

Finance & Administration Committee Meeting
Agenda for 1:15 p.m. May 16, 2022

The Spokane City Council's Finance and Administration Committee meeting will be held at **1:15 PM May 16, 2022**, in Council Chambers, located on the lower level of City hall at 808 W. Spokane Falls Blvd. The meeting can also be accessed live at <https://my.spokanecity.org/citycable5/live/> and <https://www.facebook.com/spokanecitycouncil> or by calling 1-408-418-9388 and entering the access code #2491 952 4023; meeting password 0320.

The meeting will be conducted in a standing committee format. Because a quorum of the City Council may be present, the standing committee meeting will be conducted as a committee of the whole council. The Finance & Administration Committee meeting is regularly held every 3rd Monday of each month at 1:15 p.m. unless otherwise posted.

The meeting will be open to the public both virtually and in person, with the possibility of moving or reconvening into executive session only with members of the City Council and appropriate staff. No legislative action will be taken. No public testimony will be taken, and discussion will be limited to appropriate officials and staff.

AGENDA

I. Call To Order

II. Approval of Minutes

1. [April 18, 2022 F&A Committee Minutes - \(minutes\)](#)

III. Discussion Items

1. [Loomis Contract Extension - Conner Thorne \(5 minutes\)](#)
2. [SBO for Clean Fuel Infrastructure Reserve Budget - Rick Giddings \(10 minutes\)](#)
3. [SBO Demolition of structure\(s\) at 801 N Regal - Jason Rugging \(10 minutes\)](#)
4. [SBO - Asset Capital Fire & Police - Michelle Murray \(10 minutes\)](#)
5. [Questica Overview - Jessica Stratton \(10 minutes\)](#)
6. [DSP/BID Conversations - Mike Piccolo \(10 minutes\)](#)

IV. Consent Items

1. [Special Counsel Amendment For Etter McMahon \(Public Works Division\)](#)
2. [NSC – Wellesley Ave. Phase 2 \(Public Works\)](#)
3. [Renewal of Master Contract for On Call Arborist Services \(Purchasing\)](#)
4. [Amendment to ammunition value blanket \(Police Department\)](#)
5. [Continuation for LogRhythm License \(Innovation and Technology Services Division\)](#)

V. Executive Session

VI. Adjournment

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

STANDING COMMITTEE MINUTES
City of Spokane
Finance & Administration Committee
18 April, 2022

Called to Order: 11:15 AM PST

Recording of the meeting may be viewed [on Vimeo](#)

Attendance

Committee Members Present:

CM Wilkerson (Chair), CM Cathcart (Vice Chair), Council President Beggs (via WebEx), CM Kinnear, CM Stratton, CM Bingle, CM Zappone

Staff/Others Present:

Hannahlee Allers, Matt Boston (via WebEx), Mark Carlos (scribe), Conner Thorne, Garrett Jones, Paul Ingiosi (via WebEx), Tonya Wallace, Kris Smith, Alex Gibilisco, Erik Poulsen, Brian McClatchey, Shae Blackwell, Giacobbe Byrd, Nicolette Ocheltree, Jeff Gunn, Scotty Nicol

Approval of Minutes: 11:18 AM PST

CM Bingle moved to approve, CM Cathcart seconded. Agenda and minutes were approved unanimously.

Agenda Items

Discussion Requests

1. CTAB Interview – Brian Thomas
 - Interview was had with Council Members, Appointment will be formally considered at Legislative Session
2. EMS Levy Resolution – Council President Beggs
 - No Action taken, presentation was given
3. Portfolio & Yield Planning – Gavin Cooley
 - No Action taken, this item was postponed
4. Quarterly Investment Report – Conner Thorne
 - No Action taken, presentation only
5. Mayoral Appointee – Water and Hydroelectric Services Director – Kristen Smith
 - Action taken
 - i. CMs Kinnear & CM Stratton agreed to sponsor this item to move forward for formal Council consideration.
6. Mayoral Appointee – Public Defender – Kristin Smith
 - Action taken

- i. CP Beggs & CM Cathcart agreed to sponsor this item to move forward for formal Council consideration.
- 7. SBO – Don Kardong Additional Funding – Garrett Jones
 - Action taken
 - i. CMs Wilkerson and Bingle agreed to sponsor this item to move forward for formal Council consideration.
- 8. Quarterly Financial Reports – Paul Ingiosi
 - No Action taken, presentation only
- 9. SBO- Real Estate Excise Tax Funded Projects in the Capital Improvement Program – Paul Ingiosi
 - Action taken
 - i. CMs Wilkerson and Kinnear agreed to sponsor this item to move forward for formal Council consideration
- 10. SBO – Deputy Treasurer – Tonya Wallace
 - Action taken
 - i. CMs Wilkerson and Cathcart agreed to sponsor this item to move forward for formal Council consideration
- 11. Appointing Members to the Equity Subcommittee – Betsy Wilkerson
 - Action taken
 - i. CM Wilkerson agreed to sponsor this item to move forward for formal Council consideration

Consent Items (no discussion was requested or had)

1. Torre Refuse and Recycling Sire Services (Purchasing)
2. SBO – Electric Vehicle Purchase (Public Works)
3. Purchase of Used Dump Truck (Fleet Services)
4. SBO – Public Defender VISTA Site Support Payment (Finance)
5. SBO – Increased ARPA allocation for childcare initiatives (City Council)

Executive session None.

Adjournment The meeting adjourned at 2:44 p.m PST, next meeting will be on May 16th at 1:15 PM PST

Prepared by: Mark Carlos, Assistant to CM Betsy Wilkerson (Committee Chair)

Approved by:

CM Betsy Wilkerson, District 2, Position 2
Finance & Administration Committee Chair

Committee Agenda Sheet Finance & Administration

Submitting Department	Finance, Treasury and Administration – Treasury Services
Contact Name & Phone	Conner Thorne 625-6091
Contact Email	wthorne @spokanecity.org
Council Sponsor(s)	Betsy Wilkerson
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	Loomis Contract Extension
Summary (Background)	The City has finalized their State contract with Loomis effective 5/1/2022. The invoices for services covering January 2022 through April 2022 will be covered under the previously held contract which expired on 12/31/2021. As the invoices from Jan-April need to be paid, a contract extension was put in place to extend the expiration date from 12/31/2021 to 4/30/2022.
Proposed Council Action & Date:	Approve of Loomis extension covering invoices from January 2022- April 2022
Fiscal Impact:	Total Cost: \$18,000 Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)
Operations Impacts: N/A	
What impacts would the proposal have on historically excluded communities?	N/A
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	N/A
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	N/A
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?	This extension helps to ensure the City is compliant with its cash handling procedures.



AMENDMENT

Effective January 1st, 2022, the parties hereto agree that the following paragraphs shall serve to amend the Agreement, dated January 1st, 2017, by and between Loomis Armored US, LLC ("LOOMIS") and City of Spokane ("CUSTOMER") (the "Agreement").

