

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, JUNE 3, 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. 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. 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. One-year extension to Value Blanket Orders with Otto Environmental Systems, LLC (Eloy, AZ) for the purchase of: | Approve All | |
| a. Automated Yard Waste Carts—estimated annual expense \$300,000 (including tax). | | OPR 2010-0428
BID 3684-10 |
| b. Automated Refuse Carts—estimated annual expense \$300,000 (including tax). | | OPR 2010-0429
BID 3685-10 |
| 2. Low Bid of Poe Asphalt Paving (Post Falls, ID) for Chip Seal Program 2013—\$498,216.19. An administrative reserve of \$49,821.61, which is 10% of the contract price, will be set aside. | Approve & Authorize Contract | PRO 2013-0012
ENG 2013040 |
| 3. Spokane Area Workforce Development Council modification to Career Path Services (Spokane, WA) subcontract to increase award of Dislocated Worker funds for additional services—\$100,000. | Approve | OPR 2012-0532 |

- | | | |
|---|---|---------------|
| 4. Utility Construction Agreement with Washington State Department of Transportation for reimbursement of costs associated with relocation, removal, and/or construction of utility facilities due to US 195 Cheney-Spokane Road New Interchange Project—\$57,636.56 revenue. | Approve | OPR 2013-0430 |
|
 | | |
| 5. Community, Housing and Human Services Board recommendations to enter into contracts with: | Approve All
& Authorize
Contracts | |
| a. Transitions (Spokane, WA), a nonprofit agency, to conduct outreach services to homeless singles and to collect client level data from June 1, 2013 through June 30, 2014—\$110,000. | | OPR 2013-0431 |
| b. YWCA (Spokane, WA) to provide 4 new permanent supportive housing units for chronically homeless households in Spokane County—\$24,273.82. | | OPR 2013-0432 |
| c. Catholic Charities (Spokane, WA) to provide 6 new permanent supportive housing units for chronically homeless households in Spokane County—\$36,410.74. | | OPR 2013-0433 |
|
 | | |
| 6. Report of the Mayor of pending: | Approve &
Authorize
Payments | |
| 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 \$_____. | | CPR 2013-0002 |
| b. Payroll claims of previously approved obligations through _____: \$_____. | | CPR 2013-0003 |

EXECUTIVE SESSION

(Closed Session of Council)

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

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.

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

Design Review Board: One Re-appointment	Confirm	CPR 1993-0069
West Quadrant Neighborhood TIF Committee: Five Re-appointments	Confirm	CPR 2007-0039

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 ORDINANCE

(Requires Five Affirmative, Recorded Roll Call Votes)

Ordinance No. C34992 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:

Building Services Fund

FROM: Various Accounts, \$65,000;

TO: Certified Inspector, same amount.

(This action creates two Certified Inspector positions.)

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- | | |
|------------------------------|--|
| RES 2013-0015
ENG 2011074 | Approving the removal of certain parking spaces for the Downtown Bicycle Network Completion Project. (Deferred from February 25, 2013, Agenda) |
| RES 2013-0042 | Setting hearing before the City Council for July 8, 2013 for the vacation of Alley between 6th Avenue and 7th Avenue from McClellan Street to Browne Street requested by Spokane South Medical, LLC. (Cliff-Cannon Neighborhood) |
| RES 2013-0043 | Authorizing the donation of three vans to the East Central Community Center through the East Central Community Organization. |
| RES 2013-0044 | Confirming the appointment of Kyle Twohig as Engineering Operations Manager. |

- RES 2013-0045 Approving indemnification of Nicholas Lundgren and settlement of *Brook C. Lyon v. City of Spokane, et al.*, Spokane County Superior Court Cause No. 12-2-05287-2 arising out of December 18, 2010 incident—\$62,500.
- RES 2013-0046 Approving settlement of a claim from Dan M. Carney arising from an incident on or about January 13, 2011 resulting in injuries to claimant—\$85,000.

Resolutions declaring certain properties surplus and authorizing sale of properties located at:

- RES 2013-0047 7402 North Five Mile Road, parcel number 35252.0041.
- RES 2013-0048 3091 North Freya Street, parcel number 35102.0101.
- RES 2013-0049 Declaring Virtra Systems (Tempe, AZ) as a sole source for the purchase of the Spokane Police Department Academy Training Simulator—\$164,469.62 (including tax).
- 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.
- ORD C34988 Relating to the business licensing process; amending SMC Sections 8.01.020, 8.01.090, 8.01.130, 8.01.180, 8.01.190, 8.01.230, 8.01.280, 8.02.0206 and 8.02.0207.
- ORD C34989 Relating to the parking system fund; amending SMC Section 7.08.130 of the Spokane Municipal Code.

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

- ORD C34990 Relating to on-street parking regulations; amending SMC Section 16A.61.561.
- ORD C34991 Re-naming Perry Street and Erie Street north of Trent Avenue to "Iron Bridge Way" and "Iron Court" respectively.

(Note: Final Reading of the above ordinances will be held June 17, 2013.)

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

NO HEARINGS

**Motion to Approve Advance Agenda for June 3, 2013
(per Council Rule 2.1.2)**

OPEN FORUM (CONTINUED)

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.

ADJOURNMENT

The June 3, 2013, Regular Legislative Session of the City Council is adjourned to Monday, June 10, 2013.

Note: The June 10, 2013, 6:00 p.m. Legislative Session will be a Town Hall Session held at West Central Community Center.

NOTES

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

06/03/2013

Date Rec'd	5/22/2013
Clerk's File #	OPR 2010-0428
Renews #	

Submitting Dept	SOLID WASTE MANAGEMENT	Cross Ref #	
Contact Name/Phone	SCOTT 625-7806	Project #	
Contact E-Mail	SWINDSOR@SPOKANECITY.ORG	Bid #	3684-10
Agenda Item Type	Purchase w/o Contract	Requisition #	VALUE BLANKET
Agenda Item Name	4500 - SWM VALUE BLANKET PURCHASE OF AUTOMATED YARD WASTE CARTS		

Agenda Wording

One-year extension to Value Blanket Order with Otto Environmental Systems, LLC (Eloy, AZ) for the purchase of Automated Yard Waste Carts--annual estimated expenditure \$300,000 (including tax).

Summary (Background)

Otto Environmental Systems was awarded the contract in response to the City's Request for Bids #3684-10. Request for Bids were sent to 13 vendors with 3 responses. These 95 gallon carts are identical to what the City has used for over 15 years so our current parts supply can be utilized. Additionally this will allow us to have inventory available for new customer accounts and cart replacements. The initial contract was for two years, with the option to extend for three additional (continued...

Fiscal Impact		Budget Account	
Expense	\$ 300,000.00	#	4500-44200-94000-56401
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	WERNER, JENNIFER	Study Session	
Division Director	ROMERO, RICK	Other	PWC 05-13-13
Finance	BUSTOS, KIM	Distribution List	
Legal	BURNS, BARBARA	cwahl@spokanecity.org	
For the Mayor	SANDERS, THERESA	swindsor@spokanecity.org	
Additional Approvals		rschoonover@spokanecity.org	
Purchasing	WAHL, CONNIE	Taxes & Licenses	
		cmarchand@spokanecity.org	
		kmadsen@otto-usa.com	
		brandon.budlong@otto-usa.com	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

one-year periods. This utilizes the second extension. Pricing will remain the same as the initial contract.

[illegible]

BRIEFING PAPER
Public Works Committee
Solid Waste Department
May 13, 2013

Subject

Renewal of a Value Blanket Order for the purchase of Yard Waste Carts

Background

The Solid Waste Management Department requests the renewal of a Value Blanket Order to purchase yard waste carts. This was put out for bid (Bid# 3684-10) for 95-gal Yard Waste Carts. The contract was awarded to Otto Environmental Systems, LLC. The initial contract was for two years with the option of three one-year renewals. This will be the second one-year renewal. All pricing will remain the same as initial contract.

Impact

Diversion from disposal allows residential accounts to benefit from the reduced costs to recycle yard waste compared to disposal, as well as make a positive environmental impact. Purchase of these carts will allow us to have inventory available for cart replacement, as well as new account growth. Anticipated expenditures of up to \$300,000 (including tax) for the year.

Action

Recommend approval.

Funding

These funds will come from the recycling equipment budget.

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

06/03/2013

<u>Date Rec'd</u>	5/22/2013
<u>Clerk's File #</u>	OPR 2010-0429
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	3685-10
<u>Requisition #</u>	VALUE BLANKET

<u>Submitting Dept</u>	SOLID WASTE MANAGEMENT
<u>Contact Name/Phone</u>	SCOTT WINDSOR 625-7806
<u>Contact E-Mail</u>	SWINDSOR@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Purchase w/o Contract
<u>Agenda Item Name</u>	4500 - SWM VALUE BLANKET PURCHASE OF AUTOMATED REFUSE CARTS

Agenda Wording

One-year extension to Value Blanket Order with Otto Environmental Systems, LLC (Eloy, AZ) for the purchase of automated refuse carts--annual estimated expenditure \$300,000 (including tax).

Summary (Background)

Otto Environmental Systems was the lowest responsive bidder to the City's Request for Bids #3685-10. Request for Bids were sent to 13 vendors with 3 responses. These 32, 68 and 95 gallon refuse carts are identical to the carts that the City has used for over 15 years so current parts inventory can be utilized. The initial term was for two years, with the option of extending for three one-year periods. This utilizes the second extension. Pricing will remain the same as the initial term.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 300,000.00	#	4500-45100-94000-56401
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	WERNER, JENNIFER	<u>Study Session</u>	PWC 05-13-13
<u>Division Director</u>	ROMERO, RICK	<u>Other</u>	
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>	
<u>Legal</u>	BURNS, BARBARA	cmarchand@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Tax & Licenses	
<u>Additional Approvals</u>		swindsor@spokanecity.org	
<u>Purchasing</u>	WAHL, CONNIE	rschoonover@spokanecity.org	
		cwahl@spokanecity.org	
		brandon.budlong@otto-usa.com	
		kmadsen@otto-usa.com	

BRIEFING PAPER
Public Works Committee
Solid Waste Department
May 13, 2013

Subject

Renewal of a Value Blanket Order for the purchase of Refuse Carts

Background

The Solid Waste Management Department requests the renewal of a Value Blanket Order to purchase refuse carts. This was put out for bid (Bid# 3685-10) for 32-gal, 68-gal and 95-gal Refuse Carts. The contract was awarded to Otto Environmental Systems, LLC. The initial contract was for two years with the option of three one year renewals. This will be the second one-year renewal. All pricing will remain the same as initial contract.

Impact

Refuse carts allow residential accounts to benefit from the automated collection of refuse for disposal. Purchase of these carts will allow us to have inventory available for cart replacement, as well as new account growth. Anticipated expenditures of up to \$300,000 (including tax) for the year.

Action

Recommend approval.

Funding

These funds will come from the collections equipment budget.



Agenda Sheet for City Council Meeting of:

06/03/2013

<u>Date Rec'd</u>	5/22/2013
<u>Clerk's File #</u>	PRO 2013-0012
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	2013040
<u>Bid #</u>	
<u>Requisition #</u>	CR

<u>Submitting Dept</u>	ENGINEERING SERVICES
<u>Contact Name/Phone</u>	GARY NELSON 625-6678
<u>Contact E-Mail</u>	GNELSON@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Contract Item
<u>Agenda Item Name</u>	0370-LOW BID AWARD-CHIP SEAL PROGRAM 2013

Agenda Wording

Low Bid of Poe Asphalt Paving (Post Falls, ID) for Chip Seal Program 2013 - \$498,216.19. An administrative reserve of \$49,821.62, which is 10% of the contract price, will be set aside.

Summary (Background)

On May 20, 2013 bids were opened for the above project. The low bid was from Poe Asphalt Paving in the amount of \$498,216.19, which is \$117,527.31 or 19.09% under the Engineer's Estimate; two other bids were received as follows: Shamrock Paving, Inc. - \$506,506.00 and Granite Construction Company - \$508,299.50.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 548,037.81	#	6785 49813 42800 54201
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	TAYLOR, MIKE	<u>Study Session</u>	
<u>Division Director</u>	QUINTRALL, JAN	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	BURNS, BARBARA	sdecker@spokanecity.org	
<u>For the Mayor</u>	GEMMILL, GERRY	rdykes@spokanecity.org	
<u>Additional Approvals</u>		mhughes@spokanecity.org	
<u>Purchasing</u>		pdolan@spokanecity.org	
		mlesesne@spokanecity.org	
		htrautman@spokanecity.org	

City Of Spokane
Engineering Services Department
***** Bid Tabulation *****

Project Number: 2013040

Project Description Chip Seal Program 2013

Original Date 5/2/2013 9:49:50 AM

Funding Source Local

Update Date 5/20/2013 1:46:08 PM

Preparer Jonathan Adams

Addendum

Project Number: 2013040			Engineer's Estimate		Poe Asphalt Paving		Shamrock Paving Inc		Granite Construction Company	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description				Tax Classification						
Schedule	01	Street	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	1.00
102	SPCC PLAN	1 LS	*****	500.00	*****	500.00	*****	500.00	*****	250.00
103	PUBLIC LIAISON REPRESENTATIVE	1 LS	*****	3,500.00	*****	1,983.95	*****	5,000.00	*****	3,500.00
104	MOBILIZATION	1 LS	*****	45,000.00	*****	37,756.19	*****	45,105.00	*****	53,350.00
105	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	90,000.00	*****	79,212.00	*****	75,000.00	*****	70,000.00
106	SEQUENTIAL ARROW SIGN	100 HR	6.00	600.00	10.00	1,000.00	8.00	800.00	7.00	700.00
107	TYPE III BARRICADE	170 EA	50.00	8,500.00	20.00	3,400.00	50.00	8,500.00	34.00	5,780.00
108	ASPHALT EMULSION CRS-2P	106 TO	645.00	68,370.00	682.60	72,355.60	650.00	68,900.00	930.00	98,580.00
109	ASPHALT FOR FOG SEAL	65 TO	675.00	43,875.00	588.97	38,283.05	550.00	35,750.00	620.00	40,300.00
110	AGG. FOR BST	102050 SY	1.25	127,562.50	1.04	106,132.00	0.90	91,845.00	0.55	56,127.50
111	ADDITIONAL BROOMING	24 HR	300.00	7,200.00	155.00	3,720.00	250.00	6,000.00	150.00	3,600.00
112	HMA FOR PRELEVELING CL. 3/8 IN. PG 64-28	180 TO	125.00	22,500.00	135.46	24,382.80	135.00	24,300.00	106.00	19,080.00
113	HMA FOR HAND PLACED PRELEVELING CL. 3/8 IN. PG 64-28	30 TO	245.00	7,350.00	223.72	6,711.60	280.00	8,400.00	230.00	6,900.00
114	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64- 28, 4 INCH THICK	600 SY	35.00	21,000.00	35.96	21,576.00	40.00	24,000.00	52.00	31,200.00

