

# THE CITY OF SPOKANE



## ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, MAY 20, 2013

### MISSION STATEMENT

TO DELIVER EFFICIENT AND EFFECTIVE SERVICES  
THAT FACILITATE ECONOMIC OPPORTUNITY  
AND ENHANCE QUALITY OF LIFE.

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBER MICHAEL A. ALLEN

COUNCIL MEMBER MIKE FAGAN

COUNCIL MEMBER NANCY McLAUGHLIN

COUNCIL MEMBER STEVE SALVATORI

COUNCIL MEMBER JON SNYDER

COUNCIL MEMBER AMBER WALDREF

COUNCIL CHAMBERS  
CITY HALL

808 W. SPOKANE FALLS BLVD.  
SPOKANE, WA 99201

## CITY COUNCIL BRIEFING SESSION

Council will adopt the Administrative Session Consent Agenda after they have had appropriate discussion. Items may be moved to the 6:00 p.m. Legislative Session for formal consideration by the Council at the request of any Council Member.

SPOKANE CITY COUNCIL BRIEFING SESSIONS (BEGINNING AT 3:30 P.M. EACH MONDAY) AND LEGISLATIVE SESSIONS (BEGINNING AT 6:00 P.M. EACH MONDAY) ARE BROADCAST LIVE ON CITY CABLE CHANNEL FIVE AND STREAMED LIVE ON THE CHANNEL FIVE WEBSITE. THE SESSIONS ARE REPLAYED ON CHANNEL FIVE ON WEDNESDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel. There will be an opportunity for the expression of public views on any issue not relating to the Current or Advance Agendas during the Open Forum at the beginning and the conclusion of the Legislative Agenda.

### ADDRESSING THE COUNCIL

- No one may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet as a condition of recognition.
- Each person speaking at the public microphone shall print his or her name and address on the sheet provided at the podium and verbally identify him/herself by name, address and, if appropriate, representative capacity.
- If you are submitting letters or documents to the Council Members, please provide a minimum of ten copies via the City Clerk. The City Clerk is responsible for officially filing and distributing your submittal.
- In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, modes of expression such as demonstration, banners, applause and the like will not be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

**SPEAKING TIME LIMITS:** Unless deemed otherwise by the Chair, each person addressing the Council shall be limited to a three-minute speaking time.

**CITY COUNCIL AGENDA:** The City Council Advance and Current Agendas may be obtained prior to Council Meetings from the Office of the City Clerk during regular business hours (8 a.m. - 5 p.m.). The Agenda may also be accessed on the City website at [www.spokanecity.org](http://www.spokanecity.org). Agenda items are available for public review in the Office of the City Clerk during regular business hours.

**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 Gita George-Hatcher at (509) 625-7083, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [ggeorge-hatcher@spokanecity.org](mailto:ggeorge-hatcher@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

If you have questions, please call the Agenda Hotline at 625-6350.

# BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

# ADMINISTRATIVE SESSION

Roll Call of Council

# CONSENT AGENDA

## REPORTS, CONTRACTS AND CLAIMS

## RECOMMENDATION

1. Low Bids of:

a. N & N Excavation (Spokane, WA) for Euclid Avenue from Mayfair Street to Crestline Street Water Main Replacement—\$1,988,746.20 (plus tax). An administrative reserve of \$198,874.62 (plus tax), which is 10% of the contract price (plus tax), will be set aside.

Approve & Authorize Contracts

PRO 2013-0010  
ENG 2012086

b. \_\_\_\_\_ (to be determined at bid opening to be held May 13, 2013) for Crestline Street from 37th Avenue to 57th Avenue Water Main Replacement—\$\_\_\_\_\_. An administrative reserve of \$\_\_\_\_\_, which is 10% of the contract price, will be set aside.

PRO 2013-0011  
ENG 2012104

Gary Nelson

2. Increase allotted amount for Value Blanket Order with San Diego Police Equipment, Inc. (San Diego, CA) to purchase additional ammunition needed to keep up with ammunition shortages—\$150,000. Total amount—\$300,000.

Approve

OPR 2011-0770  
BID 3791-11

Craig Meidl

- |  |                     |               |
|--|---------------------|---------------|
| 3. Value Blanket Order with Special Asphalt Products, Inc. (Spokane, WA) for approximately 140,000 pounds of Rubberized Asphalt Crack Sealant using Washington State Contract #012111—estimated annual expense \$124,500 (including tax).<br><b>Mark Serbousek</b>   | Approve             | OPR 2013-0396 |
| 4. Multiple Family Housing Property Tax Exemption Agreement with North Gorge Residential Partners, LLC for 32 townhome/condominium units located at 2101 West Bridge Avenue, 2100 West Ide Avenue, 2301 West Bridge Avenue, 2300 West Ide Avenue and 2300 West Ohio Avenue; parcel numbers 25133.0901, 25133.0903, 25133.1001, 25133.1003 and 25133.2301.<br><b>Teri Stripes</b> | Approve             | OPR 2013-0397 |
| 5. Annual Software Maintenance Contract with Mitchell Humphrey & Company (St. Louis, MO) for the Financial Management System from July 1, 2013 through June 30, 2014—\$86,685.<br><b>Michael Sloon</b>   | Approve             | OPR 2013-0398 |
| 6. Report of the Mayor of pending:   | Approve & Authorize |               |
| a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, total \$ _____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$ _____.  | Payments            | CPR 2013-0002 |
| b. Payroll claims of previously approved obligations through _____: \$ _____.  |                     | CPR 2013-0003 |

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## **EXECUTIVE SESSION**

**(Closed Session of Council)**

**(Executive Session may be held or reconvened during the 6:00 p.m. Legislative Session)**

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## **CITY COUNCIL SESSION**

**(May be held or reconvened following the 3:30 p.m. Administrative Session)**

**(Council Briefing Center)**

This session may be held for the purpose of City Council meeting with Mayoral nominees to Boards and/or Commissions. The session is open to the public.

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# LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

**WORDS OF INSPIRATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF COUNCIL**

**ANNOUNCEMENTS**

(Announcements regarding Changes to the City Council Agenda)

## BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

### APPOINTMENTS

### RECOMMENDATION

Arts Commission: Five Appointments

Confirm

CPR 1981-0043

Bicycle Advisory Board: One Appointment

Confirm

CPR 1992-0059

## CITY ADMINISTRATION REPORT



## COUNCIL COMMITTEE REPORTS

(Committee Reports for Finance, Neighborhoods, Public Safety, Public Works, and Planning/Community and Economic Development Committees and other Boards and Commissions)



## OPEN FORUM

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas nor relating to political campaigns/items on upcoming election ballots. This Forum shall be for a period of time not to exceed thirty minutes. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed thirty minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.



# LEGISLATIVE AGENDA

## EMERGENCY BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinances amending Ordinance No. C34947 passed the City Council December 10, 2012, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

**ORD C34985 Street Fund**

**FROM: Unappropriated Reserves, \$35,000;  
TO: Repairs/Maintenance, same amount.**

(This action will allow for needed traffic signal safety and functional enhancements.)

Mark Serbousek

**ORD C34986 Street Fund**

**FROM: Various Accounts, \$60,000  
TO: Various Accounts, same amount.**

(This action will allow the Street Department to restripe downtown parking stalls and other street markings.)

Mark Serbousek

## NO EMERGENCY ORDINANCES

## RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

**RES 2013-0033 Regarding the Office of Police Ombudsman, the Police Ombudsman Commission and the implementation of amendments to the City Charter related to both the Ombudsman and Commission.**

Sponsored by the City Council

**Resolutions confirming the appointments of:**

**RES 2013-0034 Carly E. Cortright as the Director of the Police Business Services Department.**

**RES 2013-0035 Monique R. Cotton as the Director of the Police Public Information Department.**

**RES 2013-0036 Joseph J. Walker as Commander of the Police Tactical Operations Department.**

**RES 2013-0037 Bradley G. Arleth as Commander of the Police Field Operations Department.**

Craig Meidl

- RES 2013-0038 (To be considered under Hearings Item H1.c.)
- RES 2013-0039 (To be considered under Hearings Item H2.c.)
- RES 2013-0040 (To be considered under Hearings Item H3.)
- RES 2013-0041 (To be considered under Hearings Item H4.)
- ORD C34978 (To be considered under Hearings Item H2.b.)
- ORD C34979 (To be considered under Hearings Item H1.b.)

## FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

- ORD C34987 Relating to adult bookstores, adult video stores, and sex paraphernalia stores; amending SMC Sections 17A.020.010, 17A.020.060, 17A.020.180, 17A.020.190, 17C.305.010 and 17C.305.020; adopting a new SMC Section 17C.305.030 to Chapter 17C.305 of the Spokane Municipal Code; and adopting a new Section 17C.210.100 to Chapter 17C.210 of the Spokane Municipal Code.  
*Sponsor: Council President Ben Stuckart*
- ORD C34988 Relating to the business registration process; amending SMC Sections 8.01.020, 8.01.130, 8.01.180, 8.01.190, 8.02.0206, 8.02.0207, 8.01.230, and 8.01.280.  
*Kim Orlob*
- ORD C34989 Relating to the Parking System Fund; amending SMC Section 7.08.130 of the Spokane Municipal Code.  
*Sponsor: Council Member Steve Salvatori*

FURTHER ACTION DEFERRED

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## NO SPECIAL CONSIDERATIONS

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## HEARINGS

(If there are items listed you wish to speak on, please sign your name on the sign-up sheets in the Chase Gallery.)

### RECOMMENDATION

- H1. a. Hearing on Validated Initiative 2012-3 petitions filed by Envision Spokane pertaining to an amendment to the City Charter to add a Community Bill of Rights, which secures the right of neighborhood residents to approve re-zonings

LGL 2012-0045  
IP 2012-3

proposed for major new development, recognizes the right of neighborhood residents to reject development which violates the City Charter or the City’s Comprehensive Plan, expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, provides constitutional protections in the workplace, and elevates Charter rights above rights claimed by corporations.

- |     |  |                                       |                            |
|-----|--|---------------------------------------|----------------------------|
|     | b. Final Reading Ordinance C34979 amending the City Charter to establish a Community Bill of Rights. (First Reading held April 22, 2013.)  | Final Action<br>Deferred to<br>Voters | ORD C34979                 |
|     | c. Resolution 2013-0038 requesting the Spokane County Auditor to hold a special election on November 5, 2013, to submit to the voters of the City of Spokane a proposition in regards to amending the Spokane City Charter.<br>Terri Pfister   | Adopt Upon<br>Roll Call<br>Vote       | RES 2013-0038              |
| H2. | a. Hearing on Validated Initiative 2012-4 petitions filed by Spokane Moves to Amend (SMAC) pertaining to a Spokane Municipal Code amendment to add a Voter Bill of Rights for clean and fair elections and government ordinance that prohibits corporate lobbying, corporate involvement in initiatives, and corporate donations to candidates for elected office. |                                       | LGL 2012-0049<br>IP 2012-4 |
|     | b. Final Reading Ordinance amending the Spokane Municipal Code to prohibit corporate lobbying, corporate involvement in initiatives, and corporate donations to candidates for elected office. (Adds Voter Bill of Rights for clean and fair elections.) (First Reading held April 22, 2013.)  | Final Action<br>Deferred to<br>Voters | ORD C34978                 |
|     | c. Resolution 2013-0039 requesting the Spokane County Auditor to hold a special election on November 5, 2013, to submit to the voters of the City of Spokane a proposition pertaining to a Spokane Municipal Code amendment to add a Voter Bill of Rights.<br>Terri Pfister  | Adopt Upon<br>Roll Call<br>Vote       | RES 2013-0039              |
| H3. | Resolution 2013-0040 requesting the Mayor to pursue a legal challenge regarding the constitutionality and legal validity of Initiative 2012-3 (Community Bill of Rights).<br>Sponsors: Council Members Mike Allen, Steve Salvatori and Nancy McLaughlin  | Adopt Upon<br>Roll Call<br>Vote       | RES 2013-0040              |



- H4. Resolution 2013-0041 requesting the Mayor to Adopt Upon RES 2013-0041  
pursue a legal challenge regarding the Roll Call  
constitutionality and legal validity of Initiative 2012-4 Vote  
(Voter Bill of Rights).

Sponsors: Council Members Mike Allen, Steve Salvatori and Nancy McLaughlin

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**Motion to Approve Advance Agenda for May 20, 2013  
(per Council Rule 2.1.2)**

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**OPEN FORUM (CONTINUED)**

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**ADJOURNMENT**

The May 20, 2013, Regular Legislative Session of the City Council is adjourned to Monday, June 3, 2013.

**Note:** The regularly scheduled City Council meeting for Tuesday, May 28, 2013, has been canceled. (There is no meeting on Monday, May 27, 2013, due to the recognized Memorial Day holiday.)

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**NOTES**



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	PRO 2013-0010
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	2012086
<b>Bid #</b>	
<b>Requisition #</b>	CR 13467

<b>Submitting Dept</b>	ENGINEERING SERVICES
<b>Contact Name/Phone</b>	GARY NELSON 625-6678
<b>Contact E-Mail</b>	GNELSON@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Contract Item
<b>Agenda Item Name</b>	0370 LOW BID AWARD - N AND N EXCAVATION - EUCLID WATER MAIN

**Agenda Wording**

Low Bid of N and N Excavation, Spokane, for Euclid Avenue from Mayfair St to Crestline St Water Main Replacement-\$1,988,746.20 plus tax. An administrative reserve of \$198,874.62 plus sales tax, which is 10% of the contract plus tax, will be set aside

**Summary (Background)**

On May 6, 2013 bids were opened for the above project. The low bid was from N & N Excavation LLC in the amount of \$1,988,746.20, which is \$466,134.80 or 19.23% under the Engineer's Estimate; Four other bids were received as follows: Halme Construction, Inc. - \$2,002,423.47, L & L Cargile, Inc. - \$2,142,561.95, Murphy Brothers, Inc. - \$2,325,892.90, Red Diamond Construction - \$2,369,618.00.

**Fiscal Impact**

Expense	\$ 1,875,381.90
Expense	\$ 392,498.77
Expense	\$ 60,271.31
Select	\$

**Budget Account**

#	4100-42490-94000-56501-15712
#	3404-49705-95300-56501-99999
#	4370-49461-94000-56501-99999
#	

**Approvals**

<b>Dept Head</b>	TAYLOR, MIKE
<b>Division Director</b>	QUINTRALL, JAN
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	BURNS, BARBARA
<b>For the Mayor</b>	SANDERS, THERESA

**Council Notifications**

<b>Study Session</b>	
<b>Other</b>	
<b>Distribution List</b>	
	sdecker@spokanecity.org
	pdolan@spokanecity.org
	mlesesne@spokanecity.org
	htrautman@spokanecity.org
	mhughes@spokanecity.org
	ewade@spokanecity.org
	mmcintyre@spokanecity.org

**Additional Approvals**

<b>Purchasing</b>	

**City Of Spokane**  
**Engineering Services Department**

**\*\*\* Bid Tabulation \*\*\***

**Project Number:** 2012086

**Project Description** Euclid Ave. From Mayfair St. To Crestline St. Water  
**Funding Source** Main Replacement  
 Local

**Original Date** 4/19/2013 8:48:13 AM

**Update Date** 5/6/2013 2:36:41 PM

**Preparer** Jonathan Adams

**Addendum**

<b>Project Number:</b> 2012086			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

**Schedule Description**

**Tax Classification**

**Schedule 01**

Common Items

Public Street Improvement

101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1	EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
102	SPCC PLAN	1	LS	*****	400.00	*****	300.00	*****	330.00	*****	50.00
103	PUBLIC LIAISON REPRESENTATIVE	1	LS	*****	8,000.00	*****	3,500.00	*****	3,350.00	*****	10,591.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	13	EA	325.00	4,225.00	400.00	5,200.00	375.00	4,875.00	375.00	4,875.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1	LS	*****	1,000.00	*****	1,500.00	*****	55.00	*****	300.00
106	MOBILIZATION	1	LS	*****	132,000.00	*****	119,000.00	*****	73,000.00	*****	92,309.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1	LS	*****	50,000.00	*****	16,700.00	*****	26,000.00	*****	51,000.00
108	SPECIAL SIGNS	205	SF	20.00	4,100.00	10.00	2,050.00	10.75	2,203.75	11.00	2,255.00
109	SEQUENTIAL ARROW SIGN	1200	HR	4.25	5,100.00	1.25	1,500.00	1.35	1,620.00	1.30	1,560.00
110	TYPE III BARRICADE	38	EA	75.00	2,850.00	26.31	999.78	26.80	1,018.40	25.00	950.00
<b>Schedule Totals</b>					207,676.00		150,750.78		112,453.15		163,891.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 02</i> Water				Not Public Street Improvement						
201	POTHOLING	16 EA	300.00	4,800.00	262.50	4,200.00	315.00	5,040.00	100.00	1,600.00
202	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	5,000.00	*****	1,575.00	*****	1,700.00	*****	3,200.00
203	REMOVE EXISTING CURB	200 LF	3.00	600.00	3.15	630.00	5.30	1,060.00	3.50	700.00
204	REMOVE EXISTING CURB AND GUTTER	80 LF	5.00	400.00	3.67	293.60	5.30	424.00	6.00	480.00
205	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	105 SY	5.50	577.50	4.72	495.60	6.05	635.25	8.25	866.25
206	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	8 EA	300.00	2,400.00	262.50	2,100.00	210.00	1,680.00	280.00	2,240.00
207	SAWCUTTING CURB	8 EA	16.00	128.00	42.00	336.00	27.50	220.00	20.00	160.00
208	SAWCUTTING RIGID PAVEMENT	80 LFI	1.00	80.00	1.16	92.80	1.10	88.00	1.00	80.00
209	SAWCUTTING FLEXIBLE PAVEMENT	40800 LFI	0.30	12,240.00	0.21	8,568.00	0.22	8,976.00	0.30	12,240.00
210	PREPARATION OF UNTREATED ROADWAY	11355 SY	1.00	11,355.00	1.05	11,922.75	0.32	3,633.60	1.45	16,464.75
211	CRUSHED SURFACING TOP COURSE	1195 CY	30.00	35,850.00	29.40	35,133.00	17.50	20,912.50	35.00	41,825.00
212	CRUSHED SURFACING BASE COURSE	132 CY	25.00	3,300.00	27.30	3,603.60	40.65	5,365.80	35.00	4,620.00
213	CSTC FOR SIDEWALK AND DRIVEWAYS	6 CY	25.00	150.00	21.00	126.00	61.00	366.00	30.00	180.00
214	HMA CL. 1/2 IN. PG 64-28, 2 INCH THICK	5411 SY	8.00	43,288.00	6.98	37,768.78	7.13	38,580.43	7.25	39,229.75
215	HMA CL. 1/2 IN. PG 64-28, 4 INCH THICK	4755 SY	13.75	65,381.25	13.80	65,619.00	14.10	67,045.50	14.33	68,139.15
216	HMA CL. 1/2 IN. PG 70-28, 4 INCH THICK	1189 SY	18.50	21,996.50	14.50	17,240.50	15.00	17,835.00	15.20	18,072.80
217	SOIL RESIDUAL HERBICIDE	11355 SY	0.15	1,703.25	0.16	1,816.80	0.16	1,816.80	0.16	1,816.80
218	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
219	COMPACTION PRICE ADJUSTMENT	1 EST	2,550.00	2,550.00	2,550.00	2,550.00	2,550.00	2,550.00	2,550.00	2,550.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 02</i> Water				Not Public Street Improvement						
220	CEMENT CONCRETE CURB WALL	20 LF	45.00	900.00	42.00	840.00	42.90	858.00	45.75	915.00
221	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	14 EA	250.00	3,500.00	175.00	2,450.00	200.00	2,800.00	305.00	4,270.00
222	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, CLEANOUT OR INLET IN ASPHALT	3 EA	350.00	1,050.00	250.00	750.00	380.00	1,140.00	536.00	1,608.00
223	VALVE BOX AND COVER	3 EA	375.00	1,125.00	150.00	450.00	81.00	243.00	350.00	1,050.00
224	CLEAN EXISTING SANITARY SEWERS	19 EA	140.00	2,660.00	150.00	2,850.00	135.00	2,565.00	164.00	3,116.00
225	D.I. PIPE FOR WATER MAIN 30 IN. DIAM.	7747 LF	150.00	#####	111.00	859,917.00	121.80	943,584.60	121.50	941,260.50
226	D.I. PIPE FOR WATER MAIN 12 IN. DIAM.	395 LF	50.00	19,750.00	52.00	20,540.00	47.25	18,663.75	49.50	19,552.50
227	D.I. PIPE FOR WATER MAIN 6 IN. DIAM.	2380 LF	45.00	107,100.00	31.00	73,780.00	24.00	57,120.00	25.20	59,976.00
228	36 IN. D.I. PIPE AND FITTINGS FOR WATER MAIN CONNECTION AT STA. 43+00	1 LS	*****	50,000.00	*****	22,000.00	*****	19,200.00	*****	17,733.00
229	24 IN. D.I. PIPE AND FITTINGS FOR WATER MAIN CONNECTION AT NAPA ST. AND NORTH FOOTHILLS DR.	1 LS	*****	10,000.00	*****	15,000.00	*****	9,230.00	*****	3,855.00
230	TRENCH SAFETY SYSTEM	1 LS	*****	1,500.00	*****	2,000.00	*****	0.01	*****	8,000.00
231	IMPORTED OR SCREENED NATIVE BEDDING	10522 LF	2.50	26,305.00	1.00	10,522.00	0.01	105.22	0.10	1,052.20
232	BLOWOFF ASSEMBLY (Y-103)	6 EA	3,200.00	19,200.00	5,246.00	31,476.00	3,890.00	23,340.00	6,016.00	36,096.00
233	SHARED BLOWOFF PIPING (4 INCH)	5 EA	75.00	375.00	4,200.00	21,000.00	2,100.00	10,500.00	2,375.00	11,875.00
234	CATCH BASIN SEWER PIPE 8 IN. DIAM.	20 LF	25.00	500.00	23.00	460.00	29.50	590.00	20.00	400.00
235	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	70 LF	38.00	2,660.00	34.00	2,380.00	38.00	2,660.00	27.00	1,890.00
236	CONNECT 8 IN. DIAM. SEWER PIPE TO EXISTING SEWER PIPE	6 EA	500.00	3,000.00	400.00	2,400.00	400.00	2,400.00	341.00	2,046.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 02</i> Water				Not Public Street Improvement						
237	SIDE SEWER CLEANING AND VIDEO INSPECTION	4 EA	750.00	3,000.00	250.00	1,000.00	380.00	1,520.00	325.00	1,300.00
238	REMOVAL OF EXISTING 28 IN. DIAM. WATER MAIN	4035 LF	10.00	40,350.00	4.00	16,140.00	3.00	12,105.00	4.00	16,140.00
239	REMOVAL OF EXISTING 12 IN. DIAM. WATER MAIN	395 LF	7.00	2,765.00	4.00	1,580.00	3.00	1,185.00	3.00	1,185.00
240	REMOVAL OF EXISTING 6 IN. DIAM. WATER MAIN	2380 LF	4.00	9,520.00	2.50	5,950.00	3.00	7,140.00	3.00	7,140.00
241	CUT AND PLUG EXISTING 28 IN. DIAM. WATER MAIN	4 EA	300.00	1,200.00	100.00	400.00	220.00	880.00	125.00	500.00
242	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	8,000.00	*****	500.00	*****	1,000.00	*****	1,200.00
243	GATE VALVE 6 IN.	4 EA	1,000.00	4,000.00	750.00	3,000.00	730.00	2,920.00	1,085.00	4,340.00
244	GATE VALVE 12 IN.	3 EA	2,200.00	6,600.00	1,930.00	5,790.00	1,865.00	5,595.00	2,230.00	6,690.00
245	BUTTERFLY VALVE 36 IN.	1 EA	9,000.00	9,000.00	10,200.00	10,200.00	12,170.00	12,170.00	12,033.00	12,033.00
246	BUTTERFLY VALVE 30 IN.	7 EA	8,000.00	56,000.00	7,600.00	53,200.00	10,050.00	70,350.00	9,870.00	69,090.00
247	CHECK VALVE 12 IN.	1 EA	2,500.00	2,500.00	1,600.00	1,600.00	1,480.00	1,480.00	1,522.00	1,522.00
248	COMBINATION AIR RELEASE/AIR VACUUM VALVE ASSEMBLY	7 EA	2,000.00	14,000.00	950.00	6,650.00	2,360.00	16,520.00	2,700.00	18,900.00
249	HYDRANT ASSEMBLY	2 EA	3,500.00	7,000.00	3,538.75	7,077.50	3,730.00	7,460.00	3,700.00	7,400.00
250	ESC LEAD	1 LS	*****	1,000.00	*****	300.00	*****	670.00	*****	100.00
251	INLET PROTECTION	66 EA	75.00	4,950.00	50.00	3,300.00	59.00	3,894.00	75.00	4,950.00
252	TOPSOIL TYPE A, 2 INCH THICK	110 SY	4.00	440.00	2.50	275.00	4.30	473.00	4.40	484.00
253	SOD INSTALLATION	110 SY	7.50	825.00	7.50	825.00	8.35	918.50	8.40	924.00
254	CEMENT CONCRETE CURB	200 LF	16.00	3,200.00	17.85	3,570.00	21.20	4,240.00	18.00	3,600.00
255	CEMENT CONC. CURB AND GUTTER	80 LF	22.00	1,760.00	25.20	2,016.00	28.75	2,300.00	25.75	2,060.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 02</i> Water				Not Public Street Improvement						
256	CEMENT CONCRETE DRIVEWAY	25 SY	40.00	1,000.00	44.10	1,102.50	50.10	1,252.50	49.00	1,225.00
257	MONUMENT FRAME AND COVER	1 EA	300.00	300.00	330.00	330.00	443.00	443.00	337.00	337.00
258	CEMENT CONC. SIDEWALK	80 SY	34.00	2,720.00	37.80	3,024.00	43.70	3,496.00	35.00	2,800.00
259	RAMP DETECTABLE WARNING	18 SF	21.00	378.00	21.00	378.00	21.45	386.10	22.00	396.00
260	REINFORCED DOWELED CURB	475 LF	18.00	8,550.00	9.98	4,740.50	10.20	4,845.00	9.00	4,275.00
261	TRAFFIC ISLAND CONCRETE	75 SY	30.00	2,250.00	37.80	2,835.00	38.60	2,895.00	37.00	2,775.00
<b>Schedule Totals</b>				1,814,781.50		1,398,668.93		1,439,065.56		1,500,524.70