- 1. **Defined Terms:** Unless otherwise defined herein, all capitalized terms used in this Amendment shall have the definitions ascribed to them in the Agreement.
- 2. **Amended Items:** The following terms are hereby added to the Agreement:

Term: Service will begin on the 1st day of January 2022 and shall continue until the 30th day of April 2022. CUSTOMER agrees that LOOMIS is the exclusive provider for these services for the facilities contained herein. Except as expressly stated herein, CUSTOMER understands and agrees that this Agreement contains no provision for early termination in whole or part. Either party may terminate this Agreement with five (5) days written notice in the event of bankruptcy, or insolvency of the other party. Loomis may terminate this Agreement with thirty (30) days written notice in the event of a material reduction or cancellation of LOOMIS' insurance.

- 3. **Authority:** Each party hereby represents and warrants to the other that it has full power to enter this Amendment.

All of the terms and conditions of the Agreement shall continue in full force and effect except as modified by the terms of this Amendment. Terms not defined herein shall be as defined in the Agreement. By executing this Amendment, the parties hereto ratify and confirm the terms of the Agreement, as modified by the terms of this Amendment. This Amendment may be executed in one or more counterparts, each of which shall for all purposes be deemed to be an original and all of which shall constitute the same instrument. All references in the Agreement in and/or to "this Agreement" and words of a like nature shall be deemed to refer to the Agreement, as amended and supplemented by this Amendment.

CUSTOMER

By _____
Printed Name _____
Title _____
Date _____

LOOMIS

By _____
Printed Name _____
Title _____
Date _____

Committee Agenda Sheet

Finance and Administration Committee

Submitting Department	5100 – Fleet Services
Contact Name & Phone	Rick Giddings 625-7706
Contact Email	rgiddings@spokanecity.org
Council Sponsor(s)	CP Beggs
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: <u>10 min</u>
Agenda Item Name	SBO for Clean Fuel Infrastructure Reserve Budget
Summary (Background)	<p>In support of the Clean Fuel Infrastructure Reserve Plan resolution that was adopted on February 28, 2022, Fleet Services is requesting a Special Budget Ordinance to establish a budget for 2022 estimated revenues and expenditures.</p> <p>Revenues will be generated with a per gallon surcharge calculated to be no greater than the difference between the average local retail gasoline & diesel prices and the gas & diesel prices charged by Fleet services (including markup and applicable taxes). This will ensure City-supplied fuel prices remain below prices charged at retail fueling sites. Yearly revenue is estimated to be \$264,269.</p> <p>Expenditures will go toward installing clean fuel infrastructure to support alternative fuel vehicles in the City’s fleet. 2022 expenditures for new and completed projects are estimated at \$140,000.</p>
Proposed Council Action & Date:	Approve SBO for 2022 budget creation
Fiscal Impact: Total Cost: <u>\$140,000 for 2022</u> Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: fuel surcharge Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts	
What impacts would the proposal have on historically excluded communities?	
N/A	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	
Data will be collected via department fuel usage and has no existing disparities.	

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Fleet and Accounting will collect and analyze the fuel usage data both monthly and annually to ensure the surcharge meets the needs of the impacted departments.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The clean fuel infrastructure reserve program aligns with the sustainability action plan and SMC via reducing greenhouse gas emissions by providing alternative fueling options for City fleet.

ORDINANCE NO _____

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to make changes in the appropriations of the Fleet Services Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the Fleet Services Fund and the budget annexed thereto with reference to the Fleet Service Fund, the following changes be made:

- 1) Increase revenue by \$264,259.
 - A) Of the increased revenue, \$264,259 is from interfund fuel sales from other city departments.
- 2) Increase appropriation by \$140,000.
 - A) Of the increased appropriation, \$140,000 is provided solely for supplies and equipment related to Clean Fuel Infrastructure Reserves expenses in the Fleet Services department.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the creation of the Clean Fuel Infrastructure Reserve Plan and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date

Briefing Paper

Finance and Administration

Division & Department:	Community and Economic Development, Code Enforcement
Subject:	Demolition of structure(s) at 801 N Regal
Date:	May 2, 2022
Contact (email & phone):	Jason Ruffing, Enforcement Supervisor, jruffing@spokanecity.org 509.625.6529
Director:	Kris Becker, Steven MacDonald
Committee(s) Impacted:	Finance and Administration, Urban Experience, Public Safety, PIES
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan to create a community so that all people can feel safe, empowered, and welcome. Additionally, the policy that the Building Official or Hearing Examiner may determine that the building/structure is unfit for human habitation and orders demolition if any of the substandard conditions listed in SMC 17F.070.400 are found to exist to such an extent as to be dangerous or injurious to the health or safety of the buildings occupants or community.
Strategic Initiative:	Safe and Healthy, Urban Experience
Deadline:	The demolition deadline will be detailed in the final contract once approved. The Building Official set a demolition deadline for property ownership and multiple deadlines have been missed. The Building Official has not set a deadline for the City's efforts to demolish.
Outcome: (deliverables, delivery duties, milestones to meet)	Demolish fire damaged, asbestos contaminated nuisance property that is a public safety hazard and negatively impacts the surrounding neighborhood.
<p>Background/History: The structure at 801 N Regal, parcel numbers 35161.4301 and 35161.4302 is a fire-damaged commercial property that has been determined to be substandard, abandoned, unfit, and a nuisance by the Building Official for the City of Spokane. The building spans two parcels, the majority of the building being located on a parcel owned by Regal District, LLC, and a smaller portion of the building sits on a lot owned by Andy Louie.</p> <p>A fire occurred at this property on September 26, 2021 and resulted in catastrophic damage to the building. Following the fire, the Building Official issued a "summary order" to the property ownership to prepare a demolition plan and to secure the premises with fencing while demolition and/or repairs were pending. This did not occur, resulting in Code Enforcement facilitating security fencing at this property. Costs associated with the fencing are being placed as a lien on the property.</p> <p>Following the emergency event and summary orders, Code Enforcement staff scheduled an administrative show cause hearing before the Building Official to discuss the property and next steps. There was some participation from ownership at the hearing and the Building Official's orders were clear. Ownership was again ordered to demolish the structures within twenty-one (21) days from the date of the letter (11/17/22) and that more time for the demolition may be provided if a comprehensive demolition plan, including asbestos documentation and signed contracts, was provided by December 10, 2021. Neither deadline was met by property ownership.</p> <p>The LLC that owns the majority of the structure was represented by an attorney at the hearing that has subsequently stopped representing the LLC. Response from this ownership group has been intermittent and inadequate, with no actual proposals or information being submitted throughout this entire time. This portion of the building may be insured, but no documentation has been</p>	

provided by the property ownership. There is also a lien holder involved with this portion of the building. Andy Louie, owner of a smaller portion of the building, submitted via his contractor an incomplete and inadequate proposal to try and separate their portion of the building to salvage it. Review and potential approval of such a proposal would require extensive design professional documentation, signed contracts, and comprehensive asbestos survey/remediation information, and this has not been provided. Additional deadlines were set for this potential proposal and again were not met. This portion of the building is not insured.