<i>Project Number:</i> 2013040			<i>Engineer's Estimate</i>		Poe Asphalt Paving		Shamrock Paving Inc		Granite Construction Company	
<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 01</i> Street					Public Street Improvement					
115	CRACK SEALING	114400 LF	1.00	114,400.00	0.49	56,056.00	0.50	57,200.00	0.56	64,064.00
116	CRACK SEALING 1-INCH TO 3-INCH	24400 LF	1.25	30,500.00	0.79	19,276.00	0.75	18,300.00	0.91	22,204.00
117	CRACK SEALING 3-INCH TO 6-INCH	500 LF	3.25	1,625.00	4.50	2,250.00	7.00	3,500.00	4.55	2,275.00
118	PAVEMENT REPAIR EXCAVATION INCL. HAUL	600 SY	11.00	6,600.00	27.00	16,200.00	35.00	21,000.00	19.00	11,400.00
119	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	5 EA	250.00	1,250.00	300.00	1,500.00	275.00	1,375.00	750.00	3,750.00
120	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	5 EA	400.00	2,000.00	500.00	2,500.00	400.00	2,000.00	750.00	3,750.00
121	ESC LEAD	1 LS	*****	1,000.00	*****	500.00	*****	1,000.00	*****	100.00
122	INLET PROTECTION	146 EA	85.00	12,410.00	20.00	2,920.00	55.00	8,030.00	78.00	11,388.00
<i>Schedule Totals</i>				615,743.50		498,216.19		506,506.00		508,299.50

Project Number 2013040 Chip Seal Program 2013

	SCHEDULE SUMMARY								
	Sched 1	Sched 2	Sched 3	Sched 4	Sched 5	Sched 6	Sched 7	Sched 8	Total
Engineer's Est	615,743.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	615,743.50
Poe Asphalt Paving	498,216.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	498,216.19
Shamrock Paving Inc	506,506.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	506,506.00
Granite Construction C	508,299.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	508,299.50

Low Bid Contractor: Poe Asphalt Paving

	Contractor's Bid	Engineer's Estimate	% Variance	
Schedule 01	\$498,216.19	\$615,743.50	19.09	% Under Estimate
Bid Totals	\$498,216.19	\$615,743.50	19.09	% Under Estimate

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

OPR 2012-0532

Renews #**Submitting Dept**WORKFORCE DEVELOPMENT
COUNCIL**Cross Ref #****Contact Name/Phone**

LORI MEAKIN 533-8473

Project #**Contact E-Mail**

LMEAKIN@WDCSPOKANE.COM

Bid #**Agenda Item Type**

Contract Item

Requisition #**Agenda Item Name**

1820 SAWDC MODIFICATION TO CAREER PATH SUBCONTRACT

Agenda Wording

Spokane Area Workforce Development Council modification to the Career Path Services subcontract agreement to increase award of Dislocated Worker funds for additional services--\$100,000.

Summary (Background)

The Spokane Area Workforce Development Council (SAWDC) is the grant recipient of Workforce Investment Act Formula Funds for Program Year 2012 from the Washington State Employment Security Department. The SAWDC has awarded subcontract agreements for delivery of program services.

Fiscal Impact**Budget Account**

Expense \$ \$100,000

1820-99053-52700-54201-99999

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

PFISTER, TERRI

Study Session**Division Director**

QUINTRALL, JAN

Other**Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

lmeakin@wdcspokane.com

For the Mayor

GEMMILL, GERRY

jfacer@wdcspokane.com

Additional Approvals

mhughes@spokanecity.org

Purchasing

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

06/03/2013

<u>Date Rec'd</u>	5/22/2013
<u>Clerk's File #</u>	OPR 2013-0430
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	WATER & HYDROELECTRIC SERVICES
<u>Contact Name/Phone</u>	CHRIS PETERSCHMIDT 7803
<u>Contact E-Mail</u>	CPETERSCHMIDT@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Contract Item
<u>Agenda Item Name</u>	4100 - UTILITY CONSTRUCTION AGREEMENT UTB 1093; US 195 CHENEY-SPOKANE RD.

Agenda Wording

The State of Washington Department of Transportation (STATE) is planning the construction or improvement of State Route US 195 from Milepost 92.82 to 95.14, titled Cheney-Spokane Rd. New Interchange, impacting the adjacent Water facilities.

Summary (Background)

The STATE is responsible for the cost of the work affecting the Water (UTILITY'S) facilities located pursuant to a documented ownership of and/or interest in real property, such as an easement, fee title, or court finding of prescriptive rights impacted by project. The work shall be defined as all material, equipment, labor, contract administration and any other effort required to perform the relocation, construction and/or removal of the UTILITY's facilities.

<u>Fiscal Impact</u>	<u>Budget Account</u>
Revenue \$ 57,636.56	# 4100-42410-34073-34389
Select \$	#
Select \$	#
Select \$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	KEGLEY, DANIEL	<u>Study Session</u>	
<u>Division Director</u>	ROMERO, RICK	<u>Other</u>	
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>	
<u>Legal</u>	BURNS, BARBARA	acline	
<u>For the Mayor</u>	SANDERS, THERESA	cpeterschmidt	
<u>Additional Approvals</u>		dkegley	
<u>Purchasing</u>		bpatrick	



Utility Construction Agreement Work by Utility - State Cost			Organization and Address City of Spokane Water Department 914 E. North Foothills Dr. Spokane, WA 99207	
Agreement Number UTB 1093		Region Eastern Region		Project Title / Location US 195 Cheney-Spokane Rd. New Interchange
Control Section 3204	State Route 195	Mileposts From 92.82 To 95.14		
Estimated Agreement Amount \$57,636.56				

This Utility Construction Agreement is made and entered into between the State of Washington Department of Transportation (STATE) and the above named UTILITY.

WHEREAS, the STATE is planning the construction or improvement of the State Route as shown above for the identified STATE project, and in connection therewith, it is necessary to remove and/or relocate and/or construct certain UTILITY facilities (Work), and

WHEREAS, the STATE is responsible for the cost of the Work affecting the UTILITY's facilities located pursuant to a documented ownership of and/or interest in real property, such as an easement, fee title, or court finding of prescriptive right, which is impacted by the STATE project, and

WHEREAS, the Work shall be defined as all materials, equipment, labor, contract administration and any other effort required to perform the relocation, construction, and/or removal of the UTILITY's facilities, and

WHEREAS, it is deemed to be in the best public interest for the UTILITY to perform the relocation, removal, or construction of its facilities,

NOW, THEREFORE, pursuant to RCW 47.01.210 and chapter 47.44 RCW and in consideration of the terms, conditions, covenants, and performances contained herein, as well as the attached Exhibits which are incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. CONSTRUCTION, INSPECTION, AND ACCEPTANCE

- 1.1 Program Guide: *Utility Relocation and Accommodation on Federal Aid Highway Projects* shall determine and establish the definitions and applicable standards and payments under this Agreement. By this reference this document is adopted and made a part of this Agreement as if fully contained herein.
- 1.2 Betterment: A betterment is any improvement to the UTILITY's facilities not required by code, regulation, standard industry practice, or any other applicable regulation. If any of the Work constitutes a betterment as defined in the Program Guide: *Utility Relocation and Accommodation on Federal Aid Highway Projects*, the UTILITY is solely responsible for the costs of such improvement.
- 1.3 Accrued Depreciation: Accrued depreciation may be applied to any of the UTILITY's major facilities, such as a building, pump station, power plant, etc. Accrued depreciation shall not apply to the UTILITY's primary facilities, such as pipelines, conductors, poles, cable, conduit, etc. If any UTILITY facility does qualify for an adjustment due to accrued depreciation as defined in Program Guide: *Utility Relocation and Accommodation on Federal Aid Highway Projects*, the costs are calculated according to the formula in the Program Guide and the result is shown as a UTILITY cost in Exhibit B Cost Estimate.

- 1.4 The UTILITY shall furnish the labor, materials, equipment, and tools required for and perform the Work in constructing, removing and/or relocating the UTILITY facilities, in accordance with Exhibit A, Special Provisions, and Exhibit C, Plans.
- 1.5 If the UTILITY is not adequately staffed or equipped to perform all the Work required herein, the UTILITY may have all or part of this Work done by a contract let by the UTILITY, as follows:
 - 1.5.1 Before contracting out any Work, the UTILITY shall obtain written authorization from the STATE, and the STATE may require the UTILITY to advertise and solicit bids for the contract Work.
 - 1.5.2 If the STATE requires the Work to be advertised and bid, the UTILITY shall provide a copy of all bid documents to the STATE seven (7) calendar days prior to the advertisement date, or as specified in Exhibit A, for STATE comment.
 - 1.5.3 The UTILITY shall notify the STATE at least three (3) working days in advance of the location and time of the bid opening so that a STATE representative may attend the bid opening.
 - 1.5.4 The UTILITY shall supply a copy of the three lowest bids with itemized bid amounts to the STATE within seven (7) calendar days of bid opening
 - 1.5.5 If the UTILITY elects to use other than the lowest bid contractor, the UTILITY shall provide written justification to the STATE for the use of that contractor and bid price. The STATE shall review the UTILITY's written justification, and if the STATE does not agree therewith and the UTILITY awards the bid to other than the lowest bid contractor, the UTILITY shall be responsible for the cost difference between the amount of the lowest bid and the amount of the awarded contract.
- 1.6 If the UTILITY desires to have the Work performed under an existing contract, the STATE may require the UTILITY to provide the STATE with a copy of the contract for the STATE's written approval of the contractor and contract charges.
- 1.7 The Parties agree that nothing in the STATE's approval of a UTILITY contractor or bid shall be for the benefit of the UTILITY; all such approvals, whether written or verbal, shall be solely for the benefit of the STATE and shall not establish a contractual relationship among the STATE, the UTILITY, and the UTILITY's contractor.
- 1.8 All of the UTILITY's Work, construction procedures, materials, and/or utility installation, as provided under this Agreement, shall be subject to STATE inspection for solely the benefit of the STATE's payment, state highway and/or STATE project. The UTILITY shall promptly notify the STATE in writing when the Work is completed. The STATE shall inspect the Work for compliance with the Exhibits attached to this Agreement. The STATE will notify the UTILITY in writing of any non-compliance that would impact the STATE's payment, state highway and/or STATE project. The UTILITY agrees to make the necessary changes to satisfy the STATE requirements or adjust the invoice. The STATE's inspection shall not reduce or modify the UTILITY's responsibility for the Work.
- 1.9 Upon completion of the Work, the UTILITY agrees that it shall be solely responsible for all future ownership, operation and maintenance costs of its facilities, without STATE liability or expense.

2. AUTHORITY TO BEGIN WORK AND WORK SCHEDULE

- 2.1 The UTILITY agrees not to begin Work until the STATE has provided written notice, authorizing the UTILITY to begin Work. The STATE shall not be obligated to reimburse the UTILITY for any Work performed before the date of notification.
- 2.2 The UTILITY agrees to schedule and perform the Work in such manner as not to delay or interfere with the STATE's contractor in the performance of the STATE's project. The UTILITY shall be responsible for any costs resulting from delay of, or interference with, the STATE's project contractor, to the extent the delay or interference is attributable to the UTILITY or the UTILITY's contractor. Any mutually agreed conditions or requirements for avoidance of delay of, or interference with, the STATE's project contractor shall be included in Exhibit A.

3. COMPLIANCE

- 3.1 The UTILITY agrees to comply with all applicable requirements of the STATE in accordance with the Utilities Accommodation Policy, Chapter 468-34 WAC, and amendments thereto, and said policy and amendments are hereby incorporated in and made a part of this Agreement for all intents and purposes as if fully set forth herein.
- 3.2 The UTILITY agrees to comply with all applicable laws and environmental requirements of any jurisdictional agency and is responsible for obtaining any necessary environmental permits required in order to perform the Work.
- 3.3 The UTILITY agrees to obtain and comply with any other permits from any jurisdictional agency that are required in order for the UTILITY to perform the Work.

4. PAYMENT

- 4.1 The STATE is responsible for the cost of the Work, excluding all betterment work, for the UTILITY's facilities that are located pursuant to a documented ownership interest in real property, such as an easement, fee title, or court finding of prescriptive right, which are impacted by the STATE project, as shown in Exhibits A and B. Exhibit B, Cost Estimate, contains an itemized cost estimate of STATE-responsible costs for the Work to be performed by the UTILITY.
- 4.2 The STATE, in consideration of the faithful performance of the Work to be done by the UTILITY, agrees to reimburse the UTILITY for the actual direct and related indirect cost of the Work, excluding all betterment work, for which the STATE is responsible as defined in Exhibits A and B. The UTILITY agrees to invoice the STATE and provide supporting documentation for all charges, and the STATE agrees to pay the UTILITY within thirty (30) days of receipt of an invoice. Payments shall not be more frequent than one per month. A partial payment will not constitute agreement as to the appropriateness of any item and that, at the time of final invoice, the Parties will resolve any discrepancies.
- 4.3 The UTILITY shall submit a final invoice to the STATE within ninety (90) calendar days following completion of the Work. In the event that the final invoice reveals an overpayment to the UTILITY, the UTILITY agrees to refund such overpayment to the STATE within thirty (30) days.

5. CHANGE IN WORK OR COST INCREASE

- 5.1 The STATE agrees that the amount shown in Exhibit B may not reflect the actual costs of the Work. Should the UTILITY determine that the Work costs for which the STATE is responsible might exceed the cost estimate by more than Twenty-five (25) percent, the UTILITY shall immediately notify the STATE before performing any Work in excess of the Exhibit B estimate plus the additional percentage. The STATE and the UTILITY will, if necessary, amend Exhibit B to revise the cost estimate before the UTILITY incurs costs above the amount shown in Exhibit B plus the additional percentage.
- 5.2 Should it be necessary to modify Exhibit A, Special Provisions, the UTILITY agrees to immediately notify the STATE of all proposed changes, and the STATE agrees to provide written notice of its acceptance or rejection of the change(s), in writing, within five (5) working days.