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 03</i> Street (Bond)				Public Street Improvement						
301	CLEARING AND GRUBBING	1 LS	*****	2,500.00	*****	3,588.30	*****	1,000.00	*****	500.00
302	REMOVE EXISTING CURB	1200 LF	3.00	3,600.00	3.50	4,200.00	5.30	6,360.00	3.50	4,200.00
303	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	600 SY	5.50	3,300.00	5.50	3,300.00	6.00	3,600.00	8.25	4,950.00
304	SAWCUTTING CURB	78 EA	16.00	1,248.00	42.00	3,276.00	27.50	2,145.00	20.00	1,560.00
305	SAWCUTTING RIGID PAVEMENT	1300 LFI	1.00	1,300.00	0.84	1,092.00	1.10	1,430.00	1.00	1,300.00
306	SAWCUTTING FLEXIBLE PAVEMENT	6035 LFI	0.30	1,810.50	0.40	2,414.00	0.22	1,327.70	0.30	1,810.50
307	ROADWAY EXCAVATION INCL. HAUL	490 CY	9.50	4,655.00	11.00	5,390.00	16.00	7,840.00	15.00	7,350.00
308	PREPARATION OF UNTREATED ROADWAY	3530 SY	1.00	3,530.00	1.20	4,236.00	0.48	1,694.40	1.45	5,118.50
309	CRUSHED SURFACING TOP COURSE	392 CY	30.00	11,760.00	30.00	11,760.00	39.90	15,640.80	35.00	13,720.00
310	CSTC FOR SIDEWALK AND DRIVEWAYS	40 CY	25.00	1,000.00	22.00	880.00	52.00	2,080.00	30.00	1,200.00
311	HMA CL. 1/2 IN. PG 64-28, 2 INCH THICK	12960 SY	7.40	95,904.00	7.51	97,329.60	7.65	99,144.00	7.75	100,440.00
312	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	3530 SY	10.00	35,300.00	10.50	37,065.00	10.75	37,947.50	10.90	38,477.00
313	HMA CL. 1/2 IN. PG 70-28, 2 INCH THICK	3635 SY	8.00	29,080.00	7.67	27,880.45	7.80	28,353.00	8.00	29,080.00
314	HMA FOR PRELEVELING CL. 3/8 IN. PG 64-28	170 TO	77.00	13,090.00	75.60	12,852.00	77.20	13,124.00	78.00	13,260.00
315	HMA FOR FEATHERING CL. 3/8 IN. PG 64-28	75 TO	150.00	11,250.00	141.75	10,631.25	145.00	10,875.00	146.00	10,950.00
316	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 2 INCH THICK	780 SY	18.00	14,040.00	14.18	11,060.40	14.50	11,310.00	14.70	11,466.00
317	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28, 4 INCH THICK	252 SY	28.00	7,056.00	29.40	7,408.80	30.00	7,560.00	30.50	7,686.00
318	HMA FOR TRANSITION, CL. 1/2 IN. PG 64-28, 2 INCH THICK	18 SY	85.00	1,530.00	36.75	661.50	37.50	675.00	38.00	684.00
319	CRACK SEALING 1-INCH TO 3-INCH	9100 LF	1.25	11,375.00	1.95	17,745.00	1.37	12,467.00	2.00	18,200.00



<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 03</i> Street (Bond)				Public Street Improvement						
320	SOIL RESIDUAL HERBICIDE	3530 SY	0.15	529.50	0.16	564.80	0.16	564.80	0.16	564.80
321	PAVEMENT REPAIR EXCAVATION INCL. HAUL	1025 SY	6.00	6,150.00	7.25	7,431.25	20.00	20,500.00	25.00	25,625.00
322	PLANING BITUMINOUS PAVEMENT	9995 SY	2.50	24,987.50	2.41	24,087.95	0.90	8,995.50	2.70	26,986.50
323	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
324	COMPACTION PRICE ADJUSTMENT	1 EST	3,205.00	3,205.00	3,205.00	3,205.00	3,205.00	3,205.00	3,205.00	3,205.00
325	ADJUST EXISTING VALVE BOX, MONUMENT, OR CLEANOUT IN ASPHALT	9 EA	250.00	2,250.00	225.00	2,025.00	200.00	1,800.00	305.00	2,745.00
326	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, CLEANOUT, OR INLET IN ASPHALT	2 EA	350.00	700.00	550.00	1,100.00	380.00	760.00	536.00	1,072.00
327	VALVE BOX AND COVER	3 EA	375.00	1,125.00	85.00	255.00	80.00	240.00	350.00	1,050.00
328	TOPSOIL TYPE A, 2 INCH THICK	300 SY	4.00	1,200.00	3.00	900.00	4.30	1,290.00	4.40	1,320.00
329	SOD INSTALLATION	300 SY	7.50	2,250.00	7.50	2,250.00	8.40	2,520.00	8.40	2,520.00
330	CEMENT CONCRETE CURB	325 LF	16.00	5,200.00	17.85	5,801.25	21.20	6,890.00	18.00	5,850.00
331	CEMENT CONC. CURB AND GUTTER	955 LF	22.00	21,010.00	25.20	24,066.00	28.75	27,456.25	25.75	24,591.25
332	CEMENT CONC. SIDEWALK	800 SY	34.00	27,200.00	37.80	30,240.00	43.70	34,960.00	35.00	28,000.00
333	RAMP DETECTABLE WARNING	312 SF	21.00	6,552.00	21.00	6,552.00	21.45	6,692.40	22.00	6,864.00
334	SIGNING, PERMANENT	1 LS	*****	9,000.00	*****	13,697.25	*****	10,385.00	*****	10,894.00
335	PAVEMENT MARKING - DURABLE HEAT APPLIED	113 SF	10.00	1,130.00	11.03	1,246.39	9.65	1,090.45	11.40	1,288.20
336	PAVEMENT MARKING - DURABLE INLAY TAPE	245 SF	10.00	2,450.00	10.19	2,496.55	11.55	2,829.75	10.50	2,572.50
<b>Schedule Totals</b>				368,266.50		388,687.74		394,751.55		417,099.25

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 04 Sewer</i>				<i>Public Street Improvement</i>						
401	POTHOLING	4 EA	300.00	1,200.00	250.00	1,000.00	315.00	1,260.00	100.00	400.00
402	REMOVE EXISTING CURB	35 LF	3.00	105.00	4.00	140.00	5.30	185.50	3.50	122.50
403	REMOVE EXISTING CURB AND GUTTER	15 LF	5.00	75.00	5.00	75.00	5.30	79.50	6.00	90.00
404	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	15 SY	5.50	82.50	5.00	75.00	6.00	90.00	8.25	123.75
405	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	7 EA	300.00	2,100.00	250.00	1,750.00	210.00	1,470.00	280.00	1,960.00
406	SAWCUTTING CURB	4 EA	16.00	64.00	44.10	176.40	27.40	109.60	20.00	80.00
407	SAWCUTTING RIGID PAVEMENT	40 LFI	1.00	40.00	1.16	46.40	1.10	44.00	1.00	40.00
408	SAWCUTTING FLEXIBLE PAVEMENT	1600 LFI	0.30	480.00	0.21	336.00	0.22	352.00	0.30	480.00
409	CSTC FOR SIDEWALK AND DRIVEWAYS	0.5 CY	25.00	12.50	40.00	20.00	61.00	30.50	30.00	15.00
410	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 2 INCH THICK	95 SY	18.00	1,710.00	16.80	1,596.00	17.15	1,629.25	17.00	1,615.00
411	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 4 INCH THICK	60 SY	25.00	1,500.00	32.55	1,953.00	33.25	1,995.00	33.50	2,010.00
412	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28, 4 INCH THICK	27 SY	28.00	756.00	33.60	907.20	34.30	926.10	35.00	945.00
413	PAVEMENT REPAIR EXCAVATION INCL. HAUL	182 SY	6.00	1,092.00	7.00	1,274.00	20.00	3,640.00	25.75	4,686.50
414	CATCH BASIN TYPE 1	5 EA	1,700.00	8,500.00	1,700.00	8,500.00	1,665.00	8,325.00	1,855.00	9,275.00
415	CATCH BASIN TYPE 3	1 EA	1,900.00	1,900.00	1,800.00	1,800.00	1,700.00	1,700.00	1,866.00	1,866.00
416	CATCH BASIN WSDOT TYPE 1	1 EA	2,200.00	2,200.00	750.00	750.00	1,200.00	1,200.00	1,404.00	1,404.00
417	RETROFIT SURFACE INLET CATCH BASIN WITH FRAME & BI-DIRECTIONAL VANED GRATE	1 EA	550.00	550.00	350.00	350.00	480.00	480.00	858.00	858.00
418	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	20 EA	650.00	13,000.00	300.00	6,000.00	420.00	8,400.00	536.00	10,720.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		N & N Excavation LLC		Halme Construction Inc		L & L Cargile Inc	
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 04 Sewer</i>				<i>Public Street Improvement</i>						
419	MANHOLE OR DRYWELL FRAME AND COVER (LOCKABLE)	5 EA	650.00	3,250.00	330.00	1,650.00	455.00	2,275.00	804.00	4,020.00
420	CLEANING EXISTING DRAINAGE STRUCTURE	28 EA	140.00	3,920.00	75.00	2,100.00	93.00	2,604.00	82.00	2,296.00
421	TRENCH SAFETY SYSTEM	1 LS	*****	750.00	*****	3,000.00	*****	0.01	*****	400.00
422	PLUGGING EXISTING PIPE	2 EA	100.00	200.00	100.00	200.00	105.00	210.00	50.00	100.00
423	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,000.00	*****	500.00	*****	630.00	*****	1,200.00
424	CATCH BASIN SEWER PIPE 8 IN. DIAM.	80 LF	25.00	2,000.00	22.00	1,760.00	27.00	2,160.00	20.50	1,640.00
425	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	315 LF	38.00	11,970.00	34.00	10,710.00	34.60	10,899.00	27.20	8,568.00
426	CONNECT 8 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	6 EA	300.00	1,800.00	275.00	1,650.00	325.00	1,950.00	325.00	1,950.00
427	CONNECT 8 IN. DIAM. SEWER PIPE TO EXISTING SEWER PIPE	1 EA	500.00	500.00	300.00	300.00	400.00	400.00	341.00	341.00
428	SANITARY SEWER PIPE REPAIR 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	10 LF	200.00	2,000.00	45.00	450.00	128.00	1,280.00	230.00	2,300.00
429	CEMENT CONCRETE CURB	35 LF	16.00	560.00	17.85	624.75	21.20	742.00	18.00	630.00
430	CEMENT CONC. CURB AND GUTTER	15 LF	22.00	330.00	25.20	378.00	28.75	431.25	25.75	386.25
431	CEMENT CONC. SIDEWALK	15 SY	34.00	510.00	37.80	567.00	43.70	655.50	35.00	525.00
<b>Schedule Totals</b>				64,157.00		50,638.75		56,153.21		61,047.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		Murphy Brothers Inc		Red Diamond Construction Inc			
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>			<i>Tax Classification</i>							
<i>Schedule 01</i> Common Items			Public Street Improvement							
101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
102	SPCC PLAN	1 LS	*****	400.00	*****	500.00	*****	700.00	*****	0.00
103	PUBLIC LIAISON REPRESENTATIVE	1 LS	*****	8,000.00	*****	10,000.00	*****	8,500.00	*****	0.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	13 EA	325.00	4,225.00	400.00	5,200.00	400.00	5,200.00	0.00	0.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,000.00	*****	150.00	*****	700.00	*****	0.00
106	MOBILIZATION	1 LS	*****	132,000.00	*****	100,000.00	*****	110,000.00	*****	0.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	50,000.00	*****	45,000.00	*****	68,000.00	*****	0.00
108	SPECIAL SIGNS	205 SF	20.00	4,100.00	15.00	3,075.00	13.00	2,665.00	0.00	0.00
109	SEQUENTIAL ARROW SIGN	1200 HR	4.25	5,100.00	1.75	2,100.00	3.00	3,600.00	0.00	0.00
110	TYPE III BARRICADE	38 EA	75.00	2,850.00	50.00	1,900.00	60.00	2,280.00	0.00	0.00
<i>Schedule Totals</i>				207,676.00		167,926.00		201,646.00		0.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		Murphy Brothers Inc		Red Diamond Construction Inc			
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<b>Schedule Description</b>				<b>Tax Classification</b>						
<b>Schedule 02</b>				<b>Not Public Street Improvement</b>						
Water										
201	POTHOLING	16 EA	300.00	4,800.00	300.00	4,800.00	275.00	4,400.00	0.00	0.00
202	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	5,000.00	*****	6,000.00	*****	14,800.00	*****	0.00
203	REMOVE EXISTING CURB	200 LF	3.00	600.00	7.00	1,400.00	8.00	1,600.00	0.00	0.00
204	REMOVE EXISTING CURB AND GUTTER	80 LF	5.00	400.00	8.00	640.00	10.00	800.00	0.00	0.00
205	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	105 SY	5.50	577.50	7.00	735.00	9.00	945.00	0.00	0.00
206	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	8 EA	300.00	2,400.00	300.00	2,400.00	400.00	3,200.00	0.00	0.00
207	SAWCUTTING CURB	8 EA	16.00	128.00	21.00	168.00	65.00	520.00	0.00	0.00
208	SAWCUTTING RIGID PAVEMENT	80 LFI	1.00	80.00	1.00	80.00	3.00	240.00	0.00	0.00
209	SAWCUTTING FLEXIBLE PAVEMENT	40800 LFI	0.30	12,240.00	0.30	12,240.00	0.50	20,400.00	0.00	0.00
210	PREPARATION OF UNTREATED ROADWAY	11355 SY	1.00	11,355.00	2.15	24,413.25	1.65	18,735.75	0.00	0.00
211	CRUSHED SURFACING TOP COURSE	1195 CY	30.00	35,850.00	37.00	44,215.00	36.00	43,020.00	0.00	0.00
212	CRUSHED SURFACING BASE COURSE	132 CY	25.00	3,300.00	37.00	4,884.00	36.00	4,752.00	0.00	0.00
213	CSTC FOR SIDEWALK AND DRIVEWAYS	6 CY	25.00	150.00	22.00	132.00	60.00	360.00	0.00	0.00
214	HMA CL. 1/2 IN. PG 64-28, 2 INCH THICK	5411 SY	8.00	43,288.00	7.65	41,394.15	7.30	39,500.30	0.00	0.00
215	HMA CL. 1/2 IN. PG 64-28, 4 INCH THICK	4755 SY	13.75	65,381.25	15.50	73,702.50	14.40	68,472.00	0.00	0.00
216	HMA CL. 1/2 IN. PG 70-28, 4 INCH THICK	1189 SY	18.50	21,996.50	15.50	18,429.50	15.30	18,191.70	0.00	0.00
217	SOIL RESIDUAL HERBICIDE	11355 SY	0.15	1,703.25	0.20	2,271.00	0.15	1,703.25	0.00	0.00
218	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	0.00	0.00
219	COMPACTION PRICE ADJUSTMENT	1 EST	2,550.00	2,550.00	2,550.00	2,550.00	2,550.00	2,550.00	0.00	0.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		Murphy Brothers Inc		Red Diamond Construction Inc			
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 02</i> Water				Not Public Street Improvement						
220	CEMENT CONCRETE CURB WALL	20 LF	45.00	900.00	40.00	800.00	60.00	1,200.00	0.00	0.00
221	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	14 EA	250.00	3,500.00	300.00	4,200.00	300.00	4,200.00	0.00	0.00
222	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, CLEANOUT OR INLET IN ASPHALT	3 EA	350.00	1,050.00	375.00	1,125.00	700.00	2,100.00	0.00	0.00
223	VALVE BOX AND COVER	3 EA	375.00	1,125.00	350.00	1,050.00	120.00	360.00	0.00	0.00
224	CLEAN EXISTING SANITARY SEWERS	19 EA	140.00	2,660.00	300.00	5,700.00	300.00	5,700.00	0.00	0.00
225	D.I. PIPE FOR WATER MAIN 30 IN. DIAM.	7747 LF	150.00	1,162,050.00	125.00	968,375.00	120.00	929,640.00	0.00	0.00
226	D.I. PIPE FOR WATER MAIN 12 IN. DIAM.	395 LF	50.00	19,750.00	50.00	19,750.00	50.00	19,750.00	0.00	0.00
227	D.I. PIPE FOR WATER MAIN 6 IN. DIAM.	2380 LF	45.00	107,100.00	27.00	64,260.00	30.00	71,400.00	0.00	0.00
228	36 IN. D.I. PIPE AND FITTINGS FOR WATER MAIN CONNECTION AT STA. 43+00	1 LS	*****	50,000.00	*****	21,000.00	*****	24,000.00	*****	0.00
229	24 IN. D.I. PIPE AND FITTINGS FOR WATER MAIN CONNECTION AT NAPA ST. AND NORTH FOOTHILLS DR.	1 LS	*****	10,000.00	*****	9,000.00	*****	9,400.00	*****	0.00
230	TRENCH SAFETY SYSTEM	1 LS	*****	1,500.00	*****	1,500.00	*****	5,000.00	*****	0.00
231	IMPORTED OR SCREENED NATIVE BEDDING	10522 LF	2.50	26,305.00	3.75	39,457.50	3.00	31,566.00	0.00	0.00
232	BLOWOFF ASSEMBLY (Y-103)	6 EA	3,200.00	19,200.00	6,500.00	39,000.00	5,600.00	33,600.00	0.00	0.00
233	SHARED BLOWOFF PIPING (4 INCH)	5 EA	75.00	375.00	3,200.00	16,000.00	6,420.00	32,100.00	0.00	0.00
234	CATCH BASIN SEWER PIPE 8 IN. DIAM.	20 LF	25.00	500.00	25.00	500.00	40.00	800.00	0.00	0.00
235	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	70 LF	38.00	2,660.00	35.00	2,450.00	45.00	3,150.00	0.00	0.00
236	CONNECT 8 IN. DIAM. SEWER PIPE TO EXISTING SEWER PIPE	6 EA	500.00	3,000.00	500.00	3,000.00	850.00	5,100.00	0.00	0.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		Murphy Brothers Inc		Red Diamond Construction Inc			
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<b>Schedule Description</b>				<b>Tax Classification</b>						
<b>Schedule 02</b>				<b>Not Public Street Improvement</b>						
Water										
237	SIDE SEWER CLEANING AND VIDEO INSPECTION	4 EA	750.00	3,000.00	375.00	1,500.00	800.00	3,200.00	0.00	0.00
238	REMOVAL OF EXISTING 28 IN. DIAM. WATER MAIN	4035 LF	10.00	40,350.00	12.00	48,420.00	6.00	24,210.00	0.00	0.00
239	REMOVAL OF EXISTING 12 IN. DIAM. WATER MAIN	395 LF	7.00	2,765.00	10.00	3,950.00	4.00	1,580.00	0.00	0.00
240	REMOVAL OF EXISTING 6 IN. DIAM. WATER MAIN	2380 LF	4.00	9,520.00	8.00	19,040.00	4.00	9,520.00	0.00	0.00
241	CUT AND PLUG EXISTING 28 IN. DIAM. WATER MAIN	4 EA	300.00	1,200.00	125.00	500.00	400.00	1,600.00	0.00	0.00
242	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	8,000.00	*****	500.00	*****	6,500.00	*****	0.00
243	GATE VALVE 6 IN.	4 EA	1,000.00	4,000.00	1,250.00	5,000.00	1,000.00	4,000.00	0.00	0.00
244	GATE VALVE 12 IN.	3 EA	2,200.00	6,600.00	2,250.00	6,750.00	2,400.00	7,200.00	0.00	0.00
245	BUTTERFLY VALVE 36 IN.	1 EA	9,000.00	9,000.00	12,000.00	12,000.00	16,000.00	16,000.00	0.00	0.00
246	BUTTERFLY VALVE 30 IN.	7 EA	8,000.00	56,000.00	10,000.00	70,000.00	13,000.00	91,000.00	0.00	0.00
247	CHECK VALVE 12 IN.	1 EA	2,500.00	2,500.00	2,500.00	2,500.00	2,000.00	2,000.00	0.00	0.00
248	COMBINATION AIR RELEASE/AIR VACUUM VALVE ASSEMBLY	7 EA	2,000.00	14,000.00	3,250.00	22,750.00	1,400.00	9,800.00	0.00	0.00
249	HYDRANT ASSEMBLY	2 EA	3,500.00	7,000.00	4,500.00	9,000.00	5,000.00	10,000.00	0.00	0.00
250	ESC LEAD	1 LS	*****	1,000.00	*****	1,250.00	*****	5,700.00	*****	0.00
251	INLET PROTECTION	66 EA	75.00	4,950.00	100.00	6,600.00	60.00	3,960.00	0.00	0.00
252	TOPSOIL TYPE A, 2 INCH THICK	110 SY	4.00	440.00	4.00	440.00	12.00	1,320.00	0.00	0.00
253	SOD INSTALLATION	110 SY	7.50	825.00	8.00	880.00	20.00	2,200.00	0.00	0.00
254	CEMENT CONCRETE CURB	200 LF	16.00	3,200.00	18.00	3,600.00	20.00	4,000.00	0.00	0.00
255	CEMENT CONC. CURB AND GUTTER	80 LF	22.00	1,760.00	25.00	2,000.00	33.00	2,640.00	0.00	0.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		Murphy Brothers Inc		Red Diamond Construction Inc			
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 02</i> Water				Not Public Street Improvement						
256	CEMENT CONCRETE DRIVEWAY	25 SY	40.00	1,000.00	44.00	1,100.00	70.00	1,750.00	0.00	0.00
257	MONUMENT FRAME AND COVER	1 EA	300.00	300.00	450.00	450.00	350.00	350.00	0.00	0.00
258	CEMENT CONC. SIDEWALK	80 SY	34.00	2,720.00	37.00	2,960.00	50.00	4,000.00	0.00	0.00
259	RAMP DETECTABLE WARNING	18 SF	21.00	378.00	20.00	360.00	25.00	450.00	0.00	0.00
260	REINFORCED DOWELED CURB	475 LF	18.00	8,550.00	10.00	4,750.00	10.00	4,750.00	0.00	0.00
261	TRAFFIC ISLAND CONCRETE	75 SY	30.00	2,250.00	37.00	2,775.00	31.00	2,325.00	0.00	0.00
<b>Schedule Totals</b>				1,814,781.50	1,666,695.90	1,643,310.00				0.00



<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		Murphy Brothers Inc		Red Diamond Construction Inc			
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 03</i> Street (Bond)				Public Street Improvement						
301	CLEARING AND GRUBBING	1 LS	*****	2,500.00	*****	5,000.00	*****	13,000.00	*****	0.00
302	REMOVE EXISTING CURB	1200 LF	3.00	3,600.00	6.00	7,200.00	8.00	9,600.00	0.00	0.00
303	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	600 SY	5.50	3,300.00	6.00	3,600.00	9.00	5,400.00	0.00	0.00
304	SAWCUTTING CURB	78 EA	16.00	1,248.00	21.00	1,638.00	65.00	5,070.00	0.00	0.00
305	SAWCUTTING RIGID PAVEMENT	1300 LFI	1.00	1,300.00	0.95	1,235.00	2.00	2,600.00	0.00	0.00
306	SAWCUTTING FLEXIBLE PAVEMENT	6035 LFI	0.30	1,810.50	0.30	1,810.50	0.50	3,017.50	0.00	0.00
307	ROADWAY EXCAVATION INCL. HAUL	490 CY	9.50	4,655.00	20.00	9,800.00	15.00	7,350.00	0.00	0.00
308	PREPARATION OF UNTREATED ROADWAY	3530 SY	1.00	3,530.00	1.25	4,412.50	1.65	5,824.50	0.00	0.00
309	CRUSHED SURFACING TOP COURSE	392 CY	30.00	11,760.00	37.00	14,504.00	36.00	14,112.00	0.00	0.00
310	CSTC FOR SIDEWALK AND DRIVEWAYS	40 CY	25.00	1,000.00	22.00	880.00	60.00	2,400.00	0.00	0.00
311	HMA CL. 1/2 IN. PG 64-28, 2 INCH THICK	12960 SY	7.40	95,904.00	7.25	93,960.00	7.80	101,088.00	0.00	0.00
312	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	3530 SY	10.00	35,300.00	10.75	37,947.50	10.85	38,300.50	0.00	0.00
313	HMA CL. 1/2 IN. PG 70-28, 2 INCH THICK	3635 SY	8.00	29,080.00	8.40	30,534.00	8.00	29,080.00	0.00	0.00
314	HMA FOR PRELEVELING CL. 3/8 IN. PG 64-28	170 TO	77.00	13,090.00	80.00	13,600.00	80.00	13,600.00	0.00	0.00
315	HMA FOR FEATHERING CL. 3/8 IN. PG 64-28	75 TO	150.00	11,250.00	150.00	11,250.00	150.00	11,250.00	0.00	0.00
316	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 2 INCH THICK	780 SY	18.00	14,040.00	12.00	9,360.00	14.70	11,466.00	0.00	0.00
317	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28, 4 INCH THICK	252 SY	28.00	7,056.00	22.00	5,544.00	30.00	7,560.00	0.00	0.00
318	HMA FOR TRANSITION, CL. 1/2 IN. PG 64-28, 2 INCH THICK	18 SY	85.00	1,530.00	46.00	828.00	50.00	900.00	0.00	0.00
319	CRACK SEALING 1-INCH TO 3-INCH	9100 LF	1.25	11,375.00	2.00	18,200.00	2.00	18,200.00	0.00	0.00

