



City Council Meeting Minutes

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

Anne McEnerny-Ogle, Mayor • Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

February 5, 2024

WORKSHOPS: 4:00-5:00 p.m.

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

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

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

https://www.cvtv.org/vid_link/36235?startStreamAt=0&stopStreamAt=3335

Equity and Inclusion Update

(Approximately 1 hour)

Alicia Sojourner, Diversity, Equity and Inclusion Director, 360-487-8618

Summary

Staff led Council through a discussion of the Equity and Inclusion Update.

EXECUTIVE SESSION RE: PENDING AND POTENTIAL LITIGATION (RCW 42.30.110) (1.25 HR)

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 5:00-6:15 p.m. to discuss Pending and Potential Litigation.

COUNCIL DINNER/ADMINISTRATIVE UPDATES (6:15-6:30 PM)

COUNCIL REGULAR MEETING

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

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit:

https://www.cvtv.org/vid_link/36237?startStreamAt=0&stopStreamAt=2069

Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnery-Ogle. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

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

Absent: None

Governor's Award Ceremony

Mayor McEnery-Ogle, Rebecca Kennedy, Deputy Community Development Director, and Amy Stewart, Real Estate Project Manager, received the award from the Washington Governor's Smart Communities Awards for the Heights District Master Plan.

Approval of Minutes

Minutes - January 8, 2024

Motion by Councilmember Hansen, seconded by Councilmember Perez, and carried unanimously to approve the meeting minutes of January 8, 2024.

Community Communications

Mayor McEnerny-Ogle opened Community Communication and received testimony from the following community members regarding any matter on the agenda not scheduled for a Public Hearing:

- Kimberlee Goheen Elbon, La Center, WA

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

Consent Agenda (Items 1-9)

Council pulled item 6 for discussion.

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve items 1-5 and 7-9 on the Consent Agenda.

Item 6 was remanded back to staff.

1. **Bid Award for SE 17th St Outfall Improvements per Bid #23-42**

Staff Report: 021-24

Runoff from the project area, part of the Columbia Slope, drains to a City of Vancouver stormwater system prior to discharge to the Columbia River. An existing portion of the stormwater system has degraded and no longer has capacity to convey the stormwater, which leads to stormwater overflow, localized flooding and property damage at two private properties on SE 17th St.

The project will replace 430 linear feet of corrugated metal storm main with a more resilient and higher capacity polyethylene storm main. The project will eliminate the overflow condition and provide a safe, maintainable system that limits the risk of damage to private property due to flooding.

On 12/19/2023, the City received 10 bids for the subject project. The bids ranged between \$424,375 and \$997,000. The low bidder was responsive. The bids are as follows:

| SUMMARY OF BIDS | |
|--|---------------|
| BIDDER | AMOUNT |
| Jeffries Company, Woodland, Washington | \$424,375.00 |
| Golf Construction, Vancouver, Washington | \$494,835.00 |
| Nylund Inc, Brush Prairie, Washington | \$521,867.32 |
| SLE Inc, Vancouver, Washington | \$528,775.75 |
| Odyssey Contracting, Vancouver, Washington | \$543,373.00 |
| Nutter Corporation, Vancouver, Washington | \$655,835.00 |
| JQ Construction Inc, Beaverton, Oregon | \$711,207.00 |
| Tapani, Inc., Battle Ground, Washington | \$751,985.00 |
| Angelo Underground, Portland, Oregon | \$920,920.00 |
| Advanced Excavating, Kelso, Washington | \$997,000.00 |
| Engineers' Estimate | \$475,000.00 |

There is no apprenticeship utilization goal as this project value does not meet the minimum threshold.

Request: On 2/5/2024, award a construction contract for the SE 17th St Outfall Improvements project to the lowest responsive and responsible bidder, Jeffries Company of Woodland, Washington, USA at their bid price of \$424,375.00, and authorize the City Manager or designee to execute the same.

Aron Rice, Civil Engineer, 360-487-7170

Motion approved the request.