6. FRANCHISE, PERMIT OR EASEMENT

- 6.1 The UTILITY shall apply for a permit, franchise or an amendment to its current franchise for those new or modified UTILITY facilities that will be located within the STATE's right of way. After receiving the application, the STATE will issue the UTILITY a permit or a new or amended franchise.
- 6.2 Upon completion of the Work covered under this Agreement, the UTILITY agrees to prepare, execute and deliver to the STATE a quit claim deed for all existing easements, fee title, or court finding of prescriptive right, which will be vacated as a result of the relocation of UTILITY facilities and as identified in Exhibit A.
- 6.3 In exchange for the quit claim deed, the STATE agrees to grant or issue the UTILITY an easement, permit, or franchise, as defined in Exhibit A, for those UTILITY facilities which will remain on or which cross the STATE's right-of-way and for which the UTILITY had an easement, fee title or court finding of prescriptive right. A legal description of and use conditions for an easement to be granted encumbering STATE right of way shall be included in Exhibit A.

7. RIGHT OF ENTRY

- 7.1 Subject to the UTILITY obtaining all required permits and meeting any other requirements for Work conducted within state-owned right of way, the STATE hereby grants the UTILITY a right of entry upon all land in which the STATE has interest for the purpose of performing the Work. Upon completion of the Work, this right of entry shall terminate except as otherwise provided in Section 6.
- 7.2 A STATE grant of access and right of entry onto an interstate limited access right of way may require additional conditions, for example, a traffic control plan will be required if the UTILITY's Work will impact highway traffic. The Parties agree that all UTILITY access and right of entry provisions affecting an interstate limited access right of way will be identified in Exhibit A, Special Provisions. Upon completion of the Work, this right of entry shall terminate except as otherwise provided in Section 6.
- 7.3 The UTILITY shall not enter state-owned right of way without first having a STATE-issued written right of entry.

8. GENERAL PROVISIONS

- 8.1 Indemnification: To the extent authorized by law, the UTILITY and STATE shall indemnify and hold harmless one another and their employees and/or officers from and shall process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, losses, damages (both to persons and/or property), or costs, of whatsoever kind or nature, brought against the one Party arising out of, in connection with, or incident to the other Party's performance or failure to perform any aspect of this Agreement, provided, however, that if such claims are caused by or result from the concurrent negligence of (a) the UTILITY and (b) the STATE, their respective employees and/or officers, or involves those actions covered by RCW 4.24.115, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the UTILITY or STATE, and provided further, that nothing herein shall require the UTILITY or STATE to hold harmless or defend the other or its employees and/or officers from any claims arising from that Party's sole negligence or that of its employees and/or officers. The terms of this section shall survive the termination of this Agreement.
- 8.2 Disputes: If a dispute occurs between the UTILITY and the STATE at any time during the prosecution of the Work, the Parties agree to negotiate at the management level to resolve any issues. Should such negotiations fail to produce a satisfactory resolution, the Parties agree to enter into arbitration and/or mediation before proceeding to any other legal remedy. Each Party shall be responsible for its own fees and costs. The Parties agree to equally share the cost of a mediator or arbiter.
- 8.3 Venue: In the event that either Party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the Parties hereto agree that any such action or proceedings shall be brought in the superior court situated in Thurston County, Washington. Each Party shall be responsible for its own attorney's fees and costs.
- 8.4 Termination:
- 8.4.1 The UTILITY understands that the STATE retains the right to terminate this Agreement for convenience upon thirty (30) calendar days written notice to the UTILITY. In the event that the STATE exercises this termination right, the STATE will reimburse the UTILITY for all allowable costs under this Agreement incurred prior to the date of termination.
- 8.4.2 In the event funding for the Work is withdrawn, reduced, or limited in any way after the execution date of this Agreement and prior to normal completion, the STATE may terminate the Agreement upon less than the thirty (30) calendar day notice requirement in section 8.4.1, subject to renegotiation at STATE's sole option pursuant to the revised funding limitations and conditions.
- 8.5 Amendments: This Agreement may be amended by the mutual agreement of the Parties. Such amendments or modifications shall not be binding unless put in writing and signed by persons authorized to bind each of the Parties.

- 8.6 Independent Contractor: Both Parties shall be deemed independent contractors for all purposes, and the employees of each Party and any of its contractors, subcontractors, consultants, and the employees thereof, shall not in any manner be deemed to be the employees of the other Party.
- 8.7 Audit and Records: During the progress of the Work and for a period of not less than three (3) years from the date of final payment. The UTILITY shall maintain the records and accounts pertaining to the Work and shall make them available during normal business hours and as often as necessary, for inspection and audit by the STATE, State of Washington, and/or Federal Government and copies of all records, accounts, documents or other data pertaining to the Work will be furnished upon request. The requesting Party shall pay the cost of copies produced. If any litigation, claim or audit is commenced, the records and accounts along with supporting documentation shall be retained until any litigation, claim or audit finding has been resolved even though such litigation, claim or audit continues past the three-year retention period.
- 8.9 Working Days: Working days for this Agreement are defined as Monday through Friday, excluding Washington State holidays per RCW 1.16.050.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year last written below.

UTILITY

**STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION**

By _____

By _____

Name _____

Name Keith A. Metcalf, P.E.

Title _____

Title Regional Administrator

Date _____

Date _____

Assistant City Attorney



Approved as to form:

Utility Construction Agreement

UTB 1093

Exhibit A

Specifications

The STATE has designed and is constructing a new highway interchange on US 195 at the intersection of US 195 and Cheney/Spokane Rd.

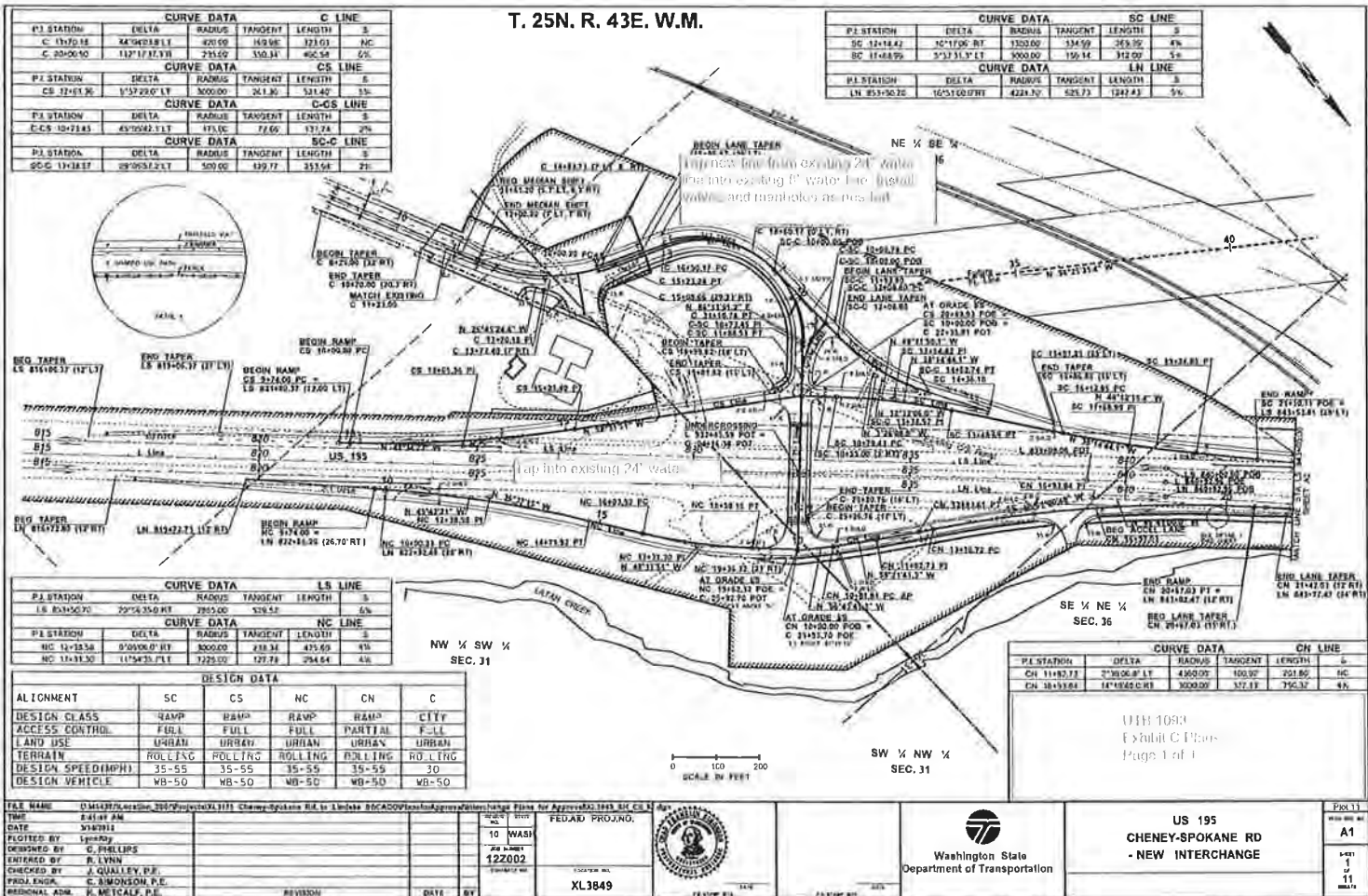
The UTILITY will at STATE cost relocate the existing water distribution lines so as to accommodate the construction of the STATE's new US 195 Cheney/Spokane Rd interchange.

MATERIALS				
Description	Qty		Unit Price	Total
24" DITJ-C50	18	LF	69.69	\$ 1,254.38
8" DITJ-C50	18	LF	14.38	\$ 258.75
4" DITJ-C52	18	LF	13.60	\$ 244.80
Tee, DIMJ 24" x 24" x 8"	1	EA	1467.90	\$ 1,467.90
24" VALVE, BUTTERFLY MJ X MJ	1	EA	4219.30	\$ 4,219.30
24" Megalugs	10	EA	393.59	\$ 3,935.88
24" x 24" x 4", Sleeve DI Tap "O" Ring FL	1	EA	628.96	\$ 628.96
4" 90 Bend, DIMJ x FL	1	EA	70.75	\$ 70.75
8" Megalugs	4	EA	51.53	\$ 206.10
4" Gate Valve, MJ x MJ	1	EA	384.75	\$ 384.75
4" Megalugs	3	EA	30.74	\$ 92.21
2" Comb. Vacuum/Release (AV)	1	EA	440.13	\$ 440.13
Type II Manhole, Std. Plan B-102D (BO)	1	EA	708.75	\$ 708.75
Type III-48 Manhole, Std. Plan Y-102 (AV)	1	EA	312.50	\$ 312.50
24" x 2" Tapping Saddle (AV)	1	EA	485.41	\$ 485.41
Manhole Ring and Plain "Water" cover	2	EA	243.71	\$ 487.43
8" MJ X MJ gate valve	2	EA	786.83	\$ 1,573.65
8" Wafer Check, FL x FL	1	EA	368.43	\$ 368.43
8" MJ x FL Adapter	2	EA	92.58	\$ 185.15
8" x 10" Cutting-In Sleeve DI MJ x FL	1	EA	363.81	\$ 363.81
8" x 8" x 8" Tee	1	EA	139.93	\$ 139.93
8" x 12" DIMJ Solid Sleeve	1	EA	70.63	\$ 70.63
Valve Box Top Section, with Lid, 930, 15"	3	EA	31.61	\$ 94.84
Valve Box Bottom Section, 930, 36"	3	EA	36.83	\$ 110.48
24" x 24" DIMJ Solid Sleeve	3	EA	718.98	\$ 2,156.93
Sub Total:				\$ 20,261.81
LABOR				
Description	Qty		Unit	Total
Construction Foreman	70	HR	\$108.74	\$ 7,611.63
Heavy Equip. Operator	70	HR	\$ 84.69	\$ 5,928.13
Water Service Specialist (2)	100	HR	\$ 84.69	\$ 8,468.75
Laborer II (2)	100	HR	\$ 72.59	\$ 7,258.75
Sub Total:				\$ 29,267.25
EQUIPMENT				
Description	Qty		Unit	Total
Roller	4	HR	\$ 36.25	\$ 145.00
Loader, 2 CY	10	HR	\$ 75.00	\$ 750.00
Dump Truck, 10 yard	25	HR	\$ 50.00	\$ 1,250.00
Trackhoe, 3/4 CY	35	HR	\$ 87.50	\$ 3,062.50
Valve Truck	50	HR	\$ 50.00	\$ 2,500.00
BT Truck	4	HR	\$ 50.00	\$ 200.00
Cement Saw	4	HR	\$ 50.00	\$ 200.00
Sub Total:				\$ 8,107.50
TOTAL:				\$57,636.56

UTB 1093

Exhibit B Cost Estimate Page 1 of 1

T. 25N. R. 43E. W.M.



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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

OPR 2013-0431

Renews #**Submitting Dept**

HUMAN SERVICES

Cross Ref #**Contact Name/Phone**

SHEILA MORLEY 625-6052

Project #**Contact E-Mail**

SMORLEY@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #**Agenda Item Name**

1680 CHHSB FUNDING RECOMMENDATION/CONTRACT AUTHORIZATION

Agenda Wording

Approve Community, Housing and Human Services Board recommendation and authorization to enter into contract with Transitions, a non-profit agency, from June 1, 2013 - June 30, 2014.

Summary (Background)

An RFP to conduct outreach services to homeless singles and to collect client level data was issued by the CHHS Board. One proposal was received. The CHHS Board recommended award of contract to Transitions in the amount of \$110,000.

Fiscal Impact**Budget Account**

Expense \$ 53,000

1540-95413-51200-54201

Expense \$ 57,000

1540-95472-51200-54201

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

ALLARD, JERRIE

Study Session**Division Director**

MALLAHAN, JONATHAN

Other

PCED 5/20/13

Finance

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

smorley

For the Mayor

GEMMILL, GERRY

jchaffins

Additional Approvals

cfreisen

Purchasing

BRIEFING PAPER
City of Spokane
PCED Committee
Community, Housing and Human Services Department
Single Homeless Outreach Project Funding Recommendation
May 20, 2013

Subject

Approval of the Community, Housing and Human Services Board's (CHHS) funding recommendation for the 2013 Single Homeless Outreach Project.

Background

As a recipient of both state and federal homeless assistance grant funds, the City of Spokane, must implement a coordinated assessment system that serves all homeless populations in by December 31, 2014.