<i>Project Number:</i> 2012086		<i>Engineer's Estimate</i>			Murphy Brothers Inc		Red Diamond Construction Inc			
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 03</i> Street (Bond)					Public Street Improvement					
320	SOIL RESIDUAL HERBICIDE	3530 SY	0.15	529.50	0.20	706.00	0.15	529.50	0.00	0.00
321	PAVEMENT REPAIR EXCAVATION INCL. HAUL	1025 SY	6.00	6,150.00	18.00	18,450.00	7.00	7,175.00	0.00	0.00
322	PLANING BITUMINOUS PAVEMENT	9995 SY	2.50	24,987.50	3.75	37,481.25	3.20	31,984.00	0.00	0.00
323	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	0.00	0.00
324	COMPACTION PRICE ADJUSTMENT	1 EST	3,205.00	3,205.00	3,205.00	3,205.00	3,205.00	3,205.00	0.00	0.00
325	ADJUST EXISTING VALVE BOX, MONUMENT, OR CLEANOUT IN ASPHALT	9 EA	250.00	2,250.00	300.00	2,700.00	300.00	2,700.00	0.00	0.00
326	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, CLEANOUT, OR INLET IN ASPHALT	2 EA	350.00	700.00	400.00	800.00	700.00	1,400.00	0.00	0.00
327	VALVE BOX AND COVER	3 EA	375.00	1,125.00	325.00	975.00	120.00	360.00	0.00	0.00
328	TOPSOIL TYPE A, 2 INCH THICK	300 SY	4.00	1,200.00	4.25	1,275.00	10.00	3,000.00	0.00	0.00
329	SOD INSTALLATION	300 SY	7.50	2,250.00	8.00	2,400.00	10.00	3,000.00	0.00	0.00
330	CEMENT CONCRETE CURB	325 LF	16.00	5,200.00	18.00	5,850.00	20.00	6,500.00	0.00	0.00
331	CEMENT CONC. CURB AND GUTTER	955 LF	22.00	21,010.00	25.00	23,875.00	33.00	31,515.00	0.00	0.00
332	CEMENT CONC. SIDEWALK	800 SY	34.00	27,200.00	37.00	29,600.00	40.00	32,000.00	0.00	0.00
333	RAMP DETECTABLE WARNING	312 SF	21.00	6,552.00	21.00	6,552.00	25.00	7,800.00	0.00	0.00
334	SIGNING, PERMANENT	1 LS	*****	9,000.00	*****	10,000.00	*****	10,000.00	*****	0.00
335	PAVEMENT MARKING - DURABLE HEAT APPLIED	113 SF	10.00	1,130.00	9.25	1,045.25	10.00	1,130.00	0.00	0.00
336	PAVEMENT MARKING - DURABLE INLAY TAPE	245 SF	10.00	2,450.00	11.00	2,695.00	11.00	2,695.00	0.00	0.00
<i>Schedule Totals</i>				368,266.50		418,912.00		444,811.00		0.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		Murphy Brothers Inc		Red Diamond Construction Inc			
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 04 Sewer</i>				<i>Public Street Improvement</i>						
401	POTHOLING	4 EA	300.00	1,200.00	325.00	1,300.00	275.00	1,100.00	0.00	0.00
402	REMOVE EXISTING CURB	35 LF	3.00	105.00	10.00	350.00	8.00	280.00	0.00	0.00
403	REMOVE EXISTING CURB AND GUTTER	15 LF	5.00	75.00	10.00	150.00	10.00	150.00	0.00	0.00
404	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	15 SY	5.50	82.50	8.00	120.00	9.00	135.00	0.00	0.00
405	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	7 EA	300.00	2,100.00	400.00	2,800.00	500.00	3,500.00	0.00	0.00
406	SAWCUTTING CURB	4 EA	16.00	64.00	50.00	200.00	65.00	260.00	0.00	0.00
407	SAWCUTTING RIGID PAVEMENT	40 LFI	1.00	40.00	1.00	40.00	3.00	120.00	0.00	0.00
408	SAWCUTTING FLEXIBLE PAVEMENT	1600 LFI	0.30	480.00	0.30	480.00	0.50	800.00	0.00	0.00
409	CSTC FOR SIDEWALK AND DRIVEWAYS	0.5 CY	25.00	12.50	22.00	11.00	100.00	50.00	0.00	0.00
410	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 2 INCH THICK	95 SY	18.00	1,710.00	16.00	1,520.00	20.00	1,900.00	0.00	0.00
411	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 4 INCH THICK	60 SY	25.00	1,500.00	27.25	1,635.00	34.00	2,040.00	0.00	0.00
412	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28, 4 INCH THICK	27 SY	28.00	756.00	36.00	972.00	36.00	972.00	0.00	0.00
413	PAVEMENT REPAIR EXCAVATION INCL. HAUL	182 SY	6.00	1,092.00	28.00	5,096.00	12.00	2,184.00	0.00	0.00
414	CATCH BASIN TYPE 1	5 EA	1,700.00	8,500.00	1,750.00	8,750.00	2,000.00	10,000.00	0.00	0.00
415	CATCH BASIN TYPE 3	1 EA	1,900.00	1,900.00	1,750.00	1,750.00	2,000.00	2,000.00	0.00	0.00
416	CATCH BASIN WSDOT TYPE 1	1 EA	2,200.00	2,200.00	1,350.00	1,350.00	2,000.00	2,000.00	0.00	0.00
417	RETROFIT SURFACE INLET CATCH BASIN WITH FRAME & BI-DIRECTIONAL VANED GRATE	1 EA	550.00	550.00	750.00	750.00	750.00	750.00	0.00	0.00
418	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	20 EA	650.00	13,000.00	650.00	13,000.00	700.00	14,000.00	0.00	0.00

<b>Project Number: 2012086</b>			<b>Engineer's Estimate</b>		Murphy Brothers Inc		Red Diamond Construction Inc			
<b>Item No</b>	<b>Bid Item Description</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>

<i>Schedule Description</i>				<i>Tax Classification</i>						
<i>Schedule 04 Sewer</i>				<i>Public Street Improvement</i>						
419	MANHOLE OR DRYWELL FRAME AND COVER (LOCKABLE)	5 EA	650.00	3,250.00	700.00	3,500.00	700.00	3,500.00	0.00	0.00
420	CLEANING EXISTING DRAINAGE STRUCTURE	28 EA	140.00	3,920.00	250.00	7,000.00	125.00	3,500.00	0.00	0.00
421	TRENCH SAFETY SYSTEM	1 LS	*****	750.00	*****	550.00	*****	1,200.00	*****	0.00
422	PLUGGING EXISTING PIPE	2 EA	100.00	200.00	150.00	300.00	60.00	120.00	0.00	0.00
423	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,000.00	*****	550.00	*****	3,600.00	*****	0.00
424	CATCH BASIN SEWER PIPE 8 IN. DIAM.	80 LF	25.00	2,000.00	30.00	2,400.00	42.00	3,360.00	0.00	0.00
425	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	315 LF	38.00	11,970.00	35.00	11,025.00	46.00	14,490.00	0.00	0.00
426	CONNECT 8 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	6 EA	300.00	1,800.00	350.00	2,100.00	500.00	3,000.00	0.00	0.00
427	CONNECT 8 IN. DIAM. SEWER PIPE TO EXISTING SEWER PIPE	1 EA	500.00	500.00	350.00	350.00	1,000.00	1,000.00	0.00	0.00
428	SANITARY SEWER PIPE REPAIR 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	10 LF	200.00	2,000.00	275.00	2,750.00	200.00	2,000.00	0.00	0.00
429	CEMENT CONCRETE CURB	35 LF	16.00	560.00	18.00	630.00	20.00	700.00	0.00	0.00
430	CEMENT CONC. CURB AND GUTTER	15 LF	22.00	330.00	25.00	375.00	36.00	540.00	0.00	0.00
431	CEMENT CONC. SIDEWALK	15 SY	34.00	510.00	37.00	555.00	40.00	600.00	0.00	0.00
<b>Schedule Totals</b>				<b>64,157.00</b>		<b>72,359.00</b>		<b>79,851.00</b>		<b>0.00</b>

**Project Number**

**2012086**

**Euclid Ave. From Mayfair St. To Crestline St. Water Main Replacement**

**SCHEDULE SUMMARY**

	<b>Sched 1</b>	<b>Sched 2</b>	<b>Sched 3</b>	<b>Sched 4</b>	<b>Sched 5</b>	<b>Sched 6</b>	<b>Sched 7</b>	<b>Sched 8</b>	<b>Total</b>
<b>Engineer's Est</b>	207,676.00	1,814,781.50	368,266.50	64,157.00	0.00	0.00	0.00	0.00	2,454,881.00
N & N Excavation LLC	150,750.78	1,398,668.93	388,687.74	50,638.75	0.00	0.00	0.00	0.00	1,988,746.20
Halme Construction Inc	112,453.15	1,439,065.56	394,751.55	56,153.21	0.00	0.00	0.00	0.00	2,002,423.47
L & L Cargile Inc	163,891.00	1,500,524.70	417,099.25	61,047.00	0.00	0.00	0.00	0.00	2,142,561.95
Murphy Brothers Inc	167,926.00	1,666,695.90	418,912.00	72,359.00	0.00	0.00	0.00	0.00	2,325,892.90
Red Diamond Constructi	201,646.00	1,643,310.00	444,811.00	79,851.00	0.00	0.00	0.00	0.00	2,369,618.00

**Low Bid Contractor:** N & N Excavation LLC

	<b>Contractor's Bid</b>	<b>Engineer's Estimate</b>	<b>% Variance</b>	
<b>Schedule 01</b>	\$150,750.78	\$207,676.00	27.41	% Under Estimate
<b>Schedule 02</b>	\$1,520,353.12	\$1,972,667.49	22.93	% Under Estimate
<b>Schedule 03</b>	\$388,687.74	\$368,266.50	5.55	% Over Estimate
<b>Schedule 04</b>	\$50,638.75	\$64,157.00	21.07	% Under Estimate
<b>Bid Totals</b>	\$2,110,430.39	\$2,612,766.99	19.23	% Under Estimate



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	PRO 2013-0011
<b>Renews #</b>	

<b>Submitting Dept</b>	ENGINEERING SERVICES	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	GARY NELSON 625-6678	<b>Project #</b>	2012104
<b>Contact E-Mail</b>	GNELSON@SPOKANECITY.ORG	<b>Bid #</b>	
<b>Agenda Item Type</b>	Contract Item	<b>Requisition #</b>	
<b>Agenda Item Name</b>	0370 LOW BID FOR CRESTLINE ST FROM 37TH TO 57TH		

**Agenda Wording**

Low Bid of (to be determined at bid opening on May 13) for Crestline St from 37th Ave to 57th Ave Water Main Replacement-\$\_\_\_ plus tax. An administrative reserve of \$\_\_\_ plus sales tax, which is 10% of the contract plus sales tax, will be set aside.

**Summary (Background)**

All information will be provided prior to the May 20, 2013 meeting. On May 13, 2013 bids were opened for the above project. The Engineer's Estimate for this project is \$4,028,403.60. The low bid was from (to be determined at the bid opening) in the amount of \$\_\_\_\_\_, which is \$\_\_\_\_\_ or \_\_\_\_\_% under/over the Engineer's Estimate; \_\_\_\_\_ other bids were received as follows:

<b>Fiscal Impact</b>	<b>Budget Account</b>
Expense \$ 4,028,403.60	# 4100-42490-94000-56501
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	TAYLOR, MIKE	<b>Study Session</b>	
<b>Division Director</b>	QUINTRALL, JAN	<b>Other</b>	
<b>Finance</b>		<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	sdecker@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA	pdolan@spokanecity.org	
<b>Additional Approvals</b>		mlesesne@spokanecity.org	
<b>Purchasing</b>		htrautman@spokanecity.org	
		mhughes@spokanecity.org	
		ewade@spokanecity.org	
		mmcintyre@spokanecity.org	



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	OPR 2011-0770
<b>Renews #</b>	

<b>Submitting Dept</b>	POLICE	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	CRAIG MEIDL 625-4117	<b>Project #</b>	
<b>Contact E-Mail</b>	CMEIDL@SPOKANEPOLICE.ORG	<b>Bid #</b>	3791-11
<b>Agenda Item Type</b>	Purchase w/o Contract	<b>Requisition #</b>	VALUE BLANKET
<b>Agenda Item Name</b>	0680 - INCREASE AMMUNITION VALUE BLANKET -SAN DIEGO POLICE EQUIP.		

**Agenda Wording**

Increase the amount allotted for Value Blanket # VB 300333 with SAN DIEGO POLICE EQUIPMENT INC. (San Diego, CA) to pay for additional ammunition needed to keep up with ammunition shortages.

**Summary (Background)**

In 2011 a value blanket was created for the purchase of ammunition from San Diego Police Equipment, Inc. There has been a need to increase the dollar limit for the VB in order to keep up with the lag time associated with ammunition orders and to utilize the current 2012 pricing. Amount of additional increase is \$150,000.00 to bring the total on the Value Blanket to \$300,000.00.

<b><u>Fiscal Impact</u></b>		<b><u>Budget Account</u></b>	
Expense	\$ 150,000.00	# 0680-11300-21400-53201	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<b><u>Approvals</u></b>		<b><u>Council Notifications</u></b>	
<b><u>Dept Head</u></b>	MEIDL, CRAIG	<b><u>Study Session</u></b>	PSC 04/15/2013
<b><u>Division Director</u></b>	STRAUB, FRANK	<b><u>Other</u></b>	
<b><u>Finance</u></b>	LESESNE, MICHELE	<b><u>Distribution List</u></b>	
<b><u>Legal</u></b>	BURNS, BARBARA	agolden	
<b><u>For the Mayor</u></b>	SANDERS, THERESA	ccortright	
<b><u>Additional Approvals</u></b>		ewade	
<b><u>Purchasing</u></b>	WAHL, CONNIE	mcowles	
		achirowamangu	
		cwahl	
		contract accounting	

San Diego Police Equipment Co. Inc.  
 8205-A Ronson Road  
 San Diego, CA 92111  
 858-974-8500

City of Spokane  
 PO# VB-300333-000  
 Valid 10/1/12 through 9/30/13

Line #	Part #	Mfg	Caliber	Description	Original Price	New Price
1	53652	CCI	40CAL	180gr TMJ	\$202.81	\$219.30
2	BC40CT1	Federal	40CAL	125gr RHT	\$372.15	\$396.04
3	BC223NT5	Federal	223	42gr CQT	\$309.88	\$323.75
4	AE223J	Federal	223	55gr FMJ	\$138.49	\$153.42
5	AE9FP	Federal	9MM	147gr FMJ	\$158.79	\$187.96
6	GM308M-5	Federal	308	168gr BTHP Match	\$387.92	\$397.86
7	LE13200	Federal	12GA	9-plt 00 Buck Reduced Recoil	\$104.03	\$111.24
8	TGL12-7.5	Federal	12GA	#7.5 Birdshot	\$82.65	\$82.65
9	LE127RS	Federal	12GA	1-oz SLUG Reduced Recoil	\$106.28	\$112.33
10	53619	CCI	9MM	147gr GDHP	\$337.17	\$337.17
11	53962	CCI	40CAL	180gr GDHP	\$361.34	\$361.34
12	53966	CCI	45ACP	230gr GDHP	\$389.42	\$389.42
13	BC9NT3	Federal	9MM	100gr RHT	\$351.02	\$362.80
14	BC45CT1	Federal	45ACP	155gr RHT	\$361.14	\$429.72
15	53653	CCI	45ACP	230gr TMJ	\$242.89	\$242.89
16	LE223T1	Federal	223	55gr Bonded SP	\$246.80	\$246.80
17	LE308T1	Federal	308	165gr Bonded SP	\$274.26	\$274.26
18	FF9X2	FOF	9MM	9mm Marking Cartridge	\$244.84	\$244.84
19	550030X	Simunition	38	38Spl Marking Cartridge	\$509.82	\$527.41



**Briefing Paper  
City of Spokane  
Spokane Police Department  
San Diego Police Equipment Purchase Order  
Public Safety Committee  
April 15, 2013**

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**Subject**

Value Blanket increase with San Diego Police Equipment, Inc. for the 2013-2014 ammunition purchases (Value Blanket 300333). The approximate annual expenditure is \$150,000.00.

**Background**

In May 2011, the Purchasing Department sent out a Bid (3791-11) for the purchase of ammunition. The Bid was sent to seventeen suppliers and only one vendor bid on the ammunition. A value blanket purchase order was set up in 2011 in order to purchase from San Diego. The value blanket is allowed 4-one year extensions for a maximum of five years.

Upon recent current events, the nation has seen both ammunition shortages and gun shortages. This shortage has actually been going on for years, but has come to a head in late 2012 and early 2013. The high demand for these items has also affected local governments.

The 2012 order placed for SPD has still not been completely fulfilled. In order to keep up with the lag time and shortages of ammunition it is critical for the department to increase the current Value Blanket by \$150,000 before it expires in September. This will allow the Police Department to put in their annual order early in order to keep up with long order time frames.

Also, every year when the Value Blanket expires the prices are updated and SPD requests an extension. This will also occur later in the year and the value blanket will then be increased for the 2014 order but lock in a new price sooner.

**Impact**

- Supports operations out in the field for Police Officers and training.
- Keeps up with ammo shortage and supply while utilizing current pricing from 2012.

**Action**

Approve Value Blanket Increase when it goes through the Agenda

**Funding**

General Fund



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	OPR 2013-0396
<b>Renews #</b>	

<b>Submitting Dept</b>	STREET	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	MARK 232-8810	<b>Project #</b>	
<b>Contact E-Mail</b>	MSERBOUSEK@SPOKANECITY.ORG	<b>Bid #</b>	
<b>Agenda Item Type</b>	Purchase w/o Contract	<b>Requisition #</b>	RE 16630 & 16638
<b>Agenda Item Name</b>	1100 - PURCHASE OF CRACK SEALANT		

**Agenda Wording**

Approval of 2013 Blanket Order for Rubberized Asphalt Crack Sealant from Special Asphalt Products Inc. (Spokane, WA) using WA State Contract #012111 for approximately 140,000 lbs - estimated annual expenditure \$124,500 including tax

**Summary (Background)**

Crack Sealant is one of the pavement preservation tools that the Street Department uses to extend the life of the roadways within the City of Spokane. As a member of the Washington State Purchasing Cooperative, State Contract pricing is available to the City of Spokane. The State Contract represents the best price available to us because the State Contract is allowed a deeper discount from the manufacturer.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Expense \$ 124,500.00	# 1100-21700-42300-54850
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	SERBOUSEK, MARK	<b>Study Session</b>	
<b>Division Director</b>	QUINTRALL, JAN	<b>Other</b>	PCED 5/6/13
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	Purchasing: tprince	
<b>For the Mayor</b>	SANDERS, THERESA	Street: mdoval, aschenk, sthornton	
<b>Additional Approvals</b>		Taxes & Licensees	
<b>Purchasing</b>	PRINCE, THEA		

**BRIEFING PAPER**  
**City of Spokane**  
**PCED Committee**  
**Monday, May 06, 2013**

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**Subject**

Approval of 2013 Blanket Order for Rubberized Asphalt Crack Sealant from Special Asphalt Products Inc., Spokane, WA, using Washington State Contract (#01211) for the 140,000 pounds of crack sealant for approximately \$124,500 including tax.

**Background**

Crack sealing is one of the pavement preservation tools that the Street Department uses to extend the life of the roadways within the City. In past years crack sealing was limited to arterial streets. With the passing of the Transportation Benefit District's (TBD) \$20 dollar license tab fee and the recommendation of the Citizens' Transportation Advisory Board (CTAB), this program has been expanded to the residential streets. This has increased the amount of rubberized asphalt crack sealant used this year.

**Impact**

The crack sealing is a pavement preservation process designed to extend the life of the existing pavement saving future dollars for costly reconstruction projects.

**Action**

Approve the use of a Blanket Order using Washington State contract, for the purchase of rubberized asphalt crack sealant from Special Asphalt Products Inc.

**Funding**

The residential crack sealing material will be funded from the 2013 TBD dollars as recommended by the CTAB and approved by the TBD Board. The arterial crack sealing material has been programmed in the Street Department's 2013 budget.



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	OPR 2013-0397
<b>Renews #</b>	

<b>Submitting Dept</b>	PLANNING SERVICES	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	TERI STRIPES 625-6597	<b>Project #</b>	
<b>Contact E-Mail</b>	TSTRIPES@SPOKANECITY.ORG	<b>Bid #</b>	
<b>Agenda Item Type</b>	Contract Item	<b>Requisition #</b>	
<b>Agenda Item Name</b>	0650-MULTIPLE FAMILY HOUSING-NORTH GORGE RESIDENTIAL		

**Agenda Wording**

Multiple Family Housing Property Tax Exemption Agreement with North Gorge Residential Partners, LLC for 32 townhome/condo units located at 2101 W. Bridge Avenue, 2100 W. Ide Avenue, 2301 W. Bridge Avenue, 2300 W. Ide Avenue and 2300 W. Ohio Avenue

**Summary (Background)**

Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. The City Council enacted Ordinance No. C-32575, which provides for the property tax exemption program for multiple housing in residential targeted areas. Pursuant to Ordinance No. C-33079, the City Council expanded the residential targeted areas. (see attached)

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
<b>Approvals</b>		<b>Council Notifications</b>	
<b><u>Dept Head</u></b>	CHESNEY, SCOTT	<b><u>Study Session</u></b>	
<b><u>Division Director</u></b>	QUINTRALL, JAN	<b><u>Other</u></b>	
<b><u>Finance</u></b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b><u>Legal</u></b>	PICCOLO, MIKE	sdecker@spokanecity.org	
<b><u>For the Mayor</u></b>	SANDERS, THERESA	mpiccolo@spokanecity.org	
<b><u>Additional Approvals</u></b>		jqintrall@spokanecity.org	
<b><u>Purchasing</u></b>		schesney@spokanecity.org	
		tstripes@spokanecity.org	
		mhughes@spokanecity.org	
		htrautman@spokanecity.org	



MULTIPLE FAMILY HOUSING PROPERTY  
TAX EXEMPTION AGREEMENT

THIS AGREEMENT is between the City of Spokane, a Washington State municipal corporation, as "City", and North Gorge Residential Partners, LLC, as "Owner" whose business address is 1421 North Meadowwood Lane, Suite 200, Liberty Lake, Washington 99019.

WITNESSETH:

WHEREAS, The City has, pursuant to the authority granted to it by Chapter 84.14 RCW, designated various residential targeted areas for the provision of a limited property tax exemption for new and rehabilitated multiple family residential housing; and

WHEREAS, The City has, through SMC Chapter 8.15, enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Spokane County Assessor that the Owner is eligible to receive the multiple family housing property tax exemption; and

WHEREAS, The Owner is interested in receiving the multiple family property tax exemption for new multiple family residential housing units in a residential targeted area; and

WHEREAS, The Owner has submitted to the City a complete application form for no fewer than a total of four new multiple family permanent residential housing units to be constructed on property legally described as:

See attached for legal description

Assessor's Parcel Number(s) 25133.0901, 25133.0903, 25133.1001, 25133.1003 and 25133.2301, commonly known as 2101 West Bridge Avenue, 2100 West Ide Avenue, 2301 West Bridge Avenue, 2300 West Ide Avenue and 2300 West Ohio Avenue

WHEREAS, The City has determined that the improvements will, if completed as proposed, satisfy the requirements for a Final Certificate of Tax Exemption; -- NOW, THEREFORE,

The City and the Owner do mutually agree as follows:

1. The City agrees to issue the Owner a Conditional Certificate of Acceptance of Tax Exemption subsequent to the City Council's approval of this agreement.

2. The project must comply with all applicable zoning requirements, land use requirements, design review recommendations and all building, fire, and housing code requirements contained in the Spokane Municipal Code at the time a complete application for a building permit is received. However, if the proposal includes rehabilitation or demolition in preparation for new construction, the residential portion of the building shall fail to comply with one or more standards of applicable building or housing codes, and the rehabilitation improvements shall achieve compliance with the applicable building and construction codes..

3. If the property proposed to be rehabilitated is not vacant, the Owner shall provide each existing tenant with housing of comparable size, quality and price and a reasonable opportunity to relocate.

4. The Owner intends to construct on the site, approximately 32 new multiple family residential housing units substantially as described in their application filed with and approved by the City. In no event shall such construction provide fewer than a total of four multiple family permanent residential housing units.

5. The Owner commits to renting or selling at least twenty percent of the multifamily housing units constructed on the site as housing units affordable for low or moderate-income households as defined by SMC 8.15.090.

6. The Owner agrees to complete construction of the agreed-upon improvements within three years from the date the City issues the Conditional Certificate of Acceptance of Tax Exemption or within any extension granted by the City.

7. The Owner agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Business & Development Services Department the following:

(a) a statement of the actual development cost of each multiple family housing unit, and the total expenditures made in the rehabilitation or construction of the entire property;

(b) a description of the completed work and a statement that the rehabilitation improvements or new construction of the Owner's property qualifies the property for the exemption;

(c) a statement that the project meets the affordable housing requirements, if applicable; and

(d) a statement that the work was completed within the required three-year period or any authorized extension of the issuance of the conditional certificate of tax exemption.

8. The City agrees, conditioned on the Owner's successful completion of the improvements in accordance with the terms of this Agreement and on the Owner's filing of the materials described in Paragraph 7 above, to file a Final Certificate of Tax Exemption with the Spokane County Assessor indicating that the Owner is qualified for the limited tax exemption under Chapter 84.14 RCW.

9. The Owner agrees, within 30 days following the first anniversary of the County's recording of the Final Certificate of Tax Exemption and each year thereafter for a period of twelve years, to file a declaration with the City's Planning and Development Services Department, verified upon oath and indicating the following:

(a) a statement of occupancy and vacancy of the multiple family units during the previous year;

(b) a certification that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in SMC 8.15.090 since the date of the filing of the Final Certificate of Tax Exemption, and continues to be in compliance with this Agreement and the requirements of SMC Chapter 8.15; and

(c) a description of any improvements or changes to the property made after the filing of the final certificate or last declaration.

10. The parties acknowledge that the units are to be used and occupied for multifamily residential use. The parties further acknowledge that the certificate of occupancy issued by the City is for multifamily residential units. The Owner acknowledges and agrees that the units shall be used primarily for residential occupancy and any business activities shall only be incidental and ancillary to the residential occupancy.

11. If the Owner converts to another use any of the multiple family residential housing units constructed under this Agreement, or if applicable, if the owner intends to discontinue compliance with the affordable housing requirements as described in SMC 8.15.090 or any other condition to exemption, the Owner shall notify the Spokane County Assessor and the City's Business and Development Services Department within 60 days of such change in use.

12. The Owner will have the right to assign its rights under this Agreement. The Owner agrees to notify the City promptly of any transfer of Owner's ownership interest in the Site or in the improvements made to the Site under this Agreement.

13. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Owner, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement or of SMC Chapter 8.15.

14. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.

15. The Owner acknowledges its awareness of the potential tax liability involved if and when the property ceases to be eligible for the incentive provided pursuant to this agreement. Such liability may include additional real property tax, penalties and interest imposed pursuant to RCW 84.14.110. The Owner further acknowledges its awareness and understanding of the process implemented by the Spokane County Assessor's Office for the appraisal and assessment of property taxes. The Owner agrees that the City is not responsible for the property value assessment imposed by Spokane County at any time during the exemption period.

16. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement, which can be given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.

17. Nothing in this Agreement shall permit or be interpreted to permit either party to violate any provision of Chapter 84.14 RCW or SMC Chapter 8.15.

