

# THE CITY OF SPOKANE



## ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, OCTOBER 7, 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 NANCY McLAUGHLIN**

**COUNCIL MEMBER JON SNYDER**

**COUNCIL MEMBER MIKE FAGAN**

**COUNCIL MEMBER STEVE SALVATORI**

**COUNCIL MEMBER AMBER WALDREF**

COUNCIL CHAMBERS  
CITY HALL

808 W. SPOKANE FALLS BLVD.  
SPOKANE, WA 99201

## CITY COUNCIL BRIEFING SESSION

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

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

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

### ADDRESSING THE COUNCIL

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

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

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

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Gita George-Hatcher at (509) 625-7083, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [ggeorge-hatcher@spokanecity.org](mailto:ggeorge-hatcher@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

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

**BRIEFING SESSION**

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

**ADMINISTRATIVE SESSION**

Roll Call of Council

**CONSENT AGENDA****REPORTS, CONTRACTS AND CLAIMS****RECOMMENDATION**

- |  |                |                              |
|--|----------------|------------------------------|
| 1. Letter relating to the Washington State Liquor Control Board regulations for sidewalk cafes and fencing requirements.<br>Council Member Snyder  | Approve        | CPR 2013-0028                |
| 2. Low bid meeting specifications of:  | Approve<br>All |                              |
| a. Bud Clary Chevrolet (Longview, WA) for four (4) Chevrolet Tahoes—\$133,564.22 (incl. tax).<br>Gene Jakubczak / Thea Prince  |                | OPR 2013-0691<br>BID 3966-13 |
| b. Setco Solid Tire (Idabel, OK) for Setco Junk Yard Dog Air Ride Wheel/Tire Combo—\$34,956.92 (incl. tax).<br>Gene Jakubczak / Thea Prince  |                | OPR 2013-0692<br>BID 3965-13 |
| 3. Low Bid of Insituform Technologies, Inc. (Chesterfield, MO) for Cure in Place Pipe 2013 Sanitary Sewer — \$980,343.50 (plus tax). An administrative reserve of \$98,034.35 (plus tax), which is 10% of the contract price plus sales tax, will be set aside.<br>Dale Arnold | Approve        | OPR 2013-0693<br>ENG 2013148 |
| 4. Contract with Inland Construction & Development Company (Spokane Valley, WA) for expenditures eligible for reimbursement in the amount of \$75,322.60   | Approve        | OPR 2013-0701<br>ENG 2012062 |

as part of the street and utility improvements in 44th Avenue from Regal Street to Freya Street.

Eldon Brown

5. Report of the Mayor of pending: Approve & Authorize Payments CPR 2013-0002
- 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 \$\_\_\_\_\_.
- b. Payroll claims of previously approved obligations through \_\_\_\_\_: \$\_\_\_\_\_. CPR 2013-0003
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## EXECUTIVE SESSION

(Closed Session of Council)

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

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## CITY COUNCIL SESSION

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

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

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## LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

## BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

## CITY ADMINISTRATION REPORT

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### COUNCIL COMMITTEE REPORTS

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

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### 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.

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## LEGISLATIVE AGENDA

### NO EMERGENCY BUDGET ORDINANCES

### NO EMERGENCY ORDINANCES

### RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

#### Resolutions setting LID Formation Hearings before the Hearing Examiner for November 5, 2013:

- |               |  |
|---------------|--|
| RES 2013-0073 | LID #2013079 at 2:30 p.m. for the Street and Storm Improvements of |
| LID #2013079  | Thor Street from Grace Avenue to Cleveland Avenue.                 |
|               | Gary Nelson  |
| RES 2013-0074 | LID #2013169 at 1:30 p.m. for the Street and Storm Improvements of |
| LID #2013169  | Ross Court from North Center Street to Granite Street.             |
|               | Gary Nelson  |

#### Resolutions setting Vacation Hearings before the City Council for November 4, 2013:

- |               |   |
|---------------|---|
| RES 2013-0075 | Vacation of Dakota Street from the South line of Sharp Avenue to the  |
|               | South line of Boone Avenue requested by The Corporation of Gonzaga    |
|               | University.   |
|               | Eldon Brown   |
| RES 2013-0076 | Vacation of Euclid Avenue from the East line of Ferrall Street to the |
|               | West line of Freya Street requested by Spokane Public Schools.        |
|               | Eldon Brown   |

- ORD C35043** Relating to the Office of Police Ombudsman; amending SMC Sections 4.32.010, 4.32.020, 4.32.040, 4.32.090, 4.32.100 and 4.32.110; repealing SMC Sections 4.32.030 and 4.32.080; and adopting new Sections 4.32.035, 4.32.085, 4.32.150 and 4.32.160 to Chapter 4.32 of the Spokane Municipal Code.  
Council President Stuckart, Council Members Allen, Fagan, McLaughlin, Salvatori

## **NO FIRST READING ORDINANCES**

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## **NO SPECIAL CONSIDERATIONS**

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## **NO HEARINGS**

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**Motion to Approve Advance Agenda for October 7, 2013  
(per Council Rule 2.1.2)**

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## **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 October 7, 2013, Regular Legislative Session of the City Council is adjourned to Monday, October 14, 2013.

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## **NOTES**

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

10/07/2013

**Date Rec'd**

DocDate

**Clerk's File #**

CPR 2013-0028

**Renews #****Submitting Dept**

CITY COUNCIL

**Cross Ref #****Contact Name/Phone**

JON SNYDER 625-6254

**Project #****Contact E-Mail**

JSNYDER@SPOKANECITY.ORG

**Bid #****Agenda Item Type**

Report Item

**Requisition #****Agenda Item Name**

0320 LIQUOR CONTROL BOARD LETTER

**Agenda Wording**

A letter relating to the WA Liquor Control Board regulations for sidewalk cafes and fencing requirements.

**Summary (Background)**

The WA Liquor Control Board currently requires sidewalk cafes that are established within any part of right of ways to be enclosed with a 42" fence. This letter encourages the LCB to allow localities flexibility with these requirements in order to facilitate increased public realm vitality and flexible space definition that is based on the needs and concerns of local property owners and local jurisdictions.

**Fiscal Impact****Budget Account**

Select \$

#

Select \$

#

Select \$

# BudgetAccount3

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**



22 June, 2013

Members of the Liquor Control Board,

As the cities of Washington strive to re-develop their urban areas and provide more vibrant pedestrian oriented experiences for both visitors and citizens, they sometimes come up against State regulations that may have outlived their usefulness. In Washington State, any locations that have outdoor alcohol service areas must be enclosed with a 42" fence and the enclosed area can only be accessed from the adjoining restaurant space per the Liquor Control Board.

We do not believe that these restrictions are necessary at a State level and would instead prefer that decisions on whether to enclose a serving area of a restaurant be left up to local jurisdictions. Other states such as Oregon do not have similar restrictions as our State does. The result is sidewalks and other public right of ways that have less obstructions that could block pedestrian access, increased public realm vitality and flexible space definition that is based on the needs and concerns of local property owners and local jurisdictions.

It is our hope that you will support our call to change these rules to allow greater flexibility for local jurisdictions regarding restaurants that serve alcohol with sidewalk seating. We appreciate your consideration of this request and appreciate all the work you do for our State as board members of the Liquor Control Board.

Sincerely,



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

10/07/2013

**Date Rec'd**

DocDate

**Clerk's File #**OPR  
2013-  
0691**Renews #****Cross Ref #****Submitting  
Dept**

FLEET SERVICES

**Contact  
Name/Phone**

GENE JAKUBCZAK/THEA PRINCE

625-7865/625-  
6403**Project #****Contact E-  
Mail**

GJAKUBCZAK@SPOKANECITY.ORG/TPRINCE@SPOKANECITY.ORG

**Bid #**BID  
#3966-  
13**Agenda  
Item Type**

Purchase w/o Contract

**Requisition  
#**16717 &  
16733**Agenda  
Item  
Name**

5100 - FLEET SERVICES PURCHASE OF CHEVROLET TAHOES

**Agenda Wording**

Low bid meeting specifications of Bud Clary Chevrolet (Longview, WA) for four (4) Chevrolet Tahoes - \$133,564.22 including tax

**Summary (Background)**

On 9/3/13 sealed bids were received for the purchase of four (4) Chevrolet Tahoes. Low bid of Knudtsen Chevrolet was deemed non-responsive due to the fact that they could no longer place orders with the manufacturer because the cut-off date had expired. Bud Clary was the second low bid and placed a pre-order with the manufacturer prior to the cut-off date, four (4) of which meet these specifications.

**Fiscal Impact****Budget Account**

Expense \$ 33,391.06

# 1620-99145-94000-56404

Expense \$ 100,173.16

# 5110-71400-94000-56413

Select \$

#

Select \$

#

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

JAKUBCZAK, GENE

**Study  
Session****Division  
Director**

ROMERO, RICK

**Other**PWC  
9/23/13**Finance**

LESESNE, MICHELE

**Distribution List**

<b><u>Legal</u></b>	BURNS, BARBARA	Purchasing: tprince
<b><u>For the Mayor</u></b>	GEMMILL, GERRY	Fleet Services: gjakubczak & fleetservicesaccounting
<b><u>Additional Approvals</u></b>		Taxes & Licenses
<b><u>Purchasing</u></b>	PRINCE, THEA	

**BRIEFING PAPER**  
**Public Works Committee**  
**Fleet Services**  
**September 23, 2013**

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**Subject**

Purchase four Chevrolet Tahoe utility vehicles for the Police Department from Bud Clary Chevrolet in Longview Washington.

**Background**

Bud Clary Chevrolet was the lowest responsive bidder (Bid #3966-13) for a total of \$132,858.00, including tax.

**Impact**

These vehicles will allow the Police Department to continue to maintain their fleet of patrol and administrative vehicles.

**Action**

Recommend approval

**Funding**

Funds are available in the Police Department's 2013 budget.

## MEMORANDUM

September 18, 2013

TO: PURCHASING DEPARTMENT

FROM: GENE JAKUBCZAK  
FLEET SERVICES DIRECTOR

SUBJ: BID # 3966-13

After careful consideration, the Fleet Services Department recommends bid #3966-13 be awarded to Bud Clary Chevrolet of Longview, Washington as the lowest responsive bidder for the purchase of 4 Chevrolet Tahoe four wheel drive utility vehicles for the Police Department. The low bidder, Knudten Chevrolet, is considered non-responsive as they are unable to order the vehicles due to the factory order cut-off date. The bidder being awarded the contract pre-ordered a batch of vehicles prior to the cut-off date, four of which meet specifications.

UNITS 428310 - 428313

QTY	ITEM	UNIT PRICE	TOTAL
4	Chevrolet Tahoe special service utility vehicles Colors - Ebony - 1 White - 3	\$30,500.00	\$122,000.00
	OPTIONS		
Sales Tax	8.9%		\$10,858.00
TOTAL			\$132,858.00

cc: Carly Cortright  
Dan Smith

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

10/07/2013

**Date Rec'd**

DocDate

**Clerk's  
File #**OPR  
2013-  
0692**Renews #****Submitting  
Dept**

FLEET SERVICES

**Cross Ref  
#****Contact  
Name/Phone**

GENE JAKUBCZAK/THEA PRINCE 625-7865/625-6403

**Project #****Contact E-  
Mail**

GJAKUBCZAK@SPOKANECITY.ORG/TPRINCE@SPOKANECITY.ORG

**Bid #**BID  
#3965-  
13**Agenda  
Item Type**

Purchase w/o Contract

**Requisition #**

16716

**Agenda  
Item Name**

5100-FLEET SERVICES PURCHASE OF JUNK YARD DOG AIR RIDE WHEEL/TIRE COMBO

**Agenda Wording**

Low bid meeting specifications of Setco Solid Tire (Idabel, OK) for Setco Junk Yard Dog Air Ride Wheel/Tire Combo - \$34,956.92 including tax.

