AGENDA
PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
3103 Lower River Road, Vancouver, WA 98660
Tuesday, July 13, 2021

A) CALL TO ORDER VIRTUAL MEETING* (8:30 a.m.)

B) EXECUTIVE SESSION
None

C) OPENING REMARKS (8:30 a.m.)
1) Opening Remarks
2) Approve Minutes of the June 22, 2021 Regular Meeting

D) OPEN FORUM
1) To provide public comment during the virtual board meeting, you must register no later than 12:00 p.m. Monday, July 12, 2021 by emailing povcommissioners@portvanusa.com**

E) ACTION ITEMS
1) Approve Contract Change Order with Parametrix for Groundwater Cleanup Services
2) Approve Consolidated Diking District #1 of Wahkiakum County Offer of Just Compensation to Acquire Easement on Puget Island
3) Approve Sole Source Contract for Terminal 1 – Cascade Wall Material Pre-purchase
4) Approve Public Works Contract Bid 21-13: Terminal 2 Track Crossing Project
5) Develop Final Port Climate Action Plan

F) UNFINISHED BUSINESS
1) Port Contracts Logs

G) NEW BUSINESS

H) ACCOUNTS PAYABLE
Voucher Numbers 105726 - 106120 $  3,786,702.01
Electronic Payments 06/01/2021 – 07/01/2021 $  503,278.58
Payroll Voucher Numbers $  587,254.61
Checks 51520604 – 51520607
Direct Deposits 230001 – 230122
250001 – 250122
I) **CEO REPORT**  
1) Action taken under Resolution 2-2020: Declaration of Local Emergency and Delegation of Authority of Emergency Powers  
2) Project Updates

J) **COMMISSIONERS REPORTS**

K) **WORKSHOP**  
1) Climate Action Plan

L) **ADJOURNMENT**

*In compliance with the Governor's Emergency Proclamation 20-28, the Port’s Resolution 3-2020, and in the interest of the safety and welfare of the public, the community, port employees, and to limit the spread of the virus, this Board meeting will not be open to in-person attendance. Board members will be attending this meeting remotely via video conference.*

To participate in this meeting, please call 1 (253) 215-8782 and enter the Meeting ID number: 917 2462 1840 and Passcode number: 850316 or Join the Zoom Meeting by clicking [here](#). Please call (360) 693-3611 for technical difficulties. Meeting materials are available on the port’s website at [www.portvanusa.com](http://www.portvanusa.com).

**Public comments are welcome during Open Forum by registering in advance via email to povcommissioners@portvanusa.com no later than 12:00 p.m. on Monday, July 12, 2021. Individuals will have three minutes to read their comments into the record and will be called in the order in which the port receives the registration email request. No public comments will be read into the record by the port. Written comments not intended to be read by the community member and received by 8:30 a.m. Tuesday, July 13, 2021 will become part of the official meeting record and will be provided to the Commission.**
SUBJECT: Minutes of the June 22, 2021 Regular Meeting

BACKGROUND:

Please see attached minutes.

Additional Information Attached: Minutes of 06/22/2021 Regular Meeting

RECOMMENDATION: That the Port of Vancouver USA Board of Commissioners adopts and executes the minutes of the June 22, 2021, Port of Vancouver USA Board of Commissioners Regular Meeting as presented.

Submitted by: [Signature], CEO
Date Action Taken: [Date] Motion By: [Signature]
Approved: [Date] Seconded By: [Signature]
Deferred To: [Date] Unanimous: Yes____ No____
CALL TO ORDER

CEO Julianna Marler called a regular meeting of the Port of Vancouver Board of Commissioners to order at 8:30 a.m., Tuesday, June 22, 2021, via teleconference number 1 (253) 215-8782, conference code: 926 3981 8955 and passcode number: 130355 and by videoconference via Zoom pursuant to Washington State Governor’s Proclamation 20-28 in response to the COVID-19 event.