18. This Agreement is subject to the approval the City Council.



DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013

CITY OF SPOKANE

NORTH GORGE RESIDENTIAL  
PARTNERS, LLC

By: \_\_\_\_\_  
Mayor, David A. Condon

By: *[Signature]*  
Its: Vice President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

STATE OF WASHINGTON )  
 ) ss.  
County of Spokane )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared DAVID A. CONDON and TERRI L. PFISTER, to me known to be the Mayor and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

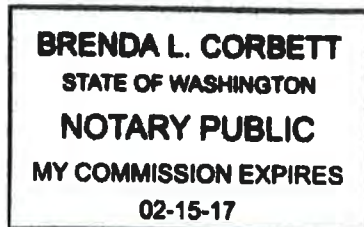
\_\_\_\_\_  
Notary Public in and for the State  
of Washington, residing at Spokane

My commission expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
County of Spokane )

On this 7 day of May, 2013, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared Andrew Benado, to me known to be the person who executed the within and foregoing instrument, and acknowledged the said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 7 day of May, 2013.



Brenda L Corbett  
Notary Public in and for the State  
of Washington, residing at Spokane

My commission expires 2-15-17

## KENDALL YARDS

### LEGAL DESCRIPTIONS FOR MTFE APPLICATION

**Parcel #25133.0901**

NETTLETONS FIRST ADD LS 1 THRU 15 B17 INC VAC STP 30' WD LYG E OF & ADJ L15 EXC KENDALL YARDS 2ND ADD

**Parcel #25133.0903**

NETTLETONS 1ST S60FT OF N84FT OF L16TO30 B17 &VAC STP 30 FT WD E OF&ADJ L16 &VAC STP 12.5FT WD W OF&ADJ L30 EXC KENDALL YARDS 2ND ADD

**Parcel #25133.1001**

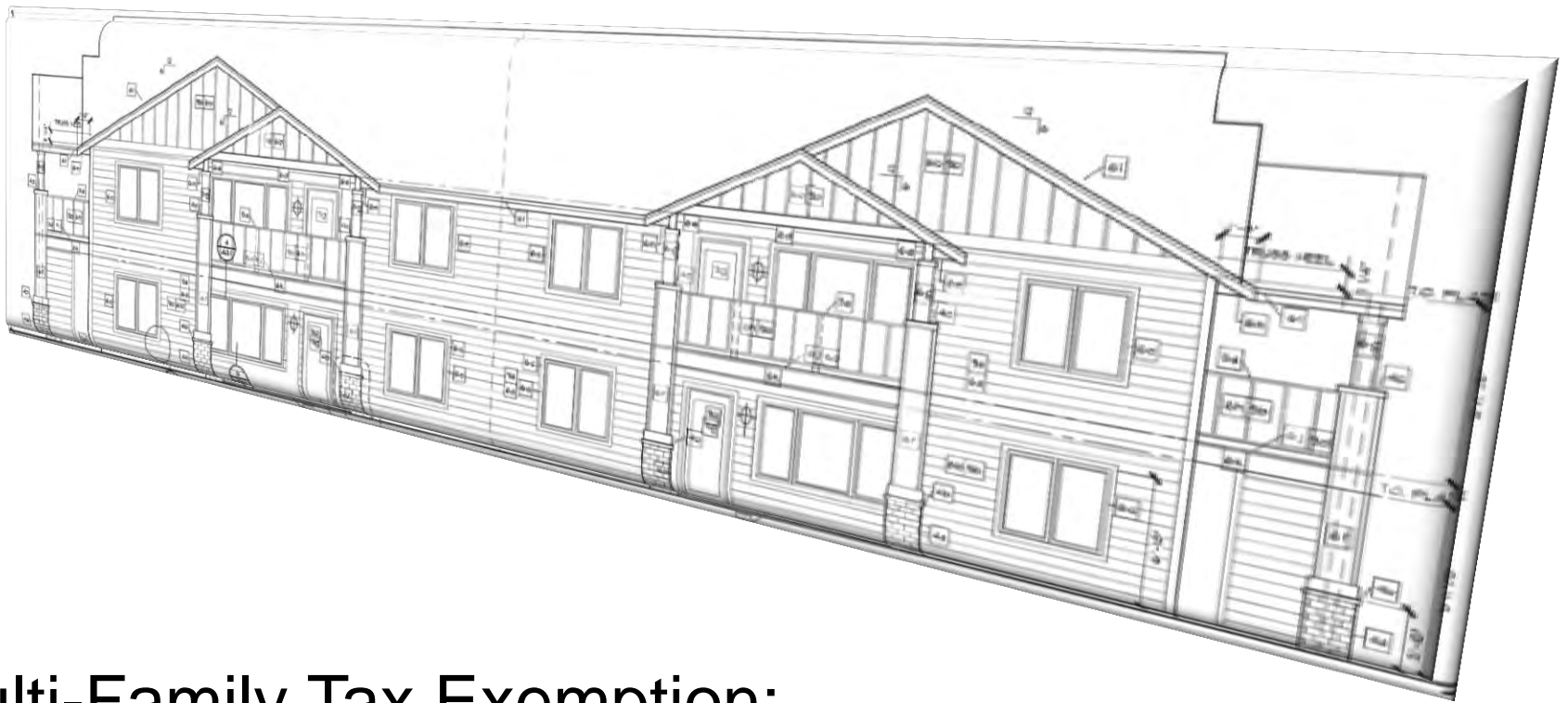
NETTLETONS FIRST ADD LS 1 THRU 15 B18

**Parcel #25133.1003**

NETTLETONS 1ST S60FT OF N84FT OF L16TO30 B18 &VAC STP 12 .5FT WD E OF&ADJ L16 &VAC STP 30FT WD W OF&ADJ S93FT OF L30

**Parcel #25133.2301**

NETTLETONS 1ST ADD BLK 23 & S33FT OF BLK 18 & VAC IDE & TH AT PTN OF VAC COCHRAN



# Multi-Family Tax Exemption:

## *Conditional Contract Briefing*

### **Teri Stripes**

City of Spokane

Planning & Development Services Department

[tstripes@spokanecity.org](mailto:tstripes@spokanecity.org)

509.625.6597



# Conditional Contract

North Gorge Commercial Partners, LLC (AKA  
Greenstone) – Kendall Yards West  
OPR \_\_\_\_\_

# Kendall Yards West – Project Plans

MFTE target area: Kendall Yards

Affordable 12yr project at least 20%  
available to those at 80-115% of AMI

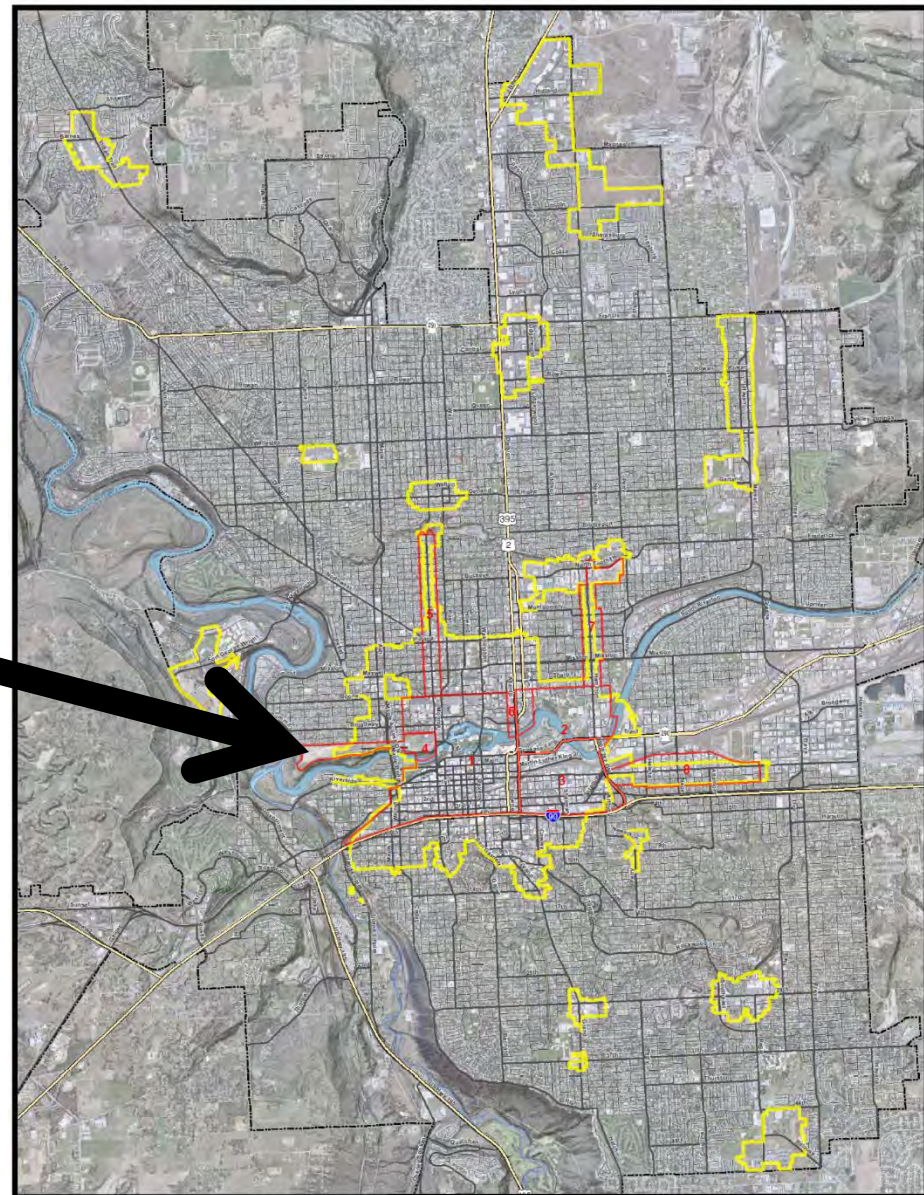
Qualifying parcels: 25133.0901, .3903,  
.1001, .1003 & .2301

Units: 32 townhomes/condos

Average Sq Ft: 1,500 sq ft

# MFTE target areas

Kendall Yards MFTE  
Residential Target  
Area



*City of Spokane*  
**Multi-Family Tax  
Exemption (MFTE)  
Current vs.  
Proposed**  
DATE: August, 2012  
USER: Planning and Development

**Legend**

Proposed MFTE Residential Target Areas

- 1- Downtown
- 2- University District
- 3- South University District
- 4- Kendall Yards
- 5- Monroe Corridor
- 6- Lower Division Corridor
- 7- Hamilton/Neveda Corridor
- 8- East Sprague

Existing MFTE Area

0 3,000 6,000 9,000 Feet

*Geographic Information System*

Digital Orthophoto Data Base © 2012 AVISTA Online  
All Rights Reserved

**THIS IS NOT A LEGAL DOCUMENT**  
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

# Parcel Map

iGIS Internal Map (v. 2.0) | Current Tool: Identify | Active Layer: Parcel | iShare | Public

Layers Search Buffer Results Export

**Map Layers**

- Layers
- Points of Interest
- Boundaries
- Utilities
- Streets
- Environment
- Property
- Economic
  - Historic Property
  - Historic District
  - Multi-Family Tax Exemption
  - Community Empowerment Zone
  - Neighborhood Business Center
  - Targeted Area Development
  - Tax Increment Financing Area
  - University District
- Planning
- Topography

**Identify Results**

Highlight | Remove Highlight

25133.0901 (Parcel)

25133.0901 (Parcel)

3 (Multi-Family Tax Exemption)

Owner Name	NORTH GORGE RESIDENTIAL PARTNERS LLC
Property Use	Residential land - Undivided
Tax Year	2013
Site Address	2101 W Bridge Ave
Site City	SPOKANE
Assessor Landuse	P1SL
Vacant	Y
Assessor Acreage	1.7
Assessed Value	\$147,730.00
Taxable Value	\$147,730.00
Land Value	\$0.00
Improvement Value	\$0.00
Segregation Number	20120585
Exemption Code	Null
Zoning	RMF
Zoning Overlay	None
In Airfield Zone	No
Landuse	R 15-30
Urban Growth Area	City

**Results - Parcel**

New Selection  Add Selection | Export

Report	Parcel Number	Owner Name	Property Use	Tax Year	Site Address	Site City	Assessor
Show	25133.0901	NORTH GORGE RESIDENTIAL PARTNERS LLC	Residential land - Undivided	2013	2101 W Bridge Ave	SPOKANE	P1SL

200m 300ft



# Questions?

Teri Stripes

Planning & Development Services Department

[tstripes@spokanecity.org](mailto:tstripes@spokanecity.org)

509.625.6597

**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	OPR 2013-0398
<b>Renews #</b>	OPR 2012-0414
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	CR13419000

<b>Submitting Dept</b>	MANAGEMENT INFORMATION SERVICES
<b>Contact Name/Phone</b>	MICHAEL SLOON 625-6468
<b>Contact E-Mail</b>	MSLOON@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Contract Item
<b>Agenda Item Name</b>	5300 MITCHELL HUMPHREY ANNUAL (2013)

**Agenda Wording**

Annual Software Maintenance Contract with MITCHELL HUMPHREY & COMPANY, (MH & CO.), (St. Louis, MO) for the Financial Management System. Contract period of July 1, 2013 through June 30, 2014. Contract amount is \$86,685.00.

**Summary (Background)**

In 1983, the City of Spokane entered into an agreement with MITCHELL HUMPHREY & COMPANY for development of computer software for the Financial Management System. This contract supplies the City of Spokane with maintenance on the existing systems (General Ledger & related modules, Budget Ledger, Accounts Payable, Accounts Receivable-Invoicing, Purchasing & related modules, FMS-ONRAMP, FMS-EXEC, FMS-DocuView, Test Account, FMS Productivity Suite, AP ACH Wire Transfer and Credit Card Processing).

**Fiscal Impact**

Expense	\$ 86,685.00
Select	\$
Select	\$
Select	\$

**Budget Account**

#	5300-73300-18850-54820
#	
#	
#	

**Approvals**

<b>Dept Head</b>	SLOON, MICHAEL
<b>Division Director</b>	DUNIVANT, TIMOTHY
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	BURNS, BARBARA
<b>For the Mayor</b>	SANDERS, THERESA

**Council Notifications**

<b>Study Session</b>	
<b>Other</b>	
<b>Distribution List</b>	
	Accounting - pdolan@spokanecity.org
	Contract Accounting - mlesense@spokanecity.org

**Additional Approvals**

<b>Purchasing</b>		Legal - bburns@spokanecity.org
		Taxes & Licenses
		Purchasing - cwahl@spokanecity.org
		MIS - jhamilton@spokanecity.org
		Mitchell Humphrey - kschaefer@mitchellhumphrey.com



MITCHELL  
HUMPHREY  
*s o f t w a r e*

1285 Fern Ridge Parkway  
St. Louis, Missouri 63141-4402

800 237-0028 • 314 991-2440  
[www.mitchellhumphrey.com](http://www.mitchellhumphrey.com)

April 15, 2013

Ms. Joan Hamilton  
City of Spokane  
West 808 Spokane Falls Boulevard  
Spokane, Washington 99201-3344

Dear Joan:

Below is the breakdown for your annual maintenance and support fee for the period July 1, 2013 through June 30, 2014.

General Ledger and related modules	\$17,465.00
Budget Ledger	7,790.00
Accounts Payable	7,430.00
Accounts Receivable-Invoicing	9,590.00
Purchasing and related modules	17,305.00
FMS-ONRAMP	3,880.00
FMS-EXEC	2,215.00
FMS-DocuView	8,315.00
Test Account	7,320.00
FMS Productivity Suite	3,365.00
AP ACH Wire Transfer	665.00
Credit Card Processing	<u>1,345.00</u>
Total Maintenance	\$86,685.00

The invoice is enclosed with this letter.

Sincerely,

Cindy Bari  
Business Manager

Enclosure



1285 Fern Ridge Parkway  
St. Louis, Missouri 63141-4402

800 237-0028 • 314 991-2440  
[www.mitchellhumphrey.com](http://www.mitchellhumphrey.com)

April 15, 2013

City of Spokane  
West 808 Spokane Falls Boulevard  
Spokane, WA 99201-3344

Attention: Ms. Joan Hamilton

Reference:

Invoice No. 10900000000012-R

Terms: Net 30 Days

R E V I S E D   I N V O I C E

Annual maintenance fee for FMS II Software Products for the period  
July 1, 2013 through June 30, 2014

86,685.00

Amount Due

\$86,685.00

Make check payable to Mitchell Humphrey & Co.

CONTRACT

THIS CONTRACT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City," and MITCHELL HUMPHREY & COMPANY, whose address is 1285 Fern Ridge Parkway, Suite 140, St. Louis, Missouri 63141-4402, as "MH&CO."

The parties agree as follows:

1. PERFORMANCE. MH&CO shall provide SOFTWARE MAINTENANCE for the City's FINANCIAL MANAGEMENT SYSTEM.
2. CONTRACT TERM. The contract shall begin July 1, 2013 and shall run through June 30, 2014, unless terminated sooner.
3. COMPENSATION. The City shall pay MH&CO EIGHTY SIX THOUSAND SIX HUNDRED EIGHTY FIVE AND NO/100 DOLLARS (\$86,685.00) plus applicable tax, as full compensation for everything furnished and done under this contract.
4. PAYMENT. MH&CO shall send its application for payment to the Information Technology Department, Administration Office, Seventh Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. Payment will be made within thirty (30) days after receipt of MH&CO's application.
5. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations.
6. ASSIGNMENTS. This contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent.
7. AMENDMENTS. This contract may be amended at any time by mutual written agreement.
8. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this contract shall have or acquire any interest in the contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this contract.
9. TERMINATION. Either party may terminate this contract by thirty (30) days written notice to the other party. In the event of such termination, the City shall pay MH&CO for all work previously authorized and performed prior to the termination date.

10. INDEMNIFICATION. MH&CO shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims for damages, liability, cost and expense arising out of the negligent conduct of MH&CO, its officers, employees and subcontractors in connection with the performance of the contract, except to the extent of those claims arising from the negligence of the City, its officers and employees.

11. SEVERABILITY. In the event any provision of this contract should become invalid, the rest of the contract shall remain in full force and effect.

12. STANDARD OF PERFORMANCE. The silence or omission in the contract regarding any detail required for the proper performance of the work, means that MH&CO shall perform the best general practice.

13. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities.

14. BUSINESS REGISTRATION REQUIREMENT. Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. MH&CO shall be responsible for contacting the State of Washington Business License Services at <http://bls.dor.wa.gov> or 1-800-451-7985 to obtain a business registration. If MH&CO does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.

15. INSURANCE. During the term of the contract, MH&CO shall maintain in force at its own expense, each insurance coverage noted below:

- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this contract. It shall provide that the City, its officers and employees are additional insureds but only with respect to MH&CO's services to be provided under this contract; and
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written notice from MH&CO or its insurer(s) to the City.

As evidence of the insurance coverages required by this contract, MH&CO shall furnish acceptable insurance certificates to the City at the time it returns the signed contract. The certificate shall specify all of the parties who are additional insured, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deductible or retention level, as well as policy limits. Insuring companies or entities are subject to City acceptance and must have a rating of A- or higher by Best. Copies of all applicable endorsements shall be provided and, if requested complete copies of insurance policies shall be provided to the City. The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

16. AUDIT / RECORDS. MH&CO and its subcontractors shall maintain for a minimum of three years following final payment all records related to its performance of the contract. MH&CO and its subcontractors shall provide access to authorized City representatives at reasonable times and in a reasonable manner to inspect and copy any such record. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the contract, the federal law shall prevail.

Dated: \_\_\_\_\_

CITY OF SPOKANE

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

City Clerk

Approved as to form:



Assistant City Attorney

Dated: \_\_\_\_\_

MITCHELL HUMPHREY & CO.

E-Mail address, if available: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	CPR 1981-0043
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	MAYOR
<b>Contact Name/Phone</b>	JENNY 625.6250
<b>Contact E-Mail</b>	JJMORTON@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Boards and Commissions
<b>Agenda Item Name</b>	0520 APPOINTMENTS TO ARTS COMMISSION

**Agenda Wording**

Appoint David Buesher to serve a three-year term to begin immediately and expire December 31, 2015.  
Appoint Jean Klundt to serve a three-term to begin immediately and expire December 31, 2015.

**Summary (Background)**

Appoint Mariesa Stokes to serve a three-year term to begin immediately and expire December 31, 2015.  
Appoint Dean Davis to complete an uncompleted term to begin immediately and expire December 31, 2013 and then serve a three-year term to begin immediately and expire December 31, 2016. Appoint Melissa Parker to complete an uncompleted term to begin immediately and expire December 31, 2013 and then serve a three-year term to begin immediately and expire December 31, 2016.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	SANDERS, THERESA	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>		<b>Distribution List</b>	
<b>Legal</b>		jquintrall@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA	jwestfall@spokanecity.org	
<b>Additional Approvals</b>			
<b>Purchasing</b>		jjmorton@spokanecity.org	





**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	CPR 1992-0059
<b>Renews #</b>	

<b>Submitting Dept</b>	MAYOR	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	JENNY 625.6250	<b>Project #</b>	
<b>Contact E-Mail</b>	JJMORTON@SPOKANECITY.ORG	<b>Bid #</b>	
<b>Agenda Item Type</b>	Boards and Commissions	<b>Requisition #</b>	
<b>Agenda Item Name</b>	0520 APPOINTMENT TO BICYCLE ADVISORY BOARD		

**Agenda Wording**

Appoint Elijah Johnson to serve a two-year term to begin immediately and to expire December 31, 2014.

**Summary (Background)**

\*

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	SANDERS, THERESA	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>		<b>Distribution List</b>	
<b>Legal</b>		jwestfall@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA	jquintrall@spokanecity.org	
<b>Additional Approvals</b>		schesney@spokanecity.org	
<b>Purchasing</b>			
		jjmorton@spokanecity.org	



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	ORD C34985
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	STREET
<b>Contact Name/Phone</b>	MARK SERBOUSEK 232-8810
<b>Contact E-Mail</b>	MSERBOUSEK@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Emergency Budget Ordinance
<b>Agenda Item Name</b>	1100 SIGNAL SYSTEM UPGRADES AT FRANCIS/MONROE AND FRANCIS/WALL

**Agenda Wording**

Amending Ordinance No. C34947 and appropriating funds in the Street Fund FROM: Street Fund Unappropriated Reserves, \$35,000; TO: Repairs/Maintenace, same amount. This action will allow for needed traffic signal safety and functional enhancements.

**Summary (Background)**

All approaches at the intersection of Francis/Monroe and the east and west bound approaches at Francis/Wall currently utilize island signal standards to provide protected left turns. These standards present a hazard to the traveling public and are also a maintenance issue as they have been hit many times. The City requested WSDOT to include installment of new signal conduits and j-boxes at these intersections in their Francis grind and inlay project.

**Fiscal Impact**

Neutral	\$ 0
Select	\$
Select	\$
Select	\$

**Budget Account**

#	Various Accounts - See Ordinance
#	
#	
#	

**Approvals**

<b>Dept Head</b>	SERBOUSEK, MARK
<b>Division Director</b>	QUINTRALL, JAN
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	BURNS, BARBARA
<b>For the Mayor</b>	SANDERS, THERESA

**Council Notifications**

<b>Study Session</b>	
<b>Other</b>	PCED - 5/6/2013
<b>Distribution List</b>	
	Street: mdoval, aschenk
	jquintrall, jwest

**Additional Approvals**

<b>Purchasing</b>	

ORDINANCE NO. C34985

An ordinance amending Ordinance No. C-34947, passed the City Council December 10, 2012, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2013 budget Ordinance No. C-34947, as above entitled, and which passed the City Council December 10, 2012, it is necessary to make changes in the appropriations of the Street Fund and Parking Meter Revenue 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 Street Fund and the budget annexed thereto with reference to the Street Fund, the following changes be made:

FROM:	1100-99999	Street Fund	
	99999-	Unappropriated Reserves	<u>\$ 35,000</u>
TO:	1100-21300	Street Fund	
	28800-54801	Repairs/Maintenance	<u>\$ 35,000</u>

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 coordinate with a Washington State DOT road project to make upgrades to the signals at Francis and Monroe and at Francis and Wall to make needed safety improvements, 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



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	ORD C34986
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	STREET
<b>Contact Name/Phone</b>	MARK SERBOUSEK 232-8810
<b>Contact E-Mail</b>	MSERBOUSEK@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Emergency Budget Ordinance
<b>Agenda Item Name</b>	1100 AND 1460 PARKING STALL AND OTHER STREET MARKINGS MAINTENANCE

**Agenda Wording**

Amending Ordinance No. C34947 and appropriating funds in the Street Fund FROM: Various Accounts, \$60,000; TO: Various Accounts, same amount. This action will allow the Street Department to restripe downtown parking stalls and other street markings.

**Summary (Background)**

Clearly defined parking stalls allow for greater on-street parking capacity, a greater frequency of compliance and lowers the cost of enforcement. Budget constraints have not allowed for maintenance since 2009. The markings now have several years of wear and some stalls are completely without definition. Additionally, the Street Department has only been able to maintain approximately two-thirds of existing marked crosswalks. Temporary employees will provide the needed manpower to complete this.

**Fiscal Impact**

Neutral	\$ 0
Select	\$
Select	\$
Select	\$

**Budget Account**

#	Various - See Ordinance
#	
#	
#	

**Approvals**

<b>Dept Head</b>	SERBOUSEK, MARK
<b>Division Director</b>	QUINTRALL, JAN
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	BURNS, BARBARA
<b>For the Mayor</b>	SANDERS, THERESA

**Council Notifications**

<b>Study Session</b>	
<b>Other</b>	PCED - 5/6/2013
<b>Distribution List</b>	Street: mdoval, aschenk
	jquintrall, jwest

**Additional Approvals**

<b>Purchasing</b>	

ORDINANCE NO. C34986

An ordinance amending Ordinance No. C-34947, passed the City Council December 10, 2012, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2013 budget Ordinance No. C-34947, as above entitled, and which passed the City Council December 10, 2012, it is necessary to make changes in the appropriations of the Street Fund and Parking Meter Revenue 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 Parking Meter Revenue Fund, and the budget annexed thereto with reference to the Parking Meter Revenue Fund, the following changes be made:

FROM:	1460-21200	Parking Meter Revenue Fund	
	99999-34471	Parking Meters	<u>\$ 30,000</u>

TO:	1460-21200	Parking Meter Revenue Fund	
	42650-59801	Interfund Repairs/Maintenance	<u>\$ 30,000</u>

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

FROM:	1100-21400	Street Fund	
	99999-34942	Interfund Street Maintenance	30,000
	1100-99999	Street Fund	
	99999-	Unappropriated Reserves	30,000
			<u>\$ 60,000</u>

TO:	1100-21400	Street Fund	
	42640-08490	Temporary Seasonal	40,000
	42640-52110	Social Security/Medicare	3,500
	42640-52400	Industrial Insurance	120
	42640-51230	Shift Differential Premium	2,700
	42640-54850	Other Repairs/Maint Supplies	13,680
			<u>\$ 60,000</u>

Section 3. 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 hire temporary seasonal employees for the Signs and Markers program in the Street fund and to create additional budget in the Parking Meter Revenue Fund for maintenance of on-street parking stalls and related markings to be performed by Street Fund employees, 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



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0033
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY COUNCIL
<b>Contact Name/Phone</b>	MIKE, STEVE, JON, 625-6715 AMBER, MIKE, BEN, NANCY
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<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	RESOLUTION REGARDING THE OFFICE OF POLICE OMBUDSMAN

**Agenda Wording**

A resolution regarding the Office of Police Ombudsman, the Police Ombudsman Commission and the implementation of amendments to the City Charter related to both the Ombudsman and the Commission.