On February 11, 2022, Spokane Clean Air Agency staff conducted a limited sampling of building materials that are present at the site that could be safely sampled from the exterior of the building and this limited sample returned positive results for asbestos containing materials. This was after communication from multiple asbestos professional that indicated that a full asbestos survey would not be possible at this location due to the hazardous condition of the building. Code Enforcement has coordinated the installation of asbestos caution tape. Luckily, no ACMs that are friable or airborne in nature have been identified at the site.

On March 23, 2022, the request for proposals was sent out to licensed demolition and asbestos professionals via MRSC with the assistance of the Purchasing team. Bids were due April 18, 2022, and 4 bids were received. With the experience of a similarly complex demolition a few years ago at 3011 E Wellesley, staff was expecting this project to need to be an "alternate means" demolition plan in order to comply with SRCAA regulations. This increases demolition costs drastically. The bids that we received confirmed this. The apparent low bid is \$469,900.00.

Executive Summary:

- *The large commercial structure(s) at this property is substantially fire-damaged with confirmed asbestos contamination.*
- *Inactive and unresponsive property owners have failed to comply with Orders of the Building Official and failed to submit needed documentation or evidence to show good-faith efforts of moving towards resolution.*
- *Owner has failed to pay for temporary fencing to keep the site secure and Code Enforcement is working with American On-Site, paying for fencing to remain in place, \$277.95 per month.*
- *The owner failed to provide a plan for demolition of the structures or begin work at the property by the deadline as detailed in the initial summary order, or subsequent Building Official orders issued at the November 16, 2021 show cause hearing.*
- *The high cost of the demolition bids are due to treating the debris entirely as asbestos, using an "alternate means work plan" that will have to be approved by Spokane Clean Air.*
- *The current Code Enforcement budget for demolition is exceeded by the successful bid; SBO would be needed to fund the costly demolition of the fire damaged and hazardous structure.*

Budget Impact:

Approved in current year budget? Yes No N/A

Annual/Reoccurring expenditure? Yes No N/A

If new, specify funding source:

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impact:

Consistent with current operations/policy? Yes No N/A

Requires change in current operations/policy? Yes No N/A

Specify changes required: Council budget approval.

Known challenges/barriers: Estimated demolition costs exceed value of properties. Ownership has failed to resolve conditions, resulting in the Building Official directive to City Staff to pursue resolution through City-initiated request for proposals for demolition and asbestos remediation. Costs associated with this enforcement efforts will be placed as property tax liens on both properties.

ORDINANCE NO _____

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to make changes in the appropriations of the Development Services Center Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the Development Services Center Fund, and the budget annexed thereto with reference to the Fund, the following changes be made:

- 1) Increase revenue by \$469,900.
 - A) \$469,900 of the increased revenue represents abatement revenue in the Development Services Center Fund. The property owner is financially liable for the costs incurred by the City, including securing and demolition of the structure. The City will follow through with the legal process to recover all abatement costs.
- 2) Increase appropriation by \$469,900.
 - A) Of the increased appropriation, \$469,900 is provided solely for contractual services to secure and demolish the unsafe structure(s) and properly dispose of asbestos-contaminated debris.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to demolish a fire damaged, asbestos contaminated nuisance property that is a public safety hazard and negatively impacts the surrounding neighborhood, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date

November 17, 2021

**ORDER OF BUILDING OFFICIAL
CERTIFIED MAIL**

GRANTEE: Regal District, LLC
2522 N PROCTOR ST # 467
Tacoma, WA, 98406

Aries Lending Fund 1, LLC
c/o Aaron Gillingham
PO Box 23461
Tigard, OR 97281

Andy Louie
162 E Fairview Ave
Spokane, WA, 99207-2035

Frank Gebhardt
421 W. Riverside Avenue
Spokane, WA 99201

Tim Fischer
601 West Riverside Avenue, Suite 1900
Spokane, WA 99201

Grantor: City of Spokane Code Enforcement

RE: BUILDING OFFICIAL'S SHOW CAUSE HEARING ON COMPLAINT OF A FIRE DAMAGED,
SUBSTANDARD, UNFIT, NUISANCE, AND ABANDONED COMMERCIAL BUILDING AT 801 N REGAL,
SPOKANE, WASHINGTON 99202

PARCEL NUMBERS: 35161.4301 & 35161.4302

**LEGAL DESCRIPTION: SUB OF SEC 16 L1TO6 B191 L1&2 EXC R/W &VAC STP 8FT WD S OF&ADJ B191
&VAC STP 8FT WD S OF&ADJ L3 &N OF&ADJ L4- 5&6 &N1/2 OF VAC PTN OF BROADWAY AVE BEING
37 1/2FT WD EXT FRM WL OF REGAL ST TO CL EXT SOF VAC NELSON ST**

AND

**SUB OF SEC 16 PT OF B191 BEG AT INT OF SELY LN OF GN RY CO R/W WITH WL OF L1 B191 TH W TO
CL OF VAC NELSON ST TH S AL G SD CL TO INT WITH SL OF L6 B191 EXT W TH E ALG SD EXT LN TO
SWCOR OF SD L6 THN TO POB SUB TO GN RY CO ESMT AS DESC IN DOC 685622-A**

E2000090BLDG

On November 16, 2021, a show cause hearing was held before me as Building Official for the City of Spokane, regarding the fire damaged, substandard and unfit commercial building at 801 N Regal, City of Spokane, County of Spokane, State of Washington. The hearing was held in accordance with Section 17F.070.440 of the Spokane

Municipal Code.

At the hearing, evidence of ownership and condition of this property was presented by the Spokane Code Enforcement Department.

After careful review and deliberation on the above I concluded as follows:

REPORT SUMMARY

At the November 16, 2021 hearing, staff reported that Code Enforcement staff has monitored this property routinely due to sporadic reports of unauthorized access and indications of abandonment, such as being listed on the City of Spokane's foreclosure registry. Multiple times the property has been observed to be open and unsecured and staff has notified ownership. On September 23, 2021, after a referred complaint of the building being unsecured, staff notified responsible parties for this property of the report and the need to re-secure. Staff was made aware shortly thereafter of a catastrophic fire at the property on September 26, 2021. Staff again contacted ownership to discuss the fire and needed plans for security and eventual demolition.

Summary orders were issued for the property by the Building Official on September 28, 2021. These orders included the order to demolish and an order to fence the property. The order to fence contained a deadline of October 6, 2021 and the demolition order provided 10 days for plans to be prepared. There was no contact from ownership regarding plans to demolish or secure the property and no action to secure the property with a fence. The City has since secured with fencing. "Do Not Occupy" signage was installed along the fence by a City contractor.

Staff reported that following the Summary Orders, notices for a show cause hearing were sent on October 19, 2021 to all known contacts for this property, which includes two separate owners. Hearing notice was posted at the property on 10/22/21 and placed as a lis pendens for each related parcel through the Spokane County Auditor's office on 10/22/21 as well. Additionally, staff published notice of the hearing via the City Gazette on October 20th and October 27th, 2021.