CEO Marler confirmed that Commissioners Orange, LaBrant and Burkman were on the line.

OPENING REMARKS

CEO Marler welcomed and reminded everyone that all board members and the public are participating virtually pursuant to Washington State Governor’s Proclamation 20-28 in response to the COVID-19 event and the port’s Resolution 3-2020. She also stated that no executive session was held this morning and the meeting is being recorded.

Meeting attendees included:

Eric LaBrant  
Jack Burkman  
Don Orange  
Julianna Marler  
Michelle Allan  
Alicia Lowe  
Betsy Rogers  
Savannah Mitcham  
Angela Blake  
Ben Shoop  
Casey O’Dell  
Dawn Egbert  
Elizabeth Gotelli  
Jack Flug  
Jennifer Brower  
Julie Payne  
Julie Rawls  
Kathy Holtby  
Katie Odem  
Kent Cash  
Lori Kaylor  
Mary Mattix  

Port Commission President  
Port Commission Vice President  
Port Commission Secretary  
Port CEO  
Port Executive Services Manager  
Port Legal Counsel  
Port Administrative Supervisor  
Port Administrative Assistant  
Port Facilities Program Coordinator  
Port Construction Inspector  
Port Director of Facilities  
Port Procurement Services Manager  
Port Chief Financial and Administrative Officer  
Port Senior Financial Analyst  
Port Procurement & Grant Specialist  
Port Revenue Accountant  
Port Community Relations Manager  
Port Real Estate Manager  
Port Marketing Communications Manager  
Port Chief Operations Officer  
Port Commercial Sales Associate  
Port Environmental Program Manager
Additional members of the public participated in the virtual meeting but were not identified by name.

**APPROVAL OF MINUTES**

Regular Meeting of June 8, 2021

On motion by Commissioner Burkman, seconded by Commissioner LaBrant and carried unanimously, the Board of Commissioners approve the minutes of the June 8, 2021 regular meeting.

**OPEN FORUM**

CEO Marler stated that the agenda invited public comment on all matters on the agenda. She reminded everyone interested in speaking during Open Forum is asked to register in advance no later than noon on Monday, the day prior to the scheduled Commission meeting. She indicated one person registered to provide public comment during the Open Forum for this meeting but they had a conflict and are unavailable to provide public comment.

**ACTION ITEMS**

No action items were presented to the board.

**UNFINISHED BUSINESS**

No unfinished business was considered.

**NEW BUSINESS**

No new business was discussed.
CEO REPORT

Action taken under Resolution 2-2020: Declaration of Local Emergency and Delegation of Authority of Emergency Powers

CEO Marler shared the history behind the adoption of Resolution 2-2020 and then advised the commissioners that she has not taken any action provided her under this resolution.

Apprenticeship Program Implementation Update

CEO Marler provided an overview of the Apprenticeship Program implemented in May of 2021 for public works projects at the port. She indicated the program was developed to support the strategic plan goal of developing a skilled workforce to align with regional needs and to increase job opportunities across the port district. She stated the program took a number of years to develop and involved a team of staff including our Chief Financial and Administrative Officer and led by our Procurement Services Division. She discussed the efforts involved in the development of the program as well as some highlights of the program. She indicated the team chose to develop this as an incentive-based program to encourage contractors to participate and partner with the port. She thanked the team that worked on the development of the program and stated more information can be found about it on the port’s website.

Commissioner Burkman expressed his appreciation for the thoroughness of the staff’s work in developing the program and their emphasis on building partnerships.

Commissioner Orange echoed Commissioner Burkman’s appreciation. He also indicated folks in the trades have shared that they want to see a program such as this to increase the use of apprentices.

Commissioner LaBrant thanked the staff for their work in putting this program together.

CEO Marler also shared that the port has been partnering with Laborers Local 335 for the past few years and has been able to have a few apprentices work with the maintenance and facilities team annually during the summer. She stated this year the port has two apprentices from Laborers Local 335. She indicated the program encourages persons of color and women to apply to help increase their representation in the trades. She stated the port will continue to work with educational and trade partners and the contracting community to look for opportunities to support workforce development with this program.