**Summary (Background)**

On 8/26/13 sealed bids were opened to provide the City of Spokane Fleet Services Department with Setco Junk Yard Dog Air Ride Wheel/Tire Combo. One response was received from Setco Solid Tire. This purchase was put out to formal Bid because this is the second set of four (4) tires purchased in the last six (6) months and another set of four (4) tires will need to be purchased before the end of the year putting the total purchase over the public bid limit.

**Fiscal Impact**

Expense \$ 34,956.92

Select \$

Select \$

Select \$

**Budget Account**

# 5100-71500-48750-54850-55680

#

# BudgetAccount3

#

**Approvals****Dept Head**

JAKUBCZAK, GENE

**Division  
Director**

ROMERO, RICK

**Finance**

LESESNE, MICHELE

**Council Notifications****Study Session****Other**PWC  
9/23/13**Distribution List**

<b><u>Legal</u></b>	BURNS, BARBARA	Purchasing: tprince
<b><u>For the Mayor</u></b>	GEMMILL, GERRY	Fleet: gjakubczak & fleetservicesaccounting
<b><u>Additional Approvals</u></b>		Taxes & Licenses
<b><u>Purchasing</u></b>	PRINCE, THEA	

**BRIEFING PAPER**  
**Public Works Committee**  
**Fleet Services**  
**September 23, 2013**

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**Subject**

Purchase of one (1) set of four Junk Yard dog tires and wheels for \$34,956.92 (tax included).

**Background**

Bid #3965-13 for Junk Yard Dog tires and wheels was opened on August 26, 2013 Setco Solid Tire submitted the lowest bid meeting specifications.

**Impact**

These tires are replacements for a Solid Waste Management wheel loader operating at the Valley Transfer Station.

**Action**

Recommend approval.

**Funding**

Funding is available in the Solid Waste Management Department's 2013 operating budget.



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

10/07/2013

**Date Rec'd**

DocDate

**Clerk's File #**

OPR 2013-0693

**Renews #****Submitting Dept**

WASTEWATER MANAGEMENT

**Cross Ref #****Contact Name/Phone**

DALE ARNOLD 625-7900

**Project #**

2013148

**Contact E-Mail**

DARNOLD@SPOKANECITY.ORG

**Bid #****Agenda Item Type**

Contract Item

**Requisition #**

CR 13823

**Agenda Item Name**

4370-LOW BID AWARD- CURE IN PLACE PIPE

**Agenda Wording**

Low Bid of Insituform Technologies, Inc. (Chesterfield, MO) for Cure in Place Pipe (CIPP) 2013 Sanitary Sewer - \$980,343.50 plus tax. An admin reserve of \$98,034.35 plus tax, which is 10% of the contract price plus sales tax, will be set aside.

**Summary (Background)**

On September 16, 2013 bids were opened for the above project. The low bid was from Insituform Technologies, Inc. in the amount of \$980,343.50, which is \$14,652.50 or 1.52% over the Engineer's Estimate; two other bids were received as follows: Planning and Engineered Construction - \$1,015,761.00 and RePipe California LP - \$1,223,704.42.

**Fiscal Impact****Budget Account**

Expense \$ 1,172,196.72

# 4370 43101 94000 56501

Select \$

#

Select \$

# BudgetAccount3

Select \$

#

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

ARNOLD, DALE

**Study Session****Division Director**

ROMERO, RICK

**Other**

Public Works 9/23/13

**Finance**

LESESNE, MICHELE

**Distribution List****Legal**

DALTON, PAT

lhattenburg@spokanecity.org

**For the Mayor**

GEMMILL, GERRY

kbrooks@spokanecity.org

**Additional Approvals**

mhughes@spokanecity.org

**Purchasing**

ewade@spokanecity.org

pdolan@spokanecity.org

mlesesne@spokanecity.org

htrautman@spokanecity.org

# City Of Spokane

## Engineering Services Department

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

**Project Number:** 2013148

**Project Description** Cured In Place Pipe (CIPP) 2013 Sanitary Sewer Rehabilitation

**Funding Source** Local

**Preparer** Mike Morris

**Original Date** 8/12/2013 4:18:36 PM

**Update Date** 9/16/2013 2:15:14 PM

**Addendum**

Project Number: 2013148			Engineer's Estimate		Insituform Technologies Inc		Planned and Engineered Construction		RePipe California LP	
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					Not 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	*****	600.00	*****	3,850.00	*****	8,850.00	*****	3,160.00
103	REFERENCE AND REESTABLISH SURVEY MONUMENT	3 EA	600.00	1,800.00	741.00	2,223.00	500.00	1,500.00	2,407.00	7,221.00
104	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	800.00	*****	329.00	*****	3,500.00	*****	2,100.00
105	MOBILIZATION	1 LS	*****	33,000.00	*****	21,000.00	*****	65,000.00	*****	25,200.00
106	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	31,000.00	*****	21,075.00	*****	33,000.00	*****	37,373.70
107	CIPP INSTALLATION - 8" DIA	625 LF	30.00	18,750.00	26.00	16,250.00	26.00	16,250.00	49.00	30,625.00
108	CIPP INSTALLATION - 10" DIA	400 LF	35.00	14,000.00	35.00	14,000.00	32.00	12,800.00	54.00	21,600.00
109	CIPP INSTALLATION - 27" DIA	356 LF	120.00	42,720.00	130.00	46,280.00	130.00	46,280.00	153.00	54,468.00
110	CIPP INSTALLATION - 30" DIA	977 LF	150.00	146,550.00	142.00	138,734.00	150.00	146,550.00	158.00	154,366.00
111	CIPP INSTALLATION - 36" DIA	991 LF	280.00	277,480.00	194.00	192,254.00	240.00	237,840.00	194.00	192,254.00
112	CIPP INSTALLATION - 48" DIA	627 LF	325.00	203,775.00	362.00	226,974.00	340.00	213,180.00	395.00	247,665.00
113	CIPP INSTALLATION - 8" DIA FORCE MAIN	760 LF	75.00	57,000.00	125.00	95,000.00	100.00	76,000.00	139.00	105,640.00
114	CCTV INSPECTION - 8" DIA	625 LF	2.00	1,250.00	5.00	3,125.00	4.00	2,500.00	8.77	5,481.25

Project Number: 2013148			Engineer's Estimate		Insituform Technologies Inc		Planned and Engineered Construction		RePipe California LP	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i>					Not Public Street Improvement					
115	CCTV INSPECTION - 10" DIA	400 LF	2.00	800.00	5.00	2,000.00	4.00	1,600.00	8.77	3,508.00
116	CCTV INSPECTION - 27" DIA	356 LF	5.00	1,780.00	5.00	1,780.00	10.00	3,560.00	8.77	3,122.12
117	CCTV INSPECTION - 30" DIA	977 LF	5.00	4,885.00	5.00	4,885.00	10.00	9,770.00	8.77	8,568.29
118	CCTV INSPECTION - 36" DIA	991 LF	10.00	9,910.00	5.00	4,955.00	10.00	9,910.00	8.77	8,691.07
119	CCTV INSPECTION - 48" DIA	627 LF	10.00	6,270.00	5.00	3,135.00	10.00	6,270.00	8.77	5,498.79
120	CCTV INSPECTION - 8" DIA FORCE MAIN	760 LF	2.00	1,520.00	6.00	4,560.00	10.00	7,600.00	8.77	6,665.20
121	PROTRUDING TAP REMOVAL	4 EA	500.00	2,000.00	384.00	1,536.00	150.00	600.00	525.00	2,100.00
122	BYPASS PUMPING - GRAVITY CIPP	1 LS	*****	70,000.00	*****	131,000.00	*****	88,000.00	*****	223,956.00
123	SEWAGE BYPASS FOR FORCE MAIN CIPP	1 LS	*****	25,000.00	*****	28,000.00	*****	8,500.00	*****	66,990.00
124	REINSTATE SIDE SEWER CONNECTION - 8"	14 EA	150.00	2,100.00	126.00	1,764.00	300.00	4,200.00	50.00	700.00
125	REINSTATE SIDE SEWER CONNECTION - 27"	1 EA	300.00	300.00	718.50	718.50	300.00	300.00	50.00	50.00
126	REINSTATE SIDE SEWER CONNECTION - 30"	11 EA	300.00	3,300.00	278.50	3,063.50	300.00	3,300.00	50.00	550.00
127	REINSTATE SIDE SEWER CONNECTION - 36"	21 EA	300.00	6,300.00	213.50	4,483.50	300.00	6,300.00	50.00	1,050.00
128	REINSTATE SIDE SEWER CONNECTION - 48"	2 EA	400.00	800.00	459.00	918.00	300.00	600.00	50.00	100.00
129	MANHOLE CHANNEL WORK	20 EA	100.00	2,000.00	322.50	6,450.00	100.00	2,000.00	250.00	5,000.00
<i>Schedule Totals</i>				965,691.00		980,343.50		1,015,761.00		1,223,704.42

*Project Number*

*2013148*

*Cured In Place Pipe (CIPP) 2013 Sanitary Sewer Rehabilitation*

**SCHEDULE SUMMARY**

	<i>Sched 1</i>	<i>Sched 2</i>	<i>Sched 3</i>	<i>Sched 4</i>	<i>Sched 5</i>	<i>Sched 6</i>	<i>Sched 7</i>	<i>Sched 8</i>	<i>Total</i>
<i>Engineer's Est</i>	965,691.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	965,691.00
Insituform Technologie	980,343.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	980,343.50
Planned and Engineere	1,015,761.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,015,761.00
RePipe California LP	1,223,704.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,223,704.42

*Low Bid Contractor:* Insituform Technologies Inc

	<i>Contractor's Bid</i>	<i>Engineer's Estimate</i>	<i>% Variance</i>
<i>Schedule 01</i>	\$1,065,633.38	\$1,049,706.12	1.52 % Over Estimate
<i>Bid Totals</i>	\$1,065,633.38	\$1,049,706.12	1.52 % Over Estimate

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

10/07/2013

**Date Rec'd**

DocDate

**Clerk's File #**

OPR 2013-0701

**Renews #****Cross Ref #**

PRO 2012-0043

**Submitting Dept**

PLANNING &amp; DEVELOPMENT

**Contact Name/Phone**

ELDON BROWN 625-6305

**Contact E-Mail**

EBROWN@SPOKANECITY.ORG

**Agenda Item Type**

Contract Item

**Project #**

2012062

**Bid #****Requisition #**

BT

**Agenda Item Name**

0650-CONTRACT WITH INLAND CONSTRUCTION &amp; DEVELOPMENT

**Agenda Wording**

Contract between the City of Spokane and Inland Construction & Development Company for expenditures eligible for reimbursement in the amount of \$75,322.60 as part of the street and utility improvements in 44th Avenue from Regal Street to Freya Street

**Summary (Background)**

Inland Construction & Development Company is the developer of the Palouse Family Apartments and the Traditions, which are projects located along the south side of 44th Avenue between Ray Street and Achilles Street. As part of the traffic mitigation requirements, Inland was required to pave a portion of 44th Avenue between Ray Street and Apollo Street. As a consideration of overall traffic impacts to the area and in coordination with the Southgate Neighborhood,

**Fiscal Impact****Budget Account**

Expense \$ 75,322.60

# 3200 49115 95300 56501

Select \$

#

Select \$

# BudgetAccount3

Select \$

#

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

CHESNEY, SCOTT

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

LESESNE, MICHELE

**Distribution List****Legal**

DALTON, PAT

lhattenburg@spokanecity.org

**For the Mayor**

GEMMILL, GERRY

ebrown@spokanecity.org

**Additional Approvals**

ewade@spokanecity.org

**Purchasing**

mhughes@spokanecity.org

cbrazington@spokanecity.org

mlesesne@spokanecity.org



**Continuation of Wording, Summary, Budget, and Distribution**

**Agenda Wording**

the City completed the paving of 44th Avenue between Regal Street and Freya Street. The City incorporated Inland's design of 44th Avenue into its design of the larger project. A review of the overall project indicates that \$75,322.60 of Inland's costs have been identified as expenditures eligible for reimbursement from the City.