Staff reported on November 9, 2021, staff conducted a site visit. The premises remains reasonably secure due to the fencing and signage remains in place on the fence. There is garbage and fire debris throughout the area. The building is substantially damaged by fire. Extensive damage is evidence from the right of way. The roof is mostly collapsed, windows are broken out and wall components are burned, damaged, and collapsed. The interior of the structure is open to the elements and full of fire debris and collapsed building materials. There are no permits on file for the property and no contact from any parties to indicate a demolition plan is being prepared. Utilities are off.

Staff reported that on November 11, 2021, staff reached out to Aaron Gillingham, a representative of Aries Lending Fund 1, LLC. Staff sent an email and requested a phone call to discuss the property and the upcoming hearing. Staff was able to connect with Gillingham on November 15, 2021. Staff provided a summary of the process to this point and the concerns with the property. Staff confirmed that Aries Lending Fund is a lien holder on the property that has been involved with a foreclosure at this property, but was advised that a sheriff's sale had been cancelled. Staff also spoke with Frank Gebhardt on the line with Gillingham. Gebhardt was identified as the attorney representing the company. Staff was also notified during this call of the property owner, Aaron Stewart of Regal District, LLC being represented by another attorney in Spokane, Tim Fischer. Staff contacted Tim Fischer to confirm involvement and Fischer confirmed that he was involved with the property and would participate in the hearing. Staff sent all of the above named parties emails with the summary order and notice of hearing as attachments and included the remote participation information.

Staff reported that also on November 15, 2021, staff was in contact with Andy Louie and his property manager Dave Davison regarding their portion of the property and the upcoming hearing. Staff provided remote participation information via email.

At the November 16, 2021, multiple parties related to this property attended the hearing remotely and provided testimony regarding the property. Tim Fischer, attorney with Winston & Cashatt, attended the hearing representing the property ownership. Fischer stated that he had recently been in contact with his client, the property owner, and would follow up with him following the hearing. Fischer stated that he would be able to provide a written statement following the hearing once he had time to discuss further with his client. Fischer stated that he has been advised that there is insurance on the property. Frank Gebhardt, attorney with Feltman Ewing, also participated remotely representing his client Aries Lending Fund 1, LLC, which was also represented by Aaron Gillingham at the hearing. Gebhardt stated that his client is a lien holder on the property and holds a deed of trust. He stated that the company does not have ownership of the property and the owner would be responsible for the property

conditions. Gebhardt stated that there has been some foreclosure action at the property but the Sherriff's sale was postponed. Andy Louie, owner of a portion of the building and property, provided testimony as did Dave Davisson, who works with Louie. They stated that they are still trying to get up to speed with what will be needed to resolve the building and that they are general contractors. Acting Building Official Luis Garcia stated that the goal of this show cause hearing was to have a demolition plan in place to be presented to the Building Official to address this unsafe and nuisance building. Garcia stated that the summary orders remain in place and will be upheld following this hearing. There was some discussion regarding the demolition process, asbestos abatement, and the City's procurement process, should ownership not comply with the Building Official's orders and timeline. Gillingham stated that he believed much of the property had already undergone asbestos abatement, but that he did not have specifics and this would be the responsibility of the property owner to document. There was also some discussion amongst the parties relating to contact information due to the building being situated on two parcels with two different owners.

FINDINGS

In conclusion, there has been no change since to the condition of the property since the conditions led to the initial summary hearing findings of the building being substandard and unfit. Therefore, the building is found to remain substandard as defined by Section 17F.070.400 of the Spokane Municipal Code, due to:

- B. Structural defects: foundation, wall and roof framing. Findings: Wall, floor, and roof framing is substantially damaged by fire that occurred on September 26, 2021. The interior of the structure is open to the elements and full of fire debris and collapsed building materials
- D. Defective/inoperable plumbing. Findings: According to the City of Spokane Water Utilities notes, water was has been off since at least November 11, 2016. Other notes state that pipes and water meter are likely damaged.
- F. No activated utility service for one year. Findings: According to C-Star notes, water has been off since at least November 11, 2016.
- G. Inoperable or inadequate heating system. Findings: Electrical systems are critically damaged by fire and related firefighting efforts.
- K. Fire-damaged structure. Findings: A fire occurred on September 26, 2021 substantially damaging this commercial building. Wall, floor, and roof framing is heavily damaged. The building is unsafe to access.
- L. Defects increasing the hazards of fire, accident or other calamity. Findings: The property is unsafe and remains an attractive nuisance. Current conditions make the property dangerous to access. As of the Code Enforcement site visit with the Building Official on September 28, 2021 the property was not yet secure. One property owner provided verbal information, via telephone, regarding the plan to get the property secured as soon as possible. The property was secured by City action following the ownership not securing the property by the timeframe as ordered by the Building Official.

ABANDONED SMC 17F.070.030

The building is also found to be abandoned as defined by Section of the Spokane Municipal Code due to:

- giving indications that no one is currently in possession, such as by the disconnection of utilities, accumulation of debris, uncleanliness, disrepair, and other circumstances.

The building is also found to be unfit as defined in Section 17F.070.410 of the Spokane Municipal Code, due to:

- Quantity and extent of conditions

NUISANCE SMC Section 10.08A.020(H)(1)(f)

ii. Maintaining or permitting upon any land:

- 5. an abandoned or vacant building, structure or part thereof not securely closed to entry.

BUILDING OFFICIAL'S ORDER

1. **ORDER TO DEMOLISH:** According to Spokane Municipal Code Section 17F.070.470, demolition of a structure shall be ordered when, in the building official's judgment, the structure is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and that it is unreasonable to repair the structure. You are ordered to demolish all said structures on the site within **21 days** from the date of this letter. City standards are: Remove any foundation to grade elevation. Fill any hole to grade with suitable materials and remove all debris from the premises immediately after demolition. Commercial contractors must remove waste to the Northside Landfill. Minor demolition waste by private owners can be brought to the transfer stations at Sullivan Road or Colbert (Elk Chattaroy Road), or the Waste to Energy Plant at Geiger Boulevard. Asbestos waste is disposed of at Graham Road Recycling and Disposal Facility, call 244-0151 for details and costs. **If the demolition is not completed per this order, and if the order remains outstanding, the City will proceed with demolition at city expense. Such costs shall be assessed as a lien against the property. Additional time may be provided pending the submission and approval of a complete demolition plan as detailed in order #2.**
2. **Order to provide a written demolition plan by December 8, 2021:** You are hereby ordered to submit a demolition plan for the building to address all substandard conditions known and unknown as well as any other condition that will be required to make the house habitable again. The plan must include a detailed plan for re-securing the premises when needed, addressing graffiti and illegal dumping, and removing transients when necessary. The demolition plan must provide a time line, costs, and estimates from professional tradesmen or contractors and indicate your financial ability to carry out the program. Demolition is an alternative rehabilitation plan when accompanied with a signed contract and time line. You must acquire all necessary permits for the demolition, including but not limited to, a City of Spokane demolition permit and Spokane Regional Clean Air permit/notice. A standard rehabilitation/demolition plan template is enclosed for your information.
3. **Order to assess annual hearing process fee:** The annual hearing processing fee of \$1,500.00 is being assessed per authority of Spokane Municipal Code 8.02.067. This fee is assessed to the land owner where the substandard or unfit building is located for all costs and expenses incurred by the City in administration of and enforcement of this code. A new fee will be assessed at the beginning of each twelve month period that the building remains substandard, unfit or abandoned as determined by the Building Official. Up to five hundred dollars of the annual fee may be refunded if the property is repaired and removed from the building official process within one year from the first hearing. The building official or his designee is authorized to officially remove a property from the building official process and authorize the refund of a portion of the fee. This fee can be paid online using the following location. Payment is also accepted in person at City Hall, 808 W Spokane Falls Blvd., Spokane, WA, 99201. Please call 509-625-6300 for additional assistance.
<https://aca.spokanepermits.org/CitizenAccess/default.aspx>
4. **Order to keep secure:** You are hereby ordered to keep the premises secure when not undergoing rehabilitation or investigation. The property owner or their contractor may enter to make repairs.
5. **Do not occupy:** Order is in effect until substandard conditions have been alleviated.
6. **Further instructions:** Obtain permits where required prior to beginning such work and call for inspections. We will monitor your progress.

ASBESTOS *An asbestos inspection is required, per State Law, before authorizing or allowing any construction, renovation, remodeling, maintenance, repair or demolition. The inspection results are required to be documented by written report, maintained on file and made available upon request to the Director, Washington State, Department of Labor and Industries (WAC 296-62-07721). For detailed information contact Spokane Regional Clean Air Agency at (509) 477-4727.*

NOTICE OF RIGHT TO APPEAL

You have the right to appeal the decision of the Building Official to the City Hearing Examiner within 30 days from the date of this letter. Appeal forms are available by contacting the Code Enforcement Department @ 625-6300. Pursuant to Spokane Municipal Code 08.02.087 an appeal fee of \$ 250 must accompany a completed appeal form. THE DATE OF THE LAST DAY TO APPEAL IS **December 20, 2021 AT 4:30 pm.**

If you have any questions please call Jason Ruffing at (509) 625-6529.

SO ORDERED



Luis Garcia, Acting Building Official

LG:JR:mh\

CERTIFIED

GRANTEE: Regal District, LLC	91 7199 9991 7039 0175 7669
Aries Lending Fund 1, LLC c/o Aaron Gillingham	91 7199 9991 7039 0175 7676
Andy Louie	91 7199 9991 7039 0175 7683
Frank Gebhardt	91 7199 9991 7039 0175 7690
Tim Fischer	91 7199 9991 7039 0175 7706

Enclosure: Rehabilitation Plan
PC: D. Murphy, Deputy Building Official

Email:

frankg@feltmanewing.com

trf@winstoncashatt.com

aaron@ariescapitalnw.com

andywlouie@gmail.com

Davedavisson67@gmail.com

CITY OF SPOKANE

October 1, 2021

**NOTICE OF SUMMARY HEARING
CERTIFIED**

Regal District, LLC
2522 N PROCTOR ST # 467
Tacoma, WA, 98406

Aries Lending Fund 1, LLC
c/o Aaron Gillingham
PO Box 23461
Tigard, OR 97281

Andy Louie
162 E Fairview Ave
Spokane, WA, 99207-2035

**RE: BUILDING OFFICIAL'S SUMMARY HEARING ON A FIRE DAMAGED, SUBSTANDARD, AND UNFIT
COMMERCIAL BUILDING AT 801 N REGAL ST., SPOKANE, WASHINGTON 99202**

PARCEL NOS: 35161.4301 & 35161.4302

**LEGAL DESCRIPTION: SUB OF SEC 16 L1TO6 B191 L1&2 EXC R/W &VAC STP 8FT WD S OF&ADJ B191
&VAC STP 8FT WD S OF&ADJ L3 &N OF&ADJ L4- 5&6 &N1/2 OF VAC PTN OF BROADWAY AVE BEING
37 1/2FT WD EXT FRM WL OF REGAL ST TO CL EXT SOF VAC NELSON ST**

AND

**SUB OF SEC 16 PT OF B191 BEG AT INT OF SELY LN OF GN RY CO R/W WITH WL OF L1 B191 TH W TO
CL OF VAC NELSON ST TH S AL G SD CL TO INT WITH SL OF L6 B191 EXT W TH E ALG SD EXT LN TO
SWCOR OF SD L6 THN TO POB SUB TO GN RY CO ESMT AS DESC IN DOC 685622-A**

E2000090BLDG

This letter serves as notice that a Summary Hearing was held before me on September 28, 2021, the Building Official for the City of Spokane, regarding the aforementioned property. At the Summary Hearing, Code Enforcement staff presented evidence of ownership and conditions of this property. The following are the findings of facts that resulted in a referred complaint from Spokane Fire Department being received and an inspection of the property by the Building Official and Code Enforcement staff on September 27, 2021, including communication with the property owners via telephone on September 28, 2021. By authority of SMC 17F.070.510 entitled "Emergency Action," I hereby issue the below findings and orders in response to the current conditions of the property.

FINDINGS

In conclusion the building is found to be **substandard** as defined by Section 17F.070.400 of the Spokane Municipal Code, due to:

- B. Structural defects: foundation, wall and roof framing. Findings: Wall, floor, and roof framing is substantially damaged by fire that occurred on September 26, 2021.

- D. Defective/inoperable plumbing. Findings: According to the City of Spokane Water Utilities notes, water has been off since at least November 11, 2016. Other notes state that pipes and water meter are likely damaged.
- F. No activated utility service for one year. Findings: According to CStar notes, water has been off since at least November 11, 2016.
- G. Inoperable or inadequate heating system. Findings: Electrical systems are critically damaged by fire and related firefighting efforts.
- K. Fire-damaged structure. Findings: A fire occurred on August 16, 2021 substantially damaging this commercial building. Wall, floor, and roof framing is heavily damaged. The building is unsafe to access.
- L. Defects increasing the hazards of fire, accident or other calamity. Findings: The property is unsafe and remains an active response and investigation. Current conditions make the property dangerous to access. As of the Code Enforcement site visit with the Building Official on September 28, 2021 the property was not yet secured. One property owner provided verbal information, via telephone, regarding the plan to get the property secured as soon as possible.

The building is also found to be **unfit** as defined in Section 17F.070.410 of the Spokane Municipal Code, due to:

- Quantity and extent of conditions

BUILDING OFFICIAL'S ORDER

Conditions on the property are substandard due to the above noted conditions as defined by Spokane Municipal Code SMC 17F.070.400.

1. **ORDER TO DEMOLISH:** According to Spokane Municipal Code Section 17F.070.470, demolition of a structure shall be ordered when, in the building official's judgment, the structure is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and that it is unreasonable to repair the structure. You are ordered to demolish all said structures on the site within **10 days** from the date of this letter. City standards are: Remove any foundation to grade elevation. Fill any hole to grade with suitable materials and remove all debris from the premises immediately after demolition. Commercial contractors must remove waste to the Northside Landfill. Minor demolition waste by private owners can be brought to the transfer stations at Sullivan Road or Colbert (Elk Chattaroy Road), or the Waste to Energy Plant at Geiger Boulevard. Asbestos waste is disposed of at Graham Road Recycling and Disposal Facility, call 244-0151 for details and costs. **If the demolition is not completed per this order, and if the order remains outstanding, the City will proceed with demolition at city expense. Such costs shall be assessed as a lien against the property. Additional time may be provided pending the submission and approval of a demolition plan as detailed in order #5.**
2. **ORDER TO FENCE:** Property ownership is hereby directed to fence the property as soon as possible to secure the property from unauthorized access and to prevent other accidents or calamities from occurring at the property. **If the property is not secured by fencing per this order by OCTOBER 6TH, 2021, the City will proceed with fencing at City expense.** Such costs will be assessed as a lien against the property.
3. **DO NOT OCCUPY:** Order is in effect for the premises until substandard conditions have been alleviated.
4. **ORDER TO KEEP SECURE:** You are hereby ordered to keep the building and premises secure when not undergoing rehabilitation or investigation. The property owner or their contractor may enter to make repairs.
5. **ORDER TO PROVIDE A DEMOLITION PLAN:** You are hereby ordered to submit a demolition plan for the house to address all substandard conditions known and unknown as well as any other condition that will be required to make the house habitable again. The plan must include a detailed plan for re-securing the house when needed, addressing graffiti and illegal dumping, and removing transients when necessary. The rehabilitation plan must provide a time line, costs, and estimates from professional tradesmen or contractors and indicate your financial ability to carry out the program. Demolition is an alternative rehabilitation plan when accompanied with a signed contract and time line. You must acquire all necessary permits for the rehabilitation including structural, electrical, mechanical, and plumbing. A standard rehabilitation plan is enclosed for your information.

6. FURTHER INSTRUCTIONS: Obtain permits where required prior to beginning such work and call for inspections. We will monitor your progress.

ASBESTOS An asbestos inspection is required, per State Law, before authorizing or allowing any construction, renovation, remodeling, maintenance, repair or demolition. The inspection results are required to be documented by written report, maintained on file and made available upon request to the Director, Washington State, Department of Labor and Industries (WAC 296-62-07721). For detailed information contact Spokane Regional Clean Air Agency at (509) 477-4727.

SO ORDERED



D. Murphy, Building Official

Enclosure: Demolition plan

DM:TS:rb\

CERTIFIED

Regal District LLC 91 7199 9991 7039 0187 4472

Aries Lending Fund 1 LLC 91 7199 9991 7039 0187 4489

Andy Louie 91 7199 9991 7039 0187 4496

PC: D. Murphy, Deputy Building Official

Email: aaron@ariescapitalnw.com

CITY OF SPOKANE

Briefing Paper

FINANCE AND ADMINISTRATION

Division & Department:	City Council									
Subject:	Asset Capital Fire & Police									
Date:	5/4/22									
Contact (email & phone):	Michelle Murray mmurray@spokanecity.org 509-625-6320									
City Council Sponsor:	CM Wilerson									
Executive Sponsor:	Tonya Wallace/Michelle Murray									
Committee(s) Impacted:	Finance and Administration Committee									
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative									
Alignment:										
Strategic Initiative:										
Deadline:										
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of SBO to utilize existing reserves in the Asset Management Fund to fund 2022 Fire & Police Capital as per the Capital Plan									
<u>Background/History:</u>										
<p><u>Executive Summary:</u> Since 2014 the Police and Fire Capital Program has been funded by a series of SIP Loans that were funded on an annual basis for capital purchases in the six year capital plan. In 2022 it has not been determined if a SIP Loan will be issued for 2022 capital purchases leaving them in unfunded status. This SBO would allow Asset Management Capital funds to use unappropriated reserves from the General Fund that have accumulated in the Asset Management Capital fund for the purpose of debt service and capital purchases.</p> <p>This amount is identified as a funding source in the capital plan and are surplus funds contributed to the Asset Management Capital Fund over what the 2022 requirement for debt service is and is making these funds available for capital purchases.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Fire's proportionate share</td> <td style="width: 10%;"></td> <td style="width: 60%; text-align: right;">\$ 850,000</td> </tr> <tr> <td>Police's proportionate share</td> <td></td> <td style="text-align: right;">\$ 850,000</td> </tr> <tr> <td>Total Ask</td> <td></td> <td style="text-align: right;">\$ 1,700,000</td> </tr> </table>		Fire's proportionate share		\$ 850,000	Police's proportionate share		\$ 850,000	Total Ask		\$ 1,700,000
Fire's proportionate share		\$ 850,000								
Police's proportionate share		\$ 850,000								
Total Ask		\$ 1,700,000								
<u>Budget Impact:</u>										
TOTAL COST:										
Approved in current year budget?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A									
Annual/Reoccurring expenditure?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A									
If new, specify funding source:										
Other budget impacts: (revenue generating, match requirements, etc.)										
<u>Operations Impact:</u>										
Consistent with current operations/policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A									
Requires change in current operations/policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A									
Specify changes required:										
Known challenges/barriers:										

ORDINANCE NO _____

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to establish and make changes in the appropriations of the Asset Management Capital Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the Asset Management Capital Fund, and the budget annexed thereto with reference to the Asset Management Capital Fund, the following changes be made:

- (1) Increase appropriation by \$ 1,700,000.
- (A) \$ 850,000 of the increased appropriation is transferred from the Asset Management Capital to the Asset Management Fire Capital Fund.
- (B) \$850,000 of the increased appropriation is transferred from the Asset Management Capital Fund to the Asset Management Police Capital Fund.

Section 2. That in the budget of the Asset Management Fire Capital Fund, and the budget annexed thereto with reference to the Asset Management Fire Capital Fund, the following changes be made:

- (1) Increase revenue appropriation by \$ 850,000.
- (A) Of the increased appropriation \$ 850,000 is a transfer from Asset Management Capital fund.
- (2) Increase appropriation by \$ 850,000
- (B) Of the increased appropriation \$ 850,000 is provided solely for capital expenditures related to Fire.

Section 3. That in the budget of the Asset Management Police Capital Fund, and the budget annexed thereto with reference to the Asset Management Police Capital Fund, the following changes be made:

- (1) Increase revenue appropriation by \$ 850,000.
- (A) Of the increased appropriation \$ 850,000 is a transfer from Asset Management Capital fund.
- (2) Increase appropriation by \$ 850,000
- (B) Of the increased appropriation \$ 850,000 is provided solely for capital expenditures related to Police.