**Summary (Background)**

The City of Spokane has enacted chapter 4.32 of the Spokane Municipal Code establishing an independent Office of Police Ombudsman, which has not been in existence for over three years. The Spokane's electorate voted in February 2013 to amend the City Charter to add sections creating a Police Ombudsman Commission and an Office of Police Ombudsman that has independent investigatory authority necessary to fulfill the duties established under the City Charter.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
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<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	WESTFALL, JENNIFER	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA		
<b>For the Mayor</b>	SANDERS, THERESA		
<b>Additional Approvals</b>			
<b>Purchasing</b>			

The City of Spokane has enacted chapter 4.32 of the Spokane Municipal Code establishing an independent Office of Police Ombudsman, which has not been in existence for over three years. The Spokane's electorate voted in February 2013 to amend the City Charter to add sections creating a Police Ombudsman Commission and an Office of Police Ombudsman that has independent investigatory authority necessary to fulfill the duties established under the City Charter. The City Charter amendment provides that the duties and functions of the Office of Police Ombudsman be established by ordinance consistent with the City Charter. The City and the Spokane Police Guild have previously and are currently engaged in collective bargaining. The attached proposed ordinance has been prepared with the intention of implementing the provisions of the recent City Charter amendment, including establishing the duties and functions of the OPO consistent with the City Charter amendments. This resolution provides the City Council's support of the collective bargaining efforts between the City and the Spokane Police Guild and encourages the parties to negotiate a collective bargaining agreement that either includes terms and conditions that substantially accomplish the objectives of the attached proposed ordinance, or that does not preclude the City from adopting such terms and conditions by ordinance.



Resolution No. 2013-0033

A resolution regarding the Office of Police Ombudsman, the Police Ombudsman Commission and the implementation of amendments to the City Charter related to both the Ombudsman and the Commission.

WHEREAS, the City of Spokane has enacted chapter 4.32 of the Spokane Municipal Code establishing an independent Office of Police Ombudsman (hereinafter "OPO"); and

WHEREAS, the OPO has been in existence for over three years; and

WHEREAS, Spokane's electorate voted in February 2013 to amend the City Charter to add sections creating a Police Ombudsman Commission and an Office of Police Ombudsman that has independent investigatory authority necessary to fulfill the duties established under the City Charter. The City Charter amendment provides that the duties and functions of the Office of Police Ombudsman be established by ordinance consistent with the City Charter; and

WHEREAS, the City and the Spokane Police Guild have previously and are currently engaged in collective bargaining; and

WHEREAS, the attached proposed ordinance has been prepared with the intention of implementing the provisions of the recent City Charter amendment, including establishing the duties and functions of the OPO consistent with the City Charter amendments; and

WHEREAS, the City Council desires to adopt an ordinance implementing the provisions of the recent City Charter amendments, including establishing the duties and functions of the OPO, while encouraging the City and the Police Guild to complete their current collective bargaining efforts, which will result in a collective bargaining agreement that supports and implements the City Charter amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Spokane that the City Council supports the collective bargaining efforts of the City and the Spokane Police Guild and encourages the parties to negotiate a collective bargaining agreement that either includes terms and conditions that substantially accomplish the objectives of the attached proposed ordinance, or that does not preclude the City from adopting such terms and conditions by ordinance.

ADOPTED by the City Council \_\_\_\_\_, 2013.

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City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

Ordinance No. C - \_\_\_\_\_

An ordinance relating to the Office of Police Ombudsman, amending SMC sections 4.32.010, 4.32.020, 4.32.040, 4.32.090, 4.32.100 and 4.32.110, repealing SMC sections 4.32.030 and 4.32.080, and adopting new sections 4.32.035, 4.32.085, 4.32.150 and 4.32.160 to chapter 4.32 of the Spokane Municipal Code.

WHEREAS, the City of Spokane has enacted chapter 4.32 of the Spokane Municipal Code establishing an independent Office of Police Ombudsman (hereinafter "OPO"); and

WHEREAS, the OPO has been in existence for three years and has made valuable contributions to police oversight, enhanced public confidence in the City's management of the police department, and provided the mayor and council with valuable analysis and recommendations for police reforms and improvements; and

WHEREAS, Spokane's elected leaders have long shared citizen concerns and aspirations that the OPO become a credible office of police oversight that is structurally independent of the Spokane Police Department; and

WHEREAS, enhancing the credibility and effectiveness of the OPO requires that it be a true ombudsman office with the authority and capacity to conduct independent investigations into citizen complaints and concerns; and

WHEREAS, Spokane's electorate voted in February 2013 to amend the City Charter to add a section creating a Police Ombudsman Commission and an Office of Police Ombudsman that has independent investigatory authority. The Charter amendment mandates that the duties and functions of the Office of Police Ombudsman be established by ordinance. This ordinance is intended to fulfill that mandate.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That SMC section 4.32.010 is amended to read as follows:

**4.32.010 Office of Police Ombudsman**

A. The Office of Police Ombudsman (OPO) is established in order to:

1. ~~((Help ensure))~~ Ensure that investigations of complaints against police officers are accomplished in a timely, fair, and thorough manner;
2. Provide visible, professional, independent oversight of police officers;
3. Reassure the public that SPD Internal Affairs investigations into complaints and allegations of police misconduct are conducted in a timely, thorough, and objective manner; and,

4. Provide independent oversight and policy recommendations to improve the Spokane police department.
- B. The police ombudsman and employees of the OPO must, at all times, be ~~((totally))~~ completely independent. Any findings, recommendations, and requests made by the OPO must reflect the independent views of the OPO.
- C. ~~((No person shall attempt to unduly influence or undermine the independence of the police ombudsman, or any employee of the OPO, in the performance of the duties and responsibilities set forth in this chapter.))~~ If any section, paragraph, sentence, clause or phrase of this chapter is found to be pre-empted by any existing collective bargaining agreement, it shall be deemed severed from this chapter and unenforceable until such time as the applicable collective bargaining agreement has been replaced by a successor agreement. The City shall not enter into any collective bargaining agreement that limits the duties or powers of the police ombudsman commission or the office of police ombudsman as set forth in this chapter unless such limitation is required to comply with existing federal or state law.
- D. The OPO shall not investigate complaints which pertain to internal personnel matters.

Section 2. That SMC section 4.32.020 is amended to read as follows:

**4.32.020 Definitions**

- A. “Certify” or “certification process” refers to the determination by the OPO that an IA complaint investigation was timely thorough and objective, including whether IA properly advised the complainant of the availability of the OPO complaint process.
- B. ~~((A-))~~ “Chief” means the chief of the Spokane police department.
- C. “Community Impact Case” (CIC) means an incident and/or citizen complaint that because of public visibility, media exposure and/or allegations of serious or willful misconduct on the part of one or more Spokane police officers, warrants immediate independent investigation by the OPO. The OPO will decide if and when a CIC exists, subject to confirmation by the Police Ombudsman Commission.
- D. ~~((B-))~~ “Complainant” means any person who files a complaint against ~~((any commissioned member of the Spokane police department))~~ a police officer(s).

- E. ~~((G-))~~ “Complaint” means a complaint filed with IA or with the OPO by any person of alleged police misconduct regardless of whether the complaint has been classified as a citizen inquiry of an investigation.
- F. “Continuing pattern of unprofessional conduct” exists when there is a founded complaint of unprofessional conduct on the officer’s record, or two or more recorded allegations of unprofessional conduct against the officer within the previous five years.
- G. ~~((D-))~~ “Finding” means a conclusion reached after investigation.
- H. ~~((E-))~~ “IA” or “internal affairs” means the Spokane police department’s investigative unit, whose responsibilities and procedures are described in the Spokane police department’s Policy and Procedure Manual, as amended from time to time, to receive and investigate allegations of misconduct by Spokane police department employees.
- I. ~~((F-))~~ “Material to the outcome,” “material statement,” and “material fact” are those facts, evidence, or statements which tend to influence the trier of fact because of its logical connection with the issue. It is a fact which tends to establish any of the issues raised by the complaint or the defenses to the complaint.
- J. ~~((G-))~~ “Mediation” means a private, informal dispute resolution process in which a neutral third person, the mediator, helps disputing parties to reach an agreement. The mediator has no power to impose a decision on the parties.
- ~~((H-))~~ ~~“Member” means a sworn employee of the Spokane police department about whom a complaint has been submitted to the Spokane police department or the OPO.)~~
- K. ~~((I-))~~ “Misconduct” means conduct by a ~~((member))~~ Spokane police officer during an encounter with a citizen, which conduct violates Spokane police department regulations or orders, or other standards of conduct required of City employees.
- L. “Police Officer” means a commissioned member of the Spokane Police Department.
- M. ~~((J-))~~ “Policy-related issue” means a topic pertaining to the Spokane police department’s hiring and training practices, the Spokane police department’s policies and procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer’s conduct.

- N. ~~((K.))~~ “Serious matter” means any complaint that could lead to suspension, demotion, or discharge.

Section 3. That SMC section 4.32.030 entitled “Functions and Duties” is repealed.

Section 4. That there is adopted a new section 4.32.035 to chapter 4.32 SMC to read as follows:

**4.32.035 Functions and Duties**

- A. The two primary roles of the OPO are:
1. To actively monitor Spokane police department IA investigations of complaints and to make recommendations for improving policies and procedures based upon observations; and
  2. To conduct independent investigations of complaints and issue and publish closing reports in response to complaints filed with the OPO.
- B. General Provisions.
1. Receipt of complaints.  
Any person may file a complaint against a police officer(s) with either IA or the OPO, or both.
  2. Investigations.
    - a. If a complaint is filed solely with IA: The OPO may actively monitor the IA investigation and, consistent with the provisions of 4.32.035 (C)(2) may investigate to the extent necessary to independently certify the timeliness, objectivity and thoroughness of the IA investigation.
    - b. If a complaint is filed solely with the OPO, or with both the OPO and IA: The OPO may conduct an independent investigation at any time, regardless of IA action, as provided in this chapter.
    - c. Within the framework above, the OPO has the authority to determine what complaints to investigate, and to what extent.
  3. Criminal investigations against police officers.  
Other than actions necessary to receive and catalog a complaint, the OPO shall not participate in criminal investigations against police officers.

However, SPD shall promptly notify the OPO when a criminal investigation and/or prosecution against a police officer is closed. At the time of closing, the OPO may take any action on the original complaint as is authorized by this chapter.

4. Discipline against police officers.  
The OPO shall not have a role in the discipline of police officers. However, IA shall keep the OPO informed of disciplinary decisions as follows: Within three business days of issuance, IA shall provide the OPO with copies of all letters, notifications, and decisions regarding discipline against officers, which stem from a complaint.
5. Records disclosure.
  - a. The OPO shall not release the names of police officers or other individuals involved in incidents or investigations, nor any other personally identifying information.
  - b. The OPO shall not have access to legally privileged documents held by the city attorney or attorney-client communications held by the city attorney's clients.
  - c. The OPO shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.
  - d. Records generated and maintained by the OPO shall be considered public records subject to any applicable exemptions in the Washington Public Records Act, RCW 42.56.
  - e. Records generated in the IA complaint investigation process shall be considered public records once the investigation is closed, subject to any applicable exemptions in the Washington Public Records Act, RCW 42.56.
6. OPO rules and procedures.  
The OPO Commission, on its own or upon request by the OPO may adopt, promulgate, amend, and rescind rules and procedures required for the discharge of OPO duties, including policies and procedures for receiving and processing complaints, monitoring investigations, and reporting findings, conclusions and recommendations.
7. The OPO may not levy any fees for the handling of complaints or any other duties identified in this chapter.

8. Complaints against the Chief of Police or the Assistant Police Chief shall be forwarded by the OPO to the Mayor to determine the subsequent investigation procedure. Any complaint against the police ombudsman may be submitted directly to the OPO commission.

C. OPO monitoring of IA complaint investigations.

1. Duties of the IA to facilitate active monitoring by the OPO. Pursuant to specific provisions in this chapter, IA shall:
  - a. Provide the OPO with copies of all complaints received by the IA within three business days of receipt;
  - b. Notify all complainants, at the time a complaint is filed, of the existence of the OPO and of the complainant's opportunity to request an independent investigation and closing report from the OPO. This includes complaints classified by the Police Department as Citizen Inquiries;
  - c. Send the OPO signed acknowledgement from the complainant of having received the notice in subsection (b), above;
  - d. Notify the OPO immediately of critical incidents;
  - e. Notify the OPO prior to all IA interviews involving complaints and allow the OPO to attend and observe such interviews and to ask questions after the completion of IA questioning;
  - f. Within two business days of closing an investigation or determining not to initiate an investigation, provide the OPO with a complete copy of the IA complaint file, including all findings; and
  - g. Provide the OPO with unimpeded access to closed IA complaint investigation files, upon request.
2. Duties and authority of the OPO in actively monitoring IA complaint investigations.
  - a. The OPO may, at the OPO's sole discretion, attend and observe all IA complaint investigation interviews, including interviews with police officers, and shall be given the opportunity to ask questions after the completion of questioning by IA.
  - b. The OPO is authorized to conduct interviews and gather such information as is necessary to certify the adequacy of IA complaint investigations, after the completion of the IA investigation.



- c. Within fifteen business days of receiving a closed IA complaint file from IA, the OPO shall certify whether the IA complaint investigation was timely, thorough and objective.
- d. As part of the IA complaint certification process, the OPO shall determine whether IA properly advised the complainant of his/her opportunity to seek an independent investigation and closing report from the OPO.
- e. If the OPO certifies the IA complaint investigation as timely, thorough and objective, the OPO shall promptly return the IA complaint file to IA for retention and send a certification notice to the SPD. In instances where the complainant filed the complaint with OPO, or filed complaints with IA and OPO jointly, the OPO will send a closing letter to and/or conduct a closing interview with the complainant to summarize the case findings (this is different than the closing report in SMC 4.32.035(D)(4)).
- f. If the OPO determines that the IA complaint investigation was not timely, thorough and/or objective, the OPO shall appeal pursuant to SMC 4.32.035(C)(4).

3. Mediation.

- a. Prior to the initiation of an IA complaint investigation, the OPO may recommend to the chief that the complaint be resolved through mediation.
- b. Mediation shall not be utilized if the complaint involves a serious matter as defined in SMC 4.32.020(L) or implicates the police officer(s) in a continuing pattern of unprofessional conduct as defined in SMC 4.32.020(E).
- c. Notwithstanding the restrictions in subsection (b) above, mediation shall be utilized according to rules and procedures promulgated by the OPO, pursuant to SMC 4.32.035(B)(6).

4. Appeals of IA complaint investigations.

- a. In the event the chief (or chief's designee) declines to initiate an IA investigation of a complaint, the OPO may appeal that decision to the OPO Commission, whose decision shall be final.
- b. In the event the OPO determines that an IA complaint investigation was not timely, thorough and/or objective pursuant to SMC

4.32.035(C)(2), the OPO may make a request with the chief that an additional IA investigation be performed. If the OPO disagrees with the chief's determination, the OPO may appeal to the OPO Commission, whose decision shall be final; the IA complaint investigation shall be completed consistent with the determination of the OPO Commission.

- c. If an additional IA investigation is undertaken, the procedures governing initial investigations in SMC 4.32.035(B) and (C) shall be applied.
- d. If an additional IA investigation is undertaken and the OPO subsequently determines that it was not timely, thorough and objective, the OPO may again request additional investigation according to this section. This process may be repeated until the OPO Commission makes a determination that no further investigation is needed.
- e. If, after the appeal process is exhausted, the OPO still finds that the IA complaint investigation was not timely, thorough and objective, the OPO shall notify the chief. A brief statement of the decision not to certify the IA investigation shall be published on the OPO website within forty-eight hours of the Chief being notified.

- 5. OPO oversight of police department policies and procedures.  
The OPO may recommend changes in police department policies and may issue reports identifying trends in IA complaint investigations. To facilitate this role, IA shall promptly provide the OPO with unimpeded access to closed IA complaint investigation files, upon request. The OPO shall return closed IA complaint investigation files to IA within one year.

E. Independent OPO complaint investigations.

- 1. General authority.  
The OPO may conduct an independent investigation of any complaint filed with the OPO, at any time, regardless of IA action on the complaint.
- 2. Receipt of complaints.
  - a. The OPO may receive complaints from IA pursuant to SMC 4.32.035(C)(1) or directly from a complainant. If a complainant files a complaint directly with the OPO, the OPO shall provide IA with a copy of the complaint within three business days.
  - b. The OPO may receive and catalogue complaints concerning events that occurred more than one year prior to the filing of a complaint,

but may not act upon them unless directed to do so by the OPO commission.

3. Investigation of complaints filed directly with OPO.  
The OPO may interview the complainant and any witnesses. In addition to the access to SPD officers granted under SMC 4.32.035 (C) (1) (e) and (2) (a), the OPO may request voluntary interviews with SPD officers at any time and disclose both the request and the response to the request by the SPD and/or the officers to whom the request is made. The OPO may only participate in interviews with police officers pursuant to SMC 4.32.035(C)(1)(e) and (2)(a).
4. Closing Report.
  - a. ~~((Whenever a complaint is filed with the OPO, t))~~ The OPO shall produce a closing report on all uncertified investigations. The OPO shall post a list of all complaints filed on the OPO's website regardless of the status or outcome of the complaint.
  - b. The purpose of the closing report is to summarize the OPO's conclusions regarding the substance of the complaint and any OPO recommendations regarding revision to any applicable law enforcement policy, training protocol and/or law enforcement procedure materially associated with the basis for the complaint. Except as specifically directed in this chapter, the content and length of the closing report shall be determined solely by the OPO. The OPO may include information obtained during participation in IA complaint investigation interviews in a closing report, subject to disclosure limitations in SMC 4.32.035(B)(5).
  - c. Within thirty calendar days of the closure of the IA complaint investigation or the OPO complaint investigation, whichever is later, the OPO shall send a copy of the closing report to IA, the complainant, and publish the closing report on the OPO's website.

#### E. Community Impact Cases

- A. The OPO may, at any time, identify an incident as a "Community impact Case" (CIC) and request confirmation by the Commission. Members of the Commission shall be provided all materials concerning the case for confidential review. The Commission will have up to seven days to confirm the OPO's determination that the incident is a Community Impact Case.
- B. Prior to the Commission's confirmation decision, the OPO shall have authority to exercise an investigation pursuant to procedures provided in SMC 4.32.035(D). In the event the Commission elects not to verify the incident as a CIC, the OPO

investigation shall cease, unless the incident has subsequently resulted in a complaint filed with IA or OPO, at which point provisions governing complaint investigations govern.

- C. When the commission verifies an incident as a CIC, the OPO shall conduct an independent investigation pursuant to provisions in this chapter governing OPO investigations when a complaint is filed directly with the OPO.
- D. Whenever the Commission verifies an incident as a CIC, the OPO shall produce a closing report as described in SM 4.32.035(D)(4).

Section 5. That SMC section 4.32.040 is amended to read follows:

#### **4.32.040 Critical Incidents**

In the event an employee of the police department is involved as a principal, victim, witness, or custodial officer, where death or serious bodily injury results, ~~((or))~~ where deadly force was used regardless of whether any injury or death ~~((resulted))~~ results, where an officer has used an electronic control device in response to an encounter with a citizen, or where the SWAT team has been deployed, the police ombudsman shall be notified immediately and shall act as an observer to any administrative, ~~((or))~~ civil, or criminal investigation conducted by or on behalf of the department (including any investigation of Spokane police department officers by other law enforcement agencies). The police ombudsman and the chief shall develop necessary protocols for summoning the ombudsman to the incident for purposes of first-hand observation and subsequent monitoring of the investigation.

Section 6. That SMC section 4.32.080 entitled "Appointment" is repealed.

Section 7. That there is adopted a new section 4.32.085 to chapter 4.32 SMC to read as follows:

#### **4.32.080 Qualifications and Appointment**

- A. The qualifications for the police ombudsman position will minimally include the requirement of a bachelor's degree and five years of experience in criminal law and/or investigations. The position of police ombudsman will be a full-time appointed city employee as defined by ordinance.
- B. When the police ombudsman position becomes vacant or will become vacant in the near future, the office of police ombudsman commission ("commission") will undertake a candidate search. A screening committee will be established to screen, interview and select three candidates to be considered by the mayor.

The interviews and selection of the three candidates will occur during regularly scheduled meetings and be open to the public.

- C. The screening committee shall consist of the following five persons:
1. the chairperson of the commission (who shall be the chairperson of the screening committee);
  2. a member of city council;
  3. a member selected by the mayor;
  4. a member selected by the Police Guild and;
  5. a member selected by the Lieutenants & Captains Assoc.
- D. The HR staff will assist the commission in the placement of the advertisements and work with the OPO staff as required.
- E. The mayor will select one of the three candidates and forward the nomination to the city council for confirmation.
- F. In the event the city council rejects the nominee, the mayor shall submit his/her second recommendation from the remaining two names submitted by the commission. If the city council rejects the second nominee, the process shall begin with a second candidate search by the ~~commission~~ committee.

Section 8. That SMC section 4.32.090 is amended to read as follows:

**4.32.090 Term**

- A. The appointment of the police ombudsman shall be for an initial three-year term.
- B. A current police ombudsman may be reappointed for additional ~~((terms not to exceed three years))~~ three-year terms upon recommendation of the mayor in consultation with the office of police ombudsman commission and confirmation by the city council. If the mayor does not recommend reappointment or the city council does not approve the reappointment prior to the expiration of the three-year appointment term, the appointment term shall expire at the end of the three-year term. If the police ombudsman is not re-appointed, he or she may continue serving on an interim until a new police ombudsman is confirmed by the city council, unless the police ombudsman has been removed per SMC 4.32.100.
- C. ~~((Should a vacancy in the position occur, due to expiration of term, resignation, sickness, death, retirement, conflict of interest, or any other reason, the mayor~~

~~may recommend an appointment for city council confirmation of an interim police ombudsman for a term not to exceed four months, in compliance with the appointment process stipulated in SMC 4.32.080. The selection committee referenced in SMC 4.32.080 must meet within thirty days of notification by the mayor of the need to appoint an interim police ombudsman.))~~ If an appointed police ombudsman is unable to perform his or her duties for a reason not subjecting him or her to removal pursuant to SMC 4.32.100, and this inability to serve is expected to last for six months, an interim police ombudsman shall be appointed by the mayor and confirmed by the city council and shall serve until such time as the police ombudsman can resume his or her duties or the police ombudsman's term expires and a new police ombudsman is appointed, whichever is sooner.

Section 9. That SMC section 4.32.100 is amended to read as follows:

#### **4.32.100 Removal**

- A. The police ombudsman may not be removed from office during ~~((his))~~ the three year term except for misconduct, inefficiency, incompetence, inability or failure to perform the duties of the office or negligence in the performance of the duties. Compliance with the confidentiality provisions of this chapter is a condition of employment for all employees of the OPO. Inadvertent, de minimus disclosures shall not be considered a violation of this section.
- B. In such cases that warrant removal from office, removal shall be by a resolution adopted by the city council subsequent to a public hearing ~~((by either the majority of the full city council upon recommendation of the mayor or by a vote of no less than five members of the full city))~~ before the council. A hearing to consider the removal of the police ombudsman shall be initiated by either the majority vote of the full city council, or upon recommendation of the mayor, or a majority of the office of police ombudsman commission. Removal of the police ombudsman shall require a vote of no less than five members of the full city council.
- C. Nothing contained herein shall prevent the city council from ~~((either))~~ declining to approve an appointment or reappointment, ~~((or eliminating the office of police ombudsman by legislative action, both of which do))~~ which does not require the city council to consider removal for cause as set forth above.

Section 10. That SMC section 4.32.110 is amended to read as follows:

#### **4.32.110 Reporting Requirements**

- A. The police ombudsman reports, for administrative and executive purposes ~~((functions))~~, directly to the OPO Commission ~~((mayor or the mayor's designee))~~.

- B. The police ombudsman is not an employee of the Spokane police department and shall work independently from the Spokane police department.
- C. The police ombudsman shall make monthly reports (~~jointly~~) to the office of police ombudsman commission, the mayor, the police chief, and the public safety committee regarding the activities of the OPO. In addition, the police ombudsman shall make a quarterly (~~an annual~~) report to the city council during a council meeting. The report shall contain:
  - 1. statistical analysis documenting the number of complaints by category, disposition, and action taken;
  - 2. analysis of trends and patterns; and
  - 3. recommendations.

Section 11. That there is adopted a new section 4.32.150 to chapter 4.32 SMC to read as follows:

**4.32.150 Office of Police Ombudsman Commission**

- A. That an office of police ombudsman commission (“commission”) be created consisting initially of five members.
- B. General Duties.  
In addition to other duties enumerated in this chapter, the commission shall:
  - 1. Participate in the selection of the OPO, as provided in this chapter;
  - 2. Approve annual and long term goals of the OPO;
  - 3. Approve OPO procedures and best practices;
  - 4. Approve the OPO annual report;
  - 5. Approve OPO recommendations to implement changes in police department policies and training;
  - 6. OPO rules and procedures.  
The OPO Commission, on its own or upon request by the OPO may adopt, promulgate, amend, and rescind rules and procedures required for the discharge of OPO duties, including policies and procedures for receiving and processing complaints, monitoring investigations, and reporting findings, conclusions and recommendations.

7. Conduct and approve evaluations of the OPO and OPO personnel;
  8. Request that the OPO examine or re-examine specific incidents or issues and confirm or reject OPO requests for additional investigation by IA;
  9. Assist OPO personnel in communicating with Spokane's diverse communities and the general public about the complaint filing and investigation process;
  10. Make readily available to the public all commission reports, recommendations, and evaluations, subject to disclosure limitations in SMC 4.32.035(B)(5); and
  11. Prepare and present an annual report to the city council.
- C. The Commission shall not have any authority to:
1. Participate in the police department's disciplinary process;
  2. Hear appeals of any complaints made to or investigated by the OPO; or
  3. Release or disclose any information also prohibited from disclosure by the OPO pursuant to SMC 4.32.035(B)(5).
- D. Selection of Members.
1. Two members shall be nominated by the mayor and appointed by city council; and,
  2. One member from each of the three city council districts nominated and appointed by city council.
  3. The commission may, at any time, determine that more members are necessary to carry out the duties of the commission. Upon unanimous vote of all commission members and majority approval by the city council pursuant to an amendment to this section, additional members may be added to the commission two members at a time:
    - a. One additional member nominated by the mayor and appointed by city council; and,
    - b. One additional member nominated appointed by city council.
- E. Officers.