COMMISSIONERS REPORTS

Commissioner Orange stated he is pleased port staff has worked with so many individuals to come up with a great apprenticeship program. He also shared his thoughts regarding the new federal holiday Juneteenth. He stated ports can positively influence and benefit the community and how we handle this holiday and relate to labor and working people matter. He also
mentioned the passing of community activist Jane Jacobsen and her tireless efforts on the waterfront development.

Commissioner Burkman stated he agrees with Commissioner Orange regarding Juneteenth. He added celebrating the holiday will provide opportunities for individuals to participate in various activities that help them learn about what led to the decision to declare it a national holiday. He also shared his condolences to the Jacobsen family.

Commissioner Burkman stated he attended the following events and meetings and provided a summary on some of the meetings he attended:

- CEO Marler
- Labor Roundtable
- Washington Public Ports Association (WPPA) Roundtable

Commissioner LaBrant stated he attended Governor Inslee's visit and tour of wind energy components at the port. He indicated he had a chance to discuss the volume of the wind energy components and what it means in terms of jobs for ILWU Local 4 and the jobs it will create throughout the state. He also extended his condolences to the Jacobsen family.

**WORKSHOP**

No workshop was held during this meeting.

CEO Marler reminded everyone of the ways they can communicate with the Commission. She stated there is a great deal of information available on the port's website and encouraged everyone to check it out.

**ADJOURNMENT**

There being no further business to come before the Port of Vancouver USA Board of Commissioners, the Tuesday, June 22, 2021 regular meeting was adjourned at 9:04 a.m. by CEO Julianna Marler.
SUBJECT: Approve Contract Change Order with Parametrix for Groundwater Cleanup Services

BACKGROUND:

The Parametrix cleanup contract supports the port’s Strategic Plan environmental goal to protect air quality, water resources, and land managed by the port through deliberate and proactive efforts in all aspects of the port’s operations.

The purpose of this contract is to assist the port through the Washington State Department of Ecology (Ecology) cleanup process. As property owner, the port is involved in the cleanup as a Potentially Liable Person (PLP) under the Model Toxics Control Act.

In December 1997, the port issued a Request for Proposals and executed a contract with Parametrix to address solvent contamination at the former Swan Manufacturing Company Site. In 1998, the port signed an Agreed Order with Ecology to conduct a remedial investigation and feasibility study. Several actions have been completed including investigations to determine the extent of contamination, evaluation of cleanup technologies, excavation of contaminated soils, groundwater treatment and installation of a pump and treat system. These actions have resulted in significant reductions in groundwater contamination.

In 2006 the Cadet property was acquired by the port as part of a settlement agreement. Both the Swan and Cadet sites are sources of chlorinated solvents. Contamination from NuStar, a port tenant, has comingled with the Swan and Cadet plume. In 2015, Ecology required the port and NuStar to enter a joint Agreed Order to address the combined Swan, Cadet and NuStar sites.

In late 2017 nitrates and ammonia were confirmed in groundwater at the NuStar facility. Copper contamination was identified at the Kinder Morgan operating area in 2018. The solvents, nitrate, ammonia and copper contamination are comingled and represent one cleanup. In 2019, Ecology-issued a multi-party agreed order that requires an amendment to the Parametrix contract for the following:

- Swan and Cadet portions of the Site – Obtain Ecology approval for final cleanup and implement final cleanup action (2021-2023)
• NuStar and Kinder Morgan portions of the Site – Participate in investigations led by tenants and work toward Ecology approval of cleanup studies and plans (2021-2024)

• Columbia River – Participate in the resolution of technical issues related to potential impacts to the Columbia River associated with the NuStar and Kinder Morgan operations (2021-2024).

Since 1997, the port has issued amendments to the Parametrix contract to assist the port in addressing emerging technical issues to support the cleanup. A thorough evaluation was performed to determine the best contracting approach for the continuation of this cleanup work. Because of the level of historical knowledge, expertise, and data acquired to meet the requirements of the Agreed Order with the Department of Ecology, it was determined appropriate to continue with Parametrix as the project consultant.

The total cost for this amendment is $1,721,519 and is anticipated to fund activities through 2024. Funds used for work performed in 2021 have been approved in the 2021 annual budget. Future funds for work performed under this amendment will be requested through the annual budget process.

Additional Information Attached? No

**RECOMMENDATION:** That the Board of Commissioners authorize the CEO to execute a change order with Parametrix for $1,721,519, revising the total contract amount to $21,801,912 including applicable Washington State sales tax.

Submitted by: [Signature] , CEO
Date Action Taken: Motion By: 
Approved: Seconded By: 
Deferred To: 
Unanimous: Yes No
REQUEST FOR COMMISSION ACTION

PORT OF VANCOUVER USA

REVIEWED BY:

Director of Business Development

Mike Schiller

APPROVED BY:

Chief Commercial Officer 07/13/2021

Alex Strogen

SUBJECT:
Approve Consolidated Diking District #1 of Wahkiakum County Offer of Just Compensation to Acquire Easement on Puget Island

BACKGROUND:

This agenda item supports the port’s Strategic Plan goal to continue to play a key role in maintaining navigability of the Columbia River system, including berthing systems, anchorage, turning basins, and the shipping channel.

The Port of Vancouver is one of four Washington ports, along with the Ports of Kalama, Longview and Woodland (the “Washington Ports”), that cooperatively joined with the Port of Portland and the United States Army Corps of Engineers (“Corps”) in the Project Cooperation Agreement (“PCA”) executed June 23, 2004 for construction of navigation improvements and ecosystem restoration in the shipping channel of the Columbia River. As part of the cooperation, the Washington Ports are responsible for acquiring the necessary dredge material disposal sites in Washington identified by the Corps for the Columbia River Channel Improvement Project (the “Project”).

On December 6, 2019 the Washington Ports purchased a 20-year easement for 86.91 acres from Philip and Ivy Lou Vik (“Vik Property”) for an upland dredge disposal site on Puget Island for the Project. In mid-2020 the Corps determined they required an easement from the Consolidated Diking District #1 of Wahkiakum County (“Diking District”) in order to install three 31” pipelines through a portion of the Diking District’s dike along Sunny Sands Road (“Dike”) to facilitate delivery of the dredge materials to the Vik Property from the Columbia River.

The Washington Ports followed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prepare an Administrative Offer Summary to acquire a permanent easement over 16,658 square feet (0.38 acre) easement area. During the title research of the easement area it was determined that the Diking District has acquired ownership title to the Dike by past right-of-way actions. Due to incomplete transactions over the years, a lack of clarity created discrepancies on the title to the easement area and the Washington Ports were not able to obtain a title insurance policy to insure the easement rights to be acquired. As a result, the Corps is requiring the Washington Ports to sign a Certificate of Self-Insurance in lieu of title insurance (“Certificate”). This Certificate says that if any unknown third parties prove they have
valid property interests in the easement area that the ports will work together to obtain any other property rights needed according to the process agreed to in the PCA.

The Washington Ports' right-of-way consultants estimated Just Compensation cost at approximately $5,731.00 for the Diking District's real property rights in the easement area. If the Diking District accepts the Washington Ports' offer, the Port of Vancouver's portion of the Just Compensation cost is approximately $1,910.33, plus one-third of the recording and closing costs.

The port's portion of the acquisition costs of the Diking District easement was included in the 2021 approved budget.

Additional Information Attached? No

RECOMMENDATION: That the Board of Commissioners approve the Offer of Just Compensation to the Diking District and authorize the CEO to execute all documents necessary to acquire the easement between the Washington Ports and the Consolidated Diking District. #1 of Wahkiakum County.

Submitted by: [Signature] , CEO
Date Action Taken: Motion By:
Approved: Seconded By:
Deferred To: Unanimous: Yes No

Deferred To: Unanimous: Yes No
REQUEST FOR COMMISSION ACTION
REVIEWED BY:

PORT OF VANCOUVER USA
Director of Engineering & Project Delivery
Monty Edberg

APPROVED BY:

Chief Operations Officer 07/13/2021
Kent Cash

SUBJECT: Approve Sole Source Contract for Terminal 1 – Cascade Wall Material Pre-purchase

BACKGROUND:

This agenda item supports the port’s Strategic Plan goals of implementing the vision of a destination waterfront at Terminal 1 and pursuing opportunities that utilize the port’s property and infrastructure investments to create jobs and support the economy.

The port is continuing its efforts to promote the development of its Terminal 1 waterfront properties by implementing steps to maximize the usable land available for such activities. In this instance, it is the replacement of the existing rail access ramp side slope with a vertical wall to accommodate developer improvements. The location of this specific project is within Lots 8 and 9 along the north side of future Cascade Drive. This area is being developed by Lincoln Property Company as part of a lease with BOZ Port of Vancouver Owner LLC (BOZ).

The port has agreed to satisfy certain project delivery milestones as part of the lease with BOZ. To meet these target dates, the port will need to pre-purchase the proprietary T-Wall system components ahead of selecting the general construction contractor, primarily due to the extensive lead time necessary to ensure timely delivery once the order is placed. The construction contract is scheduled to take place in Q1 2022 with a completion date of no later than April 30, 2022.

The T-Wall system is effectively a sole source item, as it needs to not only match the adjacent T-Wall construction, but is the only system accepted by BNSF for supporting right-of-way structures intended for use by BNSF equipment. Only one known supplier of the T-Wall system has been identified. Although T-Wall is a proprietary wall system, there is no T-Wall certification requirement for the contractor.

Other brands/manufacturers of similar retaining wall systems were examined. Due to various differences in panel height and panel face, alignment and matching aesthetics, they would not be compatible with the existing T-Wall construction present at Terminal 1, nor would they meet the required BNSF standards.

Pricing for similar wall systems compared to the proprietary T-Wall system by Reinforced Earth Company show the vendor’s prices appear to be in line with the general market.
The cost is within the engineer’s estimated range of $328,000 - $401,000. Funds for this purchase were included in the 2021 approved budget.

Additional Information Attached?  No

RECOMMENDATION: That the Board of Commissioners authorize the CEO to execute a Sole Source purchase from Reinforced Earth Company, in the amount of $338,520 including Washington State sales tax.

Submitted by: [Signature], CEO

Date Action Taken

Motion By:

Approved:

Seconded By:

Deferred To:

Unanimous:  Yes  No

[Signature]
BACKGROUND:

This project supports the port’s Strategic Plan goal to pursue opportunities that utilize the port’s property and infrastructure investments to create jobs and support the economy.

The T2 rail crossing project provides safety improvements for port rail and vehicle traffic at the existing rail crossing infrastructure. The current crossing has standard signage and lighting to alert vehicle traffic of potential train crossings. The updated rail crossing will add automatic gate closures and warning lights to alert and mitigate vehicle traffic when train crossings are occurring.

Upon Board of Commissioner approval, the successful contractor (Midvale Signal, Inc.) will initiate a long lead for the procurement of material and equipment. Anticipated crossing infrastructure installation and upgrades will take place in the first quarter of 2022 and will be completed in approximately 2 months.

On May 25, 2021, port staff issued Invitation to Bid 21-13 Terminal 2 Track Crossing project.

On June 10, 2021 the following bids were received:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>NE Electric</td>
<td>Woodland, WA</td>
<td>Not Responsible</td>
</tr>
<tr>
<td>Midvale Signal, Inc.</td>
<td>Sunnyside, WA</td>
<td>$378,513.69</td>
</tr>
</tbody>
</table>

The apparent low bidder, NE Electric, did not meet the Supplemental Bidder Criteria experience identified in the project specifications.

Staff has reviewed Midvale Signal, Inc.’s responsive bid and concluded they are a responsible contractor capable of performing the work. The Midvale proposal is within the engineer’s estimated range of $365,100 to $403,500.
This project is included in the 2021 approved budget.

Additional Information Attached? No

RECOMMENDATION: That the Board of Commissioners authorize the CEO to execute a public works contract with Midvale Signal, Inc. the lowest responsive and responsible bidder, for Bid 21-13: Terminal 2 Track Crossing project, in the amount of $378,513.69 including Washington State sales tax.

Submitted by: [Signature], CEO

Date Action Taken

Motion By:

Approved:

Seconded By:

Deferred To:

Unanimous: Yes No
SUBJECT: Develop Final Port Climate Action Plan

BACKGROUND:

The development of a Climate Action Plan is a key strategy of the Port of Vancouver Strategic Plan’s Environmental goal to protect air quality through deliberate and proactive efforts in all aspects of the port’s operations.

A Climate Action Plan will identify actions the port can take to reduce greenhouse gas emissions from port operations. Elements of the port’s Climate Action Plan process include:

- assistance from consultants with expertise in the development and implementation of carbon reduction initiatives and climate action planning
- public outreach and involvement through surveys, feedback opportunities, webpage development, presentations, social media, postcards, email updates and news releases
- an updated greenhouse gas inventory to identify sources of port-owned greenhouse gas emissions and to serve as a current marker to track future progress
- evaluation and selection of greenhouse gas reduction actions the port can take to align with state and federal goals
- an implementation strategy to inform next steps

The greenhouse gas reduction actions and corresponding implementation strategy will provide information for port staff to propose budget items to support reduction goals. Commissioners will consider and take action on these budget items each year as part of the budget process.

The framework of the plan has been presented to the Board of Commissioners and discussed during the June 8 and July 13, 2021 commission workshops. The final Climate Action Plan document will be finalized based on the information presented. The plan is intended to be dynamic and adapt as science, technology and port operations change over time.
RECOMMENDATION: That the Board of Commissioners authorize the CEO to develop a final Climate Action Plan as presented by staff.

Submitted by: Julianne Moore, CEO

Date Action Taken: __________  Motion By: _______________________

Approved: __________  Seconded By: _______________________

Deferred To: __________  Unanimous: Yes___ No____
REQUEST FOR COMMISSION ACTION  
PORT OF VANCOUVER USA

REVIEWED BY:

Accounts Payable

Title

APPROVED BY:

Director of Finance & Accounting

Scott D. Goodrich

Title

Date

SUBJECT: VENDOR CLAIMS APPROVAL

BACKGROUND:

June 2021 Vendor Claims:

- Voucher Numbers 105726 - 106120 $3,786,702.01
- Electronic Payments 06/01/2021 – 07/01/2021 $503,278.58
- Payroll Voucher Numbers Checks 51520604 – 51520607 $587,254.61
- Payroll Voucher Numbers Direct Deposits 230001 – 250122
  - 230001 – 230122
  - 250001 – 250122

RECOMMENDATION: That the Port of Vancouver USA Board of Commissioners, by motion, ratifies and approves the payment of June 2021 Vouchers 105726 – 106120 in the amount of $3,786,702.01 including Electronic Payments generated between 06/01/2021 – 07/01/2021 in the amount of $503,278.58 and June 2021 Payroll Checks 51520604 – 51520607 and Payroll Direct Deposits 230001 – 230122 and 250001 – 250122 in the amount of $587,254.61.

Submitted by: [Signature] , CEO

Date Action Taken

Motion By: 

Approved: 

Seconded By: 

Deferred To: 

Unanimous: Yes___ No___