

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, MAY 19, 2014

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 CANDACE MUMM

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. Agenda items are available for public review in the Office of the City Clerk during regular business hours.

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

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

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION

Roll Call of Council

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------|
| 1. Purchase of 150 desktop computers, workstations and monitors from US Micro (Las Vegas, NV) for the Police Department utilizing Spokane County contract No. P7858-001 through the City/County Interlocal Agreement—\$170,000 (incl. tax). Tim Schwering | Approve | OPR 2014-0380 |
| 2. Purchase twenty-five Drager gas detection instruments and accessories from Oxarc Inc. (Spokane, WA) for the Riverside Park Water Reclamation Facility and Sewer Maintenance—\$44,937.31 (incl. tax). Dale Arnold | Approve | OPR 2014-0381
BID 4008-14 |
| 3. Low Bid of Bacon Concrete, Inc. (Colbert, WA) for Hamblen Elementary School Sidewalks and North Division Street Sidewalks—\$294,703.90. An administrative reserve of \$29,470.40, which is 10% of the contract price, will be set aside. Dan Buller | Approve | PRO 2014-0021
ENG 2013056
ENG 2011105 |
| 4. Contract with CompuCom Systems, Inc. (Dallas, TX) for the Microsoft Select Agreement License Support to include Right to Use Licenses and Software Assurance, from May 31, 2014, through May 30, 2017, utilizing WA State DES/Microsoft Contract No. #T11-MST-579—\$179,108.85 (plus tax) annually. Michael Sloon | Approve | OPR 2014-0382 |

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------|
| 5. Contract with Mitchell Humphrey and Company (St. Louis, MO) for annual support and upgrades of the Financial Management System Software from July 1, 2014, through June 30, 2015—\$80,720. Michael Sloon | Approve | OPR 2014-0383 |
| 6. Contract extension with Deeco, Inc., (Raleigh, NC) for annual compliance testing at the Waste to Energy Facility from April 1, 2014, through March 31, 2015—\$93,920, plus a 10% administrative reserve of \$9,392, for a total amount not to exceed \$103,312. Ken Gimpel | Approve | OPR 2013-0296
RFP 3914-13 |
| 7. Memorandum of Understanding with Spokane County regarding reimbursement of grant-eligible costs for preparing the Spokane County Comprehensive Solid Waste Management Plan Update from May 19, 2014, through November 16, 2014. Ken Gimpel | Approve | OPR 2014-0384 |
| 8. Intertie Water Supply Agreement between the Water Department and the North Spokane Irrigation District No. 8. for Auxiliary Water Supply. Chris Peterschmidt | Approve | OPR 2014-0385 |
| 9. Report of the Mayor of pending: | Approve &
Authorize
Payments | CPR 2014-0002 |
| 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 2014-0003 |

EXECUTIVE SESSION

(Closed Session of Council)

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

CITY COUNCIL SESSION

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

(Council Briefing Center)

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

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

APPOINTMENTS

RECOMMENDATION

Housing Authority Board: One Reappointment

Confirm CPR 1981-0487

**Community, Housing and Human Services Board:
Two Appointments**

Confirm CPR 2012-0033

CITY ADMINISTRATION REPORT

COUNCIL COMMITTEE REPORTS

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

OPEN FORUM

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

LEGISLATIVE AGENDA

NO EMERGENCY BUDGET ORDINANCES

NO EMERGENCY ORDINANCES

RESOLUTION

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2014-0055** Amending the City Council Rules of Procedure (under Rule 9.1 Standing Committees – renaming Finance Committee as the Finance and Technology Committee). **Council President Stuckart**

FINAL READING ORDINANCES

- ORD C35096** Relating to the establishment of fire departments within the fire division; repealing Spokane Municipal Code Sections 3.01A.270, 3.01A.275, 3.01A.280, 3.01A.285, 3.01A.290, 3.01A.295 and 3.01A.300. **Council President Stuckart**
- ORD C35097** Relating to mobile food vendors, providing regulations, conditions and licensing requirements for mobile food vending; adopting a new Chapter 10.51 to Title 10 of the Spokane Municipal Code; amending Spokane Municipal Code 10.40.010; adopting a new Spokane Municipal Code 8.02.0233 to Chapter 08.02 Spokane Municipal Code; amending Appendix B in Spokane Municipal Code 4.31.040; and amending Spokane Municipal Code 1.05.160, Penalty Schedule – Land Use Violation. **Andrew Worlock**
- ORD C35098** Relating to mobile food vending within the commercial, industrial, downtown and center and corridor zones, allowing mobile food vending as a limited use in these zones; and amending Spokane Municipal Code Sections 17C.120.100, 17C.120.110, 17C.120.270, 17C.122.070, 17C.124.100, 17C.124.110, 17C.130.100, 17C.130.110, and 17C.319.100; adopting a new Spokane Municipal Code Section 245 to chapter 17C.190 and adopting a new Chapter 17C.380 to Title 17C of the Spokane Municipal Code. **Andrew Worlock**

FIRST READING ORDINANCE

- ORD C35099** Relating to the establishment of purchasing and procurement requirements that provides a preference, where technically feasible and cost effective, for products and products in packaging that do not contain polychlorinated biphenyls; adopting a new Section 7.06.172 to Chapter 7.06 of the Spokane Municipal Code.
Council President Stuckart / Council Member Waldref

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

NO HEARINGS

**Motion to Approve Advance Agenda for May 19, 2014
(per Council Rule 2.1.2)**

OPEN FORUM (CONTINUED)

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

ADJOURNMENT

The May 19, 2014, Regular Legislative Session of the City Council is adjourned to June 2, 2014.

Note: The regularly scheduled City Council meeting for Tuesday, May 27, 2014, has been canceled. (There is no meeting on Monday, May 26, 2014, due to the recognized Memorial Day holiday.)

NOTES

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

05/19/2014

Date Rec'd

5/7/2014

Clerk's File #

OPR 2014-0380

Renews #Submitting Dept

POLICE

Cross Ref #Contact Name/Phone

TIM SCHWERING 625-4026

Project #Contact E-Mail

TSCHWERING@SPOKANEPOLICE.ORG

Bid #Agenda Item Type

Purchase w/o Contract

Requisition #Agenda Item Name

0680-DESKTOP COMPUTER PURCHASE

Agenda Wording

Approval to purchase an estimated 150 desktop computers workstations and monitors from US Micro for the Police Department utilizing County contract P7858-001 through the City/County Interlocal Agreement. Total cost--\$170,000(includes tax).

Summary (Background)

Desktop computers should be replaced every 5 years in order to maintain functionality and warranties. This purchase will ensure that SPD desktop computers are maintained at that current rate. The value blanket will be set at \$170,000 and be maintained at that rate for a year 5/19/14-5/19/15.

Fiscal ImpactBudget Account

Expense \$ 170,000

0680-30210-21920-53502-99999

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

WADE, ERIKA

Study Session

4/21/14

Division Director

STRAUB, FRANK

OtherFinance

BUSTOS, KIM

Distribution ListLegal

DALTON, PAT

ewade

For the Mayor

SANDERS, THERESA

tschwering

Additional Approvals

dpatrick

Purchasing

contract accounting

taxes and licenses

**Briefing Paper
City of Spokane
Spokane Police Department
Desktop Computer Value Blanket 2014
Public Safety Committee-April 21, 2014**

Subject

Establish a value blanket for desktop computers.

Background

SPD uses desktop computers for Administration, Detectives, Records, Property, Support Staff, etc. so replacements of these are needed on a 5 year rotation.

Impact

- Funds will be used to replace desktop computers for SPD as current ones become non-functional.
- These technology improvements will ensure SPD employees are able to complete essential job functions more effectively and efficiently.
- Estimated total value blanket for 150 desktops is \$170,000 (includes tax).

Action

Council Approval for value blanket utilizing Spokane County contract number P7858-001

Funding

General Fund - 0680

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

05/19/2014

<u>Date Rec'd</u>	5/7/2014
<u>Clerk's File #</u>	OPR 2014-0381
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	4008-14
<u>Requisition #</u>	RE16941

<u>Submitting Dept</u>	WASTEWATER MANAGEMENT
<u>Contact Name/Phone</u>	DALE ARNOLD 625-7900
<u>Contact E-Mail</u>	DARNOLD@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Purchase w/o Contract
<u>Agenda Item Name</u>	4320 GAS DETECTION INSTRUMENTS AND ACCESSORIES

Agenda Wording

Purchase of twenty-five Drager gas detection instruments and accesories from Oxarc Inc. (Spokane, WA)for the amount of \$44,937.31 (including tax) for use by the Wastewater Management Department.

Summary (Background)

The purchase of the gas detection equipment will replace portable gas detectors nearing the end of their economic service life. This equipment will allow the Wastewater Management Department to continue to meet confined space entry requirments and provide safe monitoring of confined space entries. Bid requests were sent to 12 vendors and 4 bid responses were received. The bids were opened on March 24, 2014 and Oxarc Inc. had the lowest responsive bid.

<u>Fiscal Impact</u>	<u>Budget Account</u>
Expense \$ 44,937.31	# 4320-43200-94000-56501
Select \$	#
Select \$	#
Select \$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	ARNOLD, DALE	<u>Study Session</u>	
<u>Division Director</u>	ROMERO, RICK	<u>Other</u>	PWC Meeting 4/28/14
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Tax & Licenses	
<u>Additional Approvals</u>		cmeyers@spokanecity.org	
<u>Purchasing</u>	WAHL, CONNIE	cwahl@spokanecity.org	
		sbowers@spokanecity.org	
		mlesesne@spokanecity.org	
		emasingale@spokanecity.org	

BRIEFING PAPER
Public Works Committee
Wastewater Department
April 28, 2014

Subject

Purchase twenty-five Dräger Gas Detection Instruments and Accessories for use by Riverside Park Water Reclamation Facility and Sewer Maintenance.