**Summary (Background)**

<b>Fiscal Impact</b>		<b>Budget Account</b>
Select	\$	#
Select	\$	#
AmtType7	\$ Amount7	# Budget7
AmtType8	\$ Amount8	# Budget8
<b>Distribution List</b>		
		Email16
		Email17
		Email18
		Email19
		Email20
		Email21
		Email22
		Email23

## CONTRACT

THIS CONTRACT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and INLAND CONSTRUCTION & DEVELOPMENT COMPANY, whose address is 1620 N. Mamer Rd., Bldg. B, Spokane Valley, WA 99216, as "Inland".

WHEREAS, Inland is the developer of the Palouse Family Apartments and the Traditions which are projects located along the south side of 44th Avenue from Ray Street to approximately one hundred thirty (130 feet) west of Achilles Street; and

WHEREAS, as part of the SEPA review for the building permits for these projects, traffic mitigation required that 44th Avenue be improved to the nearest paving (Ray Street to Apollo Street). Improvements were to include full frontage improvements (curb, sidewalk, planting strip, and paving) for south half of 44th Avenue and a twelve (12)-foot-wide paved travel lane on the north side; and

WHEREAS, the Southgate neighborhood wanted additional paved accesses to the new developments; it did not want traffic to be concentrated on Apollo Street. It also wanted traffic calming measures to be included in any street improvements. Inland agreed to extend paving from Apollo Street to Achilles Street (another paved street); and wanted the City to extend paving from Achilles Street to Freya Street to provide additional access; and

WHEREAS, Inland agreed to provide full paving and curbs on both sides (not half street plus travel lane) from Ray Street to Achilles Street. The improvements did not include pedestrian pathway, planting strip, retaining walls, etc., north of the north curb line of 44th Avenue which were intended to be constructed as part of a future City project to construct 44th Avenue from Regal Street to Freya Street when funding could be obtained. Inland designed 44th Avenue from Ray Street to Freya Street to coordinate with design of the future City project; and

WHEREAS, the City processed an emergency Comprehensive Plan Amendment through the Plan Commission and the City Council to change the classification of 44th Avenue from Regal Street to Freya Street from a residential street to a collector arterial (spring/summer 2012). This allowed arterial street funds to be utilized to fund design and construction of a fully paved street between Regal Street and Freya Street including traffic calming; and

WHEREAS, Inland constructed the private portion of project on 44th Avenue from Ray Street to Achilles Street including traffic calming measures (meandering, narrower street) in summer 2012. Construction was completed at this time to meet traffic mitigation and certificate of occupancy requirements for newly constructed apartment units; and



WHEREAS, attempting to meet a very aggressive construction schedule, the City utilized Inland's design of 44th Avenue and hired an additional consultant in combination with City staff to complete the plans, specifications and estimate to bid the remainder of arterial street improvements to be constructed in 44th Avenue between Regal Street and Freya Street. Numerous design changes occurred while attempting to satisfy adjacent property owner and neighborhood concerns; thus, overall design costs totaled \$175,000 or twenty eight percent (28%) the cost of construction; and

WHEREAS, the second consultant has an approved contract with the City for engineering services provided. Both consultants are on City's approved list to provide these services; and

WHEREAS, the City project was awarded to L & L Cargile, Inc., in August 2012 at a bid of \$621,397 which was approximately \$132,000 under the City's Estimate (\$753,000); and

WHEREAS, the project started construction in October 2012 and was completed in the spring of 2013 at a cost of approximately \$625,000.

Project Costs:Design	\$175,000
Construction	\$625,000
Construction Management	<u>\$ 76,000</u>
Total	\$876,000

and

WHEREAS, reclassifying 44th Avenue from Regal Street to Freya Street from a residential street to a collector arterial allowed City staff to utilize arterial funds to design and construct a complete paved link between Regal Street and Freya Street. Since its completion, this newly constructed roadway provides additional access to the newly constructed apartments and is a more direct route between Regal Street and Freya Street for travelers in this area which should help discourage concentration of traffic on adjacent residential streets; and

WHEREAS, payment should be made to Inland for private design of street and utility improvements in 44th Avenue, exceeding its development requirements. Design beyond the private project limits (Ray Street to Achilles Street) was needed to incorporate private project improvements into the City's arterial design of 44th Avenue between Regal Street and Freya Street; -- Now, Therefore, .

The Parties agree as follows:

1. The City agrees to pay Inland for its costs associated with civil design and geotechnical work that was utilized by the City in preparing plans, specifications and estimates for completing street and utility improvements in 44th Avenue from Regal Street to Freya Street which exceeded Inland's requirements. Inland's costs included consultant time for agency and neighborhood meetings, geotechnical work, environmental analysis, surveying, and the preparation of plans, specifications and estimates.

2. In consideration of receipt of SEVENTY FIVE THOUSAND THREE HUNDRED TWENTY TWO AND 60/100 DOLLARS (\$75,322.60), Inland, for itself, its legal representative and assigns, hereby releases and forever discharges the City, its officers, employees and agents from all claims, demands and causes of actions Inland may have with regard to the above matter.

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

CITY OF SPOKANE

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

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

Attest:

Approved as to form:

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

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

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

INLAND CONSTRUCTION &  
DEVELOPMENT COMPANY

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

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

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



**Agenda Sheet for City Council Meeting of:**  
10/07/2013

<b>Date Rec'd</b>	DocDate
<b>Clerk's File #</b>	RES 2013-0073
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	2013079
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	ENGINEERING SERVICES
<b>Contact Name/Phone</b>	GARY NELSON 625-6678
<b>Contact E-Mail</b>	GNELSON@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	0370-SET FORMATION HEARING-THOR STREET

**Agenda Wording**

Setting LID #2013079 Formation Hearing before the Hearing Examiner for November 5, 2013 at 2:30 PM for the Street and Storm Improvements of Thor Street from Grace Avenue to Cleveland Avenue.

**Summary (Background)**

This department has received a valid petition requesting the formation of this LID. The petition represents 84.1% of the property owners within the assessment district.

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$	#	
Select	\$	#	
Select	\$	# BudgetAccount3	
Select	\$	#	
<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	TWOHIG, KYLE	<b>Study Session</b>	
<b>Division Director</b>	QUINTRALL, JAN	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	DALTON, PAT	arorholm@spokanecity.org	
<b>For the Mayor</b>	GEMMILL, GERRY	areid@spokanecity.org	
<b>Additional Approvals</b>		rriedinger@spokanecity.org	
<b>Purchasing</b>		ewade@spokanecity.org	
		mhughes@spokanecity.org	
		htrautman@spokanecity.org	

**BACKGROUND**, continued:

Estimated Cost of Improvement	\$ 144,827.38
Engineering Fee	50,689.58
City Clerk	256.59
City Treasurer	1,460.00
Accounting	1,384.74
Interest	9,413.78
Bonds	157.50
Attorney's Fee	<u>1,573.21</u>
	\$ 209,762.78
Street Bond 2004	104,881.45
Net Assessment to Property Owners	\$ 104,881.33

There are no outstanding L.I.D. assessments.

## ASSESSMENT DISTRICT DESCRIPTION

PROJECT NO. 2013079

Description of the assessment district for:

### **Street Improvements in Thor Street from Grace Ave to Cleveland Ave**

---

All that property described as follows:

<u>LOTS</u>	<u>BLOCK</u>	<u>ADDITION</u>
1 - 3 & 10 - 12	17	Riverside Addition
4 - 10	16	Riverside Addition

Situated in the NW Quarter of Section **10**, Township **25**, Range **43** East of the Willamette Meridian.

End of Description.

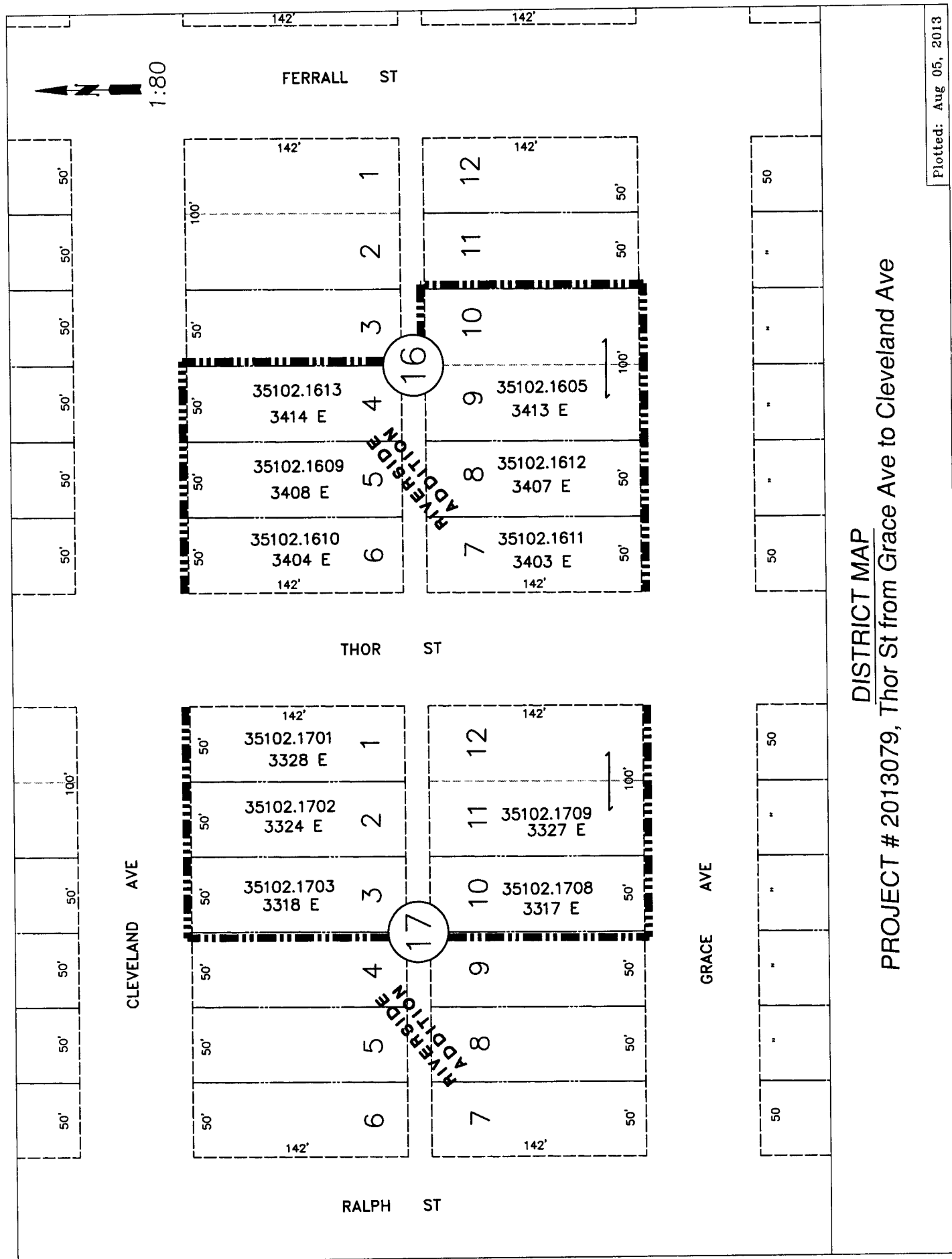
---

By: MBM

Date: Sept 6<sup>th</sup>, 2013

Checked: JAG

Date: 9/18/13



DISTRICT MAP  
PROJECT # 2013079, Thor St from Grace Ave to Cleveland Ave

LDRP11  
09/19/13 4:34 PM

CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 1

PBWK FILE	PROJECT DESCRIPTION
2013079 LID	THOR STREET FROM GRACE AVENUE TO CLEVELAND AVENUE

PBWK FILE	PROJECT DESCRIPTION	IMPROVEMENT TYPE
2013079 LID	THOR STREET FROM GRACE AVENUE TO CLEVELAND AVENUE	STREET STORM