2. 2024 Fourth Plain Blvd Curb Ramps – E Reserve St to NE Andresen Rd

Staff Report: 022-24

The City is issuing three separate curb ramp contracts this year as part of its 2024 pavement management program. These contracts include the “2024 Fourth Plain Blvd Curb Ramps – E Reserve St to NE Andresen Rd”, the “2024 East Curb Ramps”, and the “2024 West Curb Ramps”. The purpose of splitting the work into three contracts is to reduce each contract to a manageable size, which helps expedite ramp construction. From a construction sequencing standpoint, it is far more efficient to construct the new curb ramps in advance of the on-street pavement management resurfacing work.

This staff report and recommended action is to award the 2024 Fourth Plain Blvd Curb Ramps – E Reserve St to NE Andresen Rd contract only. Recommendations to award the East Curb Ramps project and West Curb Ramps project will come to Council at a later time.

On January 9, 2024, the City received seven bids for the subject project. The bids ranged between \$1,037,985 to \$1,696,802.25. The low bidder was responsive. The bids are as follows:

| SUMMARY OF BIDS | |
|--|-----------------------|
| BIDDER | AMOUNT |
| Grade Werks Excavating, LLC, Battle Ground, WA | \$1,037,985.00 |
| Western United Civil Group, LLC, Yacolt, WA | \$1,046,414.00 |
| Tikka Masonry, Inc., Battle Ground, WA | \$1,200,885.00 |
| Halme Excavating, Inc., Battle Ground, WA | \$1,222,990.00 |
| Clark & Sons Excavating, Inc., Battle Ground, WA | \$1,256,946.50 |
| Advanced Excavating Specialists, Kelso, WA | \$1,324,800.00 |
| MJ Hughes Construction, Vancouver, WA | \$1,696,802.25 |
| <i>Engineers' Estimate</i> | <i>\$1,400,000.00</i> |

There is a minimum apprenticeship goal of 3% of the utilized labor hours for this

project. Grade Werks Excavating, LLC, Battle Ground, Washington has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 200 hours of apprentice time of the estimated a total of 4280 applicable labor hours for the project.

Request: On February 5, 2024, award a construction contract for the 2024 Fourth Plain Blvd Curb Ramps – E Reserve St to NE Andresen Rd project to the lowest responsive and responsible bidder, and authorize the City Manager or his designee to sign a contract with Grade Werks Excavating, LLC, Battle Ground, WA at their bid price of \$1,037,985.00, which includes Washington State sales tax.

Chris Sneider, Senior Civil Engineer, 360-487-8239

Motion approved the request.

3. Approval of Purchasing Authority for Annual Asphaltic Concrete from Lakeside Industries, Inc.

Staff Report: 023-24

The City currently purchases asphalt products from Lakeside Industries, Inc. through their contract with Clark County (#2729). Total purchases from this contract are about to exceed the \$300,000 threshold requiring approval of Council. This will enable the Public Works department to continue to utilize this contract to purchase asphalt concrete and materials to take advantage of this competitive price.

Public works has ongoing, annual needs for asphalt and related products of approximately \$200,000 - \$250,000 per year and is requesting Council approve the increased spending with Lakeside Industries, Inc. up to a \$1,200,000 threshold against this contract, which is currently good through July 25, 2024, with eligible yearly extensions through July 25, 2027.

Request: Approve purchasing authority related to the Clark County Contract #2729 with Lakeside Industries, Inc. in an amount not to exceed \$1,200,000 through July 25, 2027.

Ryan Miles, Engineering Program Manager, 360-487-7708

Motion approved the request.

4. Increase purchasing on Sourcewell Contract 12201-SCA for Hydro Excavator Truck

Staff Report: 024-24

One of the Water Department's hydro-excavation trucks is due for replacement. The department demoed three different truck manufactures at multiple job sites and RamVac performed the best. Since this purchase will exceed the current contract's \$300,000 spending threshold, Fleet Service's staff is requesting that the contract be amended for purchases to be made according to the departments' current authorized budget in place of setting a new spending

threshold.

Request: Authorize the City Manager or their designee to approve purchases under C-101548: Sourcewell 101221-SCA for the life of the contact with SWS Equipment up to the current authorized budget.

Jake Mahan, Senior Management Analyst, 360-487-8195

Motion approved the request.

5. Interlocal Agreement with Clark County - Whatley Pit

Staff Report: 025-24

The City of Vancouver has been partnering with Clark County for use of the Whatley Pit facility since 1994. Clark County manages and staffs the facility, permitting the City of Vancouver, and other local public agencies with the opportunity to deposit, process and properly dispose of street sweeping and collected stormwater liquids and solids collected within the boundaries of the City. The Whatley Pit facility is owned and maintained by Clark County, however, the City of Vancouver, and other public agencies compose a Steering Committee, who participate in an advisory role to assist with management of the facility.

Initially constructed by Clark County, the City of Vancouver has financially contributed towards two additional phases of expansion and capital improvements of the facility. The City has contributed close to \$160,000 since 2000, participating in the expansion of the decant facility, as well as the improvement and expansion of stormwater facilities and impervious surfacing to add street sweeping bays.

The attached Interlocal Agreement renews this partnership with the County, setting forth the terms and conditions under which the City will continue to use this critical facility for the next four years.

Request: Authorize City Manager to approve, sign, and execute the attached 2024 Interlocal Agreement.

Brian Potter, Operations Superintendent, 360-487-8323

Motion approved the request.

6. Washington Department of Commerce Climate Planning Grant 2023-25 Award

Staff Report: 026-24

The Washington State Department of Commerce has awarded the City of Vancouver \$575,000 in Climate Planning Grant funds as part of Washington State's Growth Management Act[1] amendment House Bill 1181 (Chapter 228, Laws of 2023), which requires climate action to be integrated into local comprehensive plans.

Climate planning activities required for the City of Vancouver's Comprehensive Plan include changes to land use, transportation systems, climate resilience, and reduction of greenhouse gas emissions.

Much of the required climate planning work specific to greenhouse gas emission reduction was completed in 2020-2022 as part of the development and adoption of Vancouver's Climate Action Framework. This puts Vancouver in a highly favorable position to take on new projects that will support further development of climate resilience elements and greenhouse gas reduction recommendations from the CAF. These projects are as follows:

| Vancouver Climate Planning 2023-25 Grant Projects | Commerce Grant Funds |
|--|-----------------------------|
| Citywide electric vehicle charging strategy | \$100,000 |
| Asset vulnerability mapping | \$100,000 |
| Citywide commercial building decarbonization strategy | \$175,000 |
| Low carbon transportation acceleration strategy | \$200,000 |
| 2023 Total Award based on four current projects: (Note: A \$700,000 Max available through 2029) | \$575,000 |

This grant award term ends June 30, 2025. Note that this \$575,000 grant is a partial allocation from a larger, non-competitive formula grant totaling \$700,000 that Commerce has set aside for Vancouver to assist in completing Comprehensive Plan revisions and enhance climate-related implementation activities. The City has until 2029 to apply for and use the remaining portion (\$125,000) of this allocation.

Request: Authorize the City Manager or designee to execute an interlocal agreement with Commerce to accept Climate Planning Grant funds from Commerce and take any and all action necessary to enforce the terms thereof.

Rebecca Small, Senior Policy Analyst, 360-487-8601; Rebecca Kennedy, Deputy Community Development Director, 360-487-7896

Remanded back to staff.

7. Fourth Plain Commons Condominium Agreement approval

Staff Report: 027-24

In 2015, the City of Vancouver worked with the community to develop the Fourth Plain Forward Action Plan, a framework for equitable development on the Fourth Plain that focuses on supporting small businesses, building community capacity, addressing pedestrian safety issues, and increasing access to economic opportunity and affordable housing near transit.

In alignment with multiple goals of the City's 2015 Fourth Plain Forward Action

Plan, the City of Vancouver and Vancouver Housing Authority partnered to make a catalytic investment in the Fourth Plain community that will provide family-sized affordable housing, up-stream services for both businesses and residents, and much needed community spaces, all near schools and other community services and on a high-capacity transit line (The Vine BRT).

The Fourth Plain Community Commons includes 106 affordable housing units that are owned and operated by the Vancouver Housing Authority, and the following components in a commercial unit that the City of Vancouver will own:

- A commissary kitchen to launch and support emerging food-based businesses*
- A shared office space to co-locate upstream services to make it easier for residents and businesses to access resources on the corridor*
- A community event space that can be rented for festivals, birthdays, trainings, and other events*
- A public plaza with infrastructure to support a community market and other community-serving events*
- A playground and activity lawn to provide outdoor recreation opportunities for the Commons and surrounding community*

On November 9, 2021, the City of Vancouver and Vancouver Housing Authority entered into a Purchase and Sale Agreement that provided the terms and conditions by which the City will acquire a commercial condominium unit including the community event space, the commissary kitchen, shared office space, public plaza and playground, located at 2200 Norris Road, Vancouver, Washington.

The Purchase and Sale Agreement specifies that the sale of the commercial unit is subject to the condominium form of ownership requiring governing condominium documents to be recorded in the records of the Clark County Recording Department in accordance with RCW 64.90. Drafts of the following condominium documents are attached and have been mutually agreed upon by the parties:

- **Condominium Declaration for Fourth Plain Commons Condominium.** The “Declaration” provides the following articles including but not limited to: a legal description of the property, description of units, common elements, easements, permitted and prohibited uses, maintenance responsibilities, allocated expenses, and requires the formation of an owner’s association.*
- **Articles of Incorporation of 2200 Norris Condominium Association.** The “Articles of Incorporation” specifies the organization of the corporation pursuant to the provisions of the Condominium Act (RCW 64.90), The Washington Nonprofit Corporation Act (RCW 24.03), and the “Declaration” (Section 12.1).*
- **Bylaws of 2200 Norris Condominium Association.** The “Bylaws” provide for the operation of the Fourth Plain Commons Condominium and are subject to all current and future owners pursuant to the Condominium Act (RCW 64.90) and the “Declaration” (Section 12.2).*

The “Declaration” and associated documents are required before the City of

Vancouver can purchase the commercial unit from the Vancouver Housing Authority, as stated in the Purchase and Sale Agreement. Construction has been completed on the Commons and the commercial unit was opened to the public as of the September 23, 2023 Grand Opening event.

Request: Approve Condominium Declaration for Fourth Plain Commons Condominium, Articles of Incorporation of 2200 Norris Condominium Association and Bylaws of 2200 Norris Condominium Association, and authorize the City Manager or designee to execute the Declaration, Articles of Incorporation and Bylaws.

Shannon Williams, Senior Planner, 360-487-7898; Becky Rude, Assistant City Attorney, 360-487-8513

Motion approved the request.

8. Termination of Boldyn Networks Right-of-Way Franchise

Staff Report: 028-24

AN ORDINANCE terminating the 10-year franchise previously granted to Boldyn Networks, formerly known as Mobilitie, LLC (“Boldyn”), authorizing the construction, operation, and maintenance of its telecommunication facilities (“Facilities”) in the City of Vancouver’s (“City”) Public Ways; providing for severability; and setting an effective date.

Boldyn Networks (“Boldyn”) has provided telecommunication services in the City since 2017, but recently requested that the franchise be terminated. Boldyn removed all of its facilities from the City’s public ways, as required by Ordinance M-4202 in granting the original franchise. As such, Boldyn is allowed to request this termination and release certain on-going financial obligations such as for insurance.

Request: On February 5, 2024, approve ordinance on first reading, setting date of second reading and public hearing for February 26, 2024.

Aaron Lande, Program and Policy Development Manager, 360-487-8612; Cary Driskell, Assistant City Attorney

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

Motion approved the request.

9. Approval of Claim Vouchers

Request: Approve claim vouchers for February 5, 2024.

Motion approved claim vouchers in the amount of \$17,224,069.65.

Public Hearings (Item 10)

10. **Multi-Family Tax Exemption- Waterfront Port of Vancouver Block 1**

Staff Report: 029-24

A RESOLUTION of the City Council of the City of Vancouver approving a development agreement with Boz Port Block 1 Owner LLC (Applicant) for an 8-year limited property tax exemption for market rate housing, providing a public benefit contribution, and green building elements, for the property located at 440 Columbia Way, Vancouver, WA 98660 (Exhibit A).

The project is located on the Vancouver waterfront at 400 W. Columbia Way. The land is owned by the Port of Vancouver and the building will be part of a leasehold by the applicant. The applicant is requesting an 8-year multi-family housing limited property tax exemption for market rate rental housing. The project is a seven-story, 194-unit apartment building with 4,549 square feet of commercial space and 177 associated parking spaces. The proposed development will include studio, one, and two-bedroom units. The total estimated development cost is \$88 million.

The MFTE application was submitted and deemed complete prior to the MFTE program changes made July 3, 2023. When the application was reviewed by the CCRA the applicant was asked to include a commercial component which required a substantial redesign of the building program. The application will be reviewed under the MFTE regulations in place at the time the application was deemed complete by staff.

In this case the property is already under a public lands tax exemption as the Port of Vancouver is the landowner. The applicant will own the structure through a lease. Only the residential portion of the structure is eligible for the exemption. Over the 20-year period following construction, the project (with the exemption) will generate over \$17 million in taxes benefiting all taxing districts (ports, schools, county, city, etc.). A total of \$2.36 million in taxes will directly benefit the City of Vancouver. The total estimated value of the tax exemption for all districts during the exemption is \$3.11 million. Of that amount the value of the tax exemption specific to the City of Vancouver would be \$1.06 million. Commercial structure property taxes, retail sales taxes, and unit utility taxes will still be collected during the exemption. It is also anticipated that new residents will support downtown businesses during and after the exemption period.

As a market rate project, a public benefit contribution with a value equal to \$777,500 (25% of the estimated value tax exemption amount) is required. The applicant is proposing to satisfy the public benefit contribution by providing funding towards future affordable housing investments to be determined by the City of Vancouver. This option is also most similar to the new MFTE regulations adopted on July 3, 2023. The contribution for future affordable housing activities can be used for land banking or construction of permanent affordable units where funding can leverage more units and larger unit types and at deeper levels of affordability. The advantage of this funding is also likely

to last longer than the duration of the limited 8-year tax exemption. The public benefit contribution payment will be required prior to issuing the final tax certificate. The project requires a development agreement and therefore also falls under the City interim green building policy. Per the applicant's consultant the building is being constructed to exceed the minimum LEED gold score. The City green policy staff have reviewed the applicant's LEED summary indicating that the project satisfies the City's green building policy.

Request: On February 5, 2024, following a public hearing, adopt a resolution authorizing the City Manager, or designee, to execute a multi-family housing limited property tax exemption certificate and take any and all action necessary to enforce the terms thereof.

Bryan Monroe, Associate Housing Project Coordinator, 360-487-7958

Bryan Monroe, Associate Housing Project Coordinator, provided an overview of the Multi-family Tax Exemption - Waterfront Port of Vancouver Block 1.

Council discussed the item briefly with staff.

Mayor McEnerny-Ogle opened the public hearing and received no testimony.

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

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried unanimously to approve Resolution 4264.

Communications

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

Adjournment

7:03 p.m.

DocuSigned by:
Anne McEnerny-Ogle
6C89D9089EC3424...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...

Natasha Ramras, City Clerk

The written comments below are those of the submitter alone and are not representative of the views of CVTV or the City of Vancouver, its elected or appointed officials, or its employees.

From: [PETER BRACCHI](#)
To: [City Council](#); [City of Vancouver - Office of the City Manager](#)
Subject: City Council Meet 2/5/24 - No safe zone for Homeless Cov has known Dangers since 2018 - refuses to answer questions on Safety
Date: Monday, February 5, 2024 7:13:38 AM
Attachments: [image002.png](#)
[image001.png](#)
[image002.png](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear city Council members this is my written testimony for the meeting 2/5/24

Please ask our city manager to answer the following questions;
why has the city has not provided a safe zone for homeless and has refused to protect them or Educate them on the dangers habitation under the BPA power-lines.

 No Safe Zone For the Homeless under BPA powerlines

As of January 18, 2024 we still have homeless, residing under BPA power-lines within our park system along burnt Bridge Creek East of Andresen



City of Vancouver has known the danger of habitation under powerlines since 2018 and refuses to answer questions.

Questions

From: PETER BRACCHI [REDACTED]

Sent: Friday, February 2, 2024 3:11 PM

To: Cook, Nena <Nena.Cook@cityofvancouver.us>

Subject: Question on informing the homeless of public safety issues.

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

Hi Nina,

Can you Please provide written answer the following four questions about public safety.

John Young was informed of the habitation hazards of living under BPA powerlines in 2018 see the attachment below of the email.

1) Has the city of Vancouver or the hart team tried to educate the homeless population or other organizations that interact with the homeless of the dangers of camping underneath BPA power?

2) Does the city have a role or obligation in protecting the homeless from this hazard of living under BPA power line.

3) What action did John Young take to protect the homeless population from this danger starting in 2018.

4) John Young drafted the first camping laws. Why did he not include the BPA land at that time, or some mention of potential danger, or a plan to get this information out into the public?



Answer from COV

Mr. Bracchi,

I'm not at liberty to disclose any attorney-client privileged or work product materials or conversations. Please feel free to make a public records request for non-privileged information you're interested in reviewing. [Public Records Request - The City of Vancouver, WA](#) Thank you.

Nena Cook | Deputy City Attorney



From: [City of Vancouver - Office of the City Manager](#)
To: [City Council](#); [Dollar, Sarah](#); [Kennedy, Rebecca](#); [Nischik, Julie](#)
Subject: FW: Ballot Measures for Transportation Changes
Date: Friday, February 2, 2024 4:47:48 PM
Attachments: [image001.png](#)

Tawny Maruhn | Support Specialist

City of Vancouver

City Manager's Office

Office: 360-487-8621

Email: tawny.maruhn@cityofvancouver.us

She/Her/Hers

cityofvancouver.us



From: Israel Lopez [REDACTED] >

Sent: Friday, February 2, 2024 4:37 PM

To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>; Transportation and Mobility Commission Agenda Calendar <TransMobilityCommissionAgendaCal@cityofvancouver.us>

Subject: Ballot Measures for Transportation Changes

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City Council and TMC,

I recently heard about a group that desires changes in how we locally manage our transportation infrastructure, namely requiring changes to public vote or ballot measure.

Do we really want the IBR project mired in public ballots? I can envision such a proposal delaying the implementation of the project.

What would trigger these votes?

Who can vote?

What if a vote decreases safety for the city, citizens, visitors? Who becomes liable?

How much would each vote cost?

What is the scope of the vote? An entire street? A corner?

If city construction requires a change order and impacts infrastructure, would that trigger a vote?

If construction needs to reduce a travel lane temporarily to safely build, would that require a vote?

What if a component of city infrastructure violates ADA, does remediating it require a vote? Does that violate ADA?

What if the city needs to make emergency repairs or reduce vehicle access temporarily for storm damage?

What if a utility needs to make in-street or near-street repairs? Does that trigger a vote?

What if a parade permit temporarily limits street access for the duration of the permit/parade, does that trigger a vote?

We have commissions, boards and professionals for a reason, we have public comment for a reason, but ultimately we cannot continue on this path of public votes for everything. We'd get nothing done!

Thank you.

-Israel

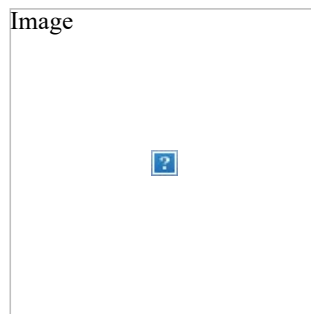
From: [Wynn Grcich](#)
Subject: Fwd: The #FluorideLawsuit Continues into Week Two
Date: Monday, February 5, 2024 11:35:59 AM

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Please send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

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

From: **Fluoride Action Network** <mail@networkforgood.com>
Date: Mon, Feb 5, 2024, 8:18 AM
Subject: The #FluorideLawsuit Continues into Week Two
To: [REDACTED]



Week Two of the #FluorideLawsuit

Dear Friends,

The trial continues today at **8:30 a.m. (Pacific) / 11:30 a.m. (Eastern)**, and will also start at the same time this **Tuesday, Wednesday, and Friday**. There is currently nothing scheduled for Thursday. Use the Zoom info below to watch or listen live:

Watch the Live Stream on Zoom

<https://cand-uscourts.zoomgov.com/j/1619911861?pwd=TjVma1lnMIJINHR3ZE9QMkFjNkFndz09>

Webinar ID: 161 991 1861

Password: 912881

Join by Phone Phone: (669) 254-5252 or (646) 828-7666

International numbers: <https://cand-uscourts.zoomgov.com/u/advFLxrTkx>

Recent Media Coverage of the Trial

The trial has continued to garner media coverage, though not from mainstream outlets despite FAN repeatedly reaching out to them with our press releases, videos, and the studies linking fluoridation to an increased risk of serious side-effects. That said, the coverage we have received has been very good. On that note, I'd like to re-share an article published last week by *Bloomberg Law* because, while it does include some pro-fluoridation talking points, I feel that it really emphasizes the significance of our lawsuit and trial not only for our own movement but for all citizens and organizations working to get the EPA to adequately regulate environmental toxins: "[Fluoride Science on Trial in Case With Broader Chemical Impacts](#)".

Additional coverage includes:

- Law360 has been providing daily trial coverage in three recent articles, "[Fluoride Risk Trial Opens With Claim Exposure Drops Kids' IQ](#)," "[Harvard Professor Testifies Fluoride is 'Definitely' Neurotoxic](#)," and "[Harvard Prof. Slams Study Showing IQ Gains From Fluoride](#)."

- Brenda Baletti, Ph.D., has also been providing daily coverage of the trial for the Children's Health Defense, including "[Fluoride Expert Squares Off Against EPA on Day 1 of Landmark Trial](#)," and "[Fluoride on Trial, Day 2: Fluoride Poses Risks to Pregnant Women, Too](#)."
- Independent investigative journalist Derrick Broze has been providing detailed up to the minute reporting on our trial with live tweeting, interviews, and vlog posts. [Follow his work on Twitter](#).
- The news department for the American Association for the Advancement of Science, called *Science* published, "[Does Fluoride in Drinking Water Lower IQ? Question Looms Large in Court Battle](#)."
- Inside EPA (Subscription Required): "[Judge Weighs TSCA Risk 'Margin' on First Day of Fluoride Petition Trial](#)"

Sincerely,

Stuart Cooper
Executive Director
Fluoride Action Network

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Fluoride Action Network
North Sutton, New Hampshire
info@fluoridealert.org



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From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#); [Harris, Rep. Paul](#)
Subject: The Fluoride Deception | Clean Water Sonoma-Marin
Date: Wednesday, January 31, 2024 11:44:13 PM

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

<http://www.cleanwatersonomamarin.org/get-the-facts/the-fluoride-deception/> please send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn. My dad and uncles worked in that steel mill in Donora Pennsylvania. My cousins still live there. My relatives lived through this disaster.

From: [Wynn Grcich](#)
Subject: Watch "CDC"s Walensky Caught LYING, Watch Jim Jordan EXPOSES Her With One Simple Question" on YouTube
Date: Tuesday, January 30, 2024 11:11:34 PM

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<https://youtu.be/NIBdyFBpTa0?si=NMw1084QynxUGZAO>. PLEASE send to council members and MELNECK
Put on public record and confirm that you did . Thanks from Wynn

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Watch "Spike Protein Spreads" on YouTube
Date: Tuesday, January 30, 2024 10:27:38 PM

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<https://youtube.com/shorts/FE4c1laSYLk?si=UxEPKAR-0HsAG9xV>. Please send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Watch "Dead Tesla's All Over Chicago!" on YouTube
Date: Tuesday, January 30, 2024 10:10:36 PM

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<https://youtube.com/shorts/aEPInmjiBKw?si=PBfCvasGMS-z9JHW> . Please send to council members. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
Subject: Fwd: Fluoride On Trial: Federal Trial on the Neurotoxicity of Water Fluoridation Resumes Today
Date: Monday, January 29, 2024 11:09:37 AM

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Thanks from Wynn

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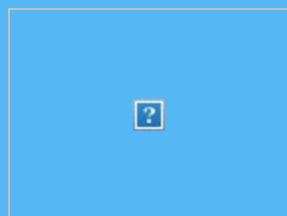
From: **Wynn Grcich** [REDACTED]
Date: Mon, Jan 29, 2024, 11:07 AM
Subject: Fwd: Fluoride On Trial: Federal Trial on the Neurotoxicity of Water Fluoridation Resumes Today
To: [REDACTED]

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

From: **Wynn Grcich** <[REDACTED]>
Date: Mon, Jan 29, 2024, 11:05 AM
Subject: Fwd: Fluoride On Trial: Federal Trial on the Neurotoxicity of Water Fluoridation Resumes Today
To: Marlene Hurd [REDACTED]

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

From: **Moms Across America** [REDACTED]
Date: Mon, Jan 29, 2024, 10:11 AM
Subject: Fluoride On Trial: Federal Trial on the Neurotoxicity of Water Fluoridation Resumes Today
To: [REDACTED]



Moms Across America

Dear Friend --

News Provided By
[Fluoride Action Network](#)

Plaintiffs Ask Federal Court to Ban Fluoridation Chemicals in Upcoming Ruling

SAN FRANCISCO, CALIFORNIA, U.S.A., January 25, 2024 /[EINPresswire.com](#)/ -- After nearly four years of delay, a lawsuit in United States federal court seeking to prohibit the addition of fluoridation chemicals to public water systems due to the threat posed by fluoride to the developing brain is set to continue next week, reports the Fluoride Action Network (FAN).

The final phase of the landmark bench trial against the U.S. Environmental Protection Agency (EPA) over the neurotoxicity of fluoridation chemicals will start on Wednesday, January 31st, 2024. The U.S. District Court, Northern District of California in San Francisco, has set aside nine days (January 31, February 1, 2, 5, 6, 7, 9, 12, 13) for testimony and cross-examination of expert and fact witnesses.

Watch the proceedings here.

The focus of this final phase will be on the new evidence and science published since the last trial dates held in 2020. This will include the National Toxicology Program's (NTP) 7-year systematic review of the neurotoxicity of fluoride. Specifically, fluoride's impact on reducing the IQ of children. The NTP reported that [52 out of 55 fluoride brain studies](#) they looked at found decreases in child IQ associated with an increase in fluoride, a remarkable 95% consistency. Of the 19 studies rated highest quality, 18 found a lowering of IQ. The meta-analysis could not detect any safe exposure, including at levels common from drinking artificially fluoridated water.

The Fluoride Action Network (FAN), a non-profit founded in 2000, is the lead plaintiff in this precedent-setting case, which challenges a practice endorsed by the U.S. Public Health Service 75 years ago and that today affects more than 200 million Americans through water fluoridation systems in thousands of communities. FAN is joined by consumer advocacy groups, Food and Water Watch and Moms Against Fluoridation, public health associations, the American Academy of Environmental Medicine and the International Academy of Oral Medicine and Toxicology, as well as several individuals representing themselves and/or their children. The case is number 17-CV-02162-EMC (KAW), and titled: Food & Water Watch, Inc., et al. v. United States Environmental Protection Agency, et al.

The lawsuit falls under the Toxic Substances Control Act of 1976 (TSCA) which gives EPA the authority to prohibit "the particular use" of a chemical

substance if it presents an unreasonable risk to the general public or susceptible subpopulations. The plaintiffs submitted a Citizens Petition under Section 21 of TSCA to the EPA in November 2016 requesting a ban on the addition of fluoridation chemicals to water. When the EPA denied their Petition, they filed suit in federal court.

[Click here for a timeline of the lawsuit](#)

"There's no question that the weight of the science overwhelmingly shows that fluoride damages the developing brain," said Stuart Cooper, FAN Executive Director. "This includes a large body of government-funded research indicating that fluoride is neurotoxic, is associated with lowered IQ in children, and a significant increase in ADHD diagnosis and related behaviors in children at doses experienced in fluoridated communities. Experts in toxicology have likened the size of the effect to that of lead."

Broadcast of Trial

The trial will take place in San Francisco with attorneys from the U.S. Department of Justice, representing the Environmental Protection Agency, and attorneys for the Plaintiffs both attending in person. One of the EPA's witnesses will testify via deposition video with the remainder testifying in person. All proceedings will also be live streamed daily on the court's Zoom and recorded and posted publicly on the court's website as part of the Cameras in the Courtroom program. Exhibits will be displayed electronically at trial and on the live stream to allow for a more efficient display of evidence. The judge said that access to this trial was in the public's best interests.

[Zoom info and official court schedule](#)

Trial days will begin at approximately 8:30 a.m. (Pacific) and end at 1:30 p.m. Each side shall have approximately 18 hours to present their case. This includes opening statements, direct and cross-examinations, and closing arguments.

Stuart Cooper
Fluoride Action Network
stuart@fluoridealert.org

Lead attorney for the Plaintiffs, Michael Connett of Waters Kraus and Paul recently discussed the case and science involved at length in an interview:



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Moms Across America Team

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From: [Wynn Grcich](#)
Subject: Watch "Rav Arora: CDC Drafted But DIDN'T SEND Warning on MYOCARDITIS Connection to VAX" on YouTube
Date: Saturday, January 27, 2024 11:39:34 AM

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