The commission members shall annually choose their own chair and vice-chair, who will serve from January 1st through December 31st, and shall serve in that position for no more than three consecutive one-year terms. The chair (and vice-chair in the absence of the chair) will set the agenda for meetings, facilitate the meetings, speak on behalf of the commission and call any special meetings.

F. Qualifications.

1. Members of the commission shall be volunteers who immediately, prior to appointment, shall be:
  - a. A current resident of the city of Spokane;
  - b. Of the age of twenty-one years or older;
  - c. Able to pass an in-depth background investigation and have no ~~felony~~ convictions for crimes involving dishonesty or other integrity issues within the past 10 years; and
  - d. Neither a current or former employee of the City of Spokane or Spokane police department, nor an immediate family member of a current City of Spokane or Spokane police department employee.
2. The following characteristics shall be considered during the appointment process:
  - a. An absence of any real or perceived bias, prejudice, or conflict of interest;
  - b. A record of community involvement;
  - c. A demonstrated ability to be fair, impartial and unbiased;
  - d. An ability to build working relationships and communicate effectively with diverse groups;
  - e. Education, professional and/or personal experience including but not limited to judicial, legal, investigative, mental health and law enforcement experiences with the exception that a commission member shall not have been a law enforcement officer for two years prior to his or her appointment;
  - f. Contribute to the diversity of the commission so that the makeup of the commission reflects the diversity of the people most likely to have contact with members of the police department, including geographic, racial and disability diversity.

G. Terms of Office.

1. Each commission member shall serve a three-year term and is eligible for re-appointment, except that no member shall be re-appointed after serving three consecutive full three-year terms.
2. The initial commission members will have staggered terms, with three members serving three years and two members serving two years.
3. A vacancy that occurs during the term of a member shall be filled in the same manner as the original appointment, and the appointee shall serve for the remainder of the expired term.
4. Each member shall continue to serve in such capacity until the member's successor has been duly appointed and is acting, provided, however, that the period shall not exceed ninety days past the expiration of the member's term.

H. Expectations.

1. Commission members shall participate in an appropriate training program to be established by the commission, the Chief of Police and/or the OPO so that they shall possess the knowledge to perform their duties.
2. Members of the commission shall agree in writing that they are subject to the City of Spokane Code of Ethics contained in chapter 1.04 SMC and an appropriate confidentiality agreement to be developed by the OPO and reviewed and maintained in collaboration with the commission.

I. Liability.

It is the intent of the City that the commission members be free from personal liability for acts taken within the course and scope of carrying out their official duties and functions. The city will therefore defend and indemnify members to the maximum extent permitted under the city's insurance program and indemnification policy.

J. Removal.

A member of the commission may be removed from office by the city council prior to the normal expiration of his/her term for consistent failure to perform commission member duties, for having a real or perceived bias, prejudice or conflict of interest, or for violating the Statement of Principles, Code of Conduct, or confidentiality agreement.

K. Meetings and Procedures.

1. The commission may appoint from its membership committees as necessary to perform its duties.
2. Commission members are expected to maintain a minimum of 75% meeting attendance on an annual basis.
3. The commission shall hold regular meetings with an opportunity for public comment at least quarterly, and the commission and its committees may hold additional meetings as necessary.
4. No business of the commission shall be conducted at a meeting without at least a quorum of three members.
5. All actions of the commission shall be made upon a simple majority vote of the members present.
6. Meetings of the commission shall be open to the public except when the commission has determined a closed executive session, in accordance with RCW 42.30.110, is necessary in order to carry out its business.
7. The commission shall prepare and present an annual report to the city council that:
  - a. Summarizes the commission's activities, findings, and recommendations during the preceding year;
  - b. Gives recommendations for changes to the police department's processes and policies;
  - c. Evaluates the work of the OPO, including whether the OPO is functioning as intended and performing required duties.
8. The commission may develop additional reports as deemed necessary by it, or as requested by the city council. All reports generated by the commission shall not release nor disclose any records exempt from disclosure under the Washington Public Records Act or any confidential information that city officials or employees would be legally prohibited from disclosing.
9. The commission shall evaluate the performance of the OPO. In doing so, the commission:
  - a. Shall establish criteria by which to evaluate the work of the OPO;
  - b. Shall review, comment on and assist in maintaining policies, procedures and operating principles for the OPO;
  - c. Shall monitor status reports from the OPO; and

- d. May conduct periodic evaluations of the complaint intake and handling system to identify process improvements and/or ensure complaints are being treated fairly with due diligence.

Section 12. That there is adopted a new section 4.32.160 to chapter 4.32 of the Spokane Municipal Code to read as follows:

**4.31.160 Funding**

The City Council shall maintain funding necessary to appropriately staff the Office of Police Ombudsman, including adequate staff to enable to ombudsman to perform the required duties and responsibilities of the office as well as providing staff assistance to the Police Ombudsman Commission.

Section 13. Severability Clause. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

PASSED by the City Council on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0034
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	POLICE
<b>Contact Name/Phone</b>	CRAIG MEIDL 625-4117
<b>Contact E-Mail</b>	CMEIDL@SPOKANEPOLICE.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	RESOLUTION APPROVING THE APPOINTMENT OF SPD BUSINESS SERVICES DIRECTOR

**Agenda Wording**

A resolution approving the appointment of Carly E. Cortright as Business Services Director of the Police Business Services Department.

**Summary (Background)**

City Charter Section 24 requires City Council confirmation of department head appointments. The appointments are subject to the approval of the City Council. Mayor David Condon has appointed Carly Cortright as the Director of the Police Business Services Department, effective May 26, 2013.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	MEIDL, CRAIG	<b>Study Session</b>	PCS 01/14/2013
<b>Division Director</b>	STRAUB, FRANK	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	agolden	
<b>For the Mayor</b>	SANDERS, THERESA	ccortright	
<b>Additional Approvals</b>		ggeorge-hatcher	
<b>Purchasing</b>		ewade	
		lbryant	
		achirowamangu	

RESOLUTION 2013-0034

A resolution confirming the appointment of Carly E. Cortright as director of the Police Business Services Department.

WHEREAS, section 24 of the city charter states that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, section 5.2.6 of the city council rules of procedures states that approval of appointment of department heads shall be by resolution; and

WHEREAS, after full consideration, Mayor David A. Condon has appointed Ms. Cortright as the director of the Police Business Services Department for the City of Spokane; -- Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that it hereby confirms the appointment of Carly E. Cortright as director of the Police Business Services Department for the City of Spokane effective May 26, 2013.

ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0035
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	POLICE
<b>Contact Name/Phone</b>	CRAIG MEIDL 625-4117
<b>Contact E-Mail</b>	CMEIDL@SPOKANEPOLICE.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	RESOLUTION APPROVING THE APPOINTMENT OF SPD PUBLIC INFO. DEPT. DIRECTOR

**Agenda Wording**

A resolution approving the appointment of Monique R. Cotton as the Director of the Police Public Information Department.

**Summary (Background)**

Charter Section 24 requires City Council confirmation of department head appointments. The appointments are subject to the approval of the City Council. Mayor David Condon has appointed Monique Cotton director of the Police Public Information Department, effective May 26, 2013.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	MEIDL, CRAIG	<b>Study Session</b>	PSC 01/14/2013
<b>Division Director</b>	STRAUB, FRANK	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	agolden	
<b>For the Mayor</b>	SANDERS, THERESA	ccortright	
<b>Additional Approvals</b>		mcotton	
<b>Purchasing</b>		ggeorge-hatcher	
		lbryant	
		ewade	
		achirowamangu	

RESOLUTION 2013-0035

A resolution confirming the appointment of Monique R. Cotton as director of the Police Public Information Department.

WHEREAS, section 24 of the city charter states that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, section 5.2.6 of the city council rules of procedures states that approval of appointment of department heads shall be by resolution; and

WHEREAS, after full consideration, Mayor David A. Condon has appointed Mrs. Cotton as the director of the Police Public Information Department for the City of Spokane; -- Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that it hereby confirms the appointment of Monique R. Cotton as director of the Police Public Information Department for the City of Spokane effective May 26, 2013.

ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney





**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0036
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	POLICE
<b>Contact Name/Phone</b>	CRAIG MEIDL 625-4117
<b>Contact E-Mail</b>	CMEIDL@SPOKANEPOLICE.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	RESOLUTION APPROVING THE APPOINTMENT OF SPD COMMANDER

**Agenda Wording**

A resolution approving the appointment of Joseph J. Walker as Commander of the Police Tactical Operations Department.

**Summary (Background)**

Charter Section 24 requires City Council confirmation of department head appointments. The appointments are subject to the approval of the City Council. Mayor David Condon has appointed Joseph J. Walker as the Commander of the Police Tactical Operations department, effective May 26, 2013.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	MEIDL, CRAIG	<b>Study Session</b>	PSC 01/14/2013
<b>Division Director</b>	STRAUB, FRANK	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	agolden	
<b>For the Mayor</b>	SANDERS, THERESA	ccortright	
<b>Additional Approvals</b>		ggeorge-hatcher	
<b>Purchasing</b>		lbryant	
		ewade	
		agolden	

RESOLUTION 2013-0036

A resolution confirming the appointment of Joseph J. Walker as commander of the Police Tactical Operations Department.

WHEREAS, section 24 of the city charter states that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, section 5.2.6 of the city council rules of procedures states that approval of appointment of department heads shall be by resolution; and

WHEREAS, after full consideration, Mayor David A. Condon has appointed Mr. Walker as the commander of the Police Tactical Operations Department for the City of Spokane; -- Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that it hereby confirms the appointment of Joseph J. Walker as commander of the Police Tactical Operations Department for the City of Spokane effective May 26, 2013.

ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0037
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	POLICE
<b>Contact Name/Phone</b>	CRAIG MEIDL 625-4117
<b>Contact E-Mail</b>	CMEIDL@SPOKANEPOLICE.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	RESOLUTION APPROVING THE APPOINTMENT OF SPD COMMANDER

**Agenda Wording**

A resolution approving the appointment of Bradley G. Arleth as Commander of the Police Field Operations Department.

**Summary (Background)**

Charter Section 24 requires City Council confirmation of department head appointments. The appointments are subject to the approval of the City Council. Mayor David Condon has appointed Bradley G. Arleth as the Commander of the Police Field Operations department, effective May 26, 2013.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	MEIDL, CRAIG	<b>Study Session</b>	PSC 01/14/2013
<b>Division Director</b>	STRAUB, FRANK	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	agolden	
<b>For the Mayor</b>	SANDERS, THERESA	ccortright	
<b>Additional Approvals</b>		ggeorge-hatcher	
<b>Purchasing</b>		lbryant	
		ewade	
		achirowamangu	

RESOLUTION 2013-0037

A resolution confirming the appointment of Bradley G. Arleth as commander of the Police Field Operations Department.

WHEREAS, section 24 of the city charter states that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, section 5.2.6 of the city council rules of procedures states that approval of appointment of department heads shall be by resolution; and

WHEREAS, after full consideration, Mayor David A. Condon has appointed Mr. Arleth as the commander of the Police Field Operations Department for the City of Spokane; -- Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that it hereby confirms the appointment of Bradley G. Arleth as commander of the Police Field Operations Department for the City of Spokane effective May 26, 2013.

ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	ORD C34987
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY COUNCIL
<b>Contact Name/Phone</b>	BEN STUCKART 625.6258
<b>Contact E-Mail</b>	BSTUCKART@SPOKANECITY.ORG
<b>Agenda Item Type</b>	First Reading Ordinance
<b>Agenda Item Name</b>	0320 ADULT BOOKSTORE ORDINANCE

**Agenda Wording**

A permanent ordinance relating to adult bookstores, adult video stores, and sex paraphernalia stores; amending SMC sections 17A.020.010, 17A.020.060, 17A.020.180, 17A.020.190, 17C.305.010, and 17C.305.020;

**Summary (Background)**

Adult sexually oriented businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the citizens of the City. The City Council desires to minimize and control these adverse effects of the Adult businesses by limiting the locations where they can operate within the City.

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$		#
Select	\$		#
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Select	\$		#
<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	WESTFALL, JENNIFER	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA		
<b>For the Mayor</b>	SANDERS, THERESA		
<b>Additional Approvals</b>			
<b>Purchasing</b>			



## ORDINANCE NO. C34987

A permanent ordinance relating to adult bookstores, adult video stores, and sex paraphernalia stores; amending SMC sections 17A.020.010, 17A.020.060, 17A.020.180, 17A.020.190, 17C.305.010, and 17C.305.020; adopting a new SMC section 17C.305.030 to chapter 17C.305 of the Spokane Municipal Code; and adopting a new section 17C.210.100 to chapter 17C.210 of the Spokane Municipal Code.

WHEREAS, adult businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, there is convincing documented evidence that adult businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment, see, e.g., *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), dismissed for want of a substantial federal question, 435 U.S. 982 (1978) (sexual devices); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 224 (1990) (escort services and sexual encounter services); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007) (upholding ban on sexual novelty devices); *Heideman v. South Salt Lake City*, 348 F.3d 1182, 1195 (10th Cir. 2003) (“On its face, the Ordinance applies to all ‘sexually oriented businesses,’ which include establishments such as ‘adult motels’ and ‘adult novelty stores,’ which are not engaged in expressive activity.”); and

WHEREAS, there is documented evidence of adult sexually oriented businesses, including adult bookstores and adult video stores, manipulating their inventory and/or business practices to avoid regulation while retaining their essentially “adult” nature, see, e.g., *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that “the non-adult video selections appeared old and several of its display cases were covered with cobwebs”); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding “plaintiff’s argument that it is not an adult entertainment establishment frivolous at best”); *People ex rel. Deters v. The Lion’s Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that “the accuracy and credibility” of the evidence on inventory in a Lion’s Den was

suspect, and that testimony was “less than candid” and “suggested an intention to obscure the actual amount of sexually explicit material sold”); and

WHEREAS, the manner in which an establishment holds itself out to the public is a reasonable consideration in determining whether the establishments is a sexually oriented business, see, e.g., *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360, 365 (6th Cir. 2009) (“A prominent display advertising an establishment as an ‘adult store,’ moreover, is a more objective indicator that the store is of the kind the Act aims to regulate, than the mere share of its stock or trade comprised of adult materials.”); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 261 (1991) (Scalia, J., concurring in part and dissenting in part) (“[I]t is most implausible that any enterprise which has as its constant intentional objective the sale of such [sexual] material does not advertise or promote it as such.”); see also *Johnson v. California State Bd. of Accountancy*, 72 F.3d 1427 (9th Cir. 1995) (rejecting First Amendment challenge to statute which used the phrase “holding out” to identify conduct indicative of the practice of public accountancy, and that triggered regulations applicable to such business but did not ban any speech); *Spencer v. World Vision, Inc.*, 633 F.3d 723 (9th Cir. 2010) (O’Scannlain, J., concurring) (concluding that whether an entity “holds itself out” as religious is a neutral factor and that factor helps to ensure that the entity is a bona fide religious entity); and

WHEREAS, the City intends to regulate such businesses as adult businesses through a narrowly tailored ordinance designed to serve the substantial government interest of preventing the negative secondary effects of adult businesses; and

WHEREAS, sexual devices and other sex paraphernalia are often featured in establishments commonly known as adult bookstores and adult video stores, making voluminous reports concerning negative secondary effects of adult bookstores and adult video stores both a rational and substantial basis for the legislative determination to regulate the location of sex paraphernalia stores; and

WHEREAS, any sex paraphernalia stores in enclosed regional shopping malls do not present the same concerns as such stores in other commercial environments, as such stores in enclosed regional shopping malls do not have direct exterior entrances to or from the stores, have shorter hours of operation because of the mall’s operating requirements, typically do not have signage or visibility outside of the mall, are on very large parcels with substantial exterior parking lots that buffer the store from surrounding land uses, and are patrolled by security personnel who monitor the mall interior and its surrounding parking lot;

WHEREAS, the City’s regulations shall be narrowly construed to accomplish its goal of preventing negative secondary effects; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws to comply with constitutional requirements as they are announced; and



WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Washington Constitution, the Revised Code of Washington, and the Washington Rules of Civil Procedure and Washington Rules of Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Washington Constitution, but to enact legislation to further the content-neutral governmental interests of the City, to wit, the controlling of secondary effects of sexually oriented adult businesses; and

WHEREAS, substantial evidence has been brought forward concerning the existence of secondary effects from the operation of adult businesses in proximity to residential neighborhoods, and that such secondary effects have been ongoing for many years; and

WHEREAS, Ordinance C34963 was adopted March 4, 2013 on an interim basis, and on May 6, 2013, extended the effective period for the interim ordinance for an additional sixty days; and

WHEREAS, the Spokane Plan Commission recommended adoption of C34963 on a permanent basis following its April 25, 2013 public hearing, for which notice was properly published and relevant owners were notified; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17A.020.010 is amended to read as follows:

**17A.020.010            “A” Definitions**

- A.     Abandoned Sign Structure.  
A sign structure where no sign has been in place for a continuous period of at least six months.
  
- B.     Aboveground Storage Tank or AST.  
Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.
  
- C.     Accepted.  
A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. "mother-in-law apartments,"
2. "accessory apartments," or
3. "second units."

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
  - a. garages,
  - b. decks,
  - c. fences,
  - d. trellises,
  - e. flagpoles,
  - f. stairways,
  - g. heat pumps,
  - h. awnings, and
  - i. other structures.
3. See also SMC 17A.020.160 ("Primary Structure").

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in SMC 17A.020.190, or "specified sexual activities," as defined in SMC 17A.020.190. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- a. at least thirty percent of the establishment's displayed merchandise consists of said items; or
- b. at least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
- c. at least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
- d. the establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
- e. the establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
- f. the establishment regularly offers for sale or rental at least two thousand of said items; or

g. the establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.

2. For purposes of this definition, the term "floor space" means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

An "adult bookstore or adult video store," an "adult entertainment establishment," or a "sex paraphernalia store."

K. ((+)) Adult Entertainment Establishment.

1. An "adult entertainment establishment" is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to "specified sexual activities" as defined in SMC 17A.020.190 or "specified anatomical areas" as defined in SMC 17A.020.190 for observation by patrons therein.

2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."

3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. ((J)) Adult Family Home.

A residential use as defined and licensed by the State of Washington in a dwelling unit.

~~((K. Adult-oriented Merchandise.~~

~~Any goods, products, commodities, or other ware, including, but not limited to, videos, CD-ROMs, DVDs, computer disks, or other storage devices, magazines, books, pamphlets, posters, cards, periodicals, or non-clothing novelties which depict, describe, or simulate "specified anatomical area," as defined in SMC 17A.020.190, or "specified sexual activities," as defined in SMC 17A.020.190.))~~

~~((L. An "adult retail use establishment" is an enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of "adult-oriented merchandise." For purposes of this~~

~~definition, a retail establishment devotes a significant or substantial portion of its stock in trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, or transfer of such adult-oriented merchandise is clearly material to the economic viability of the business. It is rebuttably presumed that such adult-oriented merchandise is clearly material to the viability of the business if adult-oriented merchandise accounts for:~~

- ~~1. thirty percent or more of the retail dollar value of gross sales over any quarterly period;~~
- ~~2. thirty percent or more of the floor area of the store open to the public;~~
- ~~3. thirty percent or more of the retail dollar value of all merchandise displayed in the store;~~
- ~~4. thirty percent or more of the store's inventory (whether measured by retail dollar value or number of items); or~~
- ~~5. thirty percent or more of the store's stock in trade.~~

~~In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.))~~

M. Agency or Agencies.  
The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
  - a. producing, breeding, or increasing agricultural products;
  - b. rotating and changing agricultural crops;
  - c. allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
  - d. allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
  - e. allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;

- f. conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
  - g. maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
  - h. maintaining agricultural lands under production or cultivation.
2. The City of Spokane shoreline master program defines agriculture activities as:
- a. ~~((3-))~~ low-intensity agricultural use is defined as passive grazing and plant cultivation; or
  - b. ~~((4-))~~ high-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. **Agricultural Land.**  
 Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. **AKART.**  
 An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. **Alkali Wetlands.**  
 Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. **Alley.**  
 See “Public Way” (SMC 17A.020.160).

- S. Alteration.  
A physical change to a structure or site.
1. Alteration does not include normal maintenance and repair or total demolition.
  2. Alteration does include the following:
    - a. ~~((1.))~~ Changes to the facade of a building.
    - b. ~~((2.))~~ Changes to the interior of a building.
    - c. ~~((3.))~~ Increases or decreases in floor area of a building; or
    - d. ~~((4.))~~ Changes to other structures on the site, or the development of new structures.
- T. Alteration of Plat, Short Plat, or Binding Site Plan.  
The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to SMC 17G.080.030.
- U. Alternative or Post-incarceration Facility.  
A group living use where the residents are on probation or parole.
- V. Alternative Tower Structure (“Stealth” Technology).  
Manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also “Low Visual Impact Facility”—SMC 17A.020.120).
- W. Antenna Array (Wireless Communication Antenna Array).
1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
  2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.
- X. Antenna Height.  
The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.

- Y. Antenna Support Structure.  
Any pole, telescoping mast, tower tripod, or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.
- Z. API 653.  
The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.
- AA. Appeal.  
A request for review of the interpretation of any provision of Title 17 SMC.
- AB. Appeal – Standing For.  
As provided under RCW 36.70C.060, persons who have standing are limited to the following:
1. The applicant and the owner of property to which the land use decision is directed; and
  2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
    - a. the land use decision has prejudiced or is likely to prejudice that person;
    - b. that person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
    - c. a judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
    - d. the petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).
- AC. Applicant.  
An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:
1. Holder of fee title or a life estate;
  2. Holder of purchaser's interest in a sale contract in good standing;



3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;
7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

AD. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in SMC 17G.060.090.

AE. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

AF. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

AG. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

AH. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of SMC 17E.050.260.

AI. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,

3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

AJ. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

AK. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

AL. Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

AM. Arterial.

See:

1. "Principal Arterials" – SMC 17A.020.160,
2. "Minor Arterials" – SMC 17A.020.130,
3. "Collector Arterial" – SMC 17A.020.030, or
4. "Parkway" – SMC 17A.020.160.

AN. Assisted Living Facility.

A multi-family residential use licensed by the State of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

**AO. Attached Housing.**

Two or more dwelling units attached by a common wall at a shared property line. These include:

1. townhouses,
2. row houses, and
3. other similar structures

that are single-family residences on individual lots, sharing a common wall at a shared property line.

**AP. Attached Structure.**

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

**AQ. Available Capacity.**

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

**AR. Average Grade Level.**

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

Section 2. That SMC section 17A.020.060 is amended to read as follows:

**17A.020.060 “F” Definitions**

- A. Facade.  
All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.
- B. Facade Easement.  
A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.
- C. Facility and Service Provider.  
The department, district, or agency responsible for providing the specific concurrency facility.
- D. Factory-built Structure.
  - 1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
  - 2. “Factory-built commercial structure” is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
- E. Fair Market Value.  
The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.
- F. Fascia Sign.  
A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not

include signs that are attached to or projected onto structures defined as sign structures by this chapter.

**G. Feasible (Shoreline Master Program).**

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
  - a. the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
  - b. the action provides a reasonable likelihood of achieving its intended purpose; and
  - c. the action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

**H. Feature.**  
**To give special prominence to.**

**I.** (~~H.~~) Feeder Bluff.  
Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

**J.** (~~I.~~) Fill.  
The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

**K.** (~~J.~~) Financial Guarantee.  
A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and

installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter 17D.020 SMC, Financial Guarantees: Performance guarantee and performance/warranty retainer.

L.     ~~((K-))~~ Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1.     Clean water and appropriate temperatures for spawning, rearing, and holding.
2.     Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3.     Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4.     Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5.     Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6.     Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M.     ~~((L-))~~ Flag.

A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "Banner."

N.     ~~((M-))~~ Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O.     ~~((N-))~~ Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P.     (~~(Q-)~~) Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q.     (~~(P-)~~) Flood or Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1.     The overflow of inland waters; or
2.     The unusual and rapid accumulation of runoff of surface waters from any source.

R.     (~~(Q-)~~) Flood-proofing.

Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

S.     (~~(R-)~~) Floodway.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

T.     (~~(S-)~~) Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1.     Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2.     Roof area, including roof top parking.
3.     Roof top mechanical equipment.
4.     Attic area with a ceiling height less than six feet nine inches.
5.     Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and

6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

U. (~~(F.)~~) Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

V. (~~(U.)~~) Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

W. (~~(V.)~~) Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

X. (~~(W.)~~) Freestanding Sign.

A sign on a frame, pole, or other support structure that is not attached to any building.

Y. (~~(X.)~~) Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Section 3. That SMC section 17A.020.180 is amended to read as follows:

**17A.020.180 "R" Definitions**

A. RCW.

The Revised Code of Washington, as amended.

B. Real Estate Sign.

A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent.

C. Reasonable Cause.

A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation, or use of critical materials or the pursuit of critical materials activities at a site or premises.

D. Reconsideration – Request For.



A request to the appeal body to consider again or reverse the decision on the permit application.

E. Recreational Vehicle.

A vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

F. Recycling Drop-off Center.

A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil.

1. Processing of materials is limited to glass breaking and separation.
2. Recycling materials are not sold to a recycling drop-off center.
3. A recycling drop-off center is intended for household or consumer use.
4. Use by commercial or industrial establishments is not included.
5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

G. Recycling Operation.

A use where one or more recycling materials are accumulated, stored, sorted, or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

- H. Redivision.  
The redivision of a lot located within a previously recorded plat or short plat.
- I. Regional Shopping Mall – Enclosed.  
A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.
- J. ~~((I-))~~ Registered Neighborhood Organization.  
A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:
1. Represents a specifically designated geographic area;
  2. Is governed by bylaws and has elected officers; and
  3. Has registered as such with the City and is on the current list of registered neighborhood organizations.
- K. Regularly.  
Occurring consistently and repeatedly on an ongoing basis.
- L. ~~((J-))~~ Regulated Substance.  
A critical material as referred to in 42 U.S.C. 6991(2).
- M. ~~((K-))~~ Related Persons.  
One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.
- N. ~~((L-))~~ Repair (see also “Maintenance”).  
An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design, and drain, dredge, fill, flood, or otherwise alter additional wetlands are not included in this definition.

