing projects that would be completed under the extended funding for this contract would be at the Firstenburg Community Center and the police evidence building.

Mr. Carlson explained that these two roofing projects are needed to prevent leaking and ensure those two buildings are well maintained. He stated the strategic plan alignment for this item speaks more to the maintenance portion of that statement than the environmental responsibility.

Councilmember Fox asked, in consideration of long-term maintenance projects like this, if the City is looking for opportunities to align projects with the entire strategic plan objective and find improvements to City infrastructure whenever possible, such as replacing a black roof with lighter material.

Mr. Carlson explained that these two projects are not entire roof replacements, but rather more of enhanced maintenance to prevent leaking. Mr. Holmes added that the existing roofs on both buildings are a light material.

3. **Bid Award for Water Station 9 Chemical Building**

Staff Report 038-20

Summary

Water Station 9 is a 14.3-acre site located on the north side of NE 39th St. spanning from NE 145th to 147th Avenues. The Water Station 9 site has been used for water production since the 1970s as the City assumed the Foothills Service Co. water system. The water production facility provides roughly 25% of the City's drinking water with a well pumping capacity of nearly 15 million gallons per day. Water Station 9 currently operates every day around the clock to produce safe clean drinking water for the City's water service area, which spans beyond the City of Vancouver city limits.

The Water Station 9 purpose has been and will continue to be the production of potable water, although portions of the site are open to community recreation. The site is an integral asset of the City's water supply system. In order to maintain this essential resource, the Water Station 9 improvements replace aging facilities to ensure reliability as well as safe operation by removing the potential chlorine gas handling risks.

The Water Station 9 Chemical Building will replace existing fluoridation and disinfection facilities that are located in two, separate pumphouses. The new facilities will provide updated fluoridation and disinfection systems in one location. In addition to a modern installation, the current disinfection medium, chlorine gas, will be replaced with a low-strength sodium hypochlorite solution (0.8%). The sodium hypochlorite solution will be generated and stored within the new building utilizing salt, water and electricity. In August of 2015, City Council approved a contract to purchase the Sodium Hypochlorite Generation Units with Process Solutions, Inc. (see Item 4. of the August 24, 2015 Council Meeting Minutes). This will be the third equipment installation under that contract.

The existing fluoridation methods will be followed with a few additional controls incorporated into the sodium fluoride batch solution process.

On June 13, 2016, the City entered into a professional service agreement with Stantec Engineers, formerly MWH Americas, to plan and design water production and treatment systems. Project plans and specifications were completed in December 2019 with the City advertising the project for bids on January 28, 2020. If the contract is awarded, construction is anticipated to start in May 2020 and last up to 180 working days.

On March 10, 2020, the City received five (5) total bids of which three (3) were responsive for the subject project. The responsive bids ranged between \$1,803,329.15 and \$1,938,189.83. The bids are as follows:

SUMMARY OF RESPONSIVE BIDS	
BIDDER	AMOUNT
<i>Rotschy Inc., Vancouver, WA</i>	<i>\$1,803,239.15</i>
<i>McClure and Sons, Mill Creek, WA</i>	<i>\$1,852,279.58</i>
<i>Clackamas Construction, Boring, OR</i>	<i>\$1,938,189.83</i>
<i>Lee Contractors, Battle Ground, WA</i>	<i>Non-responsive</i>
<i>JH Kelly, Longview, WA</i>	<i>Non-responsive</i>
<i>Engineers' Estimate with tax</i>	<i>\$1,626,000.00</i>

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

Contractor acknowledges the City's desire for Apprenticeship Utilization on this project and is anticipating exceeding the 4% goal.

Request: Award a construction contract for the Water Station 9 Chemical Building project to the lowest responsive and responsible bidder, Rotschy Inc. of Vancouver, WA at their bid price of \$1,803,329.15, which includes Washington State sales tax; authorize the City Manager to take any legal action necessary to enforce the terms of the same.

Tyler Clary, Water Engineering Program Manager, 487-7169

Motion approved the request.