Section 4. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need for capital expenditures in the Asset Management Fire Capital Fund and the Asset Management Police Capital Fund, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____

Assistant City Attorney

Mayor

Date

Effective Date

Committee Agenda Sheet

Finance and Administration Committee

Submitting Department	Finance
Contact Name & Phone	Jessica Stratton 509-625-6369
Contact Email	jstratton@spokanecity.org
Council Sponsor(s)	CM Wilkerson
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10 minutes
Agenda Item Name	Questica Project Update
Summary (Background)	<p>At the beginning of 2021 a contract was approved to purchase a budget software from Questica. The intent was that this software would replace the cumbersome, manually-intensive budget module used within the city's accounting software, FMS.</p> <p>After 13 months of data conversion and system integrations, the new budget software, Questica Budget, went live on April 1, 2022 to city staff.</p> <p>This update is meant to inform Council on the status of the project, both what has been accomplished and what work is still to be done.</p>
Proposed Council Action & Date:	
Fiscal Impact:	
Total Cost:	
Approved in current year budget?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Funding Source	<input type="checkbox"/> One-time <input type="checkbox"/> Recurring
Specify funding source:	n/a
Expense Occurrence	<input type="checkbox"/> One-time <input type="checkbox"/> Recurring
n/a	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts	
What impacts would the proposal have on historically excluded communities?	N/A
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	N/A
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	
The annual budget survey will provide a feedback loop so the Budget Office can assess whether or not Questica is meeting the city's budget development needs.	
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?	

N/A

Committee Agenda Sheet

Finance and Administration Committee

Submitting Department	Public Works Division
Contact Name & Phone	Elizabeth Schoedel – 625-6232 / Sam Faggiano – 625-6818
Contact Email	ESchoedel@spokanecity.org / SFaggiano@spokanecity.org
Council Sponsor(s)	CM Wilkerson
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	Special Counsel Amendment For Etter McMahon
Summary (Background)	<p>The City entered in a contract with Etter, McMahon, Lamberson, Van Wert & Oreskovich, P.C., as outside legal counsel services in the matter of West Terrace Golf, LLC., v. City of Spokane. Additional funds are necessary.</p> <ul style="list-style-type: none"> • Contract Amendment • Special Outside Legal Counsel in the matter of West Terrace Golf, LLC. v. City of Spokane. • This litigation arises from a water rate challenge Additional compensation not to exceed \$50,000 for a total of \$425,000.
Proposed Council Action & Date:	Approve/Pass May 16, 2022
<p>Fiscal Impact: Total Cost: <u>\$50,000.00</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Risk Fund</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts	
What impacts would the proposal have on historically excluded communities?	
Public Safety and Quality of Life	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? N/A	
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? N/A	



City of Spokane
SPECIAL COUNSEL
CONTRACT AMENDMENT #5

This Contract Amendment is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **ETTER, MCMAHON, LAMBERSON, VAN WERT & ORESKOVICH, P.C.**, whose address is 618 West Riverside Avenue, Suite 210, Spokane, WA 99201, as ("Firm"), Individually hereafter referenced as a "party", and together as the "parties".

*WHEREAS, the parties entered into a Contract wherein the Firm agreed to provide legal services and advice to the City of Spokane, and its officers and employees regarding the matter of **WEST TERRACE GOLF, L.L.C. v. CITY OF SPOKANE**, consistent with applicable laws and this Contract.*

WHEREAS, additional funds are necessary, thus the original Contract needs to be formally Amended by this written document; and

-- NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The original Contract, dated June 27, 2017, and July 17, 2017, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Amendment shall become effective upon signature by both parties.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00)** as full compensation for everything furnished and done under this Contract Amendment. The total amount under the original Contract, any subsequent amendments, and this Contract Amendment is **FOUR HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$425,000.00)**.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Amendment by having legally-binding representatives affix their signatures below.

**ETTER, MCMAHON, LAMBERSON,
VAN WERT & ORESKOVICH, P.C.**

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Committee Agenda Sheet

PIES

Submitting Department	Public Works, Engineering
Contact Name & Phone	Dan Buller 625-6391
Contact Email	dbuller@spokanecity.org
Council Sponsor(s)	Lori Kinnear
Select Agenda Item Type	X Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	NSC – Wellesley Ave. Phase 2
Summary (Background)	<ul style="list-style-type: none"> • This project lowers the grade of the Wellesley Market intersection and its approaches in order to tie in to WSDOT’s new RR & freeway undercrossing. • Also included in the project are associated utility replacements. • See attached project area exhibit. • Work is planned this summer and fall. • Because this work will require full closure of the Market/Wellesley intersection, Haven St. will be converted to two way traffic and Market St. will be open outside the construction area. It is estimated this phase of the project will require 2 months to complete. • During construction of the Haven/Wellesley intersection, Market St. will be converted to two way traffic and Haven St. will be open outside the construction area. It is estimated this phase of the project will require 2 months to complete. • Business open signs will be installed at each intersection along the Haven and Market detours to inform drivers where to turn. • This project is entirely funded by WSDOT.
Proposed Council Action & Date:	None at this time. Following bid opening, we will bring a construction contract to Council for approval.
Fiscal Impact: Total Cost: Approved in current year budget? X Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source X One-time <input type="checkbox"/> Recurring Specify funding source: project funds (generally street or utility funds) Expense Occurrence X One-time <input type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts	
What impacts would the proposal have on historically excluded communities? Public Works services and projects are designed to serve all citizens and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