- O. (~~(M.)~~) Reservoir.  
A body of water collected and stored in an artificial pool that is intended for future use.
- P. (~~(N.)~~) Residential Zone.  
Those zones from RA through RHD.
- Q. (~~(O.)~~) Responsible Party.  
A person who is either:
1. The property owner or person authorized to act on the owner's behalf; or
  2. Any person causing or contributing to a violation of this chapter.
- R. (~~(P.)~~) Restoration.  
See "Compensatory Mitigation" (SMC 17A.020.030).
- S. (~~(Q.)~~) Revetment.  
A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to slow down bank erosion and minimize lateral stream movement.
- T. (~~(R.)~~) Right-of-way.  
A public or private area that allows for the passage of people or goods.
1. Right-of-way includes passageways such as:
    - a. freeways,
    - b. streets,
    - c. bike paths,
    - d. alleys, and
    - e. walkways.
  2. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.
- U. (~~(S.)~~) Riparian.
1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.

2. It is the area where the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient, and sediment loading, terrestrial wildlife, and organic debris from the land.
3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

V. (~~(T-)~~) Riparian Habitat Area (RHA).

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

W. (~~(U-)~~) Riparian Wetland.

Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

X. (~~(V-)~~) Riprap.

A layer, facing, or protected mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also, the stone so used.

Y. (~~(W-)~~) River Delta.

Those lands formed as an aggradational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

Z. (~~(X-)~~) Riverine.

Situated alongside or associated with a river.

AA. (~~(Y-)~~) Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as "streets." Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as "roads."

2. Within the context of this code, “roadway” refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter 17D.050 SMC.

AB. ((Z.)) Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

AC. ((AA.))Rock Shore.

Those shorelines whose bluffs and banks are typically composed of natural rock formations.

AD. ((AB.))Rockfall.

The falling of rocks from near vertical cliffs.

AE. ((AC.))Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

AF. ((AD.))Roof Top Sign.

A sign on a roof that has a pitch of less than one-to-four.

AG. ((AE.))Root Name.

A maximum of two words, which are not considered part of the directional or suffix.

AH. ((AF.))Runoff.

Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. It includes stormwater and water from other sources that travels across the land surface.

AI. ((AG.))Runoff and Infiltration Controls.

Measures adopted to prevent damage due to flooding and erosion problems.

Section 4. That SMC section 17A.020.190 is amended to read as follows:

**17A.020.190 “S” Definitions**

- A. Salmonid.  
Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.
- B. Sandwich Board Sign.  
A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.
- C. Scrub-shrub Wetland.  
An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.
- D. Secondary Building Walls.  
Exterior building walls that are not classified as primary building walls.
- E. Secondary Containment.  
A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.
- F. Sediment.  
Mineral or organic matter deposited as a result of erosion.
- G. Sedimentation.  
The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.
- H. SEPA Rules.  
Chapter 197-11 WAC adopted by the department of ecology.
- I. Service Area.  
A geographic area defined by the City, which encompasses public facilities that are part of a plan.
- J. Serviceable.  
Means presently useable.
- K. Setback.  
The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:
  1. "Front setback" means a setback that is measured from a front lot line.

2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.
4. "Street setback" means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. ((L-)) Shall.

Unless the context indicates otherwise, the term "shall" means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with "must";
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb "to be."

O. ((M-)) Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. ((N-)) Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

Q. (~~Q.~~) Shoreline and Ecosystems Enhancement Plan and Program.  
See SMC 17E.020.090, Habitat Management Plans.

R. (~~P.~~) Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

S. (~~Q.~~) Shoreline Enhancement.  
Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

T. (~~R.~~) Shoreline Environment Designations.  
The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

U. (~~S.~~) Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Projects may include shoreline modification actions such as:
  - a. modification of vegetation,



- b. removal of nonnative or invasive plants,
- c. shoreline stabilization, dredging, and filling,

provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

V. ~~((T-))~~ Shoreline Jurisdiction.  
See "Shorelands."

W. ~~((U-))~~ Shoreline Letter of Exemption.  
Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under SMC 17E.060.300 and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

X. ~~((V-))~~ Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
  - a. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
  - b. Shoreline Regulations (chapter 17E.060 SMC),
  - c. City of Spokane Shoreline Restoration Plan (stand ~~((along))~~ alone document), and
  - d. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Y. ~~((W-))~~ Shoreline Mixed Use.  
Combination of water-oriented and non-water oriented uses within the same structure or development area.

Z. ~~((X-))~~ Shoreline Modifications.  
Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AA. ~~((Y-))~~ Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms “Shoreline protection measure” and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AB. (~~Z.~~) Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms.

AC. (~~AA.~~) Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

AD. (~~AB.~~) Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

AE. (~~AC.~~) Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AF. (~~AD.~~) Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

AG. ((~~AE.~~)) Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AH. ((~~AF.~~)) Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

AI. ((~~AG.~~)) Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AJ. ((~~AH.~~)) Sign.

1. Materials placed or constructed, or light projected, that:
  - a. conveys a message or image, and
  - b. is used to inform or attract the attention of the publicbut not including any lawful display of merchandise.
2. Some examples of signs are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images, or holograms.
3. The scope of the term sign does not depend on the content of the message or image conveyed.

- AK. ~~((AL-))~~ Sign – Animated Sign.  
A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.
- AL. ~~((AJ-))~~ Sign – Electronic Message Center Sign.  
An on-premises sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.
- AM. ~~((AK-))~~ Sign Face.  
The portion of a sign which contains lettering, logo, trademark, or other graphic representations. (See SMC 17C.240.140, Sign Face Area.)
- AN. ~~((AL-))~~ Sign – Flashing Sign.
1. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign.
  2. Time and temperature signs are excluded from this definition.
  3. For the purpose of this title, electronic message centers consistent with the standards of SMC 17C.240.240(J) shall not be considered flashing signs.
- AO. ~~((AM-))~~ Sign Maintenance.  
Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.
- AP. ~~((AN-))~~ Sign – Off-premises.  
A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.
- AQ. ~~((AO-))~~ Sign Repair.  
Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.
- AR. ~~((AP-))~~ Sign Structure.  
A structure specifically intended for supporting or containing a sign.
- AS. ~~((AQ-))~~ Significant Vegetation Removal.  
The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AT. ~~((AR.))~~ Single-family Residential Building.  
A dwelling containing only one dwelling unit.

AU. ~~((AS.))~~ Single-room Occupancy Housing (SRO).  
A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AV. ~~((AT.))~~ Site.  
Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AW. ~~((AU.))~~ Site – Archaeological.

1. A place where a significant event or pattern of events occurred. It may be the:
  - a. location of prehistoric or historic occupation or activities that may be marked by physical remains; or
  - b. symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

AX. ~~((AV.))~~ Slump.  
The intermittent movement (slip) of a mass of earth or rock along a curved plane.

AY. ~~((AW.))~~ SMC.  
The Spokane Municipal Code, as amended.

AZ. ~~((AX.))~~ Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

BA. ~~((AY.))~~ Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

BB. ~~((AZ.))~~ Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

BC. ~~((BA.))~~ Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in SMC 17D.060.130.

BD. ~~((BB.))~~ Special Event Sign.

A temporary sign used to announce a circus, a carnival, festivals, or other similar events.

BE. ~~((BC.))~~ Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

BF. ~~((BD.))~~ Specified Anatomical Areas.

They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

BG. ~~((BE.))~~ Specified Sexual Activities.

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and

3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

BH. ~~((BF.))~~ Spokane Regional Stormwater Manual (SRSM).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

BI. ~~((BG.))~~ Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

BJ. ~~((BH.))~~ Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

BK. ~~((BI.))~~ Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

BL. ~~((BJ.))~~ Standard Plans.

Refers to the City of Spokane's standard plans.

BM. ~~((BK.))~~ Standard References.

Standard engineering and design references identified in SMC 17D.060.030.

BN. ~~((BL.))~~ State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

BO. ~~((BM.))~~ State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

BP. ~~((BN.))~~ State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

BQ. ~~((BO.))~~ State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

BR. (~~(BP.)~~) State Threatened Species.  
Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

BS. (~~(BQ.)~~) Stealth Facilities.  
Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

BT. (~~(BR.)~~) Stewardship.  
Acting as supervisor or manager of the City and County's historic properties.

BU. (~~(BS.)~~) Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

BV. (~~(BT.)~~) Stormwater Management Program (SWMP).  
A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

BW. (~~(BU.)~~) Story.  
That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;



2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;
3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
  - a. six feet above grade for more than half of the total perimeter, or
  - b. twelve feet above grade at any point.

BX. ~~((BV.))~~Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

BY. ~~((BW.))~~Street.

See "Public Way" (SMC 17A.020.160).

BZ. ~~((BX.))~~Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
  - a. Principal arterial.
  - b. Minor arterial.
  - c. Collector arterial.
  - d. Local access street.
  - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.

CA. ~~((BY.))~~Street Frontage.

The lot line abutting a street.

CB. (~~BZ.~~) Strobe Light.  
A lamp capable of producing an extremely short, brilliant burst of light.

CC. (~~CA.~~) Structural Alteration.

1. Modification of a sign, sign structure, or awning that affects size, shape, height, or sign location.
2. Changes in structural materials; or
3. Replacement of electrical components with other than comparable materials.
4. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign would all be structural alterations.
5. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

CD. (~~CB.~~) Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
  - a. buildings,
  - b. decks,
  - c. fences,
  - d. towers,
  - e. flag poles,
  - f. signs, and
  - g. other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.

- CE. ~~((CC-))~~Structure – Historic.  
A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.
- CF. ~~((CD-))~~Subdivision.  
A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).
- CG. ~~((CE-))~~Subject Property.  
The site where an activity requiring a permit or approval under this code will occur.
- CH. ~~((CF-))~~Sublevel Construction Controls.  
Design and construction requirements provided in SMC 17F.100.090.
- CI. ~~((CG-))~~Submerged Aquatic Beds.  
Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.
- CJ. ~~((CH-))~~Substantial Damage – Floodplain.  
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.
- CK. ~~((CI-))~~ Substantial Development.  
For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.
- CL. ~~((CJ-))~~Substantial Improvement – Floodplain.
1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
    - a. before the improvement or repair is started, or
    - b. if the structure has been damaged and is being restored, before the damage occurred.
  2. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
  3. The term does not, however, include either any:

- a. project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

**CM.** ~~((CK.))~~Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with SMC 17D.050.020(C).

Section 5. That SMC section 17C.305.010 is amended to read as follows:

**17C.305.010 Purpose, Findings and Rationale**

~~((Adult businesses including adult retail use and entertainment establishments create adverse secondary effects including health, safety, economic and aesthetic impacts upon neighboring properties and the community as a whole. These standards are intended to address the anticipated effect on the community with respect to the location of these facilities and reduce some of the unwanted effects experienced by the community surrounding the adult retail use and entertainment establishments. Adult business establishments, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods, daycare centers, religious facilities, public parks, and schools, thereby having a deleterious impact upon the quality of life in the surrounding areas.))~~

**A.** Purpose.

It is the purpose of this section to regulate adult businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult businesses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

**B.** Basis of Findings.

The city council findings are based on:

1. Evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and
2. Findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *World Wide Video of Washington, Inc. v. City of Spokane*, 103 P.3d 1265 (Wash. App. 2005); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); 84 *Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County,

July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Patterson v. City of Grand Forks*, Case No. 18-2012-CV-00742 (Grand Forks Cty. Dist. Ct. Nov. 1, 2012); *Enlightened Reading, Inc. v. Jackson County*, 2009 WL 792492 (W.D. Mo. Mar. 24, 2009); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Johnson v. California State Bd. of Accountancy*, 72 F.3d 1427 (9th Cir. 1995); *Spencer v. World Vision, Inc.*, 633 F.3d 723 (9th Cir. 2010); *Plaza Group Props., LLC, v. Spencer County*, 911 N.E.2d 1264 (Ind. App. 2009); and

3. Reports concerning secondary effects occurring in and around adult businesses, including, but not limited to, Austin, Texas–1986; Indianapolis, Indiana–1984; Garden Grove, California–1991; Houston, Texas–1983, 1997; Phoenix, Arizona–1979, 1995-98; Tucson, Arizona–1990; Chattanooga, Tennessee–1999-2003; Los Angeles, California–1977; Whittier, California–1978; Spokane, Washington–2001; St. Cloud, Minnesota–1994; Littleton, Colorado–2004; Oklahoma City, Oklahoma–1986; Dallas, Texas–1997; Ft. Worth, Texas–2004; Kennedale, Texas–2005; Greensboro, North Carolina–2003; Amarillo, Texas–1977; Jackson County, Missouri–2008; Louisville, Kentucky–2004; New York, New York Times Square–1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas–2007; “Rural Hotspots: The Case of Adult Businesses,” 19 Criminal Justice Policy Review 153 (2008); “Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD,” Journal of Urban Health (2011); “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and various data and articles documenting robbery and other crimes at retail adult establishments.

C. Findings and Rationale.

The city council finds:

1. Adult businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, noise, traffic, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Adult businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and

should be separated from other adult businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult businesses in one area.

3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this section, exists independent of any comparative analysis between adult and non-adult businesses. Additionally, the City's interest in regulating adult businesses extends to preventing future secondary effects of either current or future adult businesses that may locate in the City. The City finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.
4. The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult businesses, including the judicial opinions and reports related to such secondary effects.

Section 6. That SMC section 17C.305.020 is amended to read as follows:

**17C.305.020 Use Standards**

An adult (~~(retail use establishment or adult entertainment establishment)~~) business must be located on property of sufficient size and frontage to contain the establishment together with off-street parking, driveways, building setbacks and landscaping as required by this chapter and, further, the location must meet the following requirements.

- A. An (~~(retail use establishment or adult entertainment establishment)~~) business may not be located or maintained within seven hundred fifty feet, measured from the nearest property line of the adult (~~(retail use establishment or adult entertainment establishment)~~) business to the nearest property line of any of the following preexisting uses located inside or outside of the City of Spokane:
  1. Public library.
  2. Public playgrounds or park.
  3. Public or private school and its grounds, from kindergarten to twelfth grade.
  4. Nursery school, mini-daycare center or daycare center.

5. Church, convent, monastery, synagogue, or other place of religious worship.
  6. Another adult (~~retail use establishment or adult entertainment establishment~~) business, subject to the provisions of this section.
- B. An adult (~~retail use establishment or adult entertainment establishment~~) business may not be located within seven hundred fifty feet of any of the following zones located within the City of Spokane:
1. RA – Residential Agriculture.
  2. RSF – Residential Single Family.
  3. RTF – Residential Two Family.
  4. RMF – Residential Multifamily.
  5. RHD – Residential High Density.
  6. O – Office Zone.
  7. OR – Office Retail.
- C. An adult (~~retail use establishment or adult entertainment establishment~~) business may not be located within seven hundred fifty feet of any zone in any other jurisdiction abutting the City of Spokane that has listed in their zoning ordinance a residential zone separation standard similar to subsection (B) of this section. Currently, adult (~~retail use establishment or adult entertainment establishment~~) businesses must locate at least seven hundred fifty feet from the following Spokane County zones:
1. Rural Residential-10 – RR-10.
  2. Semi-rural Residential-5 – SRR-5.
  3. Semi-rural Residential-2 – SRR-2.
  4. Suburban Residential-1 – SR-1.
  5. Suburban Residential-1/2 – SR-1/2.
  6. Urban Residential-3.5 – UR-3.5.
  7. Urban Residential-7 – UR-7.



8. Urban Residential-12 – UR-12.
9. Urban Residential-22 – UR-22.
10. Rural Settlement – RS.

D. Hours of Operation.

An adult (~~retail use establishment or adult entertainment establishment~~) business may not be operated or otherwise open to the public between the hours of two a.m. and ten a.m.

Section 7. That there is adopted a new SMC section 17C.305.030 to read as follows:

**17C.305.030 Enforcement**

- A. In addition to any penalties, sanctions, enforcement or remedies available to the City under SMC 17I.010.010, the following shall apply to violations of this chapter 17C.305.
1. Any premises, building, dwelling, or other structure in which an adult business is repeatedly operated or maintained in violation of this chapter 17C.305 SMC shall constitute a recurring public nuisance and shall be subject to civil abatement proceedings in a court of competent jurisdiction.
  2. For purposes of this section, “repeatedly operated or maintained in violation” shall mean operating in violation of this chapter 17C.305 SMC during three or more months within a one year period dating from the time of any violation, provided that the City shall not be required to prove that the business operated in violation of this chapter on every day of the three or more months.
  3. If an adult business is declared by a court to be a recurring public nuisance pursuant to this section, the person or entity found to be operating the recurring public nuisance, and any entity controlled by said person or entity or any principal thereof, shall be prohibited from operating any business at the nuisance location for a period of three years from the date of the court’s declaration.
- B. The City’s legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this chapter 17C.305 SMC to abate, enjoin, prosecute, restrain, or correct any violations of same. Such proceedings shall be brought in the name of the City, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this

section, or any of the laws in force in the City or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

Section 8. That there is adopted a new SMC section 17C.210.100 to read as follows:

**17C.210.100 Nonconforming Adult Businesses**

- A. An adult business that does not meet the standards set forth in SMC 17C.305.020(A) through SMC 17C.305.020(C) is a nonconforming adult business use. A nonconforming adult business use may continue to operate for twelve months following the effective date of this section in order to make a reasonable recoupment of its investment in its current location, but only if the nonconforming adult business use was lawfully existing in all respects under law prior to the effective date of this section SMC 17C.210.100. At the conclusion of the twelve months, such nonconforming adult business use shall be unlawful, unless the nonconforming adult business use applies for and obtains an extension of the twelve-month period by clearly demonstrating an extreme economic hardship (“hardship extension”) based upon an irreversible financial investment or commitment made in an arms-length transaction completed prior to the date this section became effective. A demonstration of extreme economic hardship requires the business to show that the subject property cannot be put to any reasonable alternative use. An application for a hardship extension shall be made at least sixty days before the conclusion of the aforementioned twelve-month period.
- B. Procedure for seeking hardship extension. An application for a hardship extension shall be filed in writing with the planning director, and shall include evidence of purchase and improvement costs, income earned and lost, depreciation, and costs of relocation. Within ten days after receiving the application, the planning director shall forward the application and attendant materials to the hearing examiner, and shall schedule a public hearing on the application before the hearing examiner, which public hearing shall be conducted within thirty days after the planning director’s receipt of the application. Notice of the time and place of such public hearing shall be published at least ten days before the hearing in a newspaper of general circulation published within the City, and shall identify the particular location for which the hardship extension is requested. The planning director may respond in writing to the application, provided that said response is submitted to the hearing examiner at least five days before the hearing. At the hearing, the parties shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the other party’s witnesses. The formal rules of evidence shall not apply. The hearing shall take no longer than two days, unless extended at the request of the applicant to meet the requirements of due process and proper administration of justice.

- C. The hearing examiner shall issue a written decision within ten days after the public hearing on the application for a hardship extension. The hardship extension shall be granted only upon the hearing examiner's determination that the applicant has made the required showing of an extreme economic hardship as required in subsection (A) above, and shall be limited in duration to the shortest time necessary to make a reasonable, though not necessarily complete, recoupment of investment.

Section 9. Severability. If any provision of this ordinance or its application to any person, entity or circumstances is for any reason held invalid, the remainder of the ordinance or the application of the provisions to other persons, entities or circumstances, is not affected.

PASSED by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date

**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/9/2013
<b>Clerk's File #</b>	ORD C34988
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	FINANCE
<b>Contact Name/Phone</b>	KIM ORLOB 6369
<b>Contact E-Mail</b>	KORLOB@SPOKANECITY.ORG
<b>Agenda Item Type</b>	First Reading Ordinance
<b>Agenda Item Name</b>	0410 - ORDINANCE - BUSINESS REGISTRATION

**Agenda Wording**

An ordinance relating to the business registration process; amending SMC sections 8.01.020; 8.01.130' 8.01.180; 8.01.190; 8.02.0206; 8.02.0207; 8.01.230; and 8.01.280

**Summary (Background)**

Since the City partnered with the Washington State Department of Revenue in November 2012, the City has identified additional amendments that are necessary to the SMC for the Business registrations. These amendments are a result of the change in processing with the State and further clarification of exemptions and non profit business registration fees.

**Fiscal Impact**

Select \$  
 Select \$  
 Select \$  
 Select \$

**Budget Account**

#  
 #  
 #  
 #

**Approvals**

<b>Dept Head</b>	DUNIVANT, TIMOTHY
<b>Division Director</b>	DUNIVANT, TIMOTHY
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	BURNS, BARBARA
<b>For the Mayor</b>	SANDERS, THERESA

**Council Notifications**

<b>Study Session</b>	
<b>Other</b>	Finance Committee - 5/8/13

**Distribution List**

	korlob@spokanecity.org
	gcooley@spokanecity.org
<b>Additional Approvals</b>	tdunivant@spokanecity.org
<b>Purchasing</b>	eschoedel@spokanecity.org
	mlewis@spokanecity.org

Ordinance C34988 not available at time of packet distribution.



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/9/2013
<b>Clerk's File #</b>	ORD C34989
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY COUNCIL
<b>Contact Name/Phone</b>	STEVE SALVATORI 625-6715
<b>Contact E-Mail</b>	RBARDEN@SPOKANECITY.ORG
<b>Agenda Item Type</b>	First Reading Ordinance
<b>Agenda Item Name</b>	0320 PARKING SYSTEM FUND

**Agenda Wording**

An ordinance relating to the Parking System Fund; amending SMC section 7.08.130 of the Spokane Municipal Code.

**Summary (Background)**

This ordinance will rename the special revenue fund established in SMC 7.03.180 the "Parking System Fund." The ordinance will identify revenues to be deposited into the fund and expenses to be paid out of the fund.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	WESTFALL, JENNIFER	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	PICCOLO, MIKE		
<b>For the Mayor</b>	SANDERS, THERESA		
<b>Additional Approvals</b>			
<b>Purchasing</b>			

Ordinance No. C34989

An ordinance relating to the Parking System Fund; amending SMC section 7.08.130 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That SMC section 7.08.130 is amended to read as follows:

**7.08.130 Parking (~~Meter Revenue~~) System Fund**

- A. There is created and shall be maintained in the office of the City treasurer a special revenue fund designated the "parking (~~meter revenue~~) system fund." (~~Parking meter revenue~~) All City parking revenue from on and off street meter systems, miscellaneous parking fees, permits, etc., along with other sums appropriated in the budget from the City general fund shall be deposited into the fund upon receipt. For the remainder of 2013, all parking infraction revenue collected over and above the budgeted infraction revenues for the year (\$1,455,000) shall be deposited in the fund. Starting in 2014, an amount equal to one hundred percent of the total amount of the parking infraction revenue collected, less the expenditures of the Municipal Court Parking Violations Program from the prior calendar year, will be transferred from the General Fund to the fund.
  
- B. (~~Money may be withdrawn from the fund to maintain public streets and roadways within the City and to loan to the public development authority's ground lease account and its operating and maintenance account with respect to the River Park Square parking garage, as provided in Ordinance C31823.~~) Money deposited into the fund shall be accumulated or expended to pay for operations and maintenance of the parking system, to include parking enforcement and collections, the parking violation system and to maintain, improve, and enhance the customer environment in those areas where parking revenue is generated within the City.
  
- C. Any available parking funds must first be used to cover the debt service on Series 2005B LTGO bonds (or any subsequent refinancing of these bonds).

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2013.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date





**Agenda Sheet for City Council Meeting of:**  
05/13/2013

<b>Date Rec'd</b>	5/3/2013
<b>Clerk's File #</b>	LGL 2012-0045
<b>Renews #</b>	
<b>Cross Ref #</b>	INITIATIVE 2012-3
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY CLERK
<b>Contact Name/Phone</b>	TERRI PFISTER 625-6354
<b>Contact E-Mail</b>	TPFISTER@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Report Item
<b>Agenda Item Name</b>	0260 - SET HEARING ON VALIDATED INITIATIVE 2012-3 PETITIONS

**Agenda Wording**

Set Hearing for May 20, 2013, on Validated Initiative 2012-3 petitions filed by Envision Spokane pertaining to an amendment to the City Charter to add a Community Bill of Rights, which secures the right of neighborhood

**Summary (Background)**

At its meeting held Monday, April 22, 2013, the City Council requested the validation of signatures on Initiative 2012-3 petitions. In order to be placed on the November 5, 2013, ballot, 3,131 validated signatures are required. A Petition Result Breakdown on the validation process was received via email by the City Clerk's Office on May 2, 2013. The Breakdown reflects that the Spokane County Elections Office examined 4,868 signatures, of which 3,349 were valid.

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	PFISTER, TERRI	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	mpiccolo@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA		
<b>Additional Approvals</b>			
<b>Purchasing</b>			





## Petition Result Breakdown

Initiative No. 2012-3

Envision Spokane

<b>Signatures Required</b>	<b>3131</b>		
<b>Raw Count</b>	<b>5,460</b>		
<b>Sample Size</b>	<b>5,460</b>		
<b>Sigs Checked</b>	<b>4,868</b>	<i>Percent of Sigs Checked</i>	<i>Percent of Sample Size</i>
<b>Sigs Not Checked</b>	<b>592</b>		10.8 %
<b>Sigs Valid</b>	<b>3,349</b>	68.8 %	61.3 %
<b>Sigs Invalid</b>	<b>1,519</b>	31.2 %	27.8 %
Duplicated	383	8.0 %	7.0 %
Non-duplicate Invalids	1,136	23.0 %	20.8 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	3,349	68.8 %
NotReg	Not Registered	309	6.3 %
OutOfDist	Out of District	372	7.6 %
Duplicate	Signed more than once	383	7.9 %
Withdrawn	Withdrawn	75	1.5 %
SignTooMny	Signed for More candidates than Allow	1	0.0 %
RegDiffAdd	Registered at a Different Address	92	1.9 %
CantIdentfy	Cannot Identify	112	2.3 %
NoResAdd	No Residence Address Given	4	0.1 %
NoSig	No Signature	2	0.0 %
PrintedSig	Printed Signature	18	0.4 %
SigNoMatch	Signatures Don't Match	123	2.5 %
NoVoter	Voter Not Found	28	0.6 %

# **A CITY CHARTER AMENDMENT ESTABLISHING A COMMUNITY BILL OF RIGHTS**

Whereas, the people of the City of Spokane wish to build a healthy, sustainable, and democratic community;

Whereas, the people of the City of Spokane wish to build that community by securing the rights, freedoms, and well-being of residents, workers, neighborhoods, and the natural environment;

Whereas, the people of the City of Spokane recognize their responsibility to be well-informed and involved citizens of the City of Spokane, to be stewards of the natural environment, and to assume the responsibility for enforcing their rights and the rights of others;

Whereas, the people of the City of Spokane have adopted a Comprehensive Plan for the City of Spokane, which envisions the building of a healthy, sustainable, and democratic community, but the people recognize that the Comprehensive Plan is not legally enforceable in many important respects;

Whereas, the people of the City of Spokane wish to create a Community Bill of Rights which would, among other goals, establish legally enforceable rights and duties to implement the vision laid out in the Comprehensive Plan; and

Whereas, the people of the City of Spokane wish to create a Community Bill of Rights, which would elevate the rights of the community over those of corporations.