Background

This purchase will replace portable gas detectors in the Wastewater Management Department nearing the end of their economic service life. Oxarc Inc. of Spokane, WA was the lowest responsive bidder (Bid #4008-14) for a total of \$44,937.31, including tax. We also considered and evaluated Honeywell, MSA, RKI, and Industrial Scientific gas detectors and selected Dräger as the best overall gas detector system for our purposes.

Bid #4008-14 was sent to 12 vendors with 4 bid responses.

Impact

These detectors will allow the Wastewater Management Department to continue to meet confined space entry requirements and provide safe monitoring of confined space entries.

Action

Recommend approval

Funding

Funding has been budgeted in the WWM 2014 budget.

BID #4008-14 Dräger Gas Detection Instruments and Accessories

Due: 3/24/2014

COMPANIES SUBMITTING BIDS			Life Safety Corporation, 23710 NW Clara Lane, Hillsboro OH 97124		Norco Inc., 6102 E. Trent Ave., Spokane, WA		Oxarc Inc., 4003 E. Broadway, Spokane, WA 99202		TTT Environmental, 25420 74th Ave. S., Kent, WA 98032	
Quantity	SECTION 1 - INSTRUMENTS AND ACCESSORIES	Model #	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal
21	Gas Detection Instrument, Dräger X-am 2500: Ex/O ₂ /CO/H ₂ S-LC, NiMH Battery with Charger	4542261	845.00	17,745.00	685.00	14,385.00	646.98	13,586.58	661.50	13,891.50
2	Gas Detection Instrument, Dräger Pac 7000 Cl ₂ : 0–20 ppm, 0.05 ppm resolution	8318978	585.00	1,170.00	475.00	950.00	447.53	895.06	461.50	923.00
2	Gas Detection Instrument, Dräger Pac 7000 SO ₂ : 0–100 ppm, 1 ppm resolution	8318976	585.00	1,170.00	475.00	950.00	447.53	895.06	461.50	923.00
21	Remote Sampling Pump: X-am 2500	8319400	280.00	5,880.00	227.00	4,767.00	214.01	4,494.21	222.77	4,678.17
21	Protective Carry Case: X-am 2500 Remote Sampling Pump	4543935	71.00	1,491.00	58.00	1,218.00	54.56	1,145.76	59.76	1,254.96
21	12" Clear Plastic Sample Probe	4511262	44.00	924.00	36.00	756.00	33.68	707.28	38.41	806.61
	SECTION 2 – X-DOCK AND CALIBRATING GAS						0.00			0.00
6	Dräger X-dock 5300 X-am 125 set: includes one master (3 gas inlets), power supply, and one instrument module for the X-am 2500.	8321880	2,655.00	15,930.00	2,145.00	12,870.00	2,027.20	12,163.20	2,072.77	12,436.62
1	Dräger X-dock 5300 Pac set: includes one master (3 gas inlets), power supply, and one instrument module for the Pac 7000.	8321881	2,655.00	2,655.00	2,145.00	2,145.00	2,027.20	2,027.20	2,072.77	2,072.77
8	Dräger X-dock pressure regulator: 0.5 bar (7.25 psi). One regulator is needed for each test gas cylinder configured on the X-dock.	8321856	522.00	4,176.00	422.00	3,376.00	398.96	3,191.68	407.88	3,263.04
1	Dräger X-dock Manager Professional (software license)	8321870	1,325.00	1,325.00	1,070.00	1,070.00	0.00	0.00	1,034.53	1,034.53
7	Dräger X-dock cylinder holder (table version)	8321918	85.00	595.00	69.00	483.00	65.33	457.31	66.75	467.25
14	FKM hose: black, solvent resistant (not for Cl ₂) (per foot)	1203150	7.00	98.00	6.00	84.00	5.67	79.38	5.70	79.80
2	Teflon-lined hose for Cl ₂ (per foot)	4594679	7.75	15.50	6.50	13.00	6.06	12.12	6.08	12.16
6	Dräger standard 4-gas calibration mix - 58 liters, 24-month shelf life	4594655	280.00	1,680.00	173.60	1,041.60	215.44	1,292.64	220.25	1,321.50
1	Dräger Cl ₂ calibration gas: 5 ppm - 58 liters, 9-month shelf life	4594964	351.00	351.00	234.50	234.50	268.41	268.41	274.39	274.39
1	Dräger SO ₂ calibration gas: 10 ppm - 58 liters, 24-month shelf life	4597050	163.00	163.00	105.00	105.00	124.78	124.78	127.56	127.56
	SUBTOTAL			\$55,368.50		\$44,448.10		\$41,340.67		\$43,566.86
	SALES TAX 8.7%			\$4,817.06		\$3,866.98		\$3,596.64		\$3,790.32
	TOTAL BID			\$60,185.56		\$48,315.08		\$44,937.31		\$47,357.18

THIS REQUEST FOR BIDS WAS SENT TO 12 VENDORS WITH 4 BID RESPONSES

PRICING AND OTHER CRITERIA TO DETERMINE LOW RESPONSIVE BID MEETING SPECIFICATIONS. AWARD OF BID IS MADE BY CITY COUNCIL.

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

05/19/2014

<u>Date Rec'd</u>	5/7/2014
<u>Clerk's File #</u>	PRO 2014-0021
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	2013056/2011105
<u>Bid #</u>	
<u>Requisition #</u>	CR 14461

<u>Submitting Dept</u>	ENGINEERING SERVICES
<u>Contact Name/Phone</u>	DAN BULLER 625-6391
<u>Contact E-Mail</u>	DBULLER@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Contract Item
<u>Agenda Item Name</u>	0370 - LOW BID AWARD - HAMBLLEN/DIVISION

Agenda Wording

Low Bid of Bacon Concrete, Inc. (Colbert) for Hamblen Elementary School Sidewalks and North Division Street Sidewalks - \$294,703.90. An administrative reserve of \$29,470.40, which is 10% of the contract price, will be set aside.

Summary (Background)

On May 5, 2014 bids were opened for the above project. The low bid was from Bacon Concrete, Inc. in the amount of \$295,003.90, which is \$141,345.54 under or 32.46% under the Engineer's Estimate; two other bids were received as follows: Cameron-Reilly LLC - \$349,786.30; William Winkler Company - \$380,527.10.

<u>Fiscal Impact</u>	<u>Budget Account</u>
Expense \$ 255,204.68	# 3200-95055-95300-56501-99999
Expense \$ 68,969.62	# 3200-95038-95300-56501-99999
Select \$	#
Select \$	#

<u>Approvals</u>	<u>Council Notifications</u>
<u>Dept Head</u>	<u>Study Session</u>
<u>Division Director</u>	<u>Other</u> PCED 4/21/2014
<u>Finance</u>	<u>Distribution List</u>
<u>Legal</u>	lhattenburg@spokanecity.org
<u>For the Mayor</u>	pdolan@spokanecity.org
<u>Additional Approvals</u>	mlesesne@spokanecity.org
<u>Purchasing</u>	htrautman@spokanecity.org
	rdykes@spokanecity.org

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

Project Number: 2013056

Project Description Hamblen Elementary School Sidewalks

Original Date 12/27/2013 8:18:24 AM

Funding Source State

Update Date 5/7/2014 8:08:44 AM

Preparer Dan Buller

Addendum

Project Number: 2013056			Engineer's Estimate		Bacon Concrete Inc		Cameron-Reilly LLC		William Winkler Company	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description					Tax Classification					
Schedule 01 Hamblen					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	PUBLIC LIAISON REPRESENTATIVE	1 LS	*****	5,000.00	*****	600.00	*****	750.00	*****	500.00
103	SPCC PLAN	1 LS	*****	500.00	*****	500.00	*****	500.00	*****	500.00
104	MOBILIZATION	1 LS	*****	20,000.00	*****	20,800.00	*****	14,264.00	*****	15,000.00
105	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	40,000.00	*****	4,000.00	*****	12,155.00	*****	30,000.00
106	SAWCUTTING FLEXIBLE PAVEMENT	80 LFI	0.75	60.00	4.00	320.00	3.00	240.00	3.00	240.00
107	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	105 SY	15.00	1,575.00	12.00	1,260.00	12.00	1,260.00	19.00	1,995.00
108	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	6,660.03	*****	12,000.00	*****	24,190.00	*****	15,000.00
109	SAWCUTTING CURB	44 EA	25.00	1,100.00	23.00	1,012.00	20.00	880.00	30.00	1,320.00
110	REMOVE EXISTING CURB	694 LF	12.00	8,328.00	5.00	3,470.00	8.00	5,552.00	12.00	8,328.00
111	SAWCUTTING RIGID PAVEMENT	702 LFI	1.50	1,053.00	1.00	702.00	1.00	702.00	4.00	2,808.00
112	COMMON BORROW INCL. HAUL	15 CY	852.85	12,792.75	20.00	300.00	30.00	450.00	130.00	1,950.00
114	CSTC FOR SIDEWALK AND DRIVEWAYS	241 CY	40.37	9,728.30	36.00	8,676.00	50.00	12,050.00	200.00	48,200.00
115	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64028, 3 INCH THICK	25 SY	75.00	1,875.00	80.00	2,000.00	90.00	2,250.00	70.00	1,750.00

<i>Project Number:</i> 2013056			<i>Engineer's Estimate</i>		Bacon Concrete Inc		Cameron-Reilly LLC		William Winkler Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Hamblen					Public Street Improvement					
116	PAVEMENT REPAIR EXCAVATION INC.	25 SY	50.00	1,250.00	30.00	750.00	30.00	750.00	30.00	750.00
117	CEMENT CONCRETE CURB WALL	355 LF	38.15	13,544.21	34.60	12,283.00	45.00	15,975.00	40.00	14,200.00
118	INLET PROTECTION	26 EA	93.24	2,424.28	60.00	1,560.00	75.00	1,950.00	100.00	2,600.00
119	ESC LEAD	1 LS	*****	1,969.99	*****	300.00	*****	1,200.00	*****	500.00
120	SOD INSTALLATION	1476 SY	12.35	18,233.91	9.50	14,022.00	10.00	14,760.00	8.00	11,808.00
121	TOPSOIL TYPE A, 2 INCH THICK	1406 SY	6.19	8,701.31	4.80	6,748.80	5.00	7,030.00	4.00	5,624.00
122	2 IN. PVC IRRIGATION SLEEVE	426 LF	12.20	5,197.20	3.75	1,597.50	6.00	2,556.00	6.00	2,556.00
123	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	2,627.12	*****	7,720.00	*****	16,000.00	*****	10,000.00
124	CEMENT CONC. CURB AND GUTTER	37 LF	18.06	668.15	35.00	1,295.00	25.00	925.00	16.30	603.10
125	CEMENT CONCRETE CURB	867 LF	16.58	14,375.12	16.35	14,175.45	20.00	17,340.00	16.00	13,872.00
126	CEMENT CONCRETE DRIVEWAY	58 SY	39.86	2,312.00	40.00	2,320.00	60.00	3,480.00	30.00	1,740.00
127	CEMENT CONCRETE DRIVEWAY	10 SY	39.86	398.62	40.00	400.00	60.00	600.00	30.00	300.00
128	CEMENT CONC SIDEWALK	3805 SY	35.00	133,175.00	27.90	106,159.50	27.86	106,007.30	25.00	95,125.00
129	RAMP DETECTABLE WARNING	224 SF	29.26	6,553.23	18.00	4,032.00	20.00	4,480.00	19.00	4,256.00
130	SIGNING, PERMANENT	1 LS	*****	12,225.60	*****	3,000.00	*****	3,300.00	*****	4,000.00
<i>Schedule Totals</i>				332,328.83		232,004.25		271,597.30		295,526.10

<i>Project Number:</i> 2013056			<i>Engineer's Estimate</i>		Bacon Concrete Inc		Cameron-Reilly LLC		William Winkler Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> Division					Public Street Improvement					
201	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
202	SPCC PLAN	1 LS	*****	500.00	*****	300.00	*****	500.00	*****	250.00
203	PUBLIC LIAISON REPRESENTATIVE	1 LS	*****	6,279.27	*****	400.00	*****	500.00	*****	500.00
204	MOBILIZATION	1 LS	*****	5,000.00	*****	4,800.00	*****	4,647.00	*****	7,000.00
205	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	15,000.00	*****	3,800.00	*****	10,530.00	*****	11,000.00
206	SEQUENTIAL ARROW SIGN	240 HR	4.25	1,020.00	2.50	600.00	1.00	240.00	1.00	240.00
207	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	144 SY	15.00	2,160.00	12.00	1,728.00	10.00	1,440.00	20.00	2,880.00
208	SAWCUTTING FLEXIBLE PAVEMENT	500 LFI	0.75	375.00	1.00	500.00	1.00	500.00	3.00	1,500.00
209	COMMON BORROW INCL. HAUL	4 CY	852.85	3,411.40	20.00	80.00	55.00	220.00	130.00	520.00
210	CSTC FOR SIDEWALK AND DRIVEWAYS	80 CY	60.00	4,800.00	36.00	2,880.00	55.00	4,400.00	200.00	16,000.00
212	PAVEMENT REPAIR EXCAVATION INCL. HAUL	120 SY	25.00	3,000.00	30.00	3,600.00	34.00	4,080.00	30.00	3,600.00
213	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 3 INCH THICK	120 SY	30.00	3,600.00	70.00	8,400.00	55.00	6,600.00	45.00	5,400.00
214	CEMENT CONCRETE CURB WALL	220 LF	50.00	11,000.00	31.00	6,820.00	40.00	8,800.00	40.00	8,800.00
215	CEMENT CONCRETE DRIVEWAY	218 SY	60.00	13,080.00	38.00	8,284.00	55.00	11,990.00	30.00	6,540.00
216	MANHOLE OR DRYWELL FRAME AND COVER (LOCKABLE)	1 EA	600.00	600.00	700.00	700.00	600.00	600.00	500.00	500.00
217	CEMENT CONC. SIDEWALK	469 SY	60.00	28,140.00	32.85	15,406.65	39.00	18,291.00	30.00	14,070.00
218	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	1 EA	400.00	400.00	400.00	400.00	550.00	550.00	500.00	500.00
219	JUNCTION BOX	1 EA	500.00	500.00	900.00	900.00	600.00	600.00	1,000.00	1,000.00

<i>Project Number:</i> 2013056			<i>Engineer's Estimate</i>		Bacon Concrete Inc		Cameron-Reilly LLC		William Winkler Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i>		Division			Public Street Improvement					
220	ESC LEAD	0 LS	*****	0.00	*****	0.00	*****	0.00	*****	0.00
221	INLET PROTECTION	2 EA	90.00	180.00	100.00	200.00	100.00	200.00	100.00	200.00
222	SIGNING, PERMANENT	1 LS	*****	3,000.00	*****	2,900.00	*****	3,000.00	*****	4,000.00
<i>Schedule Totals</i>				102,046.67		62,699.65		77,689.00		84,501.00

Project Number *2013056* *Hamblen Elementary School Sidewalks*

	<i>SCHEDULE SUMMARY</i>								
	<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>	332,328.83	104,020.61	0.00	0.00	0.00	0.00	0.00	0.00	436,349.44
Bacon Concrete Inc	232,004.25	62,699.65	0.00	0.00	0.00	0.00	0.00	0.00	294,703.90
Cameron-Reilly LLC	271,597.30	77,689.00	0.00	0.00	0.00	0.00	0.00	0.00	349,286.30
William Winkler Compa	295,526.10	84,501.00	0.00	0.00	0.00	0.00	0.00	0.00	380,027.10

Low Bid Contractor: Bacon Concrete Inc

	<i>Contractor's Bid</i>	<i>Engineer's Estimate</i>	<i>% Variance</i>	
<i>Schedule 01</i>	\$232,004.25	\$332,328.83	30.19	% Under Estimate
<i>Schedule 02</i>	\$62,699.65	\$104,020.61	39.72	% Under Estimate
<i>Bid Totals</i>	\$294,703.90	\$436,349.44	32.46	% Under Estimate

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

05/19/2014

<u>Date Rec'd</u>	5/7/2014
<u>Clerk's File #</u>	OPR 2014-0382
<u>Renews #</u>	

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	CR14463000
<u>Agenda Item Name</u>	5300 COMPUCOM - MICROSOFT SA (2014)		

Agenda Wording

Contract with CompuCom Systems, Inc. (Dallas, TX) utilizing WA State DES/Microsoft Contract #T11-MST-579 for the Microsoft Select Agreement License Support to include Right to Use Licenses and Software Assurance.

Summary (Background)

This agreement is the Microsoft Select Agreement for State and Local Governments to use for Right to Use Licensing and Software Assurance costs for applications (i.e., MS Project, FrontPage, MSDN) and Desktop systems (i.e., MS SQL Database, Exchange CAL's) and Servers (i.e., Windows Operating Systems, Outlook). It is imperative to the City that the functionality of the Microsoft products and the software is stable and consistent. The City of Spokane is utilizing WA State DES Contract #T11-MST-579

<u>Fiscal Impact</u>		<u>Budget Account</u>
Expense	\$ \$148,000.00	# 5300-73450-18850-54820
Expense	\$ \$21,500.00	# 5300-73600-18850-54820
Expense	\$ \$25,500.00	# 5300-73900-18850-54820
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>
<u>Division Director</u>	DOLAN, PAM	<u>Other</u> Finance, May 5, 2014
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>
<u>Legal</u>	DALTON, PAT	Accounting - pdolan@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org
<u>Additional Approvals</u>		Legal - bburns@spokanecity.org
<u>Purchasing</u>		Taxes & Licenses
		Purchasing - cwahl@spokanecity.org
		IT – jhamilton@spokancity.org
		CompuCom - janice.j.edwards@compucom.com



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

This is a three (3) year agreement. May 31, 2014 through May 30, 2017 for \$179,108.85 plus tax annually.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Date:	4/3/2014				
From:	CompuCom Systems Inc				
To:	City of Spokane				
SKU	DESCRIPTION	QTY	PRICE	EXTENDED	NOTES Option
	<u>SA Renewal</u>			Upfront 3yr	Annual Payment for 3yrs
065-03516	Excel Sngl SA MVL	1	\$103.62	\$103.62	\$34.54
394-00559	ExchgStdCAL SNGL SA MVL UsrCAL	215	\$39.48	\$8,487.17	\$2,829.06
269-05708	OfficeProPlus SNGL SA MVL	2	\$286.20	\$572.39	\$190.80
S26-00119	OneNote Sngl SA MVL	1	\$41.94	\$41.94	\$13.98
076-01920	Prjct SNGL SA MVL	47	\$318.27	\$14,958.63	\$4,986.21
359-01014	SQLCAL SNGL SA MVL UsrCAL	29	\$101.16	\$2,933.50	\$977.83
810-04862	SQLSvrEnt SNGL SA MVL	2	\$4,159.70	\$8,319.40	\$2,773.13
7JQ-00355	SQLSvrEntCore SNGL SA MVL 2Lic CoreLic	36	\$6,656.51	\$239,634.20	\$79,878.07
7NQ-00301	SQLSvrStdCore SNGL SA MVL 2Lic CoreLic	18	\$1,736.91	\$31,264.36	\$10,421.45
228-04529	SQLSvrStd SNGL SA MVL	5	\$434.23	\$2,171.14	\$723.71
T9L-00232	SysCtrStd SNGL SA MVL 2Proc	54	\$429.29	\$23,181.81	\$7,727.27
T6L-00247	SysCtrDatactr SNGL SA MVL 2Proc	10	\$1,164.52	\$11,645.18	\$3,881.73
D87-01158	VisioPro SNGL SA MVL	39	\$271.39	\$10,584.29	\$3,528.10
D86-01252	VisioStd SNGL SA MVL	7	\$140.63	\$984.41	\$328.14
9ED-00073	VSPremwMSDN ALNG SA MVL	5	\$2,541.22	\$12,706.08	\$4,235.36
77D-00111	VSProwMSDN ALNG SA MVL	5	\$910.40	\$4,551.98	\$1,517.33
9JD-00053	VSUltwMSDN ALNG SA MVL	20	\$5,541.33	\$110,826.62	\$36,942.21
R18-00086	WinSvrCAL SNGL SA MVL UsrCAL	166	\$17.27	\$2,866.89	\$955.63
P71-07306	WinSvrDataCtr SNGL SA MVL 2Proc	1	\$2,982.84	\$2,982.84	\$994.28
P73-05865	WinSvrStd SNGL SA MVL 2Proc	113	\$429.29	\$48,510.09	\$16,170.03
	RE: Select enrollment # 5368848			\$537,326.55	\$179,108.85
	Your current SA expires 5/31/2014				
Please send your renewal PO to us by June 1 2014					

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

05/19/2014

<u>Date Rec'd</u>	5/7/2014
<u>Clerk's File #</u>	OPR 2014-0383
<u>Renews #</u>	

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	OPR 2013-0398
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	CR14462000
<u>Agenda Item Name</u>	5300 MITCHELL HUMPHREY ANNUAL (2014)		

Agenda Wording

Contract with Mitchell Humphrey and Company (MH & CO.), (St. Louis, MO) for annual support and upgrades of the Financial Management System Software. July 1, 2014 through June 30, 2015 for \$80,720.00.

Summary (Background)

The City of Spokane has been using Mitchell Humphrey & Company's Financial Management System since 1983. The Financial Management System has been continually enhanced based on the City's enterprise needs and requirements. This Financial Management System interfaces with many of the City's Enterprise Systems (HRMS, Permits, Utility Billing, etc.) and is the final repository of all City financial transactions.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ \$80,720.00	#	5300-73300-18850-54820
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>	
<u>Division Director</u>	DOLAN, PAM	<u>Other</u>	Finance, May 5, 2014
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	Accounting - pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org	
<u>Additional Approvals</u>		Legal - bburns@spokanecity.org	
<u>Purchasing</u>		Taxes & Licenses	
		Purchasing - cwahl@spokanecity.org	
		IT - jhamilton@spokancity.org	
		Mitchell Humphrey - kschaefter@mitchell	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

This contract supplies the annual maintenance on the existing systems: 1) General Ledger & related modules 2) Budget Ledger 3) Accounts Payable 4) Accounts Receivable-Invoicing 5) FMS-ONRAMP, FMS-EXEC, Test Account, FMS Productivity Suite 6) AP ACH Wire Transfer, Credit Card Processing, Purchasing Modules

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

CONTRACT

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

The parties agree as follows:

1. PERFORMANCE. MH&CO shall provide SOFTWARE MAINTENANCE for the City's FINANCIAL MANAGEMENT SYSTEM.
2. CONTRACT TERM. The Contract shall begin July 1, 2014 and shall run through June 30, 2015, unless terminated sooner.
3. COMPENSATION. The City shall pay MH&CO EIGHTY THOUSAND SEVEN HUNDRED TWENTY AND NO/100 DOLLARS (\$80,720.00) plus applicable tax, as full compensation for everything furnished and done under this Contract.
4. PAYMENT. MH&CO shall send its application for payment to the Information Technology Department, Administration Office, Seventh Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. Payment will be made within thirty (30) days after receipt of MH&CO's application.
5. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations.
6. ASSIGNMENTS. This Contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent.
7. AMENDMENTS. This Contract may be amended at any time by mutual written agreement.
8. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Contract.
9. TERMINATION. Either party may terminate this Contract by thirty (30) days written notice to the other party. In the event of such termination, the City shall pay MH&CO for all work previously authorized and performed prior to the termination date.
10. INDEMNIFICATION. MH&CO shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims for damages, liability, cost and expense arising out of the negligent conduct of MH&CO, its officers, employees and subcontractors in connection with the performance of the Contract, except to the extent of those claims arising from the negligence of the City, its officers and employees.

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

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

13. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. MH&CO agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable.

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

15. INSURANCE. During the term of the Contract, MH&CO shall maintain in force at its own expense, the following insurance coverages:

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

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

As evidence of the insurance coverages required by this Contract, MH&CO shall furnish acceptable insurance certificates to the City at the time it returns the signed Contract. The certificate shall specify all of the parties who are additional insured, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deductible or retention level, as well as policy limits. Insuring companies or entities are subject to City acceptance and must

have a rating of A- or higher by Best. Copies of all applicable endorsements shall be provided and, if requested complete copies of insurance policies shall be provided to the City. The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

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

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest: _____
City Clerk

Approved as to form:

Assistant City Attorney

Dated: _____

MITCHELL HUMPHREY & CO.

E-Mail address, if available: _____

By: _____

Title: _____

14-471



MITCHELL
HUMPHREY
s o f t w a r e

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

800 237-0028 • 314 991-2440
www.mitchellhumphrey.com

April 15, 2014

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

Attention: Ms. Joan Hamilton

Reference:

Invoice No. 10900000000013-R
Terms: Net 30 Days

R E V I S E D I N V O I C E

Annual maintenance fee for FMS II Software Products for the period
July 1, 2014 through June 30, 2015

80,720.00

Amount Due

\$80,720.00

Make check payable to Mitchell Humphrey & Co.

Breakdown:	2014-2015
General Ledger and related modules	\$17,995.00
Budget Ledger	\$8,025.00
Accounts Payable	\$7,650.00
Accounts Receivable-Invoicing	\$9,875.00
Purchasing and related modules	\$17,825.00
FMS-ONRAMP	\$3,995.00
FMS-EXEC	\$2,280.00
Test Account	\$7,540.00
FMS Productivity Suite	\$3,465.00
AP ACH Wire Transfer	\$685.00
Credit Card Processing	<u>\$1,385.00</u>
TOTAL MAINTENANCE:	\$80,720.00

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

05/19/2014

Date Rec'd

5/7/2014

Clerk's File #

OPR 2013-0296

Renews #Submitting Dept

SPOKANE REGIONAL SOLID WASTE

Contact Name/Phone

KEN GIMPEL 625-6532

Cross Ref #Project #Contact E-Mail

KGIMPEL@SPOKANECITY.ORG

Bid #

RFP 3914-13

Agenda Item Type

Contract Item

Requisition #

CR 14464

Agenda Item Name

4490 CONTRACT EXTENSION WITH DEECO, INC.

Agenda Wording

Contract extension with Deeco, Inc., (Raleigh, NC) for annual compliance testing at the waste to energy facility, April 1, 2014, through March 31, 2015. \$93,920.00 plus 10% administrative reserve, total not to exceed \$103,312.00.

Summary (Background)

Annual stack testing is required by the operating permits for the Waste to Energy Facility. A request for proposals was issued on February 26, 2013. DEECO was selected from among the 3 proposals received, and a contract was executed. The contract provides for four one-year extensions. This is the first of those extensions.

Fiscal ImpactBudget Account

Expense \$ 103,312.00

4490-44100-37148-54201

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

GIMPEL, KEN

Study Session

Public Wks Cmte 5/12/14

Division Director

ROMERO, RICK

OtherFinance

BUSTOS, KIM

Distribution ListLegal

DALTON, PAT

ttauscher@spokanecity.org

For the Mayor

SANDERS, THERESA

cmarchand@spokanecity.org

Additional Approvals

deeco@deeco.com

Purchasing

WAHL, CONNIE

mlesesne@spokanecity.org

cwahl@spokanecity.org

CONTRACT EXTENSION

THIS CONTRACT EXTENSION is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and DEECO, INC., whose address is 3404 Lake Woodard Road, Raleigh, North Carolina 27604, as "Contractor".

WHEREAS, the parties entered into a Contract wherein the Contractor agreed to provide the City with an AIR EMISSION COMPLIANCE TEST PROGRAM AT THE SPOKANE REGIONAL WASTE TO ENERGY FACILITY; and

WHEREAS, The original Contract allowed for four (4) additional one-year contract periods, subject to mutual agreement; and

WHEREAS, the parties would like to extend the contract; -- Now, Therefore,

The parties agree as follows:

1. CONTRACT DOCUMENTS. The Contract dated April 29, 2013 and May 13, 2013, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.
2. EXTENSION. The contract documents are hereby extended and shall commence April 1, 2014 and run through March 31, 2015.
3. COMPENSATION. For the year 2014, the City shall pay the Contractor in accordance with the fee schedule outlined in the Contractor's March 12, 2013 response to the proposal, not to exceed NINETY THREE THOUSAND NINE HUNDRED TWENTY AND NO/100 DOLLARS (\$93,920.00), plus a ten percent (10%) administrative reserve for everything furnished and done under this Contract Extension. Any revised fee schedule shall be approved through a *written* contract amendment.

Dated: _____

CITY OF SPOKANE

By: _____
Title: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Dated: _____

DEECO, INC.

E-Mail address, if available:

By: _____

Title: _____

14-472

BRIEFING PAPER
Public Works Committee
Spokane Regional Solid Waste System
May 12, 2014

Subject

Contract extension with DEECO, INC, for annual compliance testing for the Waste to Energy Facility. The amount of the extension is \$93,920.00 with a 10% administrative reserve of \$9,392, for a total amount of \$103,312.00.

Background

Annual stack testing is required by the operating permits for the Waste to Energy Facility. DEECO has provided this service since 2000. A request for proposals was issued on February 26, 2013, and 3 proposals were received. Based on a cost that was substantially less than the other proposals, and the history of excellent work that DEECO has performed in the past, they were selected and a contract executed. The contract allows for four one-year extensions. This is the first of those extensions.

Impact

The annual compliance test will demonstrate the Waste to Energy Facility's compliance with Chapter 401 (Title V) Air Operating Permit emission limits. It will also provide third-party certification of the accuracy of the existing Continuous Emission Monitors as required by 40CFR 60 Appendix B and F procedures.

Action

Recommend approval of the contract extension.

Funding

As a required annual expenditure, this testing is included in the 2014 Regional Solid Waste System waste to energy operations budget.

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

05/19/2014

Date Rec'd

5/7/2014

Clerk's File #

OPR 2014-0384

Renews #Submitting Dept

SPOKANE REGIONAL SOLID WASTE

Contact Name/Phone

KEN GIMPEL 625-6532

Contact E-Mail

KGIMPEL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

4490 MEMORANDUM OF UNDERSTANDING WITH SPOKANE COUNTY

Cross Ref #Project #Bid #Requisition #Agenda Wording

Memorandum of Understanding between the City of Spokane and Spokane County regarding reimbursement of grant-eligible costs for preparing the Spokane County Comprehensive Solid Waste Management Plan update. May 19, 2014 through November 16, 2014

Summary (Background)

The City currently administers a grant contract with the Washington State Department of Ecology (Ecology) for a Coordinated Prevention Grant (CPG). The CPG reimburses the City for county-wide solid waste program costs, including preparing the Spokane County Comprehensive Solid Waste Management Plan (SWMP) update. This MOU provides that the County will manage and prepare the SWMP and be allowed to submit those grant-eligible costs for reimbursement under the City's CPG contract with Ecology.

Fiscal ImpactBudget Account

Select \$

#

Select \$

#

Select \$

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Select \$

#

ApprovalsCouncil NotificationsDept Head

GIMPEL, KEN

Study Session

Public Wks Cmte 4/28/14

Division Director

ROMERO, RICK

OtherFinance

BUSTOS, KIM

Distribution ListLegal

DALTON, PAT

ttauscher@spokanecity.org

For the Mayor

SANDERS, THERESA

cmarchand@spokanecity.org

Additional Approvals

wwedlake@spokanecounty.org

Purchasing

BRIEFING PAPER
Public Works Committee
Spokane Regional Solid Waste System
April 28, 2014

Subject

Memorandum of Understanding between the City of Spokane and Spokane County regarding reimbursement of grant-eligible costs for preparing the Spokane County Comprehensive Solid Waste Management Plan update.

Background

The City currently administers a grant contract with the Washington State Department of Ecology (Ecology) for a Coordinated Prevention Grant (CPG). The CPG reimburses the City for county-wide solid waste program costs, including preparing the Spokane County Comprehensive Solid Waste Management Plan (SWMP) update. At the time of the grant application, it was uncertain whether the City or County would prepare the SWMP, however, it was known that the SWMP was grant eligible and that the SWMP had to be completed before the November 17, 2014 shift in county-wide solid waste management responsibilities to the County.

This MOU provides that the County will manage and prepare the SWMP and be allowed to submit those grant-eligible costs for reimbursement under the City's CPG contract with Ecology. The City will continue to manage the CPG contract until November 16, 2014. Effective November 17, 2014, the City's CPG contract with Ecology will be terminated and a new grant contract between Ecology and the County will begin.

Impact

This MOU provides for a transition of grant task responsibilities between the City and the County.

Action

Recommend approval.

Funding

Funding is included in the Regional Solid Waste System Department 2014 budget.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (MOU) is between the CITY OF SPOKANE, through the Spokane Regional Solid Waste System, a Washington State municipal corporation, as "City", and SPOKANE COUNTY, whose address is 1116 West Broadway Avenue, Spokane, Washington 99260, as "County", and collectively referred to, along with the City, as the "Parties."

WHEREAS, the City has received an award, Grant No. G1400203 (Grant), from the Washington State Department of Ecology (Ecology) for the Coordinated Prevention Grant in support of the Spokane County Comprehensive Solid Waste Management Plan (SWMP) update; and

WHEREAS, at the time of grant application, it was uncertain whether the City or County would be preparing the SWMP; however, it was known that the SWMP would need to be completed, and was grant eligible; and

WHEREAS, the Parties will be shifting responsibilities regarding regional solid waste effective November 16, 2014; and, as a result, the County, as of November 17, 2014, shall be responsible for the preparation of the SWMP to reflect the change in responsibility in county-wide solid waste operations; and

WHEREAS, the County is responsible for hiring a consultant to assist in the SWMP preparation. The consultant will invoice the County for services performed; and

WHEREAS, the County will invoice the City for grant-eligible County staff costs and consultant fees pertaining to the SWMP; and the City will reimburse the County per the invoice and appropriate documentation. Then, the City will submit those costs to Ecology for reimbursement under the City's grant contract with the Department; and

WHEREAS, the City will continue to manage the Grant contract until November 16, 2014. Effective November 17, 2014, the Grant contract with Ecology will be terminated; and a new grant contract between the County and Ecology will begin; --

NOW, THEREFORE:

The Parties agree as follows:

1. RESPONSIBILITIES.

A. The County shall:

- 1) Hire a consultant to assist it in the preparation of the new SWMP. The County must follow current state procurement procedures, and comply with the "Standards for Competitive Solicitation" found in the Administrative Requirements for Recipients of Ecology Grants and Loans – Yellow Book, Ecology Publication #91-18. Upon issuance, the County will submit in PDF format a copy of all Requests for Qualifications (RFQs), Request For Proposals (RFPs), and bid documents relating to this Agreement to the City. The consultant will directly invoice the County, and the County shall directly pay the consultant for services performed;
- 2) The County will then request reimbursement from the City for grant-eligible County staff costs and consultant fees pertaining to the SWMP. Requests for reimbursement must be submitted in electronic Department of Ecology format as reflected in Attachment A - Ecology Form C2. with appropriate supporting documentation in PDF format, including copies of invoices, purchase receipts, payroll reports and a brief summary of the task(s) performed. All time and attendance documentation needs to be completed on Attachment C - Ecology Forms E and H, signed in blue ink and original hard copies submitted to the City. In conjunction with each request for reimbursement, the County certifies that the services do not duplicate any services to be charged against any other grant, subgrant, or other funding source. Final request for reimbursement under this MOU should be submitted no later than December 1, 2014. Failure to comply with the foregoing may affect reimbursement; and
- 3) In order to facilitate the City's submission of eligible costs to Ecology for reimbursement, as well as in support of reporting the outcomes of the tasks(s) performed, the County will provide the City with the proper progress reports, expense forms, and backup documentation in the format provided in Attachment A - Ecology Form C2, Attachment B and Attachment C - Ecology Forms E and H. . The required reports shall be submitted monthly, along with the request for reimbursement in the electronic Ecology format provided. Any additional supporting documentation, such as ads or handouts, shall be submitted in PDF format.
- 4) The County shall submit reimbursement requests and progress reports to:
Suzanne Tresko
Recycling Coordinator
808 W. Spokane Falls Blvd., Suite 606
Spokane, WA 99201
(509) 625-6529
stresko@spokanecity.org

B. The City shall:

- 1) Reimburse the County for all grant eligible Spokane County staff costs and consultant fees, based on the electronic Ecology submitted request for reimbursement and appropriate documentation; and
- 2) Submit the required financial and programmatic reports in the format specified in Attachment A - Ecology Form C2, Attachment B and Attachment C - Ecology Form E to the Department of Ecology for approval.

2. **COMPENSATION.** The County shall submit invoices to the City, and the City shall pay the County for grant eligible costs up to the maximum of TWO HUNDRED FIFTY THOUSAND AND NO/100DOLLARS (\$250,000.00). The County shall submit requests for reimbursement monthly by the 20th of the month, for the previous months' expenditures. The City shall reimburse the County from the following funding sources:

Funding Source	Amount
Department of Ecology, state grant funds – 75%	\$187,500
City of Spokane, local funds – 25%	\$62,500
<i>Total Budget</i>	<i>\$250,000</i>

Each reimbursement will be made using 75% Department of Ecology funds; and, 25% City local funds. Payment will be made on a reimbursement basis only.

3. **TERM.** This Memorandum shall begin on February 24, 2014, and run through November 16, 2014--unless terminated earlier.

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

5. **ANTI-KICKBACK.** No officer or employee of the City, having the power or duty to perform an official act or action related to this Memorandum shall have or acquire any interest in the Memorandum, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Memorandum.

6. **NOTICES.** Any notice(s) under this Memorandum shall be in writing and either personally served or sent by certified mail, return receipt required, to the following persons:

City: Mayor
City of Spokane
808 West Spokane Falls Boulevard
Spokane, Washington 99201-3317

County: Spokane County Commissioners
Spokane County
1116 West Broadway Avenue
Spokane, Washington 99260

7. WAIVER. Failure by the City to enforce every term and condition of this Memorandum shall not be considered a waiver of any portion of this Memorandum and the City reserves the right to enforce every provision to the fullest extent at any time.

8. AMENDMENTS. This Memorandum may be amended or modified at any time by mutual written agreement of the parties. Any amendment or modification shall be in writing and signed by all parties with the same formalities as this document.

9. SEVERABILITY. If any portion of this Memorandum should become invalid or unenforceable, the remainder of the document shall remain in full force and effect.

Dated on _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Director of Grants & Financial Assistance

Dated on _____

BOARD OF COUNTY COMMISSIONERS
OF
SPOKANE COUNTY, WASHINGTON

Al French, Chair

ATTEST:

Todd Mielke, Vice-Chair

Daniela Erickson
Clerk of the Board

Shelly O'Quinn, Commissioner

14-415

Attachment B

CPG Progress Report Quarter Mo – Mo 20XX

CATEGORY: Planning

1. TASK TITLE: Spokane County Comprehensive Solid Waste Management Plan Update

Maximum Eligible Task Cost: \$250,000.00

Task Description: The RECIPIENT will contract with a consultant to assist SRSWS staff in reviewing and updating the 2009 Spokane County Comprehensive Solid Waste Management Plan Update (2009 Plan). The task will follow solid waste plan review and update requirements from the most recent Ecology publication for Guidelines for Development of Local Comprehensive Solid Waste Management Plans and Plan Revisions.

The following activities and associated costs are identified for reimbursement under this agreement:

- City of Spokane and Spokane County staff wages and overhead.
- Contractor work performed under this task.

Target Audience: Spokane County local governments, residents, and businesses.

Goal Statement: Maintain compliance with 70.75 RCW requirements.

Outcome Statement: This task will provide a comprehensive solid waste management plan update that will serve as a responsible road map for Spokane County solid waste reduction, reuse, and recycling programs, and identify necessary operations and facility needs.

Estimated outcomes produced with available budget: One current solid waste management plan.

Work Plan, Deliverables and Timeline:

Method of Evaluation: The consultant's timeline of solid waste plan deliverables will be used to evaluate the completion of this task.

Monthly progress reports for the County Comprehensive Solid Waste Management Plan should describe grant eligible activities conducted by staff and consultants during the reporting month, including meetings, presentations, contacts, and participants. Describe specific milestones, such as *Chapter X has been revised and awaiting approval on x date*. Any problems should also be briefly stated. Descriptions can be in written or graphical form, but should be in sufficient detail so that the activities can easily be evaluated for reimbursement eligibility.

Monthly report examples:

- * Worked with SWAC Chair and Vice Chair to coordinate SWAC meetings in July and September.*
- * Worked with SWMP consultant to revise chapters for SWMP update.*
- * Chapter 5 - Recycling revised and ready for approval by SWAC at their June 18, 2014 meeting*
- * Coordinated SWAC and staff review of draft chapters of SWMP.*
- * Conducted 5 public presentations on SWMP preliminary draft and planning process.*
- * Coordinated public review/comment period for SWMP preliminary review draft.*
- * Worked with Landfill Master Plan consultant to revise chapters of first draft submitted in June under previous grant agreement (i.e. continue work on phase 2 of LMP work scope).*
- * Lack of quorum at SWAC meetings has delayed chapter approval discussion.*
- * Developed new content website for Solid Waste Planning page.*
- * Worked with SWAC Chair and Vice Chair to coordinate SWAC meetings in November.*
- * Received 20 public comments during public review period.*
- * Worked with SWMP consultant to revise chapters for SWMP update based on public review period and SWAC consideration of comments received.*
- * Worked with (same) consultant for Landfill Master Plan to revise chapters.*

****Original Ecology forms in electronic format will be provided upon execution of Agreement****

RATE FOR AN EMPLOYEE

This schedule can be used for all salaried full-time employees. It was developed to provide a calculated cost of an employee and to include his/her benefits, vacation time, retirement benefits, sick leave benefits and any item paid by an employer for the return of services provided by an employee. **If using this form to calculate a billing rate, make sure you don't double for salaries, etc., separately.

EMPLOYEE'S NAME _____

DATE _____

FIGURED ON MONTHLY COST:

1. Enter the amount of monthly salary	1. _____
2. Benefits: Social Security 7.65% x LINE 1 (wages) Employer's rate)	2. _____
3. Benefit (worker's compensation) Class Code _____ Employer's Rate _____% x 160 hours	3. _____
4. Unemployment Insurance Rate _____% x LINE 1 (wages)	4. _____
5. Medical Benefits per month	5. _____
6. Retirements per month	6. _____
7. Pension Plan or Matching Plans	7. _____
8. Other <u>life insurance</u>	8. _____
9. TOTAL MONTHLY COSTS (add lines 1 through 8)	9. _____
10. LINE 9 x 12 months = TOTAL YEARLY COST	10. _____
11. Work hours in a year:	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> A. 52 weeks per year x 5 work days per week = 260 days 260 days x 8 hours per day = potential work hours per year </div> <div style="width: 35%; text-align: right;"> A: _____ hours </div> </div>	
PAID DAYS OFF PER YEAR:	
Annual Leave: <u>8.02</u> hours per month x 12 months = <u>96</u> hours	
Sick Leave: <u>13</u> hours per month x 12 months = <u>156</u> hours	
Holidays: <u>12</u> days per year x 8 hours = <u>96</u> hours	
B. TOTAL HOURS OF ACCRUED LEAVE PER YEAR	B. _____ hours
12. SUBTRACT LINE "B" from LINE "A" = YEARLY HOURS WORKED	12. _____
13. DIVIDE LINE 10 BY LINE 12 (total yearly cost ÷ yearly hours worked) = COMPOSITE HOURLY RATE	13. _____

Ecology is an Equal Opportunity and Affirmative Action Employer.

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

05/19/2014

<u>Date Rec'd</u>	5/7/2014
<u>Clerk's File #</u>	OPR 2014-0385
<u>Renews #</u>	

<u>Submitting Dept</u>	WATER & HYDROELECTRIC SERVICES	<u>Cross Ref #</u>	
<u>Contact</u>	CHRIS 7803	<u>Project #</u>	
<u>Contact E-Mail</u>	CPETERSCHMIDT@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	4100 - INTERTIE AGREEMENT BETWEEN WATER DEPARTMENT & N SPOKANE IRR		

Agenda Wording

Intertie Water Supply Agreement for Auxiliary Water Supply between the City of Spokane Water Department(SWD) and North Spokane Irrigation District No. 8.

Summary (Background)

The City of Spokane Water Department(SWD)and the North Spokane Irrigation District No. 8 (NSID #8) have independent water systems that abut each other along their northern and southern boundaries, respectively. NSID #8 has constructed, in 2006, an emergency metered connection to the SWD water system, for emergency use in the event that some event should interrupt their water supply from their own sources. NSID #8 has the capability to provide its own primary water supply and is only seeking

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SHUPE, LYNN	<u>Study Session</u>	
<u>Division Director</u>	ROMERO, RICK	<u>Other</u>	PWC 4/28/2014
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	acline	
<u>For the Mayor</u>	SANDERS, THERESA	dkegley	
<u>Additional Approvals</u>		cpeterschmidt	
<u>Purchasing</u>		jsakamoto	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

auxiliary emergency supply from SWD. SWD has the capability to fulfill and implement its role as regional water supplier by including NSID #8 as an auxiliary water customer. Should it be needed, it would be turned on and water sold from SWD to NSID #8 through the metered connection. This is a one-way connection, and no water would flow or be sold from NSID #8 to the SWD.

Fiscal Impact

Select \$

Select \$

Budget Account

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Distribution List

**INTERTIE WATER SUPPLY AGREEMENT
FOR AUXILIARY WATER SUPPLY**

THIS AGREEMENT, is made and entered into this ____ day of _____, 2014 by and between North Spokane Irrigation District No. 8, an Irrigation District and quasi-municipality of the State of Washington, having offices for the transaction of business at 7221 North Regal Street (Mailing address: 7221 N. Regal, Spokane, Washington 99217-7846), hereinafter referred to as "NSID #8"; and the City of Spokane, a municipal corporation of the State of Washington, providing public water service to areas inside and outside the City limits pursuant to RCW 35.92.010, through the City Department of Water and Hydroelectric Services having offices for the transaction of business at 914 E. North Foothills Drive, Spokane, Washington 99207-2794 hereinafter referred to as the "SWD."

RECITALS:

- A. SWD owns and operates a Chapter 70.119A Group A Public Water System ("Spokane Water System") that supplies and distributes potable water to its own resident customers.
- B. The Spokane Water System currently has the water resources, capital facilities and infrastructure, and funding to regionally supply and distribute treated domestic water to at least five (5) other wholesale purveyors and numerous retail customers outside Spokane's corporate limits, and has done so historically.
- C. SWD owns and operates a series of wells pursuant to a series of water rights that are authorized to provide wholesale water within a regional wholesale service area, as approved in its Water System Plan ("Spokane Water System Plan"), promulgated in accordance with Chapter 43.20 RCW and entitled "City of Spokane, Comprehensive Water System Plan," Volumes 1 and 2, dated January, 2007, adopted and approved the City of Spokane City Council by Resolution dated February 26, 2007, and approved by the State Department of Health ("State DOH"), as said document may be amended, revised, or updated through time.
- D. NSID #8 owns and operates a Chapter 70.119A Group A Public Water System that supplies and distributes water to its customers.
- E. NSID #8 has the capability to provide its own primary water supply and is only seeking auxiliary emergency supply from SWD. SWD has the capability to fulfill and implement its role as regional water supplier by including NSID #8 as an auxiliary water customer.
- F. Both jurisdictions are desirous and able to enter into this Interlocal Agreement, pursuant to the provisions of RCW Chapter 39.34 and standby water service will be of benefit to NSID #8 for auxiliary emergency water supply and fire protection.
- G. NSID #8 and the SWD have installed a single connection between the water distribution systems of each party for auxiliary emergency supply and fire protection purposes.
- H. NSID #8 and the SWD desire to enter into this Agreement establishing the rights and responsibilities of the Parties with regard to the interconnections of their respective water systems.

NOW, THEREFORE, for and in consideration of the foregoing recitals, incorporated herein, and the mutual promises and benefits exchanged by the parties herein, the Parties agree to the following specific details for the existing interconnections as set forth herein and further described in Attachment “A” hereto:

1. Term and Interconnections Governed.

- 1.1 This Agreement shall take effect on the date that both Parties have duly executed the Agreement. This Agreement shall remain in full force and effect for a term of twenty (20) years.
- 1.2 The Term of this Agreement may be extended or modified by written agreement of the Parties and by a duly executed Amendment to this Agreement.
- 1.3 There shall be one (1) interconnection location governed by this Agreement, described as follows:

City of Spokane Point of Delivery—Francis Street and Freya Street Intertie (as described in Attachment “A” which is incorporated herein by reference).

2. Water Delivery.

- 2.1 The SWD shall make emergency auxiliary water supply and fire protection service available to NSID #8 through the interconnection, as described in Attachment “A”.
- 2.2 In the event that the SWD cannot meet or supply both the water demand of its customers and the auxiliary needs of NSID #8, then the SWD shall be obligated to first meet the needs of its own customers and services. The SWD shall not be responsible for any damages to NSID #8.
- 2.3 NSID #8 may only appropriate the amount of water that the SWD can provide without risk or damage to the SWD’s system.
- 2.4 All water supplied by SWD for use or sale by NSID #8 shall be upon the express condition that after water passes the Point of Delivery, it becomes the property and exclusive responsibility of NSID #8. SWD shall not be liable for any degradation of water quality, for acts of sabotage or vandalism, or for other events and resulting damages that may occur beyond the Point of Delivery and within the NSID #8 Water System.
- 2.5 The quality of wholesale water made available to NSID #8 pursuant to this Agreement shall be of the same standard and quality as normally delivered to SWD’s other customers and shall be in compliance with all applicable state and federal drinking water laws, regulations and standards at the Point of Delivery. NSID #8 shall be responsible for maintaining compliance with all applicable state and federal drinking water laws, regulations and standards past the Point of Delivery.

3. The Administration of this Agreement.

The Administration of this Agreement shall be the joint responsibility of NSID #8’s Administrator and the Administrator of the SWD.

4. Contamination or Damage to the Water System.

If either Party contaminates or damages the water system of the other Party, then the Party responsible for the contamination or damage shall pay the cost of correcting, removing, and eliminating the contamination or damage incurred by the other Party, whether foreseen or unforeseen. Further, the responsible Party shall indemnify and hold harmless the other Party for injury to persons or property resulting from such contamination or damage.

5. Reports of Contamination.

NSID #8 agrees to have its double check valve assembly tested annually and to report the results of its annual test to SWD.

In addition to the annual test, and in order to minimize the possibility of such contamination or damage, the Parties agree that any contamination detected through a water sample must be reported to the other Party as follows: 1) At the time of the detection. 2) After the system has been declared free of the contaminant. 3) At the time any disinfection methods are discontinued. The Party reporting the contamination is subject to possible refusal by the uncontaminated Party from interconnection usage during the period of contamination.

THIS AGREEMENT shall remain in full force and effect and continue for a period of twenty (20) years. In the event this Agreement is terminated, the terminating Party shall disconnect the system at its expense. No modification or amendment shall be valid until mutually agreed upon, reduced to writing and executed by authorized representatives of the Parties.

6. Financing.

There is no separate financing or budget for this Agreement. The costs shall be paid as provided for herein.

7. Separate Entity Status.

No separate entity is created by this Agreement.

Signed this ____ day of _____, 2014.

City of Spokane

North Spokane Irrigation District No. 8

By: _____
City Administrator

By: _____
Chairman of the Board of Commissioners

Approved as to form:

Approved as to form:

Assistant City Attorney

Counsel for District

ATTEST: _____
City Clerk

ATTACHMENT A

FRANCIS AVENUE & FREYA STREET INTERTIE

- (1) Location: This metered, one way connection is located near the Northwest corner of Francis Avenue and Freya Street, Spokane County, Washington.
- (2) Purpose: The Purpose of this 8-inch diameter connection is for standby water supply and fire flow for NSID #8. This connection was made at the request of NSID #8, in part due to the area behind the NSID #8 Reservoir being turned into a gravel pit for the North Spokane Corridor Program and mining and blasting of the hillside.
- (3) Date of Installation: 2008.
- (4) Cost of Construction: The cost of construction for this intertie was borne by NSID #8.
- (5) Operating Procedure: This intertie contains a meter and a check valve at the point of interconnection. NSID #8 shall notify the SWD regarding the need for the auxiliary water supply prior to operating the manual valves between each system. Each Party's designated representative shall meet at the intertie location and coordinate the operation of the intertie valves.
- (6) Rate Schedule. This interconnection is metered. At the end of each month that water is used, the meter will be read by the SWD and an accounting will be made of any water used. This water consumption will be billed in accordance with the water rates charged to regular "Commercial" SWD customers outside the City's Utility Service Area in effect at the time of use. Monthly service connection charges shall apply during any month that water is actually supplied through the intertie from SWD to NSID #8.
- (7) Estimated Capacity. As of September 20, 2012, SWD estimated the flow rate and pressure performance available at the SWD side of the intertie as follows:
Boundary conditions: max day demand with a residential diurnal demand curve over a three day extended period simulation (EPS), peak hour from EPS is analyzed, critical node is same as flow node (the intertie)

Static pressure = 67 psi
Residual pressure at 1,500 gpm = 55 psi
Residual pressure at 3,280 pgm = 20 psi

SWD will periodically update the estimated flow rate and pressure performance available at the SWD side of the intertie and provide the information to NSID #8 if future estimates indicate a decrease in performance greater than 500 gpm from the performance stated herein.
- (8) Hydraulic Valve. In the future, NSID #8 may, at NSID #8's cost, replace the manual valve at the intertie with an automatic hydraulic valve. Prior to any installation of a hydraulic valve by NSID #8, NSID #8 shall inform SWD of the change in the valve to a hydraulic valve. In the event of the change to an automatic hydraulic valve, SWD shall be entitled to bill NSID #8 a monthly service connection charge in addition to any charge for water used, based on SWD's regular commercial rates for SWD customers outside the SWD service area effective at the time of use. In that event, the monthly service connection charge shall be due regardless of use of water or lack thereof.

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

05/19/2014

Date Rec'd

5/7/2014

Clerk's File #

CPR 1981-0487

Renews #Submitting Dept

MAYOR

Cross Ref #Contact Name/Phone

RAE-LYNN 625-6774

Project #Contact E-Mail

RBARDEN@SPOKANECITY.ORG

Bid #Agenda Item Type

Boards and Commissions

Requisition #Agenda Item Name

0520 APPOINTMENT TO THE HOUSING AUTHORITY BOARD

Agenda Wording

Re -Appoint Shannon Kapek to the Housing Authority Board

Summary (Background)

Re-Appoint Shannon Kapek to a three term to begin April 1, 2014 and expire on March 31, 2019.

Fiscal ImpactBudget Account

Select \$

#

Select \$

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Select \$

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Select \$

#

ApprovalsCouncil NotificationsDept Head

WESTFALL, JENNIFER


Study SessionDivision DirectorOtherFinanceDistribution ListLegal

jwestfall@spokanecity.org

For the Mayor

SANDERS, THERESA

Additional ApprovalsPurchasing

 Agenda Sheet for City Council Meeting of* 05/19/2014 Briefing date: 05/12/2014 Status: EXECUTIVE REVIEW		Date Rec'd <small>(Clerk use only)</small> 05/07/2014
		Clerk's File # CPR 2012-0033
		Renewals #
Submitting Dept*: MAYOR	Cross Ref # 	
Contact Name & Phone*: RAE-LYNN BARDEN 625-6774	Project # 	
Contact E-Mail*: RBARDEN@SPOKANECITY.ORG	Bid # 	
Add'l Docs Attached? <input type="checkbox"/> Boards and Commissions Appoint	Requisition # 	
Agenda Item Name: Begin with Dept # 0520 APPOINTMENT TO COMMUNITY, HOUSING AND HUMAN		
Agenda Wording*: (213 character max) <input type="checkbox"/> Additional attached? Appoint Amme Paluch and Brad Arleth.		
Summary (Background)*: (301 character max.) <input type="checkbox"/> Additional attached? Appoint Amme Paluch to serve a three year term to begin on May 19, 2014 and expire on May 19, 2017. Appoint Brad Arleth to serve a three year term to begin on May 19, 2014 and expire on May 19, 2017.		
Fiscal Impact		
Budget Account <input type="checkbox"/> Additional attached?		
Select \$	#	
Select \$	#	
Select \$	#	
Select \$	#	
Approvals		Council Notifications (Date) <input checked="" type="checkbox"/> None
Dept Head WESTFALL, JENNIFER	Study Session	
Division Director	Other	
Finance	Distribution List (Emails preferred) <input type="checkbox"/> Additional?	
Legal	jwestfall@spokanecity.org	
For the Mayor	jmallahan@spokanecity.org	
Additional Approvals		
Purchasing		
Select Dept 1		
Select Dept 2		
Select Dept 3		
Save	Cancel	View Related Documents

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

05/19/2014

Date Rec'd

5/7/2014

Clerk's File #

RES 2014-0055

Renews #Submitting Dept

CITY COUNCIL

Cross Ref #Contact Name/Phone

BEN STUCKART 625-6269

Project #Contact E-Mail

AMCDANIEL@SPOKANECITY.ORG

Bid #Agenda Item Type

Resolutions

Requisition #Agenda Item Name

0320 AMENDING COUNCIL PROCEDURES - FINANCE/TECHNOLOGY

Agenda Wording

A resolution amending the City Council Rules of Procedure.

Summary (Background)

This resolution amends the City Council Rules of Procedure to rename the Finance Committee as the Finance and Technology Committee. The name change is to reflect the fact that the City's IT Department now reports most Council agenda items to the Finance Committee.

Fiscal ImpactBudget Account

Select \$

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Select \$

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Select \$

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Select \$

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ApprovalsCouncil NotificationsDept Head

MCDANIEL, ADAM

Study SessionDivision DirectorOtherFinance

BUSTOS, KIM

Distribution ListLegal

PICCOLO, MIKE

For the Mayor

SANDERS, THERESA

Additional ApprovalsPurchasing

RESOLUTION NO. 2014-0055

A resolution amending the City Council Rules of Procedure.

WHEREAS, pursuant to Section 9(b) of the City Charter, the City Council is authorized to adopt its own rules of procedures; and

WHEREAS, Section 1.5 of the Rules of Procedure require amendments to be adopted pursuant to a resolution; and

WHEREAS, there exists a need to amend Section 9.1 of the City Council Rules of Procedure regarding standing committees; -- Now, Therefore,

BE IT RESOLVED by the City Council of the City of Spokane that the Spokane City Council Rules of Procedure are amended as follows:

Section 1. That Rule 9.1 is amended as follows:

Rule 9.1 STANDING COMMITTEES

There shall be five standing committees: the Public Safety Committee, the Finance and Technology Committee, the Public Works Committee, the Neighborhood Committee and the Planning/Community and Economic Development Committee. Committee membership shall be comprised of a minimum of three council members, one representing each of the three council districts, and additional members as desired. Standing committees with more than three members shall be noticed as meetings of the council where no legislative action shall occur. The Council President shall chair a maximum of two standing committees to be determined by the Council President. All other committees shall select by majority vote the chair for each committee. No council member shall chair more than two standing committees at one time.

The Council shall confirm the members of standing committees at the second meeting in January of each year or as soon thereafter as possible.

- A. The Public Safety Committee, upon the request of the City Council or Mayor shall review, consider and make recommendations to the City Council on issues related to the public health, safety and welfare of the citizens of Spokane specifically including, but not limited to, considering and reviewing programs, plans and other non-personnel activities involving the police and fire departments and other public safety activities of the City of Spokane, and making recommendations where appropriate.

Pursuant to SMC 4.32.110, the Public Safety Committee shall be the liaison between the City Council and the Office of Police

Ombudsman and shall receive monthly reports from the Office of Police Ombudsman.

- B. The Finance and Technology Committee is charged with the responsibility to review and report its recommendations on the annual budget and on technological issues related to the City, and to this end may hold public hearings. The committee shall also consider and report on such other financial and technological matters as may from time to time be referred to it by the Council.

The Finance and Technology Committee shall meet not less than quarterly for the purposes of fulfilling its obligations.

- C. The Public Works Committee reviews subjects of a public works nature.
- D. The Neighborhood Committee shall act as liaison between the City Council and the various neighborhood organizations.
- E. The Planning/Community and Economic Development Committee shall review, consider and make recommendations to the City Council on issues relating to planning, community and economic development including land use planning and programs and policies to improve community and economic development.

ADOPTED by the City Council on _____, 2014.

City Clerk

Approved as to form:

Assistant City Attorney

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

05/12/2014

<u>Date Rec'd</u>	4/30/2014
<u>Clerk's File #</u>	ORD C35096
<u>Renews #</u>	

<u>Submitting Dept</u>	CITY COUNCIL	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BEN STUCKART 625-6269	<u>Project #</u>	
<u>Contact E-Mail</u>	AMCDANIEL@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0320 REPEAL OF ORDINANCE CREATING FIRE DEPARTMENTS WITHIN FIRE		

Agenda Wording

AN ORDINANCE relating to the establishment of fire departments within the fire division; repealing SMC sections 3.01A.270, 3.01A.275, 3.01A.280, 3.01A.285, 3.01A.290, 3.01A.295 and 3.01A.300.

Summary (Background)

On April 8, 2013, the City Council approved Ord. No. C-34964 relating to the executive and administrative organization of the City, including the creation of multiple departments within the fire division. The International Association of Fire Fighters local 29 and the Spokane Association of Fire Officers ("Plaintiffs") filed a lawsuit challenging the creation of multiple departments within the fire division.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MCDANIEL, ADAM	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE		
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

On April 25, 2014, the Spokane County Superior Court issued a written decision granting the Plaintiffs their motion for summary judgment and ordering that Ord. No. C-34964 is invalid and void as it relates to the fire department because it is in violation of the requirements of state law, Chapter 41.08 RCW. This ordinance will repeal SMC sections 3.01A.270, 3.01A.275, 3.01A.280, 3.01A.285, 3.01A.290, 3.01A.295 and 3.01A.300 so as to remove the seven departments created under the Fire Division consistent with the Court's decision. SMC 3.01A.265, which created the Fire Division with the potential of various departments, will remain in place.

Fiscal Impact

Select \$

Select \$

Budget Account

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Distribution List

ORDINANCE NO. C35096

AN ORDINANCE relating to the establishment of fire departments within the fire division; repealing SMC sections 3.01A.270, 3.01A.275, 3.01A.280, 3.01A.285, 3.01A.290, 3.01A.295 and 3.01A.300.

WHEREAS, on April 8, 2014, the City Council approved Ord. No. C-34964 relating to the executive and administrative organization of the City, including the creation of multiple departments within the fire division; and

WHEREAS, the International Association of Fire Fighters local 29 and the Spokane Association of Fire Officers ("Plaintiffs") filed a lawsuit challenging the creation of multiple departments within the fire division; and

WHEREAS, on April 25, 2014, the Spokane County Superior Court issued a written decision granting the Plaintiffs' their motion for summary judgment and ordering that Ord. No. C-34964 is invalid and void as it relates to the fire department because it is in violation of the requirements of state law, Chapter 41.08 RCW; - - Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC sections 3.01A.270, 3.01A.275, 3.01A.280, 3.01A.285, 3.01A.290, 3.01A.295 and 3.01A.300 are repealed.

3.01A.270 — Fire Communications

~~The communications department's primary responsibilities are to receive calls through the community's 9-1-1 system and dispatch appropriate resources to the public's request for assistance as well as to communicate with and provide documentation and other support to fire and EMS response agencies and their field units. Includes assuring that facilities, equipment and systems are in place and operational for interoperable communication to occur between the public and responders in order to support the mission of the fire division as well as fulfill the obligations to provide contract dispatching services to other fire agencies.~~

3.01A.275 Fire Emergency Medical Services

~~The fire emergency medical services department is responsible for the medical systems necessary to provide quality pre-hospital basic life support and paramedic level critical care. Includes the management and oversight of the 9-1-1 ambulance transport contract as well as participation in the coordination of the overall community emergency medical services system.~~

~~3.01A.280 Fire Logistics~~

~~The fire logistics department manages and maintains the emergency response fleet of specialized apparatus, equipment, physical buildings and inventory that are in place and necessary to support the fire division's mission.~~

~~3.01A.285 Fire Operations~~

~~The fire operations department primary responsibilities include response to fire, emergency medical services, rescue and other calls for service that typically occur through the community's 9-1-1 system. Consists of personnel and equipment deployed to field operations (stations and apparatus) as well as special operations and emergency incident management.~~

~~3.01A.290 Fire Planning and Information Management~~

~~The fire planning and information management department primary responsibilities are to develop and oversee the fire division's information technology plan and systems necessary to support the fire division's mission together with obligations to provide contract dispatching services to other fire agencies. Includes providing all aspects of information technology and information management services through development, purchase, installation and maintenance of routine and critical technological software and interoperable, secure infrastructure.~~

~~3.01A.295 Fire Prevention~~

~~The fire prevention department primary responsibilities are to manage and oversee the enforcement of the fire code and other applicable standards as well as other efforts to prevent injury and harm from fire and avoidable accidents. Includes the review of plans for new and remodel projects within the City; field inspections to insure compliance with required permits and codes; educational and other collaborative programs to minimize occurrence of fires, accidents and injuries in the community.~~

~~3.01A.300 Fire Training~~

~~The fire training department primary responsibilities are to lead and manage the training, educational and other systems necessary to assure operational readiness and compliance with governmental standards and regulations. Includes the management and oversight of the fire division's safety program.~~

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

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

05/12/2014

Date Rec'd

4/30/2014

Clerk's File #

ORD C35097

Renews #Submitting Dept

PLANNING & DEVELOPMENT

Cross Ref #Contact Name/Phone

ANDREW 625-6991

Project #Contact E-Mail

AWORLOCK@SPOKANECITY.ORG

Bid #Agenda Item Type

First Reading Ordinance

Requisition #Agenda Item Name

0650 - ORDINANCE RELATING TO MOBILE FOOD VENDING

Agenda Wording

An Ordinance relating to mobile food vending, providing regulations, conditions & licensing requirements; adopting a new chapter 10.51 to SMC Title 10; amending SMC 10.40.010; adopting a new SMC 8.02.0233 to chapter 08.02 SMC;

Summary (Background)

This ordinance is the outcome of the City's Mobile Food Vendor Project. The project's goal was to ensure the City's rules support the changes and growth in the industry, with an easier, more predictable regulatory system consistent with the community interest and expectations. Broad public and industry input with coordination with the agencies involved regulating mobile food vending was included. A separate ordinance, containing the land use regulations for mobile food