Coordinated Assessment systems are a coordinated, integrated approach to ensuring homeless families and individuals are provided the appropriate level of care, at the right level of intensity and in a coordinated and timely manner, ultimately leading to improved housing outcomes.

We currently have a coordinated assessment system in place for homeless families, our next step is to design and implement a system for homeless singles. Do to so, we need to first identify the unique housing needs and barriers of homeless singles.

With the approval of the Community, Housing and Human Services board, the CHHS department issued an RFP to identify a local agency to conduct outreach to homeless singles and to collect client level data that will help us to design a responsive coordinated assessment system specifically targeted to this population.

One proposal was received in response to the RFP. The proposal was reviewed and scored by an ad-hoc committee of the Community, Housing and Human Services board. The committee completed their review and brought forward their recommendations to the board at the May board meeting. The board approved the committee's recommendation to award the contract to a partnership between Transitions and Catholic Charities in the amount of \$110,000. The contract will be for a period of June 1, 2013 – June 30, 2014.

Impact

Information gathered through this contract will be used to develop an effective Coordinated Assessment system for homeless singles in a timely manner and to meet our contractual requirements of our state and federal funding partners.

Action

Approve the funding recommendation of the CHHS Board. Once approved, the department will enter into contract with Transitions.

Funding

The Single Homeless Outreach Program is funded through the Department of Commerce Consolidated Homeless Grant and the Department of Housing and Urban Development's Emergency Solutions Grant.

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

OPR 2013-0432

Renews #**Submitting Dept**

HUMAN SERVICES

Cross Ref #**Contact Name/Phone**

GEORGE DAHL 625-6036

Project #**Contact E-Mail**

GDAHL@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #**Agenda Item Name**

1680 NEW SUPPORTIVE HOUSING PROJECT

Agenda Wording

Accept Community, Housing and Human Services (CHHS) Board recommendation to enter into contract with the YWCA to provide 4 new permanent supportive housing units for chronically homeless households in Spokane County.

Summary (Background)

At their May 1, 2013 meeting, the CHHS Board approved the YWCA proposal to create 4 new permanent housing units for chronically homeless households with the longest histories of homelessness. Funding to support this new project comes from the Department of Housing and Urban Development (HUD).

Fiscal Impact**Budget Account**

Expense \$ 24,273.82

1540-95411-51500-54201

Revenue \$ 24,273.82

1540-95411-99999-33114

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

ALLARD, JERRIE

Study Session**Division Director**

MALLAHAN, JONATHAN

Other

PCED 6/3/13

Finance

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

For the Mayor

GEMMILL, GERRY

Additional Approvals**Purchasing**

BRIEFING PAPER
City of Spokane
Community and Neighborhood Services Division
Community, Housing and Human Services Department
June 3, 2013

Subject

The Community, Housing and Human Services Board (CHHSB) recommends funding the YWCA proposal to create four (4) new permanent supportive housing units for chronically homeless households with the longest histories of homelessness.

Background

The City was awarded funds during the 2011 annual grant competition to fund Father Bach Haven. Catholic Housing Services is returning remaining funds to the City due to a partnership with Spokane Housing Authority that will place forty (40) permanent housing vouchers at Father Bach Haven. Federal regulations prohibit an overlap in funding which has lead the CHHSB to solicit proposals that will create new permanent supportive housing units for chronically homeless households. Catholic Charities and the YWCA presented a joint proposal to create ten (10) new permanent supportive housing units. The CHHS Department will enter into separate contracts with both agencies for administrative purposes.

Impact

By approving the CHHSB recommendation to enter into contract with the YWCA, the City will be supporting four (4) new permanent supportive housing units for chronically homeless households.

Action

The CHHSB seeks City Council approval to enter into contract with the YWCA to provide four (4) new permanent supportive housing units for chronically homeless households. The contract start date is anticipated to begin on July 1, 2013.

Funding

Funding to support this project (\$24,273.82) comes from HUD's Supportive Housing Program and is subject to renewal through the Continuum of Care annual Competition.

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

OPR 2013-0433

Renews #**Submitting Dept**

HUMAN SERVICES

Cross Ref #**Contact Name/Phone**

GEORGE DAHL 625-6036

Project #**Contact E-Mail**

GDAHL@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #**Agenda Item Name**

1680 NEW PERMANENT SUPPORTIVE HOUSING PROJECT

Agenda Wording

Accept Community, Housing and Human Services (CHHS) Board recommendation to enter into contract with Catholic Charities to provide 6 new permanent supportive housing units for chronically homeless households in Spokane County.

Summary (Background)

At their May 1, 2013 meeting, the CHHS Board approved Catholic Charities proposal to create 6 new permanent housing units for chronically homeless households with the longest histories of homelessness. Funding to support this new project comes from the Department of Housing and Urban Development (HUD).

Fiscal Impact**Budget Account**

Expense \$ 36,410.74

1540-95411-51500-54201

Revenue \$ 36,410.74

1540-95411-99999-33114

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

ALLARD, JERRIE

Study Session**Division Director**

MALLAHAN, JONATHAN

Other

PCED 6/3/13

Finance

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

gdahl

For the Mayor

GEMMILL, GERRY

cfriesen

Additional Approvals

jchaffins

Purchasing

BRIEFING PAPER
City of Spokane
Community and Neighborhood Services Division
Community, Housing and Human Services Department
June 3, 2013

Subject

The Community, Housing and Human Services Board (CHHSB) recommends funding the Catholic Charities proposal to create six (6) new permanent supportive housing units for chronically homeless households with the longest histories of homelessness.

Background

The City was awarded funds during the 2011 annual grant competition to fund Father Bach Haven. Catholic Housing Services is returning remaining funds to the City due to a partnership with Spokane Housing Authority that will place forty (40) permanent housing vouchers at Father Bach Haven. Federal regulations prohibit an overlap in funding which has lead the CHHSB to solicit proposals that will create new permanent supportive housing units for chronically homeless households. Catholic Charities and the YWCA presented a joint proposal to create ten (10) new permanent supportive housing units. The CHHS Department will enter into separate contracts with both agencies for administrative purposes.

Impact

By approving the CHHSB recommendation to enter into contract with Catholic Charities, the City will be supporting six (6) new permanent supportive housing units for chronically homeless households.

Action

The CHHSB seeks City Council approval to enter into contract with Catholic Charities to provide six (6) new permanent supportive housing units for chronically homeless households. The contract start date is anticipated to begin on July 1, 2013.

Funding

Funding to support this project (\$36,410.74) comes from HUD's Supportive Housing Program and is subject to renewal through the Continuum of Care annual Competition.

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

CPR 1993-0069

Renews #**Submitting Dept**

MAYOR

Cross Ref #**Contact Name/Phone**

JENNY MORTON 625.6250

Project #**Contact E-Mail**

JIMORTON@SPOKANECITY.ORG

Bid #**Agenda Item Type**Boards and Commissions
Appointments**Requisition #****Agenda Item Name**

0520 REAPPOINTMENT TO DESIGN REVIEW BOARD

Agenda Wording

Re-Appoint Steven Meek to serve a three-term to begin immediately and expire June 3, 2015.

Summary (Background)

*

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

GEMMILL, GERRY

Study Session**Division Director****Other****Finance****Distribution List****Legal**

jwestfall@spokanecity.org

For the Mayor

GEMMILL, GERRY

schesney@spokanecity.org

Additional Approvals

jneff@spokanecity.org

Purchasing

jjmorton@spokanecity.org

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

CPR 2007-0039

Renews #**Submitting Dept**

MAYOR

Cross Ref #**Contact Name/Phone**

JENNY MORTON 625.6250

Project #**Contact E-Mail**

JIMORTON@SPOKANECITY.ORG

Bid #**Agenda Item Type**Boards and Commissions
Appointments**Requisition #****Agenda Item Name**0520 REAPPOINTMENT TO WEST QUADRANT NEIGHBORHOOD TIF
COMMITTEE**Agenda Wording**

Re-Appointment of Asher Ernst to serve a three-year term to begin immediately and expire March 29, 2016.
Re-Appointment of Elizabeth Thew to serve a three-year term to begin immediately and expire March 29, 2016.

Summary (Background)

Re-Appointment of John Vlahovich to serve a three-year term to begin immediately and expire March 29, 2016. Re-Appointment of Gary Pollard to serve a three-year term to begin immediately and expire March 29, 2016. Re-Appointment of George Craig II to serve a three-year term to begin immediately and expire March 29, 2016.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

GEMMILL, GERRY

Study Session**Division Director****Other****Finance****Distribution List****Legal**

jwestfall@spokanecity.org

For the Mayor

GEMMILL, GERRY

schesney@spokanecity.org

Additional Approvals

aworlock@spokanecity.org

Purchasing

jquintrall@spokanecity.org

jjmorton@spokanecity.org

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

ORD C34992

Renews #Submitting Dept

BUILDING SERVICES

Cross Ref #Contact Name/Phone

JAN QUINTRALL 625-6287

Project #Contact E-Mail

JQUINTRALL@SPOKANECITY.ORG

Bid #Agenda Item Type

Emergency Budget Ordinance

Requisition #Agenda Item Name

4700 - EBO RE: NEW INSPECTOR POSITIONS

Agenda Wording

Amending Ordinance No. C-34947 and appropriating funds in the Building Services Fund, FROM: Various Accounts, \$65,000; TO: Certified Inspector, same amount. (This action creates two Certified Inspector positions.)

Summary (Background)

Permit activity continues to show recovery in both the number of permits being issued as well as the complexity of projects. Time is money in the construction industry so we strive to respond within 24 hours in an effort to keep projects forward. Current staffing levels are insufficient to keep up with the activity levels and maintain proper levels of customer service. Current demand strongly indicates the need for two additional inspectors to be hired on a permanent basis.

Fiscal ImpactBudget Account

Neutral \$ 65,000

Various Accounts - See Ordinance

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

QUINTRALL, JAN

Study SessionDivision Director

QUINTRALL, JAN

OtherFinance

DOLAN, PAM

Distribution ListLegal

BURNS, BARBARA

jquintrall@spokanecity.org

For the Mayor

GEMMILL, GERRY

mhughes@spokanecity.org

Additional Approvals

lwilliams@spokanecity.org

Purchasing

ORDINANCE NO. C34992

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 Building Services Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	4700-41400	Building Services Fund	
	24500-03340	Fire Protection Engineer	40,000
		(no change in # of positions)	
	4700-41300	Building Services Fund	
	24100-08500	Project Employee	25,000
			<u>\$ 65,000</u>
TO:	4700-41200	Building Services Fund	
	24600-03080	Certified Inspector	<u>\$ 65,000</u>
		(from 2 to 4 positions)	

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 create two Certified Inspector positions, the need for which could not reasonably have been anticipated at the time of adoption of the 2013 budget, 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



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD
SPOKANE, WASHINGTON 99201-3342
509.625.6350

February 28, 2013

City Clerk File No.:
RES 2013-0015

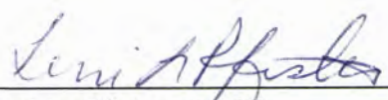
COUNCIL ACTION MEMORANDUM

RE: RESOLUTION 2013-0015 APPROVING THE REMOVAL OF CERTAIN
PARKING SPACES FOR THE DOWNTOWN BICYCLE NETWORK
COMPLETION PROJECT

During the Spokane City Council's 6:00 p.m. Legislative Session held Monday, February 25, 2013, Council President Stuckart requested a motion to defer Resolution 2013-0015 for three months. Subsequently, the following action was taken:

Motion by Council Member Fagan, seconded by Council Member Allen, to so move (to defer Resolution 2013-0015 for three months); **carried unanimously (Council Member McLaughlin absent).**

Clerical Note: A three-month deferral indicates this matter should be placed on the City Council's regular meeting agenda for Tuesday, May 28, 2013. (Monday, May 27, is Memorial Day and a recognized City holiday). However, the City Council meeting for May 28 is canceled. Therefore, this matter will be scheduled instead to be placed back on the City Council's regular meeting agenda for Monday, June 3, 2013.



Terri L. Pfister, MMC
Spokane City Clerk

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

02/25/2013

Date Rec'd

2/12/2013

Clerk's File #

RES 2013-0015

Renews #**Submitting Dept**

ENGINEERING SERVICES

Cross Ref #**Contact Name/Phone**

MIKE TAYLOR 625-6305

Project #

2011074

Contact E-Mail

PMTAYLOR@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

0370-RESOLUTION-DOWNTOWN BICYCLE NETWORK RESOLUTION

Agenda Wording

A Resolution approving the removal of certain parking spaces for the Downtown Bicycle Network Completion Project.

Summary (Background)

The Downtown Bicycle Network Completion project will complete a portion of bike facilities network identified in the Comprehensive Plan. Several segments outlined for striped bike lanes have been found to have inadequate width to retain traffic lanes, parking and new bike lane. This resolution approves the removal of parking at 4 locations as part of this project. A detailed study and public information process concluded that this action will have minimal effect on the majority of these areas.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

BROWN, ELDON

Study Session**Division Director**

QUINTRALL, JAN

Other

PCED 1/28/13

Finance

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

sdecker@spokanecity.org

For the Mayor

SANDERS, THERESA

pdolan@spokanecity.org

Additional Approvals

mlesesne@spokanecity.org

Purchasing

mhughes@spokanecity.org

htrautman@spokanecity.org

RESOLUTION 2013-0015

A RESOLUTION approving the removal of certain parking spaces for the Downtown Bicycle Network Completion Project.