4. Professional service agreement for the Water Station 5 (Devine Road) Reservoir and Pump Station project (RFQ 32-19).

Staff Report 039-20

Summary

Vancouver water facilities are spread out over a 72-square-mile water service area spanning beyond the city limits and serve nearly 260,000 residents. The City owns and operates over a thousand miles of water pipe and eleven water stations that include four ground level reservoirs and five water towers capable of storing approximately 23 million gallons of water. Water Station 5 is located east of I-5 along the north side of East Mill Plain Boulevard and just west of Devine Road, in the Heights Redevelopment District, next to Fire Station 3. Water Station 5 is unique from other water stations in that it includes no water production wells and its main purpose is the storage of 8.75 million gallons of water. Water Station 5 supplies clean

drinking water to customers in two elevation ranges that cover over half of the City's water service area.

The major facilities on the Water Station 5 site are a rectangular shaped concrete ground level water storage reservoir, an elevated steel water tower, and a booster pump station. The ground level reservoir holds 8 million gallons of water, making it the largest reservoir owned and operated by the City. The booster pump station lifts water from the ground level reservoir to an adjacent 129-foot tall 750,000 gallon steel water tower to serve higher elevation customers.

Water storage facilities are deemed critical infrastructure needed to supply water for fire-fighting, consumption, and sanitation as part of normal daily operations as well as in the aftermath of an earthquake. The 8 million gallon reservoir was constructed in 1944. The steel water tower and pump station were constructed in 1955 and 1956 respectively. The aging water facilities were evaluated for seismic resiliency with a study completed in 2015, which found the facilities in need of structural improvements. A cost analysis prepared with the study found the steel water tower could be economically retrofitted with structural improvements for seismic resiliency. The steel water tower was seismically upgraded in 2017. The analysis showed the cost of structural retrofits to the existing ground level reservoir would be significant enough to warrant full replacement. The project to replace the reservoir and pump station has been identified in the City of Vancouver's approved 2015 Comprehensive Water System Plan and further listed in the water utility's Capital Improvement Program.

A conceptual site plan and preliminary design report developed in 2019 shows the site can accommodate two new 4 million gallon circular concrete reservoirs in place of the existing 8 million gallon rectangular reservoir. The two circular concrete reservoirs will be pre-stressed, wire wrapped concrete tanks selected for their seismic resiliency and cost effectiveness. The two proposed 4 million gallon reservoirs will provide system redundancy with the ability to isolate one reservoir at a time for maintenance and not disrupt service to customers. With the finalization of the conceptual site plan, the project is ready to move forward with final design, planning, and permitting.

The City invited professional engineering firms with experience in water reservoir and pump station design to submit statements of qualifications for providing professional services on December 11, 2019. The engineering firm Jacobs submitted a proposal which was evaluated and selected based on their extensive experience with water system reservoir design.

The Professional Service Agreement will provide for Jacobs to design and develop the final plans and specifications for the City to fully replace the reservoir and pump station. In addition, the project design will include backup power to the booster pump station, improve site security, and install

frontage improvements along the Mill Plain corridor in coordination with the Heights Redevelopment District. The scope of work also includes assistance from Jacobs during the construction phase to provide technical support while City construction staff manages the project. Negotiations have refined the scope with Jacobs to that which is in the attached document. The Professional Services Agreement is for the cost of work not to exceed \$3,044,746.00. The project schedule is to complete the design work over the course of the next year to facilitate a bid opening in the spring of 2021 for construction to start later in the summer.

An early estimate for the cost of construction of this project is \$24 million and the City is seeking a federal hazard mitigation assistance grant from FEMA. The grant could be awarded in an amount up to \$10 million to help pay for the seismic improvements, but it is unknown at this time if the project will receive any assistance. If federal funding is received, it will entail additional engineering work to follow federal grant requirements. Approval of this professional service agreement will include allowing City staff to administratively amend the contract in an amount not to exceed 10% of the original contract amount for additional engineering work, if needed.

Request: Authorize the City Manager or his designee to execute a professional services agreement between the City of Vancouver and Jacobs for an estimated amount not to exceed \$3,044,746.00; authorize the City Manager to take any legal action necessary to enforce the terms of the same.

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

Motion approved the request.

Councilmember Fox stated she did not see anything in the proposed professional services agreement (PSA) that would require the facility to be designed at a higher LEED or other sustainability standard where there are opportunities to do so, such as in the landscaping, roofing or generator.