ESTIMATED COST OF IMPROVEMENT.....\$	144,827.38
DESIGN AND INSPECT EXPENSE.....\$	50,689.58
CITY CLERK EXPENSE.....\$	256.59
TREASURER EXPENSE.....\$	1,460.00
ACCOUNTING EXPENSE.....\$	1,384.74
INTEREST EXPENSE.....\$	9,413.78
BONDS EXPENSE.....\$	157.50
LEGAL EXPENSE.....\$	1,573.21
ESTIMATED PROJECT SALES TAX.....\$	.00
TOTAL ESTIMATED PROJECT COST.....\$	209,762.78
STREET BOND 2004.....\$	104,881.45
TOTAL ESTIMATED NET PROJECT ASSESSMENT.....\$	104,881.33



CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PBWK FILE

PROJECT DESCRIPTION

2013079 LID

THOR STREET FROM GRACE AVENUE TO CLEVELAND AVENUE

1	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1605 / 35102.1605	RIVERSIDE PETER SAPRO L9-10 B16	E 3413 GRACE AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
GASAWAY, DONALD A E 3413 GRACE AVE SPOKANE WA 99217	GASAWAY, DONALD A E 3413 GRACE AVE SPOKANE WA 99217	2,831.58		2,831.58

2	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1609 / 35102.1609	PETER SAPRO'S RIVERSIDE ADD: LOT 5 BLK 16	E 3408 CLEVELAND AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
DYER, NATE W & SAILA E 3408 CLEVELAND AVE SPOKANE WA 99217	DYER, NATE W & SAILA E 3408 CLEVELAND AVE SPOKANE WA 99217	7,685.73		7,685.73

3	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1610 / 35102.1610	PETER SAMPRO'S RIVERSIDE ADD: LOT 6 BLK 16	E 3404 CLEVELAND AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
ROBINSON, ROBERT LEE JR E 3404 CLEVELAND AVE SPOKANE WA 99217	ROBINSON, ROBERT LEE JR E 3404 CLEVELAND AVE SPOKANE WA 99217	14,966.94	CONCRETE DRIVEWAY 546.35	15,513.29

4	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1611 / 35102.1611	RIVERSIDE PETER SAPRO L7 B16	E 3403 GRACE AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
MONNASTES, LORI ANN E 3403 GRACE AVE SPOKANE WA 99217	MONNASTES, LORI ANN E 3403 GRACE AVE SPOKANE WA 99217	14,966.94	CONCRETE DRIVEWAY 546.35	15,513.29

5	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1612 / 35102.1612	RIVERSIDE PETER SAPRO L8 B16	E 3407 GRACE AV	Y

LDRP11  
05/19/13 4:34 PM

CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 3

PBWK FILE	PROJECT DESCRIPTION
2013079 LTD	THOR STREET FROM GRACE AVENUE TO CLEVELAND AVENUE

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
MONNASTES, TERESA E 3311 GRACE AVE SPOKANE WA 99217-7004USA	MONNASTES, TERESA E 3311 GRACE AVE SPOKANE WA 99217-7004USA	7,685.73		7,685.73

6	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1613 / 35102.1613	RIVERSIDE PETER SAPRO LT 4 BLK 16	E 3414 CLEVELAND AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
ROBERTS, DORIC K N 1904 NELSON ST SPOKANE WA 99207-5340USA	HAINES, E / VANHORNE, E / ET A N 1904 NELSON SPOKANE WA 99207	2,831.58		2,831.58

7	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1701 / 35102.1701	RIVERSIDE PETER SAPRO L1 B17	E 3328 CLEVELAND AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
FODE, JESSICA M & JAMES O E 3328 CLEVELAND AVE SPOKANE WA 99217	FODE, JESSICA M & JAMES O E 3328 CLEVELAND AVE SPOKANE WA 99217	14,966.94	CONCRETE DRIVEWAY 755.42	15,722.36

8	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1702 / 35102.1702	RIVERSIDE PETER SAPRO L2 B17	E 3324 CLEVELAND AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
LARSON, ARON E 3324 CLEVELAND SPOKANE WA 99217	LARSON, ARON E 3324 CLEVELAND SPOKANE WA 99217	7,685.73		7,685.73

9	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1703 / 35102.1703	RIVERSIDE PETER SAPRO L3 B17	E 3318 CLEVELAND AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
HEPTON, DAVID A PO BOX 10125 SPOKANE WA 99209-0125	HEPTON, DAVID A PO BOX 10125 SPOKANE WA 99209-0125	2,831.58		2,831.58

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09/19/13 4:34 PM

CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 4

PBWK FILE PROJECT DESCRIPTION  
-----  
2013079 LTD THOR STREET FROM GRACE AVENUE TO CLEVELAND AVENUE

10	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1708 / 35102.1708	RIVERSIDE PETER SAPRO L10 B17	E 3317 GRACE AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
KRELS, R L E 3317 GRACE AVE SPOKANE WA 99217-7004USA	KRELS, RONALD L & MARILYN K E 3317 GRACE AVE SPOKANE WA 99217-7004USA	2,831.58		2,831.58

11	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	10532-1709 / 35102.1709	RIVERSIDE PETER SAPRO L11-12 B17	E 3327 GRACE AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
PINKERTON, DIANA MONNASTES E 3327 GRACE AVE SPOKANE WA 99217	MONNASTES-PINKERTON, DIANA E 3327 GRACE AVE SPOKANE WA 99217	22,652.65	CONCRETE DRIVEWAY 1,096.23	23,748.88

LDRP11  
09/19/13 4:34 PM

CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 5

PBWK FILE  
-----  
2013079 LID

PROJECT DESCRIPTION  
-----  
THOR STREET FROM GRACE AVENUE TO CLEVELAND AVENUE

SPECIAL-DESCRIPTION	ASSESSMENT-METHOD-DESCRIPTION	METHOD-CODE
-----	-----	-----
DISTRICT	ZONE TERMINI	ZT
CONCRETE DRIVEWAY	RELATIVE COST	RC

**RESOLUTION 2013-0073**

**WHEREAS**, In accordance with RCW 35.43, a local improvement may be ordered only by an ordinance of the City Council of the City of Spokane, pursuant to either a resolution or petition therefore; and

**WHEREAS**, Said resolution must set forth certain information as required by law; -- **NOW, THEREFORE**,

**BE IT RESOLVED** By the City Council of the City of Spokane that it is the intention of said Council, and such intention is hereby declared, to order **the Street and Storm Improvements of Thor Street from Grace Avenue to Cleveland Avenue.**

**BE IT FURTHER RESOLVED** That the nature and territorial extent of said proposed improvement is as stated above.

**BE IT FURTHER RESOLVED** That the cost and expense of the said improvement is to be borne in whole or in part by the property specially benefited thereby, and the boundaries of the proposed assessment district are particularly described as follows:

All that property described as follows:

<u>LOTS</u>	<u>BLOCK</u>	<u>ADDITION</u>
1 - 3 & 10 - 12	17	Riverside Addition
4 - 10	16	Riverside Addition

Situated in the **NW** Quarter of Section **10**, Township **25**, Range **43** East of the Willamette Meridian.

**BE IT FURTHER RESOLVED** That a hearing on the said proposed improvement will be held before the Hearing Examiner of the City of Spokane, in the Second Floor Conference Room, Municipal Building, West 808 Spokane Falls Boulevard, on the **5th** day of **November, 2013** at **2:30 p.m.**, at which time and place all persons who may desire to object thereto may appear and present such objections, if any they have.

**BE IT FURTHER RESOLVED** That the City Engineer is directed to submit to the Hearing Examiner at or prior to the time fixed for said hearing the estimated cost and expense of said improvement and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate actual valuation of the real estate, including twenty-five percent of the actual valuation of the improvements in said district according to the valuation last placed upon it for the purpose of general taxation, together with a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby, and the estimated amount of cost and expense of such improvement to be borne by each lot, tract, or parcel of land or other property, together with a statement showing the amount of special assessments outstanding and unpaid on the property within the proposed assessment district. The actual assessments levied for this improvement may vary from the assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

**Adopted by the City Council \_\_\_\_\_, 2013.**

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

Approved as to form:

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



**Agenda Sheet for City Council Meeting of:**  
10/07/2013

<b>Date Rec'd</b>	DocDate
<b>Clerk's File #</b>	RES 2013-0074
<b>Renews #</b>	

<b>Submitting Dept</b>	ENGINEERING SERVICES	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	GARY NELSON 625-6678	<b>Project #</b>	2013169
<b>Contact E-Mail</b>	GNELSON@SPOKANECITY.ORG	<b>Bid #</b>	
<b>Agenda Item Type</b>	Resolutions	<b>Requisition #</b>	
<b>Agenda Item Name</b>	0370-SET FORMATION HEARING-ROSS COURT		

**Agenda Wording**

Setting LID #2013169 Formation Hearing before the Hearing Examiner for November 5, 2013 at 1:30 PM for the Street and Storm Improvements of Ross Court from North Center Street to Granite Street.

**Summary (Background)**

This department has received a valid petition requesting the formation of this LID. The petition represents 61.4% of the property owners within the assessment district.

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$	#	
Select	\$	#	
Select	\$	#	BudgetAccount3
Select	\$	#	
<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	TWOHIG, KYLE	<b>Study Session</b>	
<b>Division Director</b>	QUINTRALL, JAN	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	DALTON, PAT	arorholm@spokanecity.org	
<b>For the Mayor</b>	GEMMILL, GERRY	areid@spokanecity.org	
<b>Additional Approvals</b>		rriedinger@spokanecity.org	
<b>Purchasing</b>		ewade@spokanecity.org	
		mhughes@spokanecity.org	
		htrautman@spokanecity.org	



**BACKGROUND**, continued:

Estimated Cost of Improvement	\$ 253,678.82
Engineering Fee	88,787.59
City Clerk	256.59
City Treasurer	1680.00
Accounting	2425.50
Interest	16,489.12
Bonds	277.50
Attorney's Fee	<u>2,747.57</u>
	\$ 366,342.69
Street Bond 2004	183,171.39
Net Assessment to Property Owners	\$ 183,171.30

There are no outstanding L.I.D. assessments.

## ASSESSMENT DISTRICT DESCRIPTION

PROJECT NO. 2013169

Description of the assessment district for:

### **Street Improvements in Ross Court from North Center Street to Granite Street**

---

All that property described as follows:

<u>LOTS</u>	<u>BLOCK</u>	<u>ADDITION</u>
1 - 4 & 7 - 12	12	Wilkinson Subdivision of Part of Block 12 of Ross Park Addition
1 - 12	12	Walker's Subdivision of the South Half of Block 12 of Ross Park Addition
7 - 12 & 13 - 24	13	Hole's Subdivision of Block 13 of Ross Park Addition

Situated in the **SW** Quarter of Section **09**, Township **25**, Range **43** East of the  
Willamette Meridian.

End of Description.

---

By: MBM

Date: Sept 6<sup>th</sup>, 2013

Checked: JAG

Date: 9 / 18 / 13

# District Map

## Ross Court

### North Center Street to Granite Street

Print date: 8/1/2013

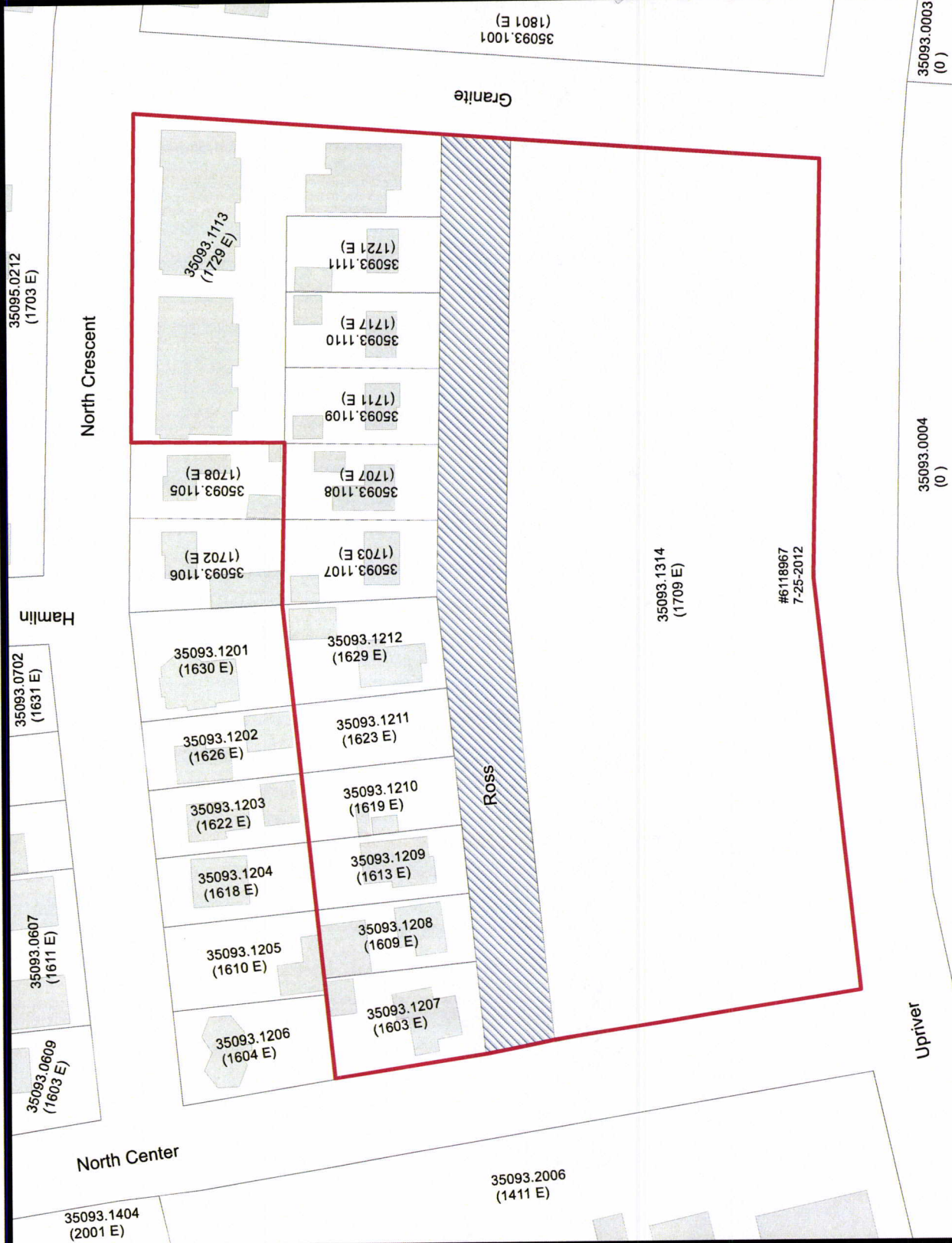
#### Legend

- Building
- Parcel Edge
- District Boundary
- Improvement Area

Logan Neighborhood  
City Council District 1



THIS IS NOT A LEGAL DOCUMENT.  
The information shown on this map is for informational purposes only 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.



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CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 1

PBWK FILE	PROJECT DESCRIPTION
2013169 LID	STREET IMPROVEMENTS OF ROSS COURT FROM NORTHCENTER STREET TO GRANITE STREET

PBWK FILE	PROJECT DESCRIPTION	IMPROVEMENT TYPE
2013169 LID	STREET IMPROVEMENTS OF ROSS COURT FROM NORTH CENTER STREET TO GRANITE STREET	STREET STORM
ESTIMATED COST OF IMPROVEMENT.....\$		253,678.82
DESIGN AND INSPECT EXPENSE.....\$		88,787.59
CITY CLERK EXPENSE.....\$		256.59
TREASURER EXPENSE.....\$		1,680.00
ACCOUNTING EXPENSE.....\$		2,425.50
INTEREST EXPENSE.....\$		16,489.12
BONDS EXPENSE.....\$		277.50
LEGAL EXPENSE.....\$		2,747.57
ESTIMATED PROJECT SALES TAX.....\$		.00
TOTAL ESTIMATED PROJECT COST.....\$		366,342.69
STREET BOND 2004.....\$		183,171.39
TOTAL ESTIMATED NET PROJECT ASSESSMENT.....\$		183,171.30

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CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 2

PBWK FILE  
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2013169 L1D

PROJECT DESCRIPTION  
-----  
STREET IMPROVEMENTS OF ROSS COURT FROM NORTHCENTER STREET TO GRANITE STREET

1	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1107 / 35093.1107	ROSS PK WILKINSON L7	E 1703 ROSS CT	N
=====				
	TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS TOTAL ASSESSMENT
	DALE, LAURA M	DALE, LAURA M	7,706.83	7,904.83
	E 1703 ROSS CRT	E 1703 ROSS CRT	CONCRETE DRIVEWAY	198.00
	SPOKANE WA 99207 USA	SPOKANE WA 99207 USA		
=====				
2	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1108 / 35093.1108	ROSS PK WILKINSON L8	E 1707 ROSS CT	N
=====				
	TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS TOTAL ASSESSMENT
	GILLETTE, SANDRA E	GILLETTE LIVING TRUST	7,372.93	8,025.91
	19928 RICHMOND BEACH DR	19928 RICHMOND BEACH DR	CONCRETE DRIVEWAY	652.98
	NW	NW		
	SHORELINE WA 98177-2447	SHORELINE WA 98177-2447		
=====				
3	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1109 / 35093.1109	ROSS PK WILKINSON L9	E 1711 ROSS CT	Y
=====				
	TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS TOTAL ASSESSMENT
	RIVERVIEW VILLAGE	RIVERVIEW VILLAGE	7,371.55	7,856.60
	E 1801 UPRIVER DR	E 1801 UPRIVER DR	CONCRETE DRIVEWAY	485.05
	SPOKANE WA 99207 USA	SPOKANE WA 99207 USA		
=====				
4	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1110 / 35093.1110	ROSS PK WILKINSON L10	E 1717 ROSS CT	N
=====				
	TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS TOTAL ASSESSMENT
	ALLEN, MICHAEL J	ALLEN REVOCABLE LIVING TRUST	7,370.63	7,645.25
	E 1613 ROSS CT	E 1613 ROSS CT	CONCRETE DRIVEWAY	274.62
	SPOKANE WA 99207	SPOKANE WA 99207		
=====				
5	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1111 / 35093.1111	ROSS PK WILKINSON L11	E 1721 ROSS CT	N

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CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 3

PBWK FILE  
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2013169 LID

PROJECT DESCRIPTION  
-----  
STREET IMPROVEMENTS OF ROSS COURT FROM NORTHCENTER STREET TO GRANITE STREET  
=====

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
FULMER, HARLAN L E 1721 ROSS CRT SPOKANE WA 99207 USA	FULMER, HARLAN L E 1721 ROSS CRT SPOKANE WA 99207 USA	7,369.25	CONCRETE DRIVEWAY 358.70	7,727.95

6	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1113 / 35093.1113	WILKINSON SUBDIVISION OF PART OF BLOCK 12 OF ROSS PARK ADDIT ION: LOTS 1, 2, 3, 4 AND 12	E 1729 ROSS CT	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
RIVERVIEW VILLAGE E 1801 UPRIVER DR SPOKANE WA 99207 USA	RIVERVIEW VILLAGE E 1801 UPRIVER DR SPOKANE WA 99207 USA	8,324.89		8,324.89

7	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1207 / 35093.1207	ROSS PK HOLES L7 B13	E 1603 ROSS CT	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
GRIFFIN, DOUGLAS E E 4027 17TH AVE SPOKANE WA 99223-5222USA	GRIFFIN, DOUGLAS E E 4027 17TH AVE SPOKANE WA 99223-5222USA	9,348.22	CONCRETE DRIVEWAY 148.51	9,496.73

8	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1208 / 35093.1208	ROSS PK HOLES L8 B13	E 1609 ROSS CT	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
GOMES, DAVID K E 1609 ROSS CT SPOKANE WA 99207-5087	GOMES, DAVID K E 1609 ROSS CT SPOKANE WA 99207-5087	6,690.86	CONCRETE DRIVEWAY 214.50	6,905.36

9	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
	09533-1209 / 35093.1209	ROSS PK HOLES L9 B13	E 1613 ROSS CT	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
ALLEN, MICHAEL J E 1613 ROSS CT	ALLEN REVOCABLE LIVING TRUST E 1613 ROSS CT	6,691.78	CONCRETE DRIVEWAY 417.24	7,109.02

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CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 4

PBWK FILE		PROJECT DESCRIPTION		
2013169 LID		STREET IMPROVEMENTS OF ROSS COURT FROM NORTHCENTER STREET TO GRANITE STREET		
=====				
SPOKANE WA	99207	SPOKANE WA	99207	
=====				
10	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
09533-1210 / 35093.1210 ROSS PK HOLES L10 B13			E 1619 ROSS CT	Y
=====				
TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
AVISTA CORP	AVISTA CORP	6,692.70		6,890.70
PO BOX 3727	PO BOX 3727		CONCRETE DRIVEWAY	198.00
SPOKANE WA	SPOKANE WA	99220		
=====				
11	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
09533-1211 / 35093.1211 ROSS PK HOLES L11 B13			E 1623 ROSS CT	N
=====				
TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
ALLEN REVOCABLE LIVING TRUST	ALLEN REVOCABLE LIVING TRUST	6,693.62		6,891.62
E 1613 ROSS CT	E 1613 ROSS CT		CONCRETE DRIVEWAY	198.00
SPOKANE WA	SPOKANE WA	99207-5087		
=====				
12	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
09533-1212 / 35093.1212 ROSS PK HOLES L12 B13			E 1629 ROSS CT	N
=====				
TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
HOUCHIN, ERIC W	HOUCHIN, ERIC W	9,355.12		9,553.12
E 1629 ROSS CRT	E 1629 ROSS CRT		CONCRETE DRIVEWAY	198.00
SPOKANE WA	SPOKANE WA	99207-5087USA		
=====				
13	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
09533-1314 / 35093.1314 ROSS PARK ADD HOLES & WALKER'S SUBS LTS 13-24 BLK 13 HOLES SUB AND LTS 1-12 BLK 12 OF WALKER'S SUB OF S1/2 BLK 12 (TCN O 32-239, 32-240)			E 1709 UPRIVER DR	Y
=====				
TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
AVISTA CORP	AVISTA CORP	86,728.52		88,839.32
PO BOX 3727	PO BOX 3727		CONCRETE DRIVEWAY	2,110.80
SPOKANE WA	SPOKANE WA	99220-3727		
=====				

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CITY OF SPOKANE  
PUBLIC WORKS DEPARTMENT  
\*\*\*\*\* PRELIMINARY ASSESSMENT ROLL \*\*\*\*\*

PAGE 5

PBWK FILE  
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2013169 LID

PROJECT DESCRIPTION  
-----  
STREET IMPROVEMENTS OF ROSS COURT FROM NORTHCENTER STREET TO GRANITE STREET  
-----

SPECIAL-DESCRIPTION	ASSESSMENT-METHOD-DESCRIPTION	METHOD-CODE
-----	-----	-----
DISTRICT	ZONE TERMINI	ZT
CONCRETE DRIVEWAY	RELATIVE COST	RC



**RESOLUTION 2013-0074**

**WHEREAS**, In accordance with RCW 35.43, a local improvement may be ordered only by an ordinance of the City Council of the City of Spokane, pursuant to either a resolution or petition therefore; and

**WHEREAS**, Said resolution must set forth certain information as required by law; -- **NOW, THEREFORE**,

**BE IT RESOLVED** By the City Council of the City of Spokane that it is the intention of said Council, and such intention is hereby declared, to order **the Street and Storm Improvements of Ross Court from North Center Street to Granite Street.**

**BE IT FURTHER RESOLVED** That the nature and territorial extent of said proposed improvement is as stated above.

**BE IT FURTHER RESOLVED** That the cost and expense of the said improvement is to be borne in whole or in part by the property specially benefited thereby, and the boundaries of the proposed assessment district are particularly described as follows:

All that property described as follows:

<u>LOTS</u>	<u>BLOCK</u>	<u>ADDITION</u>
1 - 4 & 7 - 12	12	Wilkinson Subdivision of Part of Block 12 of Ross Park Addition
1 - 12 Block 12	12	Walker's Subdivision of the South Half of of Ross Park Addition
7 - 12 & 13 - 24	13	Hole's Subdivision of Block 13 of Ross Park Addition

Situated in the **SW** Quarter of Section **09**, Township **25**, Range **43** East of the Willamette Meridian.

**BE IT FURTHER RESOLVED** That a hearing on the said proposed improvement will be held before the Hearing Examiner of the City of Spokane, in the Second Floor Conference Room, Municipal Building, West 808 Spokane Falls Boulevard, on the **5th** day of **November, 2013** at **1:30 p.m.**, at which time and place all persons who may desire to object thereto may appear and present such objections, if any they have.

**BE IT FURTHER RESOLVED** That the City Engineer is directed to submit to the Hearing Examiner at or prior to the time fixed for said hearing the estimated cost and expense of said improvement and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate actual valuation of the real estate, including twenty-five percent of the actual valuation of the improvements in said district according to the valuation last placed upon it for the purpose of general taxation, together with a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby, and the estimated amount of cost and expense of such improvement to be borne by each lot, tract, or parcel of land or other property, together with a statement showing the amount of special assessments outstanding and unpaid on the property within the proposed assessment district. The actual assessments levied for this improvement may vary from the assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

**Adopted by the City Council \_\_\_\_\_, 2013.**

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

Approved as to form:

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



**Agenda Sheet for City Council Meeting of:**  
10/07/2013

<b>Date Rec'd</b>	DocDate
<b>Clerk's File #</b>	RES 2013-0075
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	PLANNING & DEVELOPMENT
<b>Contact Name/Phone</b>	ELDON BROWN 625-6305
<b>Contact E-Mail</b>	EBROWN@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	0650-SET HEARING-STREET VACATION OF DAKOTA

**Agenda Wording**

Resolution setting hearing before the City Council for November 4, 2013 for the vacation of Dakota Street from the South line of Sharp Avenue to the South line of Boone Avenue requested by The Corporation of Gonzaga University.

**Summary (Background)**

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

<b>Fiscal Impact</b>		<b>Budget Account</b>
Neutral	\$	#
Select	\$	#
Select	\$	# BudgetAccount3
Select	\$	#
<b>Approvals</b>		<b>Council Notifications</b>
<b>Dept Head</b>	CHESNEY, SCOTT	<b>Study Session</b>
<b>Division Director</b>	QUINTRALL, JAN	<b>Other</b>
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>
<b>Legal</b>	DALTON, PAT	lhattenburg@spokanecity.org
<b>For the Mayor</b>	GEMMILL, GERRY	sbarham@spokanecity.org
<b>Additional Approvals</b>		
<b>Purchasing</b>		

DISTRIBUTION LIST  
VACATION OF DAKOTA STREET FROM THE SOUTH LINE OF  
SHARP AVENUE TO THE SOUTH LINE OF BOONE AVENUE

POLICE DEPARTMENT  
ATTN: LT REX OLSON

FIRE DEPARTMENT  
ATTN: LISA JONES

CURRENT PLANNING  
ATTN: KEN PELTON

ENGINEERING SERVICES – TRAFFIC  
PLANNING

WATER DEPARTMENT  
ATTN: DIRECTOR FRANK TRIPLETT

WATER DEPARTMENT  
ATTN: JIM SAKAMOTO

WATER DEPARTMENT  
ATTN: JEFF LILY

WATER DEPARTMENT  
ATTN: SUPERINTENDENT LYNN SHUPE

WATER DEPARTMENT  
ATTN: CHRIS PETERSCHMIDT

STREET DEPARTMENT  
ATTN: DAUN DOUGLASS

ENGINEERING SERVICES  
ATTN: SANDY DECKER

CONSTRUCTION MANAGEMENT  
ATTN: KEN BROWN

CAPITAL PROGRAMS  
ATTN: KATHERINE MILLER

WASTEWATER MANAGEMENT  
ATTN: BILL PEACOCK

SIGNS AND MARKINGS  
ATTN: MARCUS EVELAND

STREET DEPARTMENT  
ATTN: MARK SERBOUSEK

ELECTRONIC SERVICE CENTER  
ATTN: JOHN KNACK

STATE EXAMINER

ACCOUNTING  
ATTN: PAM DOLAN

PARKS & RECREATION DEPARTMENT  
ATTN: LEROY EADIE

NEIGHBORHOOD SERVICES  
ATTN: HEATHER TRAUTMAN

COMCAST  
DESIGN & CONSTRUCTION  
1717 EAST BUCKEYE  
SPOKANE WA 99207

AVISTA UTILITIES  
PO BOX 3727  
SPOKANE WA 99220

CENTURY LINK  
ATTN: KAREN STODDARD  
904 NORTH COLUMBUS STREET  
SPOKANE WA 99202

BUDIG, KEVIN P & ELIZABETH  
12228 N MORTON DR  
SPOKANE WA 99218-1780

DOLLE, THEOPHILUS  
711 E SINTO AVE  
SPOKANE WA 99202-1944

SPALDING, DANIEL D  
22 W MAIN AVE #5  
SPOKANE WA 99210-

4 15 CORPORATION  
1226 W 5TH AVE  
SPOKANE WA 99204

LLC & M, LLC  
1912 N DIVISION STE 201  
SPOKANE WA 99207

BECK, LAWRENCE D  
234 W SUMNER AVE  
SPOKANE WA 99204-3651

BERG, M P & V I  
234 W SUMNER AVE  
SPOKANE WA 99204-3651

DRESSEL, JANET L  
2427 N MORTON ST  
Spokane WA 99207

DRESSEL, VINCENT G & JANET L  
17920 N LITTLE SPOKANE DR  
COLBERT WA 99005-9615

DOUGLASS, HARLAN D  
815 E ROSEWOOD AVE  
SPOKANE WA 99208-5507

RIVERSIDE WEST, LLC  
4407 N DIVISION ST 900  
SPOKANE WA 99207-1660

TWENTYELEVEN II, LLC  
1070 S WALL ST  
SPOKANE WA 99204

DOUGLASS, H D  
815 E ROSEWOOD AVE  
SPOKANE WA 99208-5507

HEALY, MARGARET ANN  
724 E SHARP AVE  
SPOKANE WA 99202-1933

THE CORPORATION OF GONZAGA  
UNIVERSITY  
PO BOX 3464  
SPOKANE WA 99220-3464

SADLER, ROBERT I  
603 E SINTO AVE  
SPOKANE WA 99202-1943

BARNES, CLARENCE  
1205 W 21ST AVE  
SPOKANE WA 99203-1207

COFFEY, JOHNNY P & JEAN E  
611 E SINTO AVE  
SPOKANE WA 99202-1943

ROGERS, MARGARET M  
615 E SINTO AVE  
SPOKANE WA 99202

BRAVO, PATRICIA A  
623 E SINTO AVE  
SPOKANE WA 99202-1943

FEEHAN, M M  
1411 N DAKOTA ST  
SPOKANE WA 99202-1910

604 E MISSION, LLC  
1914 W 9TH AVE  
SPOKANE WA 99204-

MARCUS ET FAMILIA LLC  
1415 N STANDARD ST  
SPOKANE WA 99202

WALLACE, V E  
618 E MISSION AVE  
SPOKANE WA 99202-1918

MULLERLEILE, R M  
4728 N LEE ST  
SPOKANE WA 99207-4226

RILEY, KATHLEEN A  
630 E MISSION AVE  
SPOKANE WA 99202-1918

QUINN III, W C  
201 CONDON LN  
PORT LUDLOW WA 98365-9649

L'ARCHE SPOKANE  
703 E NORA AVE  
SPOKANE WA 99207-2455

KRAFT, STEPHEN M & KAREN M  
1415 N STANDARD ST  
SPOKANE WA 99202

SACCO, MARY ANN  
517 E SHARP AVE  
SPOKANE WA 99202

GORMAN, MARIAN FRANCIS  
521 E SHARP AVE  
SPOKANE WA 99202

MCKEIRNAN, THOMAS L & CHERE B  
235 E 9TH AVE  
SPOKANE WA 99202-1212

WENHAM, KENNETH  
723 E SINTO AVE  
SPOKANE WA 99202-1944

CORP GONZAGA UNIVERSITY  
502 E SHARP AVE  
SPOKANE WA 99258

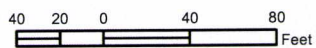
GONZAGA UNIVERSITY  
PO BOX 3464  
SPOKANE WA 99220-3464

GONZAGA UNIVERSITY  
502 E BOONE AVE  
SPOKANE WA 99258-1774





Disclaimer: This is not a legal document. The information shown on this map is compiled from various sources and is subject to revision. This map should not be used to determine the location of facilities in relationship to property lines, sections lines, streets, etc.  
Not suitable for design purposes.



**COSGIS**  
City of Spokane GIS



## **RESOLUTION 2013-0075**

WHEREAS, on **July 11, 2013**, the Spokane City Council received a petition for the vacation of Dakota Street from the South line of Sharp Avenue to the South line of Boone Avenue, 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 Dakota Street from the South line of Sharp Avenue to the South line of Boone Avenue, 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 Dakota Street from the South line of Sharp Avenue to the South line of Boone Avenue, 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 **November 4, 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



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

10/07/2013

**Date Rec'd**

DocDate

**Clerk's File #**

RES 2013-0076

**Renews #****Submitting Dept**

PLANNING &amp; DEVELOPMENT

**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**

0650-SET HEARING-STREET VACATION OF EUCLID

**Agenda Wording**

Resolution setting hearing before the City Council for November 4, 2013 for the vacation of Euclid Avenue from the East line of Ferrall Street to the West line of Freya Street requested by Spokane Public Schools.

**Summary (Background)**

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

**Fiscal Impact****Budget Account**

Neutral \$

#

Select \$

#

Select \$

# BudgetAccount3

Select \$

#

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

CHESNEY, SCOTT

**Study Session****Division Director**

QUINTRALL, JAN

**Other****Finance**

LESESNE, MICHELE

**Distribution List****Legal**

DALTON, PAT

lhattenburg@spokanecity.org

**For the Mayor**

GEMMILL, GERRY

sbarham@spokanecity.org

**Additional Approvals****Purchasing**



DISTRIBUTION LIST  
VACATION OF EUCLID AVENUE FROM THE EAST LINE OF  
FERRALL STREET TO THE WEST LINE OF FREYA STREET

POLICE DEPARTMENT  
ATTN: LT REX OLSON

FIRE DEPARTMENT  
ATTN: LISA JONES

CURRENT PLANNING  
ATTN: KEN PELTON

ENGINEERING SERVICES – TRAFFIC  
PLANNING

WATER DEPARTMENT  
ATTN: DIRECTOR FRANK TRIPLETT

WATER DEPARTMENT  
ATTN: JIM SAKAMOTO

WATER DEPARTMENT  
ATTN: JEFF LILY

WATER DEPARTMENT  
ATTN: SUPERINTENDENT LYNN SHUPE

WATER DEPARTMENT  
ATTN: CHRIS PETERSCHMIDT

STREET DEPARTMENT  
ATTN: DAUN DOUGLASS

ENGINEERING SERVICES  
ATTN: SANDY DECKER

CONSTRUCTION MANAGEMENT  
ATTN: KEN BROWN

CAPITAL PROGRAMS  
ATTN: KATHERINE MILLER

WASTEWATER MANAGEMENT  
ATTN: BILL PEACOCK

SIGNS AND MARKINGS  
ATTN: MARCUS EVELAND

STREET DEPARTMENT  
ATTN: MARK SERBOUSEK

ELECTRONIC SERVICE CENTER  
ATTN: JOHN KNACK

STATE EXAMINER

ACCOUNTING  
ATTN: PAM DOLAN

PARKS & RECREATION DEPARTMENT  
ATTN: LEROY EADIE

NEIGHBORHOOD SERVICES  
ATTN: HEATHER TRAUTMAN

COMCAST  
DESIGN & CONSTRUCTION  
1717 EAST BUCKEYE  
SPOKANE WA 99207

AVISTA UTILITIES  
PO BOX 3727  
SPOKANE WA 99220

CENTURY LINK  
ATTN: KAREN STODDARD  
904 NORTH COLUMBUS STREET  
SPOKANE WA 99202

MANOS, J A  
3423 E EUCLID AVE  
SPOKANE WA 99217-6940

WYMAN, SYLVIA  
8714 E BOARDWALK LN  
SPOKANE VALLEY WA 99212

SPOKANE SCHOOL DISTRICT #81  
200 N BERNARD ST  
SPOKANE WA 99201-0282

EVANS, SHERRY L/YOUNG, JOYCE A  
PO BOX 145  
LIBERTY LAKE WA 99019

TIMBERMAN, AREATHA M/STRAUB,  
GREGORY G  
3607 E EUCLID AVE  
SPOKANE WA 99217

NGUYEN, TRI P & TUYEN K  
3611 E EUCLID AVE  
SPOKANE WA 99217

UNGARO, PALMA E  
3617 E EUCLID AVE  
SPOKANE WA 99217-6943

UNGARO, ALFRED E  
3623 E EUCLID AVE  
SPOKANE WA 99217-6943

VEACH, ROSE L  
3220 N FREYA ST  
SPOKANE WA 99217

KUEST, SCOTT B/KEON, DIANE R  
10912 W SEVEN MILE RD  
SPOKANE WA 99224-9520

ZEPP, RICK E & MICHELLE L  
3614 E LIBERTY AVE  
SPOKANE WA 99217-6960

THE CHURCH OF GOD  
2929 N FREYA ST  
SPOKANE WA 99207

CHURCH OF GOD SEVENTH DAY  
3401 E GARNET AVE  
SPOKANE WA 99217-6912

ARMSTRONG, PETER A & RHONDA  
3603 E FREDERICK AVE  
SPOKANE WA 99201

THIESCHAFER, JOSEPH A  
3611 E FREDERICK AVE  
SPOKANE WA 99217-6949

LIEBHABER, ANN MARIE  
2706 WALNUT LOOP NW  
OLYMPIA WA 98502

VARNELL, PAUL D  
3623 E FREDERICK AVE  
SPOKANE WA 99205

BONOME LIVING TRUST, DOLORES M  
TRUSTEE  
839 NE 90TH AVE  
PORTLAND OR 97220-5736

ROLLER, TYRELL J  
3607 E FAIRVIEW AVE  
SPOKANE WA 99217

DUNN FAMILY TRUST  
514 E EATON  
SPOKANE WA 99218

DAVES RENTALS, LLC  
4924 N POST ST  
SPOKANE WA 99205-5241

MUNSTEDT, PAULETTE & MICHAEL  
3604 E FREDERICK AVE  
SPOKANE WA 99217-6948

NICKELL, JUANITA M  
3608 E FREDERICK AVE  
SPOKANE WA 99217

ADELSON, NANCY JG  
4111 205TH AVE SE  
SAMMAMISH WA 98075-9600

SOLITUDE PROPERTIES, LLC  
PO BOX 48084  
SPOKANE WA 99228

BRANHAM, PAUL E & ELIZABETH A  
3424 E FAIRVIEW AVE  
SPOKANE WA 99217-7086

WEBER, BENTLEY D & ANDREA S  
3509 E FAIRVIEW AVE  
SPOKANE WA 99217

NGUYEN, CHINH VAN / DO, KIMYEN  
PO BOX 9754  
SPOKANE WA 99209-9754

BARNES, CLIFTON  
3519 E FAIRVIEW AVE  
SPOKANE WA 99217-7042

ADAMS, JEFFREY D & KAREN A  
3523 E FAIRVIEW AVE  
SPOKANE WA 99217-7042

LOUIE, ANDY W & CHERYL S  
162 E FAIRVIEW  
SPOKANE WA 99207-

VINCENT, SARAH B  
3508 E EUCLID AVE  
SPOKANE WA 99217

VINCENT, SARAH B  
3508 E EUCLID AVE  
SPOKANE WA 99217

CONING, GARY A & STARLA A  
315 E MISSION AVE STE 100  
SPOKANE WA 99201

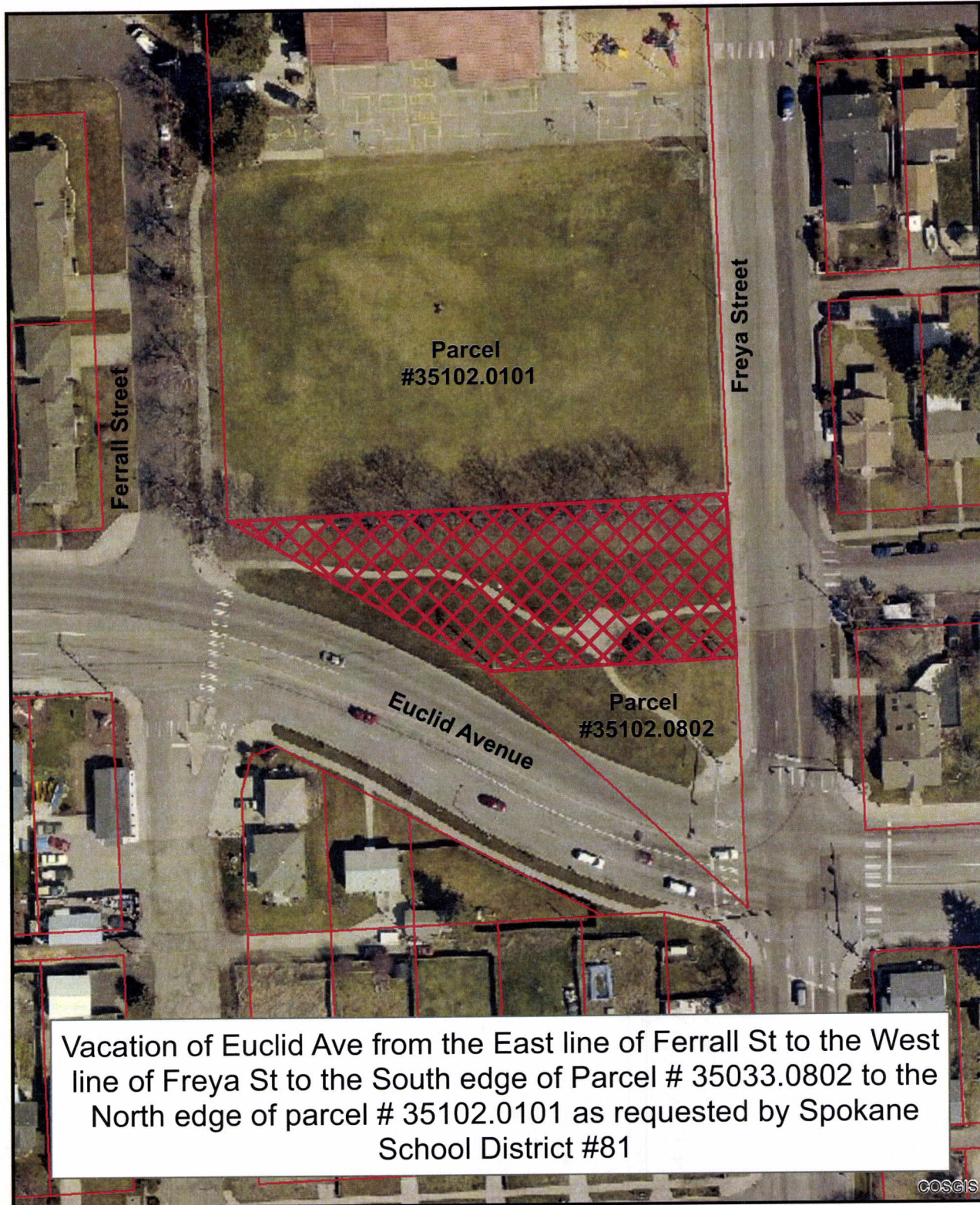
SPOKANE SCHOOL DISTRICT #81  
200 N BERNARD ST  
SPOKANE WA 99201

LANES, THOMAS B & TIMOTHY A  
3423 E FAIRVIEW AVE  
SPOKANE WA 99217-7036

BENN, TIMOTHY J & SHANNON M  
3424 E EUCLID AVE  
SPOKANE WA 99217-6939

BENN, TIMOTHY J & SHANNON M  
3424 E EUCLID AVE  
SPOKANE WA 99217-6939





Disclaimer: This is not a legal document. The information shown on this map is compiled from various sources and is subject to revision. This map should not be used to determine the location of facilities in relationship to property lines, sections lines, streets, etc. Not suitable for design purposes.



**COSGIS**  
City of Spokane GIS



## **RESOLUTION 2013-0076**

WHEREAS, on **July 17, 2013**, the Spokane City Council received a petition for the vacation of Euclid Avenue from the East line of Ferrall Street to the West line of Freya 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 Euclid Avenue from the East line of Ferrall Street to the West line of Freya 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 Euclid Avenue from the East line of Ferrall Street to the West line of Freya 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 **November 4, 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



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

09/30/2013

**Date Rec'd**

DocDate

**Clerk's File #**

ORD C35043

**Renews #****Submitting Dept**

CITY COUNCIL

**Cross Ref #****Contact Name/Phone**STEVE SALVATORI, 625-6715  
MIKE ALLEN, BEN  
STUCKART, NANCY  
MCLAUGHLIN,  
MIKE FAGAN**Project #****Contact E-Mail**

RBARDEN@SPOKANECITY.ORG

**Bid #****Agenda Item Type**

First Reading Ordinance

**Requisition #****Agenda Item Name**

0320 OPO ORDINANCE

**Agenda Wording**

An ordinance relating to the Office of Police Ombudsman; amending SMC sections 4.32.010, 4.32.020, 4.32.040, 4.32.090, 4.32.100 and 4.32.110; repealing SMC sections 4.32.030 and 4.32.080; and adopting new sections 4.32.035, 4.32.085, 4.32.150 and 4.3

**Summary (Background)**

On February 12, 2013, the citizens of Spokane voted to amend the City Charter to add a section creating a Police Ombudsman Commission and an Office of Police Ombudsman that has independent investigatory authority. The Charter amendment mandates that the duties and functions of the Office of Police Ombudsman be established by ordinance. The City and the Spokane Police Guild are currently engaged in collective bargaining for a new labor contract but have yet to agree on a contract that includes

**Fiscal Impact****Budget Account**

Neutral \$

#

Select \$

#

Select \$

# BudgetAccount3

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**

#### agenda wording

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

#### agenda background

On February 12, 2013, the citizens of Spokane voted to amend the City Charter to add a section creating a Police Ombudsman Commission and an Office of Police Ombudsman that has independent investigatory authority. The Charter amendment mandates that the duties and functions of the Office of Police Ombudsman be established by ordinance.

The City and the Spokane Police Guild are currently engaged in collective bargaining for a new labor contract but have yet to agree on a contract that includes provisions for a police ombudsman ordinance that meet the requirements of the City Charter. On May 20, 2013, the City Council approved Resolution No. 2013-0033, which provided the City Council's support of the collective bargaining efforts between the City and the Spokane Police Guild and encourages the parties to negotiate a collective bargaining agreement that either includes terms and conditions that substantially accomplish the objectives of a proposed ordinance that was included with the resolution, or that does not preclude the City from adopting such terms and conditions by ordinance. Because the City and the Police Guild have not reached agreement on a contract that includes provisions for a police ombudsman ordinance, the City Council is proceeding forward with this ordinance, which creates an Office of Police Ombudsman Commission and establishes the duties and functions of the Police Ombudsman consistent with the City Charter.

## Ordinance No. C-35043

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

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

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

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

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

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

NOW, THEREFORE, the City of Spokane does ordain:

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

### **4.32.010 Office of Police Ombudsman**

A. The office of police ombudsman (OPO) is established in order to:

1. ~~((Help ensure))~~ Ensure that investigation of complaints against police officers are accomplished in a timely, fair, and thorough manner;
2. Provide visible, professional, independent oversight of police officers;  
~~((and))~~



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

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

#### **4.32.020 Definitions**

- A. "Certify" or "certification process" refers to the determination by the OPO that an IA complaint investigation was timely thorough and objective, including whether IA properly advised the complainant of the availability of the OPO complaint process.
- B. ~~((A.))~~ "Chief" means the chief of the Spokane police department.
- C. "Community Impact Case" or "CIC" means an incident and/or citizen complaint that because of public visibility, media exposure and/or allegations of serious or willful misconduct on the part of one or more Spokane police officers, warrants immediate independent investigation by the OPO. The OPO will decide if and when a CIC exists, subject to confirmation by the police ombudsman commission.

- D. ~~((B-))~~ "Complainant" means any person who files a complaint against ~~((any commissioned member of the Spokane police department))~~ a police officer(s).
- E. ~~((C-))~~ "Complaint" means a complaint filed with IA or with the OPO by any person of alleged police misconduct regardless of whether the complaint has been classified as a citizen inquiry of an investigation.
- F. "Continuing pattern of unprofessional conduct" exists when there is a founded complaint of unprofessional conduct on the officer's record, or two or more recorded allegations of unprofessional conduct against the officer within the previous five years.
- G. ~~((D-))~~ "Finding" means a conclusion reached after investigation.
- H. ~~((E-))~~ "IA" or "internal affairs" means the Spokane police department's investigative unit, whose responsibilities and procedures are described in the Spokane police department's policy and procedure manual, as amended from time to time, to receive and investigate allegations of misconduct by Spokane police department employees.
- I. ~~((F-))~~ "Material to the outcome," "material statement," and "material fact" are those facts, evidence, or statements which tend to influence the trier of fact because of its logical connection with the issue. It is a fact which tends to establish any of the issues raised by the complaint or the defenses to the complaint.
- J. ~~((G-))~~ "Mediation" means a private, informal dispute resolution process in which a neutral third person, the mediator, helps disputing parties to reach an agreement. The mediator has no power to impose a decision on the parties.
- ~~((H-))~~ ~~"Member" means a sworn employee of the Spokane police department about whom a complaint has been submitted to the Spokane police department or the OPO.)~~
- K. ~~((I-))~~ "Misconduct" means conduct by a ~~((member))~~ Spokane police officer during an encounter with a citizen, which conduct violates Spokane police department regulations or orders, or other standards of conduct required of City employees.
- L. "Police Officer" means a commissioned member of the Spokane police department.
- M. ~~((J-))~~ "Policy-related issue" means a topic pertaining to the Spokane police department's hiring and training practices, the Spokane police department's policies and procedures, equipment, and general supervision and management

practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.

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

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

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

**4.32.035 Functions and Duties**

A. The primary role of the OPO is:

1. To actively monitor Spokane police department IA investigations of complaints and to make recommendations for improving policies and procedures based upon observations; and
2. To conduct independent investigations of complaints and issue and publish closing reports in response to complaints filed with the OPO.

B. General Provisions.

1. Receipt of complaints.  
Any person may file a complaint against a police officer(s) with either IA or the OPO, or both.
2. Investigations.
  - a. If a complaint is filed solely with IA: The OPO may actively monitor the IA investigation and, consistent with the provisions of 4.32.035(C)(2) may investigate to the extent necessary to independently certify the timeliness, objectivity and thoroughness of the IA investigation.
  - b. If a complaint is filed solely with the OPO, or with both the OPO and IA: The OPO may conduct an independent investigation at any time, regardless of IA action, as provided in this chapter.
  - c. Within the framework above, the OPO has the authority to determine what complaints to investigate, and to what extent.

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

7. The OPO may not levy any fees for the handling of complaints or any other duties identified in this chapter.
8. Complaints against the chief of police or the assistant police chief shall be forwarded by the OPO to the mayor to determine the subsequent investigation procedure. Any complaint against the police ombudsman may be submitted directly to the OPO commission.

C. OPO Monitoring of IA Complaint Investigations.

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

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

### 3. Mediation.

- a. Prior to the initiation of an IA complaint investigation, the OPO may recommend to the chief that the complaint be resolved through mediation.
- b. Mediation shall not be utilized if the complaint involves a serious matter as defined in SMC 4.32.020(N) or implicates the police officer(s) in a continuing pattern of unprofessional conduct as defined in SMC 4.32.020(F).
- c. Notwithstanding the restrictions in subsection (C)(3)(b), mediation shall be utilized according to rules and procedures promulgated by the OPO, pursuant to SMC 4.32.035(B)(6).

### 4. Appeals of IA complaint investigations.

- a. In the event the chief (or chief's designee) declines to initiate an IA investigation of a complaint, the OPO may appeal that decision to the OPO commission, whose decision shall be final.

- b. In the event the OPO determines that an IA complaint investigation was not timely, thorough and/or objective pursuant to SMC 4.32.035(C)(2), the OPO may make a request with the chief that an additional IA investigation be performed. If the OPO disagrees with the chief's determination, the OPO may appeal to the OPO commission, whose decision shall be final; the IA complaint investigation shall be completed consistent with the determination of the OPO commission.
    - c. If an additional IA investigation is undertaken, the procedures governing initial investigations in SMC 4.32.035(B) and (C) shall be applied.
    - d. If an additional IA investigation is undertaken and the OPO subsequently determines that it was not timely, thorough and objective, the OPO may again request additional investigation according to this section. This process may be repeated until the OPO commission makes a determination that no further investigation is needed.
    - e. If, after the appeal process is exhausted, the OPO still finds that the IA complaint investigation was not timely, thorough and objective, the OPO shall notify the chief. A brief statement of the decision not to certify the IA investigation shall be published on the OPO website within forty-eight hours of the chief being notified.
  - 5. OPO oversight of police department policies and procedures.  
The OPO may recommend changes in police department policies and may issue reports identifying trends in IA complaint investigations. To facilitate this role, IA shall promptly provide the OPO with unimpeded access to closed IA complaint investigation files, upon request. The OPO shall return closed IA complaint investigation files to IA within one year.
- D. Independent OPO Complaint Investigations.
- 1. General authority.  
The OPO may conduct an independent investigation of any complaint filed with the OPO at any time, regardless of IA action on the complaint.
  - 2. Receipt of complaints.
    - a. The OPO may receive complaints from IA pursuant to SMC 4.32.035(C)(1) or directly from a complainant. If a complainant files a complaint directly with the OPO, the OPO shall provide IA with a copy of the complaint within three business days.

- b. The OPO may receive and catalogue complaints concerning events that occurred more than one year prior to the filing of a complaint, but may not act upon them unless directed to do so by the OPO commission.
- 3. Investigation of complaints filed directly with OPO.

The OPO may interview the complainant and any witnesses. In addition to the access to SPD officers granted under SMC 4.32.035(C)(1)(e) and (2)(a), the OPO may request voluntary interviews with SPD officers at any time and disclose both the request and the response to the request by the SPD and/or the officers to whom the request is made.
- 4. Closing Report.
  - a. Whenever a complaint is filed with the OPO, the OPO shall produce a closing report.
  - b. The purpose of the closing report is to summarize the OPO's conclusions regarding the substance of the complaint and any OPO recommendations regarding revision to any applicable law enforcement policy, training protocol and/or law enforcement procedure materially associated with the basis for the complaint. Except as specifically directed in this chapter, the content and length of the closing report shall be determined solely by the OPO. The OPO may include information obtained during participation in IA complaint investigation interviews in a closing report, subject to disclosure limitations in SMC 4.32.035(B)(5).
  - c. Within thirty calendar days of the closure of the IA complaint investigation or the OPO complaint investigation, whichever is later, the OPO shall send a copy of the closing report to IA, the complainant, and publish the closing report on the OPO's website.

E. Community Impact Cases.

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



has subsequently resulted in a complaint filed with IA or OPO, at which point provisions governing complaint investigations govern.

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

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

#### **4.32.040 Critical Incidents**

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

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

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

#### **4.32.085 Qualifications and Appointment**

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

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

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

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

**4.32.090 Term**

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

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

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

#### **4.32.100 Removal**

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

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

#### **4.32.110 Reporting Requirements**

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

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

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

**4.32.150 Office of Police Ombudsman Commission**

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

7. Conduct and approve evaluations of the OPO and OPO personnel;
  8. Request that the OPO examine or re-examine specific incidents or issues and confirm or reject OPO requests for additional investigation by IA;
  9. Assist OPO personnel in communicating with Spokane's diverse communities and the general public about the complaint filing and investigation process;
  10. Make readily available to the public all commission reports, recommendations, and evaluations, subject to disclosure limitations in SMC 4.32.035(B)(5); and
  11. Prepare and present an annual report to the city council.
- C. The commission shall not have any authority to:
1. Participate in the police department's disciplinary process;
  2. Hear appeals of any complaints made to or investigated by the OPO; or
  3. Release or disclose any information also prohibited from disclosure by the OPO pursuant to SMC 4.32.035(B)(5).
- D. Selection of Members.
1. Two members shall be nominated by the mayor and appointed by city council; and,
  2. One member from each of the three city council districts nominated and appointed by city council.
  3. The commission may, at any time, determine that more members are necessary to carry out the duties of the commission. Upon unanimous vote of all commission members and majority approval by the city council pursuant to an amendment to this section, additional members may be added to the commission two members at a time:
    - a. One additional member nominated by the mayor and appointed by city council; and,
    - b. One additional member nominated appointed by city council.
- E. Officers.
- The commission members shall annually choose their own chair and vice-chair, who will serve from January 1st through December 31st, and shall serve in that

position for no more than three consecutive one-year terms. The chair (and vice-chair in the absence of the chair) will set the agenda for meetings, facilitate the meetings, speak on behalf of the commission and call any special meetings.

F. Qualifications.

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

G. Terms of Office.

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

H. Expectations.

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

I. Liability.

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

J. Removal.

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

K. Meetings and Procedures.

1. The commission may appoint from its membership committees as necessary to perform its duties.

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



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

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

**4.31.160      Funding**

The city council shall maintain funding necessary to appropriately staff the office of police ombudsman, including adequate staff to enable to ombudsman to perform the required duties and responsibilities of the office as well as providing staff assistance to the police ombudsman commission.

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

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

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

Attest:

Approved as to form:

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

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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