WHEREAS, the City of Spokane Comprehensive Plan indentifies bike facilities and a bicycling plan within the City. However, one of the effects not identified within the Comprehensive Plan is the potential for parking impacts. Several segments outlined for striped bike lanes have been found to have inadequate width to retain traffic lanes, parking and the new bike lane; and

WHEREAS, part of the Comprehensive Plan is a downtown bicycling network; and

WHEREAS, a bicycle project completed in 2011 created a core portion of the downtown bicycling network. The proposed 'Downtown Bicycle Network Completion' project will complete a portion of this overall network; and

WHEREAS, in general, parking removal is proposed for four distinct locations where a striped bike lane, either five or six feet in width, is scheduled and there is inadequate room for the vehicle lanes to co-exist; and

WHEREAS, a process was developed and presented to the City Council's PCED committee in the fall of 2012 to be followed by the Engineering Services Department for the removal of existing parking; which includes notice to adjacent property owners and businesses, public meetings and other public input; and

WHEREAS, it is the recommendation of the Engineering Services Department that parking removal be authorized for four locations comprising approximately nineteen blocks within the downtown area and close proximity be approved:

- Recommendations of the Comprehensive Plan and associated studies as adopted and vetted over a period of time are being follow,
- Every effort was made to minimize the need for removal including narrowing vehicle lanes and consideration of hardscape revisions,
- Only one negative comment was received relative to the segment along Main Street;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPOKANE that it approves the removal of parking in the following locations:

2nd Avenue – Pine Street to Scott Street – north side
4th Avenue – McClellan Street to Brown Street – north side
4th Avenue – Cowley Street to Spokane Street and 5th Avenue from Spokane
Street to Arthur Street – north side

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:

Assistant City Attorney

BRIEFING PAPER

Planning, Community Economic Development Committee

Engineering Services

January 28, 2013

Subject:

Parking Removal is proposed for portions of the "Downtown Bicycle Network Completion" project scheduled for construction in mid 2013. Engineering Services will require that this matter be resolved prior to finalizing project plans and advertising the project for construction.

Background:

The City of Spokane Comprehensive Plan identifies bike facilities within the City. The 'Downtown Bicycle Network Completion' project was developed to complete a portion of this overall network. One of the effects not identified within the Comprehensive Plan is the potential for parking impacts. Several segments outlined for striped bike lanes have been found to have inadequate width to retain traffic lanes, parking and the new bike lane.

Impact:

As a result of Council action, they are affirming that parking will be removed at 4 locations comprised of approximately 19 blocks within the Downtown area and close proximity. The conclusions of the detailed study and of the public information process is that this action will have minimal effect on the majority of these areas.

Action:

PCED and City Council approval is required to complete a previously accepted process. Project advertising is scheduled for March 2013. Council action is required prior to that timeframe.

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

RES 2013-0042

Renews #**Submitting Dept**

ENGINEERING SERVICES

Cross Ref #**Contact Name/Phone**

ELDON BROWN 625-6305

Project #**Contact E-Mail**

EBROWN@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

0370-SET HEARING VACATION OF 6TH AVE/MCCLELLAN ST

Agenda Wording

Resolution setting hearing before the City Council for July 8, 2013 for the vacation of Alley between 6th Avenue and 7th Avenue from McClellan Street and Browne Street requested by Spokane South Medical, LLC. (Cliff-Cannon Neighborhood Council)

Summary (Background)

A petition was submitted representing 100 percent of the abutting property. Staff requests that City Council set a public hearing on the vacation petition.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

TAYLOR, MIKE

Study Session**Division Director**

QUINTRALL, JAN

Other**Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

See attached

For the Mayor

GEMMILL, GERRY

Additional Approvals**Purchasing**

RESOLUTION 2013-0042

WHEREAS, on March 20, 2013, the Spokane City Council received a petition for the vacation of Alley between 6th Avenue and 7th Avenue from McClellan Street and Browne Street, in the City of Spokane from owners having an interest in real estate abutting the above right-of-way; and

WHEREAS, it was determined that the petition was signed by the owners of more than two-thirds of the property abutting Alley between 6th Avenue and 7th Avenue from McClellan Street and Browne Street, in the City of Spokane; and

WHEREAS, the City Council desires to set a time and date through this resolution to hold a public hearing on the petition to vacate the above property in the City of Spokane;

NOW, THEREFORE,

The City Council does hereby resolve the following:

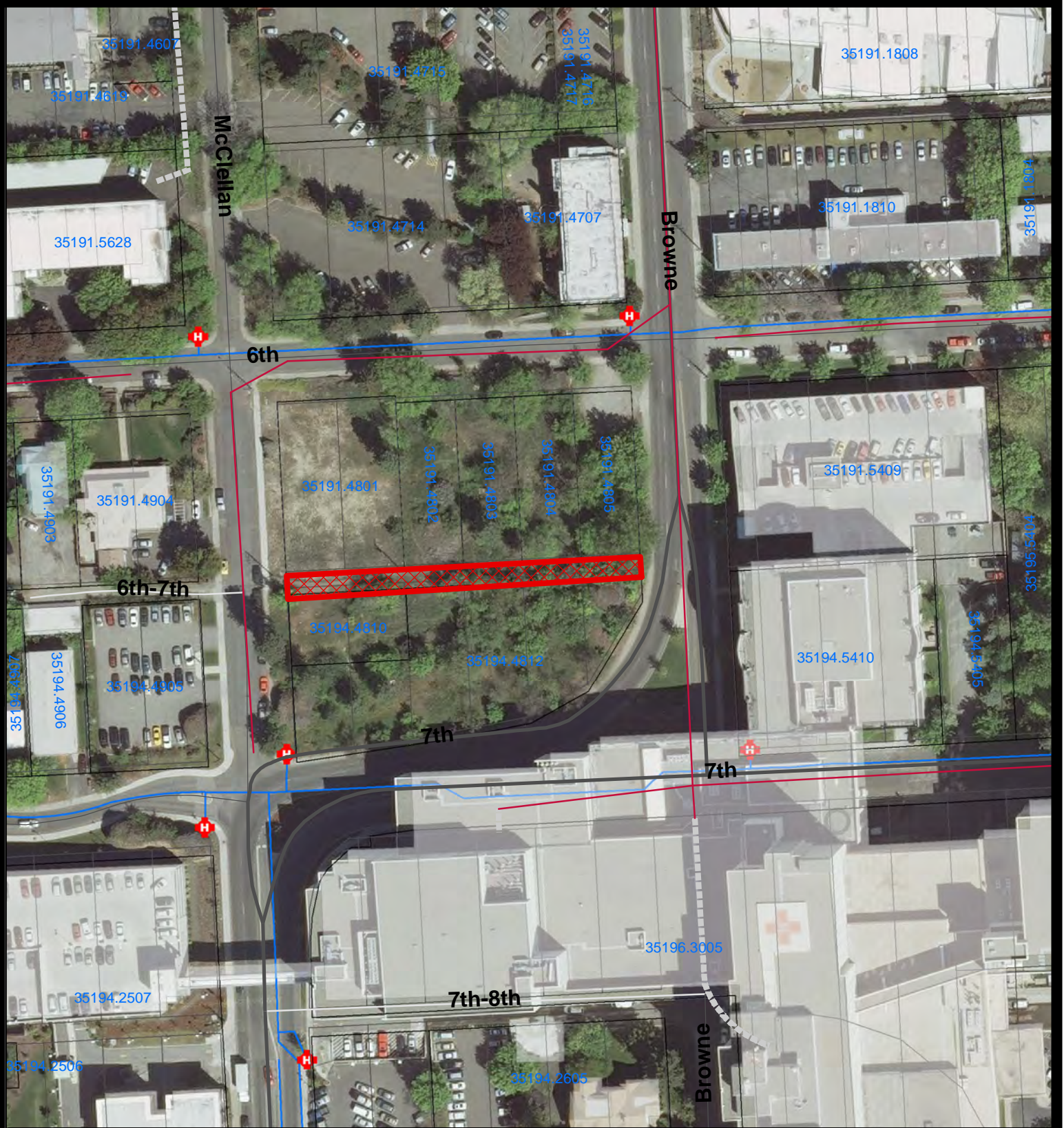
That hearing on the petition to vacate Alley between 6th Avenue and 7th Avenue from McClellan Street and Browne Street, in the City of Spokane will be held in front of the City Council at 6:00 P.M. or as soon thereafter as possible on July 8, 2013 and the City Clerk of the City of Spokane is instructed to proceed with all proper notice according to State law.

ADOPTED by the Spokane City Council, this _____ day of _____, 2013.

City Clerk

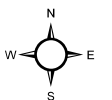
Approved as to form:

Assistant City Attorney



Date: April 1, 2013

Vacation of the Alley between 6th Avenue and 7th Avenue from McClellan Street to Browne Street



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.

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

RES 2013-0043

Renews #**Submitting Dept**

NEIGHBORHOOD SERVICES

Cross Ref #**Contact Name/Phone**JONATHAN 625-6734
MALLAHAN**Project #****Contact E-Mail**

JMALLAHAN@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

#0350 ECCC VAN DONATION

Agenda Wording

A resolution authorizing the donation of three vans to the East Central Community Center through the East Central Community Organization.

Summary (Background)

The East Central Community Center provides recreational programs for seniors and youth under a contract with the Spokane Parks and Recreation Department and is currently using City-owned vans for transport. The East Central Community Center would use the vans and for programs that aid the "poor and infirm"; and public donations for these purposes are permissible under Article VIII, Section VII of the State Constitution.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

MALLAHAN, JONATHAN

Study Session**Division Director**

MALLAHAN, JONATHAN

Other

PCED 5-20-13

Finance

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

landonc@eccocdc.org

For the Mayor

GEMMILL, GERRY

jmallahan@spokanecity.org

Additional Approvals

bburns@spokanecity.org

Purchasing

thomass@eccocdc.org

tdunivant@spokanecity.org

RESOLUTION 2013-0043

A RESOLUTION authorizing the donation of three (3) vans to the East Central Community Center through the East Central Community Organization.

WHEREAS, the East Central Community Organization is a 501(c)(3) non-profit association serving the seniors and youth of the east central section of Spokane; and

WHEREAS, the East Central Community Center also provides recreational programs for seniors and youth under a contract with the Spokane Parks and Recreation Department and is currently using City-owned vans for transport; and

WHEREAS, fifty one and nine-tenths percent (51.9%) of east central residents over the age of eighteen (18) live at or below two hundred percent (200%) of the federal poverty level; and

WHEREAS, close to ninety percent (90%) of the families served by the Center during the school year are on some form of state assistance; and

WHEREAS, close to seventy three percent (73%) of the children in the Center's program are on the free or reduced school lunch program; and

WHEREAS, the Center provides healthy meals to its program participants and the Center qualifies as an At-Risk center by the Office of Superintendent of Public Instruction. At Risk is defined as being endangered, as from exposure to disease or from lack of parental or familial guidance and proper health care; and

WHEREAS, the East Central Community Center would use the vans and for programs that aid the "poor and infirm"; and public donations for these purposes are permissible under Article VIII, Section VII of the State Constitution; -- Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPOKANE that it hereby approves the donation of the following vans to the East Central Community Organization for use in its programs at the East Central Community Center that aid the poor and infirm:

Unit #	Year	Make	Model	# Pass	Mileage	Estimated FMV
87	2007	GM	ECOVAN	15	38,616	\$ 15,352
84	2010	Ford	Passenger VAN	15	8,558	\$ 25,000
05	1993	Ford	Passenger VAN	15	126,282	\$ 1,600

BE IT FURTHER RESOLVED that the fair market value of the vans shall be amortized over a five (5) - year period; and if the vans are sold or transferred before the end of the amortization period, the City shall be refunded the unamortized amount.

BE IT FURTHER RESOLVED that staff is authorized to amend the East Central Community Center operations agreement with the East Central Community Organization to reflect this resolution.

ADOPTED BY THE CITY OF SPOKANE ON _____

City Clerk

Approved as to form:

Assistant City Attorney

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

RES 2013-0044

Renews #**Submitting Dept**

ECONOMIC DEVELOPMENT

Cross Ref #**Contact Name/Phone**

JAN QUINTRALL 625-6187

Project #**Contact E-Mail**

JQUINTRALL@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

0370-APPOINTMENT OF KYLE TWOHIG

Agenda Wording

Resolution confirming the appointment of Kyle Twohig as Engineering Operations Manager

Summary (Background)

Mayor David Condon has appointed Mr. Twohig as the Engineering Operations Manager pending City Council approval.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

TAYLOR, MIKE

Study Session**Division Director****Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

sdecker@spokanecity.org

For the Mayor

GEMMILL, GERRY

jquintrall@spokanecity.org

Additional Approvals

ktwohig@spokanecity.org

Purchasing

RESOLUTION 2013-0044

A resolution confirming the appointment of Kyle Twohig as Engineering Operations Manager.

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. Twohig as the Engineering Operations Manager 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 Kyle Twohig as the Engineering Operations Manager for the City of Spokane.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:

Assistant City Attorney

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

RES 2013-0045

Renews #**Submitting Dept**

CITY ATTORNEY

Cross Ref #**Contact Name/Phone**SALVATORE 625-6818
FAGGIANO**Project #****Contact E-Mail**

SFAGGIANO@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #

CLAIMS

Agenda Item Name

RESOLUTION APPROVING INDEMNIFICATION AND SETTLEMENT

Agenda Wording

Resolution approving indemnification of Nicholas Lundgren and settlement of Brook C. Lyon v. City of Spokane, et. al., Spokane County Superior Court Cause No. 12-2-05287-2 arising out of December 18, 2010 incident.

Summary (Background)

This claim was resolved through mediation.

Fiscal Impact**Budget Account**

Expense \$ 62,500.00

5800-78100-14780-54601

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

BURNS, BARBARA

Study Session**Division Director****Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

sfaggiano@spokanecity.org

For the Mayor

SANDERS, THERESA

sdhansen@spokanecity.org

Additional Approvals**Purchasing**

RESOLUTION RE INDEMNIFICATION AND
SETTLEMENT OF CIVIL CLAIM AGAINST CITY OF SPOKANE

WHEREAS, the City of Spokane is named as a defendant in litigation brought in the Spokane County Superior Court under the caption "Brook C. Lyon, an individual, Plaintiff, v. City of Spokane, a municipal corporation; Nicholas Lundgren and Jane Doe Lundgren, husband and wife, Defendants," Cause No. 12-2-02587-2, arising out of an incident on December 18, 2010, in the City of Spokane, as more fully described in the Complaint filed in said cause, and

WHEREAS, the incident giving rise to injury occurred while Nicholas Lundgren, a City employee, was performing his official duties requiring indemnification by the City; and

WHEREAS, the City has determined to resolve all claims with Plaintiff and any third parties who may claim a subrogated interest against the City, its officers, agents, employees and contractors, inclusive of Nicholas Lundgren, for a payment of SIXTY TWO THOUSAND FIVE HUNDRED DOLLARS (\$62,500.00). Plaintiff has agreed to accept said payment and in return to dismiss with prejudice his underlying lawsuit and any and all claims against defendants.

NOW THEREFORE, be it resolved by the City Council of the City of Spokane:

1. Nicholas Lundgren and his marital community are hereby indemnified pursuant to RCW 4.96.041 and SMC Chapter 3.07.

2. The City of Spokane authorizes that payment in the amount of SIXTY TWO THOUSAND FIVE HUNDRED DOLLARS (\$62,500.00) be paid to plaintiff and his counsel, without admission of fault or liability, as a full settlement and compromise of the above-referenced litigation and/or claim, and in exchange the Plaintiff will dismiss the underlying lawsuit with prejudice and without costs of said litigation, and provide a signed release fully extinguishing all claims by plaintiff in connection with the case and pledging to fully protect and indemnify the City of Spokane, its officers, agents, employees, contractors, and insurers, against all loss or liability in connection with said case and claim.

PASSED the City Council this _____ day of _____, 2013.

City Clerk

Approved as to form:

Assistant City Attorney

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

06/03/2013

<u>Date Rec'd</u>	5/22/2013
<u>Clerk's File #</u>	RES 2013-0046
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	CLAIMS

<u>Submitting Dept</u>	CITY ATTORNEY
<u>Contact Name/Phone</u>	SALVATORE J. 625-6818 FAGGIANO
<u>Contact E-Mail</u>	SFAGGIANO@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Resolutions
<u>Agenda Item Name</u>	0500 RESOLUTION APPROVING SETTLEMENT

Agenda Wording

Resolution approving settlement of a claim from Dan M. Carney arising from an incident on or about January 13, 2011 resulting in injuries to claimant.

Summary (Background)

This claim was settled through mediation.

<u>Fiscal Impact</u>		<u>Budget Account</u>
Expense	\$ 85,000.00	# 5800-78100-14780-54601
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	BURNS, BARBARA	<u>Study Session</u>
<u>Division Director</u>		<u>Other</u>
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	BURNS, BARBARA	sdhansen@spokanecity.org
<u>For the Mayor</u>	GEMMILL, GERRY	sfaggiano@spokanecity.org
<u>Additional Approvals</u>		dstragier@spokanecity.org
<u>Purchasing</u>		

RESOLUTION RE SETTLEMENT OF
CIVIL CLAIM AGAINST CITY OF SPOKANE

WHEREAS, the City of Spokane has received a claim for damages from Dan M. Carney, hereinafter "claimant." The allegations set forth in and the subject of said claim relate to an incident when he was involved in a motor vehicle accident with a City vehicle on or about January 13, 2011.

WHEREAS, the City has determined to resolve all differences with claimant and any third parties who may claim a subrogated interest against the City for a payment of \$85,000 total monies; and

WHEREAS, the claimant has agreed to accept said payment and in return to provide a release of all claims to the City.

NOW THEREFORE, be it resolved by the City Council of the City of Spokane:

That the City of Spokane authorizes the payment to claimant in the amount of \$85,000.00, in return the claimant will provide a signed release fully extinguishing all claims in connection with the claim and pledging to fully protect and indemnify the City of Spokane, its officers, agents, employees and contractors, against all loss or liability in connection with said claim.

PASSED the City Council this _____ day of _____, 2013.

City Clerk

Approved as to form:

Assistant City Attorney

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

RES 2013-0047

Renews #**Submitting Dept**

ENGINEERING SERVICES

Cross Ref #**Contact Name/Phone**

MICHAEL WERNER 625-6286

Project #**Contact E-Mail**

MWERNER@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

5900-RESOLUTION-SURPLUS PROPERTY-7402 N FIVE MILE RD

Agenda Wording

A Resolution declaring certain property surplus and authorizing sale of the property located at 7402 North Five Mile Road, parcel number 35252.0041.

Summary (Background)

The City acquired this property as part of the Five Mile Road Project. The City now desires to dispose of this property and requests that it be declared surplus and that Council authorize the sale and closing of the sale.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

TAYLOR, MIKE

Study Session**Division Director**

QUINTRALL, JAN

Other**Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

sdecker@spokanecity.org

For the Mayor

GEMMILL, GERRY

pdolan@spokanecity.org

Additional Approvals

mlesesne@spokanecity.org

Purchasing

mhughes@spokanecity.org

dsteele@spokanecity.org

htrautman@spokanecity.org

RESOLUTION 2013-0047

A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING SALE OF THE PROPERTY

WHEREAS, the City of Spokane is the owner of certain properties located in the City of Spokane, County of Spokane, State of Washington, and legally described in Exhibit 'A' hereto ("Properties"); and

WHEREAS, The City of Spokane finds that the Properties are no longer needed for a public use of the City of Spokane and are hereby declared to be surplus; and

WHEREAS, RCW 35.22.280(3) authorizes the City to dispose of surplus property; and

WHEREAS, the City of Spokane must attempt to obtain fair market value in the sale of the Properties.

WHEREAS, the City Asset Management Group has determined the fair market value of the Properties.

NOW, THEREFORE – it is hereby resolved by the Spokane City Council;

1. The Properties are hereby declared to be surplus City property no longer needed for the present and foreseeable public uses of the City.

2. The City of Spokane, Asset Management Group, has determined the fair market value of the Properties.

3. The City's Asset Management Director is authorized to negotiate for fair market value the sale or exchange of the Properties to interested buyers pursuant to a Real Estate Purchase and Sale Agreement or Real Estate Exchange Agreement, and the Mayor is hereby authorized to execute such documents as are reasonably necessary to consummate such sale or exchange.

ADOPTED by the Spokane City Council this _____ day of _____, 2013.

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:

THE SOUTH 144.57 FEET OF THE WEST 157.00 FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER;

TOGETHER WITH THE WEST 120 FEET OF THE EAST 330 FEET AS MEASURED ALONG THE NORTH 1/16TH SECTION LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 25, TOWNSHIP 26 NORTH, RANGE 42 EAST, W.M., IN THE CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON.

THE SOUTH 144.57 FEET OF THE WEST 157.00 FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER;

TOGETHER WITH THE WEST 120 FEET OF THE EAST 330 FEET AS MEASURED ALONG THE NORTH 1/16TH SECTION LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 25, TOWNSHIP 26 NORTH, RANGE 42 EAST, W.M., IN THE CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON.

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

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

RES 2013-0048

Renews #**Submitting Dept**

ENGINEERING SERVICES

Cross Ref #**Contact Name/Phone**

MIKE WERNER 625-62886

Project #**Contact E-Mail**

MWERNER@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

5900-RESOLUTION-SURPLUS PROPERTY 3091 N FREYA ST

Agenda Wording

A Resolution declaring certain property surplus and authorizing sale of the property located at 3091 North Freya Street, parcel number 35102.0101.

Summary (Background)

The City acquired this property as part of the Euclid/Frederick Avenue Project. The City now desires to dispose of this property and requests that it be declared surplus and that Council authorize the sale and closing of the sale.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

TAYLOR, MIKE

Study Session**Division Director**

QUINTRALL, JAN

Other**Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

sdecker@spokanecity.org

For the Mayor

GEMMILL, GERRY

pdolan@spokanecity.org

Additional Approvals

mlesesne@spokanecity.org

Purchasing

mhughes@spokanecity.org

dsteele@spokanecity.org

htrautman@spokaencity.org

RESOLUTION 2013-0048

A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING SALE OF THE PROPERTY

WHEREAS, the City of Spokane is the owner of certain properties located in the City of Spokane, County of Spokane, State of Washington, and legally described in Exhibit 'A' hereto ("Properties"); and

WHEREAS, The City of Spokane finds that the Properties are no longer needed for a public use of the City of Spokane and are hereby declared to be surplus; and

WHEREAS, RCW 35.22.280(3) authorizes the City to dispose of surplus property; and

WHEREAS, the City of Spokane must attempt to obtain fair market value in the sale of the Properties.

WHEREAS, the City Asset Management Group has determined the fair market value of the Properties.

NOW, THEREFORE – it is hereby resolved by the Spokane City Council;

1. The Properties are hereby declared to be surplus City property no longer needed for the present and foreseeable public uses of the City.

2. The City of Spokane, Asset Management Group, has determined the fair market value of the Properties.

3. The City's Asset Management Director is authorized to negotiate for fair market value the sale or exchange of the Properties to interested buyers pursuant to a Real Estate Purchase and Sale Agreement or Real Estate Exchange Agreement, and the Mayor is hereby authorized to execute such documents as are reasonably necessary to consummate such sale or exchange.

ADOPTED by the Spokane City Council this _____ day of _____, 2013.

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT "A"

That portion of Lots 1, 2 and 3, Block 1, PETER SAPRO'S RIVERSIDE ADDITION, according to plat recorded in Volume "A" of Plats, Pages 206-207, lying in the Northwest quarter of Section 10, Township 25 North, Range 43 East, W.M., described as follows:

BEGINNING at the northeast corner of said Block 1; thence N89°59'00"W 148.01 feet along the north line of said Block 1; thence southeasterly along a 545.00 foot radius non-tangent curve to the right, the center of which bears S34°17'52"W, through a central angle of 1°00'48", an arc length of 9.64 feet; thence southeasterly along a 455.00 foot radius reverse curve to the left, through a central angle of 16°19'23", an arc length of 129.63 feet; thence N52°27'00"E 31.27 feet to the east line of said Block 1; thence N00°20'39"E 45.29 feet along said east line, to the Point of Beginning;

situate in the City of Spokane, County of Spokane, State of Washington.

LEGEND

RB ● FOUND 1/2" REBAR & PLASTIC CAP
MARKED "A & C INC. LS 12904"

CHIS ✕ FOUND CHISELED "+" IN CONCRETE WALK

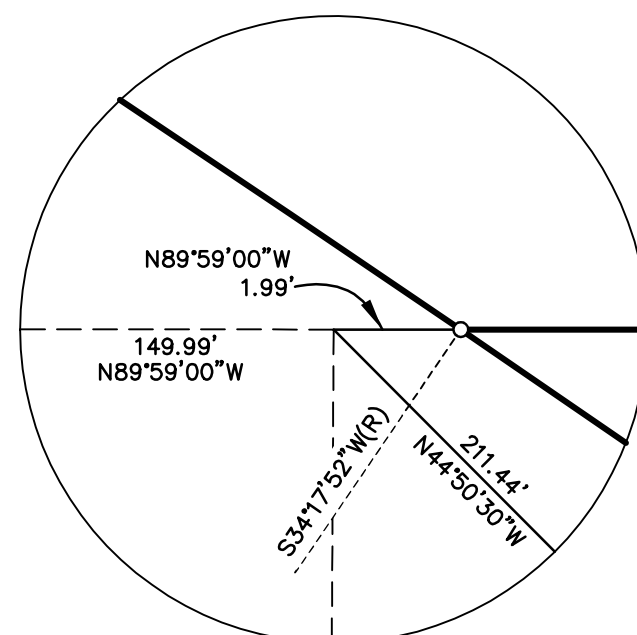
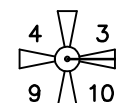
○ SET 1/2" REBAR & PLASTIC CAP
MARKED "LANDTEK LS 26390"

LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°32'54"E	24.68'
L2	N00°32'54"E	22.33'

E-13

CALCULATED POINT PER SR3 FROM
 EXISTING FOUND REFERENCES:
 CHISELED "+" IN CURB = S30°10'W 48.79'
 CHISELED "+" IN CURB = S46°20'W 60.94'
 CHISELED "+" IN CURB = N83°40'W 21.12'
 TACK & TAG "LS 12904" IN CURB = N29°39'W 5.72'
 CHISELED "+" IN CURB = N51°22'E 55.35
 TACK & TAG "LS 12904" IN CURB = N55°08'E 52.78'



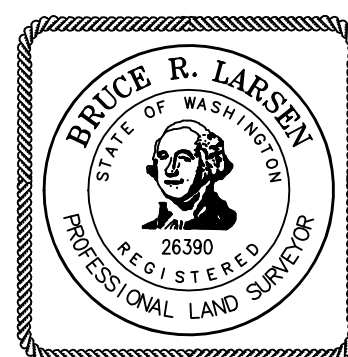
DETAIL 1

RECORD DOCUMENTS

- SR1 PLAT OF PETER SAPRA'S RIVERSIDE ADDITION
VOL. "A" OF PLATS, PG. 206-207, 5/15/1889
- SR2 PLAT OF MINNEHAHA ADDITION
VOL. "A" OF PLATS, PG. 94-95, 9/23/1889
- SR3 RECORD OF SURVEY BK. 82, PG. 52-56
CLARK, 12/22/1998
- SR4 RECORD OF SURVEY BK. 92, PG. 87-88
CLARK, 6/01/2000

SURVEYOR'S NOTES

I ACCEPTED BOUNDARY CONTROL AS
ESTABLISHED BY PRIOR SURVEYS SR3 AND
SR4 IN PERFORMING THIS SURVEY.



SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE
BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH
THE REQUIREMENTS OF THE SURVEY RECORDING ACT, AT
THE REQUEST OF SPOKANE PUBLIC SCHOOLS
IN DECEMBER, 2012

BRUCE R. LARSEN, P.L.S.
CERTIFICATE NO. 26390

BASIS OF BEARINGS

N89°59'08"W ALONG THE SOUTH LINE OF THE SW1/4 OF SECTION 3, T25N, R43E, W.M. PER RECORD OF SURVEY FILED IN BOOK 82 OF SURVEYS, PG. 52-56.

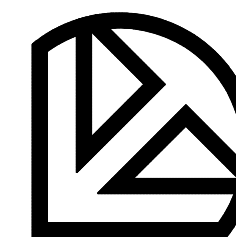
EQUIPMENT AND PROCEDURES

THIS SURVEY WAS PERFORMED WITH A 3-SECOND
TOTAL STATION THEODOLITE USING FIELD TRAVERSE
PROCEDURES ACHIEVING MINIMUM CLOSURE STANDARDS
PER WAC 332-130-090.

RECORD OF SURVEY

SHEET 1 OF 2

PORTIONS OF EUCLID AVENUE AND
BLOCK 1, PETER SAPRA'S RIVERSIDE ADDITION IN THE
SW1/4 SECTION 3 AND THE NW1/4 SECTION 10, T25N, R43E, W.M.
CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON



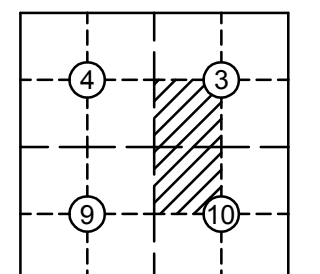
LANDTEK LLC

PROFESSIONAL LAND SURVEYORS
619 N. MADEIRA STREET
SPOKANE, WASHINGTON 99202
PHONE 509.926.2821 FAX 509.926.2736

FB NO: 181

JOB NO: 12-1714

INDEX DATA KEY



T25N, R43E, W.M.

AUDITOR'S CERTIFICATE

FILED FOR RECORD BY:

THIS _____ DAY OF _____ 2012.

AT _____ MINUTES PAST _____ O'CLOCK _____ M;

AND RECORDED IN BOOK _____ OF SURVEYS

ON PAGE(S) _____.

COUNTY AUDITOR

AUDITOR'S FILE NO.

E-15

CALCULATED POINT PER SR3 & SR4.
 REFERENCES FOUND:
 CHISELED "+" IN CONC. WALK
 - N44°42'50"W 70.91'
 REFERENCE SET:
 1/2" REBAR & CAP "LANDTEK LS 26390"
 - S45°33'48"W 70.96'

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

06/03/2013

Date Rec'd

5/23/2013

Clerk's File #

RES 2013-0049

Renews #**Submitting Dept**

POLICE

Cross Ref #**Contact Name/Phone**

CARLY CORTRIGHT 835-4527

Project #**Contact E-Mail**

CCORTRIGHT@SPOKANEPOLICE.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #

RE 16650

Agenda Item Name

0680 - VIRTRA: SOLE SOURCE AND PURCHASE

Agenda Wording

A resolution declaring Virtra Systems (Tempe, AZ) as a sole source for the purchase of the SPD Academy Training Simulator in the amount of \$164,469.62, (including tax and three (3) year service).

Summary (Background)

SPD's training simulator is currently not functioning and lacks essential training features. Use of Force Recommendations suggest improving both reality based training and firearms based training. Virtra Systems will help achieve these training objectives. Virtra Systems is the only manufacturer that provides the ability to simulate suspect aggression by delivering electrical impulses to the trainee as well as the incorporation of real video seamlessly across multiple screens.

Fiscal Impact**Budget Account**

Expense \$ 164,469.62

0680-11600-94000-56401

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

MEIDL, CRAIG

Study Session

5/20/2013

Division Director

STRAUB, FRANK

Other**Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

achirowamangu

For the Mayor

GEMMILL, GERRY

AGolden

Additional Approvals

KClair

Purchasing

WAHL, CONNIE

ccortright

jfranklin

CWahl

Contract Accounting

RESOLUTION NO. 2013-0049

A RESOLUTION declaring Virtra Systems a sole source and authorizing the purchase for the Spokane Police Academy of the Vitra Systems three (3) Screen 180° High Resolution Use-of-Force Marksmanship Training Simulator without public bidding from Virtra Systems Inc. for \$164,469.62, (including tax and three (3) year service).

WHEREAS, the current training simulator at the Police Academy is not functioning, does not include the ability to train with batons, pepper-spray, TASER, or flashlight. The current system does not have interactive features to simulate aggressive actions (suspect returning fire / or striking). The current system cannot be expanded to more than a single projector screen; and

WHEREAS, department regulations require routine firearms qualifications / training throughout the year, which include tactical/realistic simulations. Firearms and use of force is a high liability practice that requires quality training; and.

WHEREAS, a system to replicate realistic force encounters is a useful tool in training decision making and confidence. This training simulator also provides a controlled environment to evaluate officer performance and remediate training issues; and

WHEREAS, law enforcement firearms training must be conducted in weather and lighting conditions likely to be encountered by officers. Training simulators allow for low light, and simulated environments ranging from urban, interior, exterior, rural, and other realistic areas. Simulators also provide year round indoor training environments; and

WHEREAS, Virtra Systems is the only manufacturer that provides the ability to simulate suspect aggression (strikes / returned fire) by delivering electrical impulses to the trainee. (US Patent #8,016,594). Virtra is the only company that can produce or sell any device using electronic impulses to simulate consequences during simulation training; and

WHEREAS, Virtra Systems manufactures a proprietary system using multiple screens and real video for force training. Virtra systems is the only manufacturer of firearms simulation equipment to incorporate real video seamlessly across multiple screens; and

WHEREAS, Virtra Systems manufactures a proprietary refill station for refilling the CO2 Propellant for the 'tether-less' weapon system; and

WHEREAS, the cost of the simulator system exceeds the 2013 public bid limit of \$46,500 for the purchase of goods; -- Now, Therefore,

BE IT RESOLVED that the City Council for the City of Spokane hereby declares the Virtra Systems a sole source and authorizes the purchase of the Virtra Systems three (3) Screen 180° High Resolution Use-of-Force Marksmanship Training Simulator for the cost of \$164,469.62 including sales tax without public bidding.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:

Assistant City Attorney



Quote prepared for:

The Spokane Police Dept.

Matt Cowles

2302 N. Waterworks Dr.

Spokane, WA 99212

509-742-8100

mcowles@spokanepolice.org

VirTra Contact

Ryan Bray | Regional Manager

office: 480.968.1488 x 5012

mobile: 602.684.2991

email: rbray@virtra.com

Date

December 12th, 2012

Quote Expiration

February 28th 2013

Confidential.



Part Number	Description	Qty	2013 GSA Price	Total Price
VS VirTra 180 LE™	Three (3) Screen 180° High Resolution Use-of-Force Marksmanship Training Simulator. The most Realistic Interactive Judgmental Training System in its class. Featuring Real World Multiple Branching Video Scenarios, and the ability to train against multiple threats on multiple screens utilizing situational awareness and scanning; great for Team Drills, Customizable Marksmanship Program and Multiple Less than Lethal Options. One year world-wide support and service included, reconfiguration option comes standard (Floor or ceiling mounted).	1	\$68,943.00	\$68,943.00
Threat Fire™	Clip-on patent pending Threat Fire™ Return-Fire-Stimulator device delivers safe and adjustable electrical shock to simulate return fire and enhance realism during training. No eye-protection required. Vibration unit available. (Requires Wireless Station).	2	\$3,068.00	\$6,136.00
Borderless Screen Upgrade	Eliminates the 5 inch black border between screens but also eliminates the physical reconfiguration capability. (Requires VS VirTra 180).	1	\$7,250.00	\$7,250.00
TRK G22	Tetherless Glock 22 handgun recoil kit, includes one magazine- .40 caliber (Laser ID: 1-2).	3	\$3,115.00	\$9,345.00
TRK M16	Tetherless rifle recoil kit (does NOT count shots fired or jam) Includes magazine. (Laser ID: 1-4).	2	\$2,995.00	\$5,990.00
TRK M16 MAG	Refillable pressure supply integrated into the magazine, does NOT include shot counting or wireless communications (Requires Refill & Adapter Plate).	2	\$1,030.00	\$2,060.00
TRK G22 MAG	Pressure supply is the size of the magazine. (Requires Refill & Adapter Plate).	3	\$515.00	\$1,545.00
Flashlight Training	Hardware and software for low-light training, includes 2 flashlights.	1	\$6,708.00	\$6,708.00
Extra Flashlight	Additional flashlight with special band-pass filter mounted (Requires Flashlight Training).	1	\$510.00	\$510.00
Training TASER®	Laser- based TASER® training weapon. (Default Laser ID: 5).	2	\$4,004.00	\$8,008.00
Training OC	Laser- based OC training device.	2	\$2,184.00	\$4,368.00
Wireless Station	Required for wireless recoil kits and VS TFS TF to connect to the VirTra simulator (Only one wireless station needed per system).	1	\$1,508.00	\$1,508.00
TRK RS	Table-top refill station for all refillable magazines. Includes automatic activation (push-button activation). Includes one adapter plate. (Requires CO2 tank that must ship empty).	1	\$4,004.00	\$4,004.00
CO2 TNK	Extra CO2 tank (recommended for TRK RS).	1	\$510.00	\$510.00
TRK AP M16	One adapter plate is needed for each additional tetherless weapon style.	1	\$420.00	\$420.00
UPS	UPS battery back-up to protect system components (Number required depends on system purchased: VS VirTra 100=1, VS VirTra 180=4, VS VirTra 300=6).	4	\$300.00	\$1,200.00
Installation and Training	Installation and on-site Training for up to 6 trainees (CONUS). Assumes 5 days of travel / on-site.	1	\$5,400.00	\$5,400.00
Shipping and Handling	Shipping and handling expenses.	1	\$1,700.00	\$1,700.00
VirTra Trade In Credit	Special Trade in Credit for existing departmental single screen simulator. Customer pays to ship the system back to VirTra HQ in Tempe, AZ.	1	(\$10,000.00)	\$(10,000.00)
VirTra Standard Warranty- 2 nd and 3 rd Years of Service	Additional Two Year Extended warranty and Service Plan. To include: Telephone Support, Remote Assist(if applicable), Labor, Parts, Software upgrades, Two day air shipping, 25% off Hardware Upgrades. Travel and expenses are additional fees.	1	\$25,701.00	\$25,701.00
Product, Shipping and Installation Total				<u>\$151,306.00</u>

**Briefing Paper
City of Spokane
Spokane Police Department/Public Safety Committee
May 20, 2013**

Subject

Establish Virtra Systems as the sole source for the purchase of the Spokane Police Academy Training Simulator in the amount of \$164,469.62.

Background

Spokane Police Department's training simulator is currently not functioning and lacks essential training features such as the ability to simulate aggressive actions. Among the Use of Force Recommendations are the suggestions to improve both reality based training and firearms based training. Virtra Systems, with its ability to replicate realistic force encounters, would help to better achieve these training objectives. Virtra Systems is the only manufacturer that provides the ability to simulate suspect aggression by delivering electrical impulses to the trainee as well as the incorporation of real video seamlessly across multiple screens.

Impact

Establishing Virtra Systems as a sole source would allow for the purchase of the Spokane Police Academy Training Simulator without Public Bidding from Virtra Systems.

Action

Establish Virtra Systems as a sole source for the purchase of the Spokane Police Academy Training Simulator. Purchase the Training Simulator.

Funding

Funding for the purchase of the Training Simulator from Virtra Systems in the amount of \$164,469.62 will come from General Fund-Use of Force Commission Funds.

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

05/20/2013

Date Rec'd

5/8/2013

Clerk's File #

ORD C34987

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

BEN STUCKART 625.6258

Project #**Contact E-Mail**

BSTUCKART@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

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.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

WESTFALL, JENNIFER

Study Session**Division Director****Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

For the Mayor

SANDERS, THERESA

Additional Approvals**Purchasing**



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.

The City Council has received substantial evidence 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. This ordinance will protect citizens from secondary effects of the adult businesses.

Fiscal Impact		Budget Account
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

[illegible]

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 establishment 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. ((I-)) 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. (~~(T.)~~) 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.

- Q. ~~((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.
- I. ~~((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. ((AG.))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 public
 but 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 (SRSW).

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. ~~((CY.))~~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

Date Rec'd

5/9/2013

Clerk's File #

ORD C34988

Renews #**Submitting Dept**

FINANCE

Cross Ref #**Contact Name/Phone**

KIM ORLOB 6369

Project #**Contact E-Mail**

KORLOB@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0410 - ORDINANCE - BUSINESS REGISTRATION

Agenda Wording

Relating to the business licensing process; amending SMC sections 8.01.020, 8.01.090, 8.01.130, 8.01.180, 8.01.190, 8.01.230, 8.01.280, 8.02.0206 and 8.02.0207.

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**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

DUNIVANT, TIMOTHY

Study Session**Division Director**

DUNIVANT, TIMOTHY

OtherFinance Committee -
5/8/13**Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

korlob@spokanecity.org

For the Mayor

SANDERS, THERESA

gcooley@spokanecity.org

Additional Approvals

tdunivant@spokanecity.org

Purchasing

eschoedel@spokanecity.org

mlewis@spokanecity.org

ORDINANCE NO. C34988

AN ORDINANCE relating to the business licensing process; amending SMC sections 8.01.020, 8.01.090, 8.01.130, 8.01.180, 8.01.190, 8.01.230, 8.01.280, 8.02.0206 and 8.02.0207.

WHEREAS, it is necessary to amend the Spokane Municipal Code to reflect the change in processing; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 8.01.020 is amended as follows:

8.01.020 Definitions

Words are to be given their usual meaning except the following terms and their derivations have the meaning given when used in this chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- A. "Business" includes all activities, occupations, trades, pursuits, professions, and matters located or engaged in within the City with the object of gain, benefit, or advantage to the registrant or to another person or class, directly or indirectly.
- B. "Engaging in business" means commencing, conducting, or continuing in business, including delivery of goods and services, and the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
- C. "Gross income" means the total income to the registering entity from engaging in business within the City without any deductions for taxes, bad debt, or other deductions. It is not computed separately for each individual partner, principal, employee, or other constituent part of the registrant.
- D. "Itinerant Vendor", as used in this section is defined in SMC 10.40.010.
- E. "Nonprofit Corporation" or "Nonprofit Organization", means a corporation, organization or limited liability corporation:
 - 1. formed and organized under chapter 24.03 RCW; and
 - 2. in accordance with Internal Revenue Code sections 501(c)(3) or 501(c)(4), and as hereafter amended.

Where the term nonprofit organization is used, it is meant to include a nonprofit corporation or nonprofit limited liability corporation.

- F. ((E-)) "Personnel" means any person employed by or working for any business located within the City, and/or persons who perform any part of their duties within the City. This includes officer, owner, agent, or other staff function.
1. All officers, agents, dealers, LLC members, etc., of a corporation or business trust, and all partners of a partnership are counted as personnel within this definition.
 2. A sole proprietor, owner and spouse are not counted as personnel.
 3. Each part-time or each temporary person must be counted as one personnel.
 4. Volunteers are not counted as personnel in determining the business registration fee.
- G. ((F)). "Registrant" includes any person who:
1. engages in business,
 2. is required to have a business license and/or registration,
 3. is liable for any license fee, registration fee, or tax, or
 4. performs any act for which a license fee, registration fee, or tax is imposed by this chapter.

Section 2. That SMC section 8.01.090 is amended as follows:

8.01.090 Exemptions

Unless otherwise provided, the following exemptions apply to the requirement to obtain a general business registration under this chapter:

~~((A. Accredited public or private schools, colleges, or universities, as to their education endeavors only; churches and other religious bodies, as to their religious activities only.))~~

- A. ((B-)) Presenters of a show, such as a trade show, that is directly associated with or ancillary to a convention or a major national meeting, when entry is limited to those attending the convention or meeting and the immediate family or associates of the conventioners.

- B. ~~((C.))~~ Consumer Show Exhibitors.
Consumer show organizers remain responsible to purchase a regular business registration unless otherwise exempted.
- C. ~~((D.))~~ Persons or entities otherwise subject to the requirement to obtain a business registration, but only to the extent such requirement arises from operating at locations operated or managed by an airport board pursuant to interlocal agreement arising under the authority of chapter 14.08 RCW, where such locations have been annexed to the City, said annexation taking effect on or after January 1, 2012; and
- D. ~~((E.))~~ Where preempted by the federal or state constitution or laws.

Section 3. That SMC section 8.01.130 is amended as follows:

8.01.130 Term of Registration

- A. A business registration is good for twelve months and must be renewed before expiration for the next twelve months.
- B. In order to convert to the Washington State business ~~((license))~~ licensing service, the existing expiration date may be changed and the respective registration fees may be pro-rated to coincide with the state system. Thereafter, all new registrations will be issued for a term of twelve months after which the renewal of the registration may be pro-rated in order to comply with the common expiration date setting of the business licensing service.

Section 4. That SMC section 8.01.180 is amended as follows:

8.01.180 Computation of Business Registration Fee

- A. As fixed in SMC 8.02.0206, in addition to the basic registration fee, the total business registration fee due includes a per-person fee amount applied to ~~((is measured by))~~ the total number of personnel of the business.
- B. All persons employed at each business location as of the time of a business registration renewal are to be counted in the number of personnel for registration fee purposes. As appropriate, such as in the case of a business with seasonal fluctuations in the work force, the number of personnel by which the fee is measured is the number shown upon the business payroll for each of the payroll periods during that year, added together and divided by the number of payroll periods.

- C. In the case of a new business, the fee for the initial business registration is based upon the registrant's estimated number of personnel.

Section 5. That SMC section 8.01.190 is amended to read as follows:

8.01.190 Fee Reduction

A reduced fee for ~~((renewal of))~~ a business registration in an amount stated in SMC 8.02.0206 may be granted to persons upon application under either of the following circumstances:

- A. Low Gross Income.
Registrants whose gross income does not exceed eighteen thousand dollars per calendar year or prorated for a partial calendar year are entitled to a reduced business registration fee as specified in SMC 8.02.0206. Eighteen thousand dollars per calendar year amount shall be adjusted annually pursuant to SMC 8.02.0206(G). Any applicant for a reduced fee registration must present sufficient proof of gross income to the City of Spokane taxes and licenses division that income earned from business activities in the City is below required limits. Proof of income must be shown by filed tax returns from the prior year.
- B. Nonprofit ~~((Entities))~~ Organizations
~~Nonprofit ((entities which have received certification from the state and/or federal government))~~ organizations are entitled to a reduced business registration fee as specified in SMC 8.02.0206. Any applicant for a reduced fee registration must present sufficient proof of nonprofit status as granted by the state or federal government.

Section 6. That SMC section 8.01.230 is amended as follows:

8.01.230 Name or Location Change

If a business changes names or locations during a registration year, it must notify the Washington State business ~~((license))~~ licensing service and obtain a new registration document to display in the place of business which reflects the change of name or location. A change of location may require the filing of a new application through the business ~~((license))~~ licensing service, as described in this chapter.

Section 7. That SMC section 8.01.280 is amended as follows:

8.01.280 Delinquent Payment

If a registration is not renewed on time, a penalty may be assessed by the Washington State business ~~((license))~~ licensing service as provided in RCW 19.02.085.

Section 8. That SMC section 8.02.0206 is amended as follows:

8.02.0206 Business Registration

- A. A regular business registration basic fee is one hundred ten dollars per twelve-month period. ~~((The fee to register each unique name that identifies the business is twenty dollars per twelve-month period.))~~
- B. The basic fee for a nonresident business registration is one hundred ten dollars per twelve-month period.
- C. In addition to the basic registration fee, each business must pay an additional fee for each personnel, per license year, as follows (all personnel of a business are charged the same amount corresponding to the respective category of the total number of personnel defined below):
 - 1. ~~((Fewer))~~ Businesses with fewer than six personnel in total: Ten dollars per person.
 - 2. ~~((From))~~ Businesses with six to ten personnel in total: Fifteen dollars per person.
 - 3. ~~((More))~~ Businesses with more than ten personnel in total: Twenty dollars per person.
- D. Whenever there is a change of ownership, the holder of the registration must notify the Washington State business ~~((license))~~ licensing service within thirty days of such event. The new owner must file an application with the Washington State business ~~((license))~~ licensing service to acquire a new registration, as provided in chapter 8.01 SMC.
- E. For businesses qualifying under SMC 8.01.190(A) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee, ~~((in addition to any))~~ but all applicable personnel, inspection, or other applicable fees or charges apply in full.
- F. For businesses qualifying under SMC 8.01.190(B) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee, ~~((and the applicable personnel fee is one-half of the amounts outlined in subsection G.))~~ Nonprofit businesses are exempt from personnel fees.

G. Annual Fee Adjustment.

Effective January 1, 2011, and the first of January of each year thereafter, the various business registration fees set forth above shall be adjusted by the City of Spokane treasurer's office for an amount equal to the consumer price index adjustment of the previous July – July U.S. All City Average (CPI-U and CPI-W). The newly determined amount shall be rounded up to the nearest dollar. In addition, the adjusted fees shall be presented to the city council for approval and a copy of the approved fees filed with the city treasurer before becoming effective. The annual fee adjustment shall not apply to the additional fee per personnel set forth in subsection (C) of this section.

Section 9. That SMC section 8.02.0207 is amended as follows:

8.02.0207 New Business – Fire Department Safety Evaluations

- A. The safety inspection fee((s)) for fire department safety ((evaluations)) inspections of new businesses or businesses that change location: ((are the following:)) Eighty-eight dollars.

~~((1. Processing fee for evaluation of low hazard general office operations: Twenty-five dollars.~~

~~a. Exceptions:~~

~~i. Home businesses where customers do not come to the residence.~~

~~ii. Peddlers or vendors operating carts or booths where no ignition sources, flammable liquids, gases, or solids are present.~~

~~2. Safety evaluation fee (which includes the processing fee): Ninety dollars.))~~

1. ((a.)) Exceptions:

a. ((i.)) Home businesses where customers do not come to the residence.

b. ((ii.)) ((Peddlers)) Itinerant Vendors or vendors operating carts or booths where no ignition sources, flammable liquids, gases, or solids are present.

c. ((iii.)) Low hazards ((is)) defined as “general business office” operations where no life safety systems, ignition sources, flammable liquids, gases, or solids are present (i.e.: insurance

office, tax consultant, attorney, accountant, therapy, hair/nail salon, coffee/ espresso stands, photography studios, etc.).

- B. Businesses not inspected and originally categorized as low hazard general business office operations that were later determined to be a higher hazard by the fire department will be charged ((~~a sixty-five dollar safety evaluation fee in addition to the processing fee for the~~)) an eighty-eight dollar fee for a fire safety site inspection.

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

Date Rec'd

5/9/2013

Clerk's File #

ORD C34989

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

STEVE SALVATORI 625-6715

Project #**Contact E-Mail**

RBARDEN@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

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.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

WESTFALL, JENNIFER

Study Session**Division Director****Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

PICCOLO, MIKE

For the Mayor

SANDERS, THERESA

Additional Approvals**Purchasing**

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:**

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

ORD C34990

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

BEN STUCKART 625.6258

Project #**Contact E-Mail**

BSTUCKART@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0320 ON STREET PARKING

Agenda Wording

An ordinance relating to on-street parking regulations; amending SMC section 16A.61.561.

Summary (Background)

SMC 16A.61.561 currently prohibits a vehicle from being parked continuously on any one block upon a street for more than twelve hours. This ordinance will extend that time period to twenty-four hours and permit the establishment and enforcement of other on-street parking regulations affecting the hours set forth in SMC 16A.61.561 including regulations related, but not limited, to snow emergencies, abandon vehicles or vehicles without current registration.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

WESTFALL, JENNIFER

Study Session**Division Director****Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

For the Mayor

GEMMILL, GERRY

Additional Approvals**Purchasing**

ORDINANCE NO. C34990

An ordinance relating to on-street parking regulations; amending SMC section 16A.61.561.

The City of Spokane does ordain:

Section 1. That SMC section 16A.61.561 is amended to read as follows:

16A.61.561 Parking Time Limited and Regulated

- A. No vehicles shall be parked continuously in any one block upon any public street or highway in this City at any time for a period longer than ~~((twelve))~~ twenty-four hours. Vehicles in violation may be deemed unauthorized and subject to twenty-four hour notification of impoundment and be impounded.
- B. Between the hours of eight a.m. and seven p.m. on weekdays, no vehicle shall be parked continuously in any one block upon any street within that portion of the retail zone of the congested district lying north of the Burlington Northern Railway Company's viaduct for a period longer than one hour, nor in that portion of the retail zone of the congested district lying south of the Burlington Northern Railway Company's viaduct for a period longer than two hours, nor in any one block upon any street within the congested district outside the retail zone of the congested district for a period longer than three hours; provided, the city council may fix a shorter or longer time for parking in reserved and other restricted parking places established under the provisions of this code, the same to be effective when properly signed and posted by the City street director.
- C. Between the hours of eight a.m. and seven p.m., Monday through Saturday, no vehicle shall be parked within the parking meter area (as authorized by SMC 16A.61.5902) bounded by Sprague Avenue, Lincoln Street, Spokane Falls Boulevard, and Washington Street, inclusive of the boundary streets, at a space from which the parking meter or space number sign has been removed for a period longer than two hours.
- D. Nothing in this section shall prevent the establishment and enforcement of other on-street parking regulations affecting the hours set forth in this section including regulations related, but not limited, to snow emergencies, abandoned vehicles or vehicles without current registration.

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:**

06/03/2013

Date Rec'd

5/22/2013

Clerk's File #

ORD C34991

Renews #**Submitting Dept**

PLANNING SERVICES

Cross Ref #**Contact Name/Phone**

SCOTT CHESNEY 625-6061

Project #**Contact E-Mail**

SCHESNEY@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0650 - ORDINANCE RE-NAMING PERRY STREET & ERIE STREET

Agenda Wording

An ordinance re-naming Perry Street north of Trent Avenue to Iron Bridge Way and Erie Street north of Trent Avenue to Iron Court.

Summary (Background)

On February 27, 2013, the City Plan Commission held a public hearing to obtain public comments on the proposed street re-naming. After review of public testimony received, the City Plan Commission recommends the approval of the proposed street name changes.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

CHESNEY, SCOTT

Study Session**Division Director**

QUINTRALL, JAN

OtherPlan Commission
2/27/13**Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

sdecker@spokanecity.org

For the Mayor

GEMMILL, GERRY

mpowers@spokanecity.org

Additional Approvals

ebrown@spokanecity.org

Purchasing

jsacco@spokanecity.org

mshannon@spokanecounty.org

lcussins@spokanecity.org

ORDINANCE NO. C34991

AN ORDINANCE re-naming Perry Street and Erie Street north of Trent Avenue to "Iron Bridge Way" and "Iron Court" respectively.

WHEREAS, a roadway name shall be established or changed by ordinance upon recommendation of the City Plan Commission, pursuant to the Spokane Municipal Code Chapter 17D.050; and

WHEREAS, the City Plan Commission conducted a public hearing on February 27, 2013, to obtain public comments on the proposed street naming and after close of public testimony unanimously voted to recommend approval of the name change to the City Council; -- Now, Therefore,

The City of Spokane does ordain:

1. Perry Street, north of Trent Avenue shall be named "Iron Bridge Way" in alignment with the existing private street also named Iron Bridge Way.
2. Erie Street, north of Trent Avenue for one block shall be named "Iron Court".
3. The Applicant shall pay for the installation of the initial street signage, then after installation and acceptance by the City, they shall be maintained by the City.
4. The roadway shall remain a public road and the City will continue to maintain the roadway.

PASSED BY THE CITY COUNCIL ON _____, 2013.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendations
Proposed Street Name Change for Perry Street and Erie Street north of Trent Avenue per the Spokane Municipal Code Chapter 17D.050-Roadway Naming

A recommendation from the City Plan Commission to the City Council is required to approve an application by a property owner to rename public streets. The applicant proposes to change Erie Street, north of Trent Avenue, to Iron Court. The applicant also proposes to change Perry Street, north of Trent Avenue, to Iron Bridge Way to coincide with the existing private street also named Iron Bridge Way. Guidance for a change to street name is provided in Spokane Municipal Code Chapter 17D.050 Roadway Naming.

Findings of Fact:

- A.** The Plan Commission has been presented with a private application for a street name change.
- B.** The Plan Commission has reviewed the proposal and procedure for changing the street name at a workshop on January 9, 2013. At this time they recommended a public hearing date for February 28, 2013.
- C.** The proposal includes two street name changes. Erie Street, north of Trent Avenue for one block is proposed to change to Iron Court. South of Trent Avenue, Erie Street is expected remain, but a southern portion of Erie Street will be used as alignment for the new Martin Luther King Junior (MLK) Way. Perry Street, north of Trent Avenue is proposed to change to Iron Bridge Way in alignment with the existing private street also named Iron Bridge Way. South of Trent Avenue, Perry Street is expected to be replaced with a Roundabout where the new MLK Way will meet Trent Avenue. The existing Erie and Perry Streets dead end into the Iron Bridge Office campus, which is further geographically isolated with railroad tracks to the north of the site. Perry Street does continue on the north side of the railroad tracks for three parcels before it stops and reappears on the grid north of Mission Street.
- D.** The proposed amendments were initiated and processed pursuant to the procedures set forth in Chapter 17D.050 SMC.
- E.** Notice of the proposed street name change was published in the Spokesman Review on February 13 and February 20, 2013. In addition an email was distributed by the applicant to tenants of the Iron Bridge Campus and notice was posted on the site per SMC 17G.060.120.
- F.** The City Plan Commission held a Public Hearing on February 27, 2013 to obtain public comments on the proposed amendments; deliberations followed.

Conclusions:

- A.** The Plan Commission has reviewed all public testimony received during the public hearings and has made changes to the draft documents during deliberations to address the testimony as considered appropriate.
- B.** The Plan Commission has found that the proposed amendments meet the approval criteria stipulated in 17D.050.020:

C. The proposed amendments have been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, as well as the Spokane Municipal Code Chapter 17D.050.

Recommendations:

By a unanimous vote, the Plan Commission recommends to the City Council the approval of the proposed street name change.

A handwritten signature in black ink, appearing to read "Michael Ekins", is written over a horizontal line.

**Michael Ekins, President
Spokane Plan Commission**

February 27, 2013

Date