Mr. Swensen stated that with this PSA, the City is employing the designer of the project, and will take advantage of opportunities to add to the scope the exploration of sustainable design standards where those opportunities exist; however, he explained this particular project does not have a lot of LEED standard opportunities. Part of the scope for the designer will be to coordinate the frontage along Mill Plain Boulevard with the Heights District project, and staff could discuss with the designer whether sustainability standards would make sense in this area.

Councilmember Fox asked whether further iterations of the design for this project will come back before Council before being finalized. Mr Holmes stated that because of the magnitude and significance of this

project, there will be multiple touches with Council throughout the design process. He added that this discussion is consistent with previous conversations with the City Council and direction to staff that as predesign work like this is being done, the City should be pursuing and incorporating sustainable design elements wherever practical. And there may be cost benefits as part of that, and staff can touch base with Council on those points at the time staff brings design benchmarks before Council.

Councilmember Stober reiterated that this Council seems to be much more interested in advancing the City's design standards to be much more energy efficient, and the question is how does the City get there and how can it be looking at every single project and see where improvements can be made.

5. **Washington State Department of Transportation, Aviation Division Grant for Pearson Field**

Staff Report 040-20

A RESOLUTION authorizing the City of Vancouver to apply for a Washington State Department of Transportation, Aviation Division, Airport Aid grant to fund rehabilitation of the taxiway and apron at Pearson Field Airport.

Summary

The City of Vancouver is receiving a grant from the Federal Aviation Administration (FAA) to fund rehabilitation of the taxiway and apron pavement at Pearson Field Airport in 2020. The project includes grinding off the old asphalt, repaving the taxiway, re-striping, new taxiway signage and crack repair and pavement slurry seal of the apron. Total cost of the project is estimated to be \$1,809,096. The FAA grant will pay for 90% of the project. WSDOT Aviation Division has Airport Aid grants that can be used as a 5% match for the project. The City, through the Pearson Field budget, would be responsible for the remaining 5%. The grant application requires a resolution indicating the City Council's authorization to apply for the grant.

Request: Adopt a resolution authorizing the City to apply for the Washington State Department of Transportation, Aviation Division, Airport Aid grant for the rehabilitation of taxiway and apron pavement at Pearson Field.

Guy Lennon, Airport Manager, 487-8619

Motion adopted Resolution M-4062 and approved the request.

6. **Suspension of base business fee and business license surcharge from April 1, 2020, through March 31, 2021**

Staff Report 041-20

AN ORDINANCE regarding the Business License Fee (VMC 5.04.090) and Business License Fee Surcharge (VMC 5.04.095) suspending the business license fee and business license fee surcharge for renewals during the twelve (12) calendar months beginning on April 1, 2020; providing for implementation of such suspension; and providing for an effective date.

Summary

The City of Vancouver requires businesses located in the incorporated city limits to obtain a business license and pay a fee of \$200 per location plus a \$90 per full time employee business license fee surcharge annually. On an annual basis, this revenue source generates approximately \$5.5 million for the City. The fees fund police staffing, increased over the last four years, and transportation programs.

Businesses renew their licenses once annually. Those that have already renewed for 2020 would see their paid fees covering year 2021.

Coronavirus (COVID-19) pandemic has put a strain on Vancouver businesses, and many business have ceased operations to comply with Governor Inslee's orders.

The City would like to provide financial help to the negatively impacted businesses by suspending the business license fee and surcharge for a 12-month period beginning on April 1, 2020.

Vancouver Police Department has staff vacancies due to the normal attrition and will likely generate some savings during the remainder of the year to offset the forgone revenue resulting from suspension of the fees. Transportation will delay projects that were anticipated to be funded by the business license fee surcharge until 2021.

Request: On Monday, April 6, 2020, approve the ordinance on first reading, setting the date of second reading and public hearing for Monday, April 20, 2020.

Natasha Ramras, Chief Financial Officer, 487-8484

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

Motion approved the request.

7. **Approval of Memorandum of Understanding/Interlocal Agreement Leasing Reserve Fire Engine to Clark County Fire District No. 10**

Staff Report 042-20

Summary

On March 30, 2020, one of Clark County Fire District No. 10's fire engines rolled over while responding to a call believed to be a potential COVID-19 case. As a result, that engine is now inoperable and diminishes District 10's ability to respond to fire/EMS calls during this unprecedented time.

The City of Vancouver Fire Department operates a fleet of ten (10) active fire engines with four (4) fire engines in reserve status. These reserve engines are available and are fully operational in the event one of the active engines breaks down or additional engines are needed beyond the active fleet's capabilities. Within the next two weeks, the City of Vancouver will obtain a new fire engine, which will become fully operational and replace one of the engines in the active fleet once the Fire Operations Maintenance crew configure the apparatus to be response ready. It is anticipated the new fire engine will be available and fully operational within two months. At that point, the new engine would replace an engine in the active fleet, and the City would surplus one of its reserve fire engines. Until that happens, however, the City is able to lease one of its reserve engines to District 10 to enable it to remain response ready while not diminishing VFD's ability to respond to calls within the City's jurisdiction. The proposed MOU/Interlocal Agreement would extend only until such time as the City surplused the leased fire engine, at which point District 10 could purchase it from the City.

Request: Authorize the City Manager and/or Fire Chief or designee to execute documents to lease one of the Vancouver Fire Department's reserve fire engines to Clark County Fire District No. 10 until such time as the City designates that engine as surplus.

Doug Koellermeier, Deputy Fire Chief, 487-7218

Motion approved the request.

8. **Approval of Claim Vouchers**

Request: Approve claim vouchers for April 6, 2020.

Motion approved the claim vouchers for April 6, 2020, in the amount of \$20,086,338.86

Old Business:

9. Vancouver COVID-19 Emergency Response and Presentation of Emergency Orders

A RESOLUTION ratifying and confirming Emergency Orders 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07 and 2020-08, as issued by the Vancouver City Manager.

Request: Adopt a resolution ratifying Emergency Orders 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07 and 2020-08.

Mr. Holmes provided a high-level overview of the emergency declarations at the state and local levels.

Mr. Young provided an overview of the legal and regulatory framework pertaining to the City's emergency orders. He noted there may be a perception that during times of declared emergencies, cities can operate with unlimited power, but that is not the case. There are legal constraints both within City code and state law that guide what authority the City has under such circumstances.

Mr. Holmes summarized the City's operational response to the COVID-19 pandemic, including an update on the City's Emergency Operations Center (EOC), interim leadership assignments, and impact to the City's workforce.

Mr. Holmes then summarized the provisions within each of the emergency orders before Council for ratification.

Councilmember Paulsen thanked the City Manager for the quick and decisive actions he has taken to date to respond to the pandemic.

Following the summary of Emergency Order 2020-04, Councilmember Hansen asked whether drive-through testing will soon be available for first responders. Mr Holmes stated that within the last 48 hours public health officials had confirmed such availability within Clark County; prior to that, first responders had to go to Oregon for this testing. Chief Molina confirmed Clark County locations and stated local agencies are also working with Vancouver Clinic to establish potential testing locations.

Following the summary of Emergency Order 2020-05, Councilmember Lebowsky noted that Governor Inslee had just extended the "Stay Home -Stay Healthy" proclamation through May 4 and asked whether the City's emergency declaration and orders would likewise be extended.

Mr. Holmes explained he is in the process of working with his leadership team on extending some of the City's orders, but given the Governor's extension occurred just a few days before this Council meeting, there had not been time to thoroughly examine which orders should be extended past April 30. He noted that some of the orders the City may not want to or be able to extend further, but he needs to further examine the economic realities and impacts of the orders.

Regarding Emergency Order 2020-07, Mr. Holmes explained the order covers three primary areas: the ability for the Vancouver Farmers Market to re-open in a modified format consistent with the Governor's stay home order; expansion of the City's utility rate assistance programs; and suspension of fees related to business licenses and business license surcharges (BLS). He noted the ordinance Council approved on first reading under the Consent Agenda would extend that suspension for 12 months.

Mayor McEnerny-Ogle asked Council for questions pertaining to the utility assistance and suspension of BLS first, noting there have been a number of questions and concerns raised regarding the Farmers Market. She stated Mr. Boldt was present on the call to help walk Council through those comments.

Councilmember Fox stated she is encouraged the City is doing everything it can to assist small businesses and other business. She stated she fully supports the suspension of the fees.

Councilmember Paulsen stated he appreciates the City Manager's quick and decisive action to first recognize what needed to be done immediately to react in real time to the pandemic, but then as time has moved on to also consider and enact proactive measures, such as the utility ratepayer assistance programs, to do what the City can to lessen the impact to individuals in the community.

Councilmember Lebowsky echoed these statements and stated she supports suspension of the BLS fees, noting the City wants to support small businesses in the community as they make up a vast majority of the businesses in Vancouver. She stated she also had asked the City Manager earlier about police officer hiring and appreciates the City will continue to make every effort to hire officers at this time.

Councilmember Glover stated she is proud the City has been able to move and react quickly to try to find every way it can support businesses.

Councilmember Stober echoed the statements of the other Councilmembers and noted that it took four years for the previous recession to really start to impact City operations, but this time it is happening at an unprecedented rate. At only a month into the pandemic the economy has ground to a halt in a way that took years the last time around.

Councilmember Hansen asked whether the H2O fund to assist utility ratepayers is set up as it has been in the past where ratepayers

would work through Clark Public Utilities (CPU) to determine their eligibility for not only that program but other assistance programs available through CPU to assist with their water and electric bills all in one place. Mr. Holmes confirmed that is the case.

Mr. Holmes then provided an overview of the portion of the emergency order pertaining to the ability to reopen the Vancouver Farmers Market. He explained that under Governor Inslee's order, farmers markets are considered as essential sectors, similar to grocery stores. He stated the Vancouver Farmers Market has been consulting with Clark County Public Health and looking at guidance provided by public health organizations in Oregon and Washington, as well as working with City staff on potential reconfiguration and scaling of what a tightly managed market would look like, keeping in compliance with both the prevention mechanisms identified as well as with the Governor's orders. He explained that this emergency order reflects an authority for the market perceived under a modified operating format: the number of booths would be cut to about one-quarter the normal size of the market, vendors would only be allowed to sell fresh and freshly prepared foods, and there would be secured entrances, social distancing measures in place, and designated pick-up areas.

Mr. Holmes noted that the only reason the City is involved with regulating the farmers market in this way is because the market occurs on publicly owned property, and if it were to occur on private property, the City would not have much say in whether it is open because it falls within the definition of essential services under the Governor's order and would be allowed to proceed with appropriate prevention measures in place.

Mayor McEnerny-Ogle asked if vendors will be required to wear masks and gloves. Mr. Boldt stated vendors on site will be wearing masks, and anyone who interacts with the products at any point in the supply chain will be wearing gloves. At the booths, workers will be sanitizing between all interactions with the public.

Councilmember Fox noted she has been involved in discussions regarding the Farmers Market as the Council's representative to the EOC and has heard various iterations of the modified operations plan over the past few weeks. She asked how the market plans to help customers understand what to expect as far as the limited entrance points when people are used to the market having multiple entrance points. Mr. Boldt explained there will be signage and staff monitoring social distancing. He stated the areas that might be entrance points normally would be roped off to limit access to the designated entry points.

Councilmember Fox asked for more information about donation boxes. Mr. Boldt explained the market contracts with the City to use its employee parking lot to the west of City Hall during weekend market days, and people often will make donations to local food programs to the market staff who work at the entrance to that lot. Given public health guidance about limiting hand-to-hand cash handling, the market would provide a box or something of the like for

people to leave their donations rather than giving them to the parking attendant.

Councilmember Paulsen asked whether the City generates any revenue from the Farmers Market. Mr. Holmes explained it does not, except for a \$14,000 rental fee for use of the parking lot, which is a longstanding contract and not unique to this particular modified iteration of the market.

Councilmember Paulsen asked Mr. Boldt to describe the general landscape right now in Washington as it pertains to what farmers markets look like. Mr. Boldt explained it looks very different and not how people imagine bustling farmers markets. He stated markets are distancing booth spaces, doing staggered entries, pick-up and drop-off areas. He stated he has been in contact with a number of large markets, such as those in San Francisco and New York City, and learning about their experiences and lessons learned.

Councilmember Paulsen asked how soon the Vancouver Farmers Market might be able to implement online ordering for pick-up or delivery from vendors. Mr. Boldt stated the level of online services available from the market's vendors varies greatly with some being able to provide sophisticated online ordering options and others that are not. He stated the market is currently focused on getting the vendors up to speed with online orders and assisting with customers' access to the vendors online. He stated the market is exploring how to better facilitate this. He noted that the market is uniquely set up in a way to service low-income families using SNAP or other food benefits, as well as matching programs. But those programs are legally only in place for use at a physical farmers market, so he is working with the state to figure out how to do that in a better format for people.

Councilmember Paulsen asked Mr. Boldt to elaborate on the collaboration he has had with Clark County Public Health. Mr. Boldt stated the market reached out to Public Health over a month ago to see what standards existed in light of the evolving pandemic. He stated there was not a lot at that time but as things have progressed, the market has worked hand-in-hand with Public Health to develop a modified operations plan. He also noted the market has been working with the Washington Department of Health and Department of Agriculture, stating there is a lot of fear in regards to harvesting, as a lot of product is distributed from California and working with local farmers may become vital to fill the gap if that supply and distribution line is disrupted.

Councilmember Paulsen asked for more information about the matching grants for low-income customers. Mr. Boldt explained the market serviced 1,750 SNAP clients in 2019 who are able to run their cards at the market and then the market provides them with an additional \$10 to spend on food, through a state grant. He noted that many of the market's SNAP customers come from the downtown area to shop.

Councilmember Paulsen asked for more information about social distancing monitoring, particularly in the areas outside of the designated market where

people might start queuing to get in. Mr. Boldt stated it would be set up similarly to grocery stores with markers on the ground for lines. He stated social distancing monitors would encourage people to move through the market in a responsible way, and there would be abundant signage with clear directions and expectations as to customer and vendor behavior .

Councilmember Lebowsky stated the most important issue is health and safety, and she stated she appreciates seeing a detailed plan the market worked on with public health. She asked how the market will communicate to the public that if it opens up under this modified plan, it will not be as a public event meant for leisure and socialization, but as a provider of groceries to people especially in the downtown area. She noted that there may be a digital divide particularly for low-income people, so relying on social media and internet resources alone may not be sufficient. Mr. Boldt stated the market has a lot of ongoing relationships with its customers and with organizations in the community who work with low-income families, and they would be working with those agencies to also help get the word out.

Councilmember Glover commended Mr. Boldt and the market for all of the work they have done leading up to this point to develop a modified operations plan that would allow them to continue to help deliver fresh food to residents. She asked what the feasibility would be of market staff orchestrating online ordering. Mr. Boldt stated there are a lot of logistical challenges with that, but the market is working on offering increasingly better solutions, as well as looking at potential private and public partners and grants that might help them better facilitate something like that.

Councilmember Stober stated this discussion illustrates the need for Clark County to protect and preserve as many local farmers as possible because the next emergency might be a natural disaster that abruptly cuts off that supply chain. He stated a vast majority of concerns he has heard about the Farmers Market relates to people being too close to one another and he asked if there are other locations, such as the City's west parking lot, where the market could be located under this modified plan. Mr. Boldt stated there is a whole set of issues with moving a market, but as far as the space along the street, he stated the space between vendors is significantly wider than an average grocery store aisle. He stated he has also seen attendance numbers at markets in Portland significantly drop. He stated he does not know that another location would provide for more space than what is already provided for, but an alternate location is not off the table.

Councilmember Stober noted the difference between the market and a grocery store is a grocery store is not located underneath someone's home, as the market is for some residents living in buildings downtown, and people go to a store and then can leave. He stated he is concerned with the location along Esther Street and thinks a different location would be safer.

Councilmember Stober also asked for clarification as to what kinds of foods would be allowed. Mr. Boldt stated hot food packaged to go would not be acceptable under the market's guidelines, only foods for at-home consumption will be allowed.

Councilmember Hansen asked the City Attorney what authority the City has as far as keeping the market closed. Mr. Young stated the City's authority is limited as to whether or not the market is allowed to use a public forum, like City right-of-way, and if so, under what circumstances it can be opened. The City cannot outright prohibit the market from opening on property not owned by the City.

Mayor McEnerny-Ogle asked how market staff would monitor physical distancing and how they would be identified by patrons. Mr. Boldt stated the market staff will be wearing identification, and he said they are comfortable with enforcing rules and guidelines on a normal basis, noting this will be arduous in a different way but he is confident in the market staff's abilities. He also stated each vendor would have an employee assigned to monitoring the safety and distancing guidelines.

Mayor McEnerny-Ogle asked when the market was targeting to reopen. Mr. Boldt stated it will depend on the City's decisions. He stated the market serves in partnership with the City and it is the market's intention to work with the City and ensure that when the market reopens, everyone is comfortable and on board with the operations plan.

Mr. Young clarified that if the Council ratifies this emergency order, it would allow the market to reopen provided that two factors are met. First, a modified operations plan would have to be in place for the City to issue an operating permit. Second, the City would need to issue a fire life safety permit. A Council vote to ratify this order puts in place a pathway for that two-step process to occur. At Council's discretion, there could be additional touches before the Council on the operations prior to either permit being issued.

Mr. Holmes then summarized Emergency Order 2020-08.

Regarding the requirement that inspection staff wear personal protective equipment when entering a home, Mayor McEnerny-Ogle asked if that has to be medical grade equipment. Mr. Holmes stated additional guidance on that is under development, but the initial thought is it would not be medical grade equipment, but fresh or previously unused equipment, so as to not further strain the supplies needed by medical personnel.

Regarding the limitations on foreclosures and on evictions, Councilmember Stober asked whether the Council wants to go further and also prohibit property owners from charging late fees to tenants who miss payments. He stated Mr. Young has advised not go down that road, as he believes the City is pre-empted by state law on this matter and such action could put the City at risk for litigation. At the same time, he said a number of other Washington jurisdictions have taken similar actions and it is worth the discussion.

Councilmember Fox stated she has noticed a lot of confusion about what can and cannot happen between landlords and tenants, so she supports getting more information out to the public to help lessen the confusion and fear. But she said she is not inclined to direct staff to put together any sort of action

where the City does not have any real implementation power or where it does not have an effect on the situation at hand

Councilmember Paulsen stated this is first and foremost a public health crisis, which needs to be addressed first, and then the City can consider the economic impacts. He stated he supports moving forward with what the City Manager had ordered, knowing in all likelihood that the impact to tenants will not end on April 30 when this order would expire. He stated he would be open to something broader down the road if necessary, but he is comfortable with the current version of the order.

Councilmember Lebowsky stated she would be supportive of Councilmember Stober's proposal but questioned how it could be implemented and asked if there was case law on this issue. Mr. Young stated there is not much case law about this as these kinds of emergencies happen so rarely. He stated the issue here is one of legal liability from a taking standpoint, and also a question of equity. He stated that when the government has substantially deprived a property owner of the value of their property, that constitutes a taking, and the government is responsible. This could also involve months or years of litigation in order to resolve the question of how much rent the City has forgiven. In addition, property owners have a reasonable expectation of making an income off of their rental properties. Additionally, he stated there is a more practical question of whether such a locally imposed action would actually accomplish anything given that the local courts are not hearing any non-emergency civil matters through April 24, and there is a proclamation from the Governor placing a moratorium on residential evictions.

Councilmember Glover stated she concurs with Councilmember Fox and agrees these emergency orders have established a strong foundation, acknowledging that the landscape will likely look much different within two weeks. She stated she is comfortable moving forward with the emergency orders as presented.

Councilmember Hansen stated he agrees with Councilmember Paulsen, and supports the City Manager's orders and re-evaluating the situation in two weeks when the Council meets again.

Councilmember Paulsen noted the Council had made several suggestions regarding the Farmers Market operations and requesting further Council review before permits are issued. He asked if additional action is needed to ensure that occurs. Mr. Holmes stated additional action is not necessary. He said the Council discussion has been clear that the Vancouver Farmers Market is an essential service under the Governor's order, there are potential modifications the Council would like staff to explore with the market, and he can report back to Council on April 20 the results of that. He stated all of this can occur within the emergency order as it stands.

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to adopt Resolution M-4063 ratifying Emergency Orders 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07 and 2020-08.

Communications

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

Adjournment

9:28 p.m.

DocuSigned by:

Anne McEnery-Ogle

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Anne McEnery-Ogle, Mayor

Attest:

DocuSigned by:

Natasha Ramras

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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.