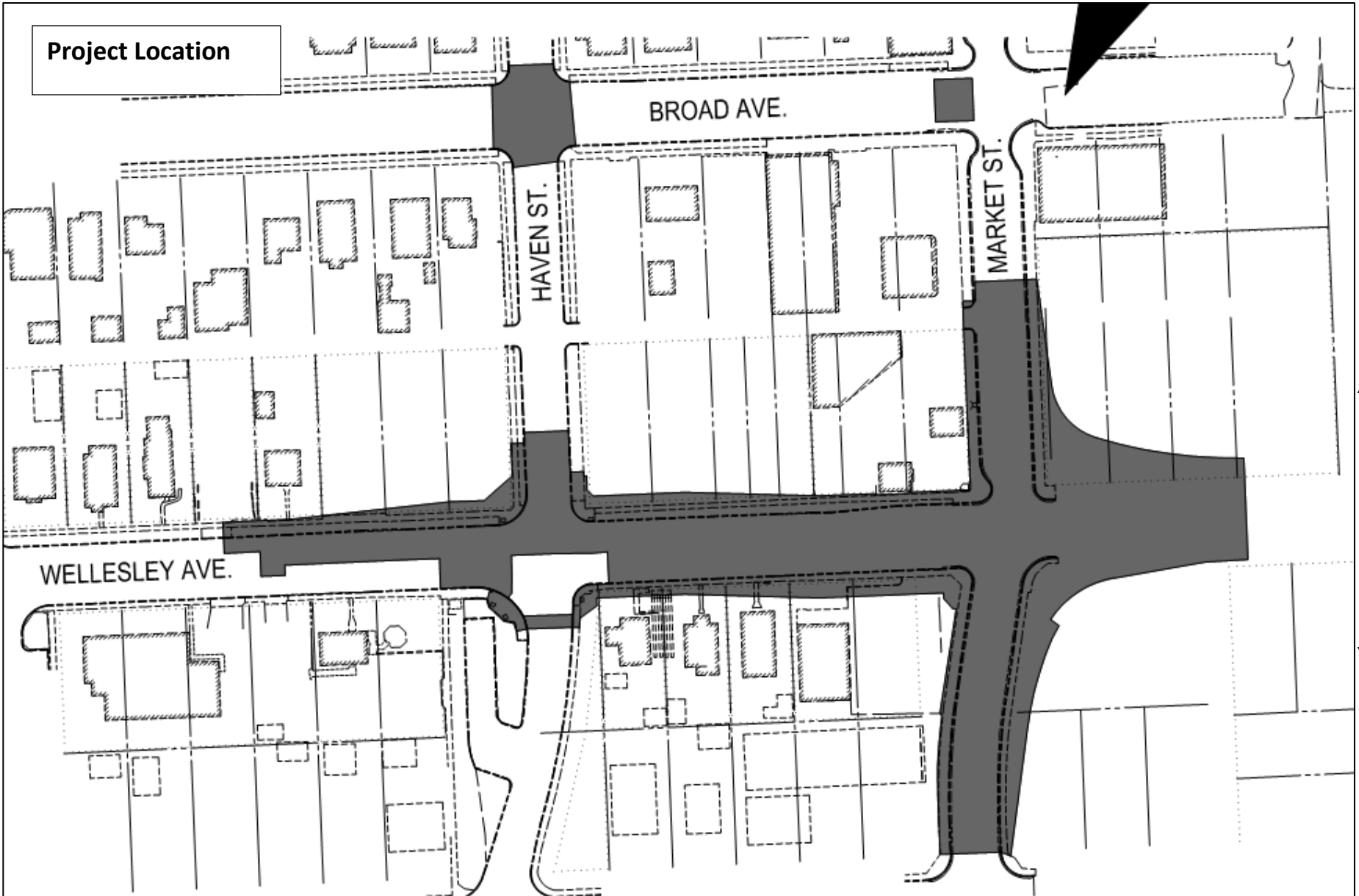
N/A – This contract supports multiple public works projects and should not impact racial, gender identity, national origin, income level, disability, sexual orientation or other existing disparity factors.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Public Works follows the City's established procurement and public works bidding regulations and policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The projects which will use this on-call contract are consistent with our adopted six year programs as well as the annual budget and strategic initiative to advance street maintenance activities.



FINANCE & ADMINISTRATIVE COMMITTEE

Submitting Department	Purchasing
Contact Name & Phone	Thea Prince 625-6403
Contact Email	tprince@spokanecity.org
Council Sponsor(s)	CM Stratton
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	Renewal of Master Contract for On Call Arborist Services
Summary (Background)	Renewal of Master Contract with F.A. Bartlett for On-Call Arborist Services. This was put out for bid in February of 2020. The original contract was for a two (2) year period and allows for two (2) optional one-year renewals. This is the first renewal. There are no changes in pricing. This is a City Wide Master Contract that can be used by all departments for On-Call Arborist Services.
Proposed Council Action & Date:	Approve Master Contract Renewal May 16, 2022
Fiscal Impact:	
Total Cost: <u>\$250,000.00</u>	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring	
Specify funding source:	
Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts	
What impacts would the proposal have on historically excluded communities? None	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? No data will be collected	

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

No data will be collected – departments will let Purchasing know if this contract is not working.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

Committee Agenda Sheet

Finance and Administration Committee

Submitting Department	Police Department
Contact Name & Phone	Jacqui MacConnell, 625-4109
Contact Email	jmacconnell@spokanepolice.org
Council Sponsor(s)	Councilmember Cathcart
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	Amendment to ammunition value blanket
Summary (Background)	<p>The ammunition purchase was already approved by City Council (bid#RFQ5494-21) but we need to add the purchase of 9 mm hollow point utilizing value blanket #301344 (training ammunition).</p> <p>The Full Metal Jacket that was put on RFQ 5494-21 and competitively and openly bid, is not available for 12 to 14 months. This has created the need for the Spokane Police Department to purchase another type of 9mm ammunition. Dooley Enterprises has Hollow Point 9mm ammunition in stock at the moment, that is on WA State Contract #02616, and available for SPD to purchase and have delivery right away. The demand for the Full Metal Jacket practice ammunition and shortages in raw materials has caused a nationwide backlog.</p> <p>To ensure that our Officers have the necessary training ammunition, it is imperative that we purchase this ammunition right now. The vendor has this ammunition in their warehouse because they ordered it last year. If we do not purchase this ammunition now, they have said it will be sold to another department, thus, the Spokane Police Department will run out of ammunition and be unable to get a new order until, potentially, the end of the year.</p>
Proposed Council Action & Date:	Approval to amend VB 301344 on June 6th
Fiscal Impact:	<p>Total Cost:</p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Specify funding source: SPD operating budget under General Fund</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>
Operations Impacts	<p>What impacts would the proposal have on historically excluded communities?</p> <p>n/a</p>

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

n/a

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

n/a

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

n/a

Committee Agenda Sheet

Finance & Administration Committee

Submitting Department	Innovation and Technology Services Division
Contact Name & Phone	Michael Sloon, 625-6468
Contact Email	msloon@spokanecity.org
Council Sponsor(s)	CM Michael Cathcart
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: 5/16/2022
Agenda Item Name	Continuation for LogRhythm License Ongoing annual maintenance and support for City's network and server monitoring infrastructure.
Summary (Background)	LogRhythm is the Security Information and Event Management (SIEM) tool the Security Office uses to perform centralized logging and security monitoring for critical servers and network systems. NDM Technologies was selected through GSA Contract - GS-35F-0511T. The contract term will begin June 1, 2022 and shall run through May 31, 2023. Contract amount is \$19,591.00, including tax. The 2021 contract amount was \$19,050.17, including tax. Addendum in April of 2022 for \$41,822.90 including tax, for the purchase of an additional server. Bringing the annual total expenditure cost over the \$50,000 threshold.
Proposed Council Action & Date:	Pass Council on June 6, 2022
Fiscal Impact: Total Cost: \$19,591.00 Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: 5300-73150-18850-54820 Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts:	
Operations Impacts	
What impacts would the proposal have on historically excluded communities?	
Not applicable – annual software maintenance	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	
Not applicable – annual software maintenance	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	
Not applicable – annual software maintenance	
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?	

This service aligns with the Sustainable Resources strategic initiative based on sound financial objectives, and quality customer service of our Information Security Office and ITSD objectives.