## **NOW, THEREFORE, THE PEOPLE OF THE CITY OF SPOKANE HEREBY ORDAIN:**

**Section 1.** A new section be added to the beginning of the Charter of the City of Spokane, which shall be known as the "Community Bill of Rights," and which provides as follows:

### **FIRST. NEIGHBORHOOD RESIDENTS HAVE THE RIGHT TO DETERMINE MAJOR DEVELOPMENT IN THEIR NEIGHBORHOODS.**

Neighborhood majorities shall have the right to approve all zoning changes proposed for their neighborhood involving major commercial, industrial, or residential development. Neighborhood majorities shall mean the majority of registered voters residing in an official city neighborhood who voted in the last general election. Proposed commercial or industrial development shall be deemed major if it exceeds ten thousand square feet, and proposed residential development shall be deemed major if it exceeds twenty units and its construction is not financed by governmental funds allocated for low-income housing.

It shall be the responsibility of the proposer of the zoning change to acquire the approval of the neighborhood majority, and the zoning change shall not be effective without it. Neighborhood majorities shall also have a right to reject major commercial, industrial, or residential development which is incompatible with the provisions of the City's Comprehensive Plan or this Charter.

Approval of a zoning change or rejection of proposed development under this section shall become effective upon the submission of a petition to the City containing the valid signatures of neighborhood majorities approving the zoning change or rejecting the proposed development, in a petition generally conforming to the referendum provisions of the Spokane municipal code.

### **SECOND. THE RIGHT TO A HEALTHY SPOKANE RIVER AND AQUIFER.**

The Spokane River, its tributaries, and the Spokane Valley-Rathdrum Prairie Aquifer possess fundamental and inalienable rights to exist and flourish, which shall include the right to sustainable recharge, flows sufficient to protect native fish habitat, and clean water. All residents of Spokane possess fundamental and inalienable rights to sustainably access, use, consume, and preserve water drawn from natural cycles that provide water necessary to sustain life within the City. The City of Spokane, and any resident of the City or group of residents, have standing to enforce and protect these rights.

### **THIRD. EMPLOYEES HAVE THE RIGHT TO CONSTITUTIONAL PROTECTIONS IN THE WORKPLACE.**

Employees shall possess United States and Washington Bill of Rights' constitutional protections in every workplace within the City of Spokane, and workers in unionized workplaces shall possess the right to collective bargaining.

### **FOURTH. CORPORATE POWERS SHALL BE SUBORDINATE TO PEOPLE'S RIGHTS.**

Corporations and other business entities which violate the rights secured by this Charter shall not be deemed to be "persons," nor possess any other legal rights, privileges, powers, or protections which would interfere with the enforcement of rights enumerated by this Charter.

**Section 2.** Effective Date of Amendment to City Charter. If approved by the electors, this City Charter amendment shall take effect and be in full force upon issuance of the certificate of election by the Spokane County Auditor's Office.

**Section 3.** All ordinances, resolutions, motions, or orders in conflict with this City Charter amendment are hereby repealed to the extent of such conflict. If any part or provision of these Charter provisions is held invalid, the remainder of these provisions shall not be affected by such a holding and shall continue in full force and effect.



**Agenda Sheet for City Council Meeting of:**

05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0038
<b>Renews #</b>	
<b>Cross Ref #</b>	LGL 2012-0045
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY CLERK
<b>Contact Name/Phone</b>	TERRI PFISTER CITY CLERK
<b>Contact E-Mail</b>	TPFISTER@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	0260 - ENVISION SPOKANE RESOLUTION

**Agenda Wording**

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013, to submit to the voters of the City of Spokane a proposition in regards to amending the Spokane City Charter

**Summary (Background)**

On April 12, 2012, Envision Spokane filed an initiative proposing amending the City Charter to add a Community Bill of Rights. On May 2, 2013, the Spokane County Auditor verified that the initiative has met the requirements for valid signatures of registered voters. Pursuant to SMC 2.02.080 and 2.02.100, the City Council has held hearings on the initiative. The initiative ordinance received a first reading on April 22, 2013 and a second and final reading on May 20, 2013.

<b>Fiscal Impact</b>	<b>Budget Account</b>
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Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	PFISTER, TERRI	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	mpiccolo@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA		
<b>Additional Approvals</b>			
<b>Purchasing</b>			

RESOLUTION NO. 2013-0038

A RESOLUTION REQUESTING THE SPOKANE COUNTY AUDITOR TO HOLD A SPECIAL ELECTION ON NOVEMBER 5, 2013 IN CONJUNCTION WITH THE SCHEDULED GENERAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF SPOKANE A PROPOSITION IN REGARDS TO AMENDING THE SPOKANE CITY CHARTER.

WHEREAS, pursuant to sections 82 and 125 of the City Charter, an initiative regarding amendments to the City Charter may be submitted to popular vote for adoption or rejection; and

WHEREAS, on April 12, 2012, the Envision Spokane Political Committee (Envision Spokane) filed with the City Clerk's Office under the direct petition method an initiative designated as Initiative No. 2012-3; and

WHEREAS, the ballot title for Initiative No. 2012-3 is as follows:

Shall the City Charter be amended to add a Community Bill of Rights, which secures the right of neighborhood residents to approve re-zonings proposed for major new development, recognizes the right of neighborhood residents to reject development which violates the City Charter or the City's Comprehensive Plan, expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, provides constitutional protections in the workplace, and elevates Charter rights above rights claimed by the corporation?

WHEREAS, on April 10, 2013 Envision Spokane filed with the City Clerk's Office the petition signatures for Initiative No. 2012-3; and

WHEREAS, pursuant to SMC 2.02.080, the City Council held a hearing and first reading on April 22, 2013 for Initiative No. 2012-3, designated by the City Council as Ordinance No. C-34978; and

WHEREAS, on May 2, 2013, the Spokane County Elections Office confirmed that Initiative No. 2012-3 satisfied the required number of valid signatures of registered voters as required by Section 82 of the City Charter; and

WHEREAS, pursuant to SMC 2.02.100 the City Council held a hearing on May 20, 2013 on the validated initiative petition where Ordinance No. C-34978 was given a second and final reading; and

WHEREAS, RCW 29A.04.330 requires the City to transmit to the Spokane County Auditor by August 6, 2013 a resolution calling for a special election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spokane, pursuant to sections 82 and 125 of the City Charter, that:

1) the Spokane County Auditor is hereby requested pursuant to RCW 29A.04.330 to hold a special election on November 5, 2013 in conjunction with the scheduled general election for the purpose of submitting to the voters of the City of Spokane for their approval or rejection the following proposition to amend the City Charter:

**CITY OF SPOKANE**

**PROPOSITION NO. 1**

**A CITY CHARTER AMENDMENT  
ESTABLISHING A COMMUNITY BILL OF RIGHTS**

Shall the City Charter be amended to add a Community Bill of Rights, which secures the right of neighborhood residents to approve re-zonings proposed for major new development, recognizes the right of neighborhood residents to reject development which violates the City Charter or the City's Comprehensive Plan, expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, provides constitutional protections in the workplace, and elevates Charter rights above rights claimed by the corporation?

YES .....   
NO .....

2) the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 6, 2013.

ADOPTED by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney



**Agenda Sheet for City Council Meeting of:**  
05/13/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	LGL 2012-0049
<b>Renews #</b>	
<b>Cross Ref #</b>	INITIATIVE 2012-4
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY CLERK
<b>Contact Name/Phone</b>	TERRI PFISTER 625-6354
<b>Contact E-Mail</b>	TPFISTER@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Report Item
<b>Agenda Item Name</b>	0260 INITIATIVE 2012-4 - - VOTER BILL OF RIGHTS

**Agenda Wording**

Set Hearing before City Council for Monday, May 20, 2013, on Validated Initiative 2012-4 petitions filed by Spokane Moves to Amend (SMAC) pertaining to a Spokane Municipal Code amendment to add a Voter Bill of Rights for clean and fair elections and

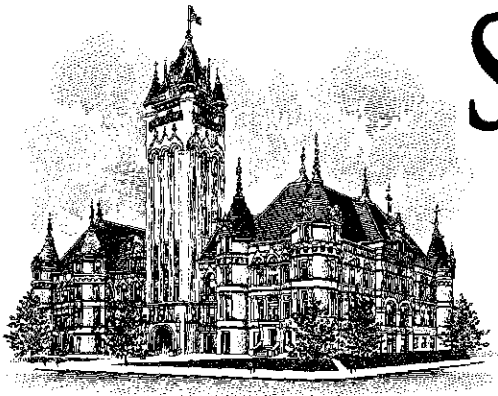
**Summary (Background)**

At its meeting held Monday, April 22, 2013, the City Council requested the validation of signatures on Initiative 2012-4 petitions. In order to be placed on the November 5, 2013, ballot, 3,131 validated signatures are required. A Certificate and Petition Result Breakdown on the validation process was received by the City Clerk's Office on May 7, 2013. The Certificate and Breakdown reflects that the Spokane County Elections Office examined 4,593 signatures, of which 3,213 were valid.

<b>Fiscal Impact</b>		<b>Budget Account</b>	
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<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	PFISTER, TERRI	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	mpiccolo@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA		
<b>Additional Approvals</b>			
<b>Purchasing</b>			







SPOKANE COUNTY COURT HOUSE

# SPOKANE COUNTY

## ELECTIONS DEPARTMENT

1033 W. Gardner Ave., Spokane, WA 99260-0025  
(509) 477-2320 • Fax (509) 477-6607 • TDD: (509) 477-2333

**RECEIVED**

**MAY 07 2013**

**CITY CLERK'S OFFICE  
SPOKANE, WA**

STATE OF WASHINGTON )

)

ss.

CERTIFICATE

County of Spokane )

The Spokane County Elections Department does hereby certify that the following is a true and correct recapitulation of the results of the verification of signatures submitted by the City of Spokane on April 29, 2013 in the matter of:

Initiative No. 2012-4 petitions filed by Spokane Moves to Amend (SMAC) pertaining to a Spokane Municipal Code amendment to add a Voter Bill of Rights for clean and fair elections and government ordinance that prohibits corporate lobbying, corporate involvement in initiatives, and corporate donations to candidates for elected office.

The required number of valid signatures to equal 5% of the number of registered voters who voted in the last General Municipal Election in the City of Spokane is 3,131.

The Spokane County Elections Office examined 4,593 signatures, of which 3,213 were valid and 1,380 were not valid. There were also 27 signatures/lines not examined because the number of valid signatures had been met.

The Spokane County Elections Department, therefore, determines that the City of Spokane Petition 2012 - 4 does contain the requisite 3,131 valid signatures.

**SPOKANE COUNTY ELECTIONS DEPARTMENT**

County Auditor

ATTEST:

Mike McLaughlin – Elections Manager

May 7, 2013

cc: File





# Petition Result Breakdown

Initiative No. 2012-4  
SMAC

<b>Signatures Required</b>	<b>3131</b>		
<b>Raw Count</b>	<b>4,620</b>		
<b>Sample Size</b>	<b>4,620</b>		
<b>Sigs Checked</b>	<b>4,593</b>	<i>Percent of Sigs Checked</i>	<i>Percent of Sample Size</i>
<b>Sigs Not Checked</b>	<b>27</b>		0.6 %
<b>Sigs Valid</b>	<b>3,213</b>	70.0 %	69.5 %
<b>Sigs Invalid</b>	<b>1,380</b>	30.0 %	29.9 %
<b>Duplicated</b>	303	7.0 %	6.6 %
<b>Non-duplicate Invalids</b>	1,077	23.0 %	23.3 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	3,213	70.0 %
NotReg	Not Registered	188	4.1 %
OutOfDist	Out of District	475	10.3 %
Duplicate	Signed more than once	303	6.6 %
Withdrawn	Withdrawn	70	1.5 %
RegDiffAdd	Registered at a Different Address	74	1.6 %
CantIdentfy	Cannot Identify	137	3.0 %
NoResAdd	No Residence Address Given	6	0.1 %
PrintedSig	Printed Signature	17	0.4 %
SigNoMatch	Signatures Don't Match	103	2.2 %
NoVoter	Voter Not Found	7	0.2 %



**TITLE: "A VOTER BILL OF RIGHTS: A CLEAN AND FAIR ELECTIONS AND GOVERNMENT ORDINANCE"**

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE SPOKANE MUNICIPAL CODE TO PROHIBIT CORPORATE LOBBYING, CORPORATE INVOLVEMENT IN INITIATIVES, AND CORPORATE DONATIONS TO CANDIDATES FOR ELECTED OFFICE

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SPOKANE HEREBY ORDAIN:

Section 1. That there is adopted a new chapter 2.06 to Title 2 of the Spokane Municipal Code to read as follows:

**Chapter 2.06 Fair and Clean Elections and Government Ordinance**

**2.06.010. Findings and Purpose**

The purpose of this chapter is to recognize the right of Spokane residents to fair elections and clean local government by prohibiting corporate involvement in elections and lobbying activities.

**2.06.020. Right to Fair Elections**

The people of the City of Spokane have the right to fair elections, which shall include the right to an electoral process free from corporate influence, and the elimination of the treatment of money as speech for elections purposes.

**2.06.030. Right to Clean Government**

The people of the City of Spokane have the right to clean government, which shall include the right to a City legislative process free from corporate influence.

**2.06.040 Prohibited Activities**

**2.06.040(a). Ban on Electioneering.** It shall be unlawful for any corporation to make a contribution or expenditure to influence any election within the City of Spokane.

**2.06.040(b). Ban on Lobbying.** It shall be unlawful for any corporation to communicate with an elected official within the City of Spokane urging support or opposition to pending legislation or citizen initiative.

**2.06.040(c). Exceptions to Ban on Lobbying.** The ban on corporate lobbying shall not be construed to prohibit open forum communications between corporate lobbyists and elected officials.

**2.06.040(d). Money as Speech.** Monies expended within the City of Spokane for political purposes shall not be considered constitutionally-protected speech within the City of Spokane.

**2.06.050 Corporate Rights**

Corporations in violation of the rights and prohibitions established by this ordinance, or seeking to engage in activities prohibited by this ordinance shall not have the rights of "persons" afforded by the United States and Washington Constitutions, nor shall those corporations be afforded rights under the First or Fifth Amendments to the United States Constitution or corresponding sections of the Washington Constitution.

**2.06.060 Enforcement**

Violation of the provisions of this ordinance shall constitute a criminal offense under 01.02.950(F) of the Spokane Municipal Code, with remedies sought against the corporate entity violating this ordinance, in addition to corporate directors, officers, or other corporate agents participating in the decision to violate the provisions of this ordinance.

**2.06.070. Definitions**

**"Communicate"** - The term shall include any written or oral communication, and shall include, but not be limited to, political advertising.

**"Contribution or Expenditure"** - The phrase shall include any action deemed to be a contribution or expenditure under Washington State Elections law, including, but not limited to, expenditures made independently of candidates, and in-kind contributions of anything of value.

**"Corporation"** - The term shall include shall include any corporation, limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability attributes for its owners, directors, officers, and/or managers. The term shall include individuals purporting to communicate on behalf of the corporation.

**"Open Forum Communications"** - The phrase shall include any communications made at a forum open to the public, including, but not limited to, meetings of the Spokane City Council.

Section 2. **Effective Date of Amendment to City Charter.** If approved by the electors, this City ordinance amendment shall take effect and be in full force upon issuance of the certificate of election by the Spokane County Auditor's Office.

Section 3. All ordinances, resolutions, motions, or orders in conflict with this City ordinance amendment are hereby repealed to the extent of such conflict. If any part or provision of these Charter provisions is held invalid, the remainder of these provisions shall not be affected by such a holding and shall continue in full force and effect.



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0039
<b>Renews #</b>	
<b>Cross Ref #</b>	LGL 2012-0049
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY CLERK
<b>Contact Name/Phone</b>	TERRI PFISTER 6354
<b>Contact E-Mail</b>	TPFISTER@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	0260 - SPOKANE MOVES TO AMEND (SMAC) RESOLUTION

**Agenda Wording**

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013, to submit to the voters of the City of Spokane a proposition pertaining to a Spokane Municipal Code amendment to add a Voter Bill of Rights

**Summary (Background)**

On April 16, 2012, Spokane Moves to Amend filed an initiative proposing to amend the Spokane Municipal Code to add a Voter Bill of Rights. On May 7, 2013, the Spokane County Auditor verified that the initiative has met the requirements for valid signatures of registered voters. Pursuant to SMC 2.02.080 and 2.02.100, the City Council has held hearings on the initiative. The initiative ordinance received a first reading on April 22, 2013 and a second and final reading will be held May 20, 2013.

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$		#
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<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	PFISTER, TERRI	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	mpiccolo	
<b>For the Mayor</b>	SANDERS, THERESA		
<b>Additional Approvals</b>			
<b>Purchasing</b>			

RESOLUTION NO. 2013-0039

A RESOLUTION REQUESTING THE SPOKANE COUNTY AUDITOR TO HOLD A SPECIAL ELECTION ON NOVEMBER 5, 2013 IN CONJUNCTION WITH THE SCHEDULED GENERAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF SPOKANE A PROPOSITION IN REGARDS TO AMENDING THE SPOKANE MUNICIPAL CODE.

WHEREAS, pursuant to section 82 of the City Charter, an initiative regarding amendments to the City Charter may be submitted to popular vote for adoption or rejection; and

WHEREAS, on April 16, 2012, the Spokane Moves to Amend Political Committee (SMAC) filed with the City Clerk's Office under the direct petition method an initiative designated as Initiative No. 2012-4; and

WHEREAS, the ballot title for Initiative No. 2012-4 is as follows:

Shall the Spokane Municipal Code be amended to add a Voter Bill of Rights for Clean and Fair Elections and Government Ordinance that Prohibits Corporate Lobbying, Corporate Involvement in Initiatives, and Corporate Donations to Candidates for Elected Office?

WHEREAS, on April 8, 2013 SMAC filed with the City Clerk's Office the petition signatures for Initiative No. 2012-4; and

WHEREAS, pursuant to SMC 2.02.080, the City Council held a hearing and first reading on April 22, 2013 for Initiative No. 2012-4, designated by the City Council as Ordinance No. C-34979 and

WHEREAS, on May 7, 2013, the Spokane County Elections Office confirmed that Initiative No. 2012-4 satisfied the required number of valid signatures of registered voters as required by Section 82 of the City Charter; and

WHEREAS, pursuant to SMC 2.02.100 the City Council held a hearing on May 20, 2013 on the validated initiative petition where Ordinance No. C-34979 was given a second and final reading; and

WHEREAS, RCW 29A.04.330 requires the City to transmit to the Spokane County Auditor by August 6, 2013 a resolution calling for a special election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spokane, pursuant to section 82 of the City Charter, that:

1) the Spokane County Auditor is hereby requested pursuant to RCW 29A.04.330 to hold a special election on November 5, 2013 in conjunction with the scheduled general election for the purpose of submitting to the voters of the City of Spokane for their approval or rejection the following proposition to amend the City Charter:

**CITY OF SPOKANE**

**PROPOSITION NO. 2**

**A VOTER BILL OF RIGHTS: A CLEAN AND FAIR ELECTIONS AND GOVERNMENT ORDINANCE**

Shall the Spokane Municipal Code be amended to add a Voter Bill of Rights for Clean and Fair Elections, and Government Ordinance that Prohibits Corporate Lobbying, Corporate Involvement in Initiatives, and Corporate Donations to Candidates for Elected Office?

YES .....   
NO .....

2) the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 6, 2013.

ADOPTED by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0040
<b>Renews #</b>	
<b>Cross Ref #</b>	LGL 2012-0045
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY COUNCIL
<b>Contact Name/Phone</b>	MIKE ALLEN, 625-6715
<b>Contact E-Mail</b>	RBARDEN@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	0320 INITIATIVE 2012-3 LEGAL CHALLENGE

**Agenda Wording**

A resolution requesting the Mayor to pursue a legal challenge regarding the constitutionality and legal validity of Initiative 2012-3.

**Summary (Background)**

A sufficient number of signatures have been validated to qualify Initiative 2012-3, the Envision Spokane Community Bill of Rights initiative, for the November 5, 2013 general election. The City Council has significant concerns with the constitutionality and legal validity of the initiative and believes that the initiative measure is beyond the scope of initiative power. This resolution requests that the Mayor challenge the constitutionality and legal validity of Initiative 2012-3 in a court of

<b><u>Fiscal Impact</u></b>		<b><u>Budget Account</u></b>	
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<b><u>Approvals</u></b>		<b><u>Council Notifications</u></b>	
<b><u>Dept Head</u></b>	WESTFALL, JENNIFER	<b><u>Study Session</u></b>	
<b><u>Division Director</u></b>		<b><u>Other</u></b>	
<b><u>Finance</u></b>	LESESNE, MICHELE	<b><u>Distribution List</u></b>	
<b><u>Legal</u></b>	BURNS, BARBARA		
<b><u>For the Mayor</u></b>	SANDERS, THERESA		
<b><u>Additional Approvals</u></b>			
<b><u>Purchasing</u></b>			



A sufficient number of signatures have been validated to qualify Initiative 2012-3, the Envision Spokane Community Bill of Rights initiative, for the November 5, 2013 general election. The City Council has significant concerns with the constitutionality and legal validity of the initiative and believes that the initiative measure is beyond the scope of initiative power. This resolution requests that the Mayor challenge the constitutionality and legal validity of Initiative 2012-3 in a court of law to insure that Initiative 2012-3 meets legal requirements so the citizens of Spokane can be assured what they are voting on is legally valid.

RESOLUTION NO. 2013-0040

A resolution requesting the Mayor to pursue a legal challenge regarding the constitutionality and legal validity of Initiative 2012-3.

WHEREAS, a sufficient number of signatures have been validated to qualify Initiative 2012-3, the Envision Spokane Community Bill of Rights, for the November 5, 2013 general election; and

WHEREAS, Initiative No. 2012-3 would create certain new rights and powers and limit other rights and privileges granted under city, state and federal law; and

WHEREAS, the City Council has a duty to all of the citizens of Spokane to uphold and enforce the law; and

WHEREAS, the initiative power reserved by citizens of Spokane in the City Charter is limited both by the City Charter and state law generally; and

WHEREAS, the Washington Supreme Court has said where the subject matter of an initiative is beyond the scope of initiative power, it is not proper for direct legislation; and

WHEREAS, the Washington State Supreme Court has also said that when a City Council initiates a declaratory judgment action challenging an initiative as exceed the initiative power, the Council acts in line with its duty to both uphold and enforce the law and represent the citizens of the community; and

WHEREAS, the City Council believes that Initiative 2012-3 exceeds the scope of initiative power; - - Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that the City Council requests that the City of Spokane Mayor challenge the constitutionality and legal validity of Initiative 2012-3 in a court of law to insure that the Initiative 2012-3 meets legal requirements so the citizens of Spokane can be assured what they are voting on is legally valid.

ADOPTED by the City Council \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney



**Agenda Sheet for City Council Meeting of:**  
05/20/2013

<b>Date Rec'd</b>	5/8/2013
<b>Clerk's File #</b>	RES 2013-0041
<b>Renews #</b>	
<b>Cross Ref #</b>	LGL 2012-0049
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY COUNCIL
<b>Contact Name/Phone</b>	MIKE ALLEN, 625-6715
<b>Contact E-Mail</b>	RBARDEN@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	0320 INITIATIVE 2012-4 LEGAL CHALLENGE

**Agenda Wording**

A resolution requesting the Mayor to pursue a legal challenge regarding the constitutionality and legal validity of Initiative 2012-4.

**Summary (Background)**

A sufficient number of signatures have been validated to qualify Initiative 2012-4, the Spokane Moves to Amend Voter Bill of Rights initiative, for the November 5, 2013 general election. The City Council has significant concerns with the constitutionality and legal validity of the initiative and believes that the initiative measure is beyond the scope of initiative power. This resolution requests that the Mayor challenge the constitutionality and legal validity of Initiative 2012-4 in a court

<b><u>Fiscal Impact</u></b>		<b><u>Budget Account</u></b>	
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<b><u>Approvals</u></b>		<b><u>Council Notifications</u></b>	
<b><u>Dept Head</u></b>	WESTFALL, JENNIFER	<b><u>Study Session</u></b>	
<b><u>Division Director</u></b>		<b><u>Other</u></b>	
<b><u>Finance</u></b>	LESESNE, MICHELE	<b><u>Distribution List</u></b>	
<b><u>Legal</u></b>	BURNS, BARBARA		
<b><u>For the Mayor</u></b>	SANDERS, THERESA		
<b><u>Additional Approvals</u></b>			
<b><u>Purchasing</u></b>			

A sufficient number of signatures have been validated to qualify Initiative 2012-4, the Spokane Moves to Amend Voter Bill of Rights initiative, for the November 5, 2013 general election. The City Council has significant concerns with the constitutionality and legal validity of the initiative and believes that the initiative measure is beyond the scope of initiative power. This resolution requests that the Mayor challenge the constitutionality and legal validity of Initiative 2012-4 in a court of law to insure that Initiative 2012-4 meets legal requirements so the citizens of Spokane can be assured what they are voting on is legally valid.

RESOLUTION NO. 2013-0041

A resolution requesting the Mayor to pursue a legal challenge regarding the constitutionality and legal validity of Initiative 2012-4.

WHEREAS, a sufficient number of signatures have been validated to qualify Initiative 2012-4, the Spokane Moves to Amend Voter Bill of Rights, for the November 5, 2013 general election; and

WHEREAS, Initiative No. 2012-4 will limit certain rights and privileges granted under city, state and federal law; and

WHEREAS, the City Council has a duty to all of the citizens of Spokane to uphold and enforce the law; and

WHEREAS, the initiative power reserved by citizens of Spokane in the City Charter is limited both by the City Charter and state law generally; and

WHEREAS, the Washington Supreme Court has said where the subject matter of an initiative is beyond the scope of initiative power, it is not proper for direct legislation; and

WHEREAS, the Washington State Supreme Court has also said that when a City Council initiates a declaratory judgment action challenging an initiative as exceeding the initiative power, the Council acts in line with its duty to both uphold and enforce the law and represent the citizens of the community; and

WHEREAS, the City Council believes that Initiative 2012-4 exceeds the scope of initiative power; - - Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that the City Council requests that the City of Spokane Mayor challenge the constitutionality and legal validity of Initiative 2012-4 in a court of law to insure that the Initiative 2012-4 meets legal requirements so the citizens of Spokane can be assured what they are voting on is legally valid.

ADOPTED by the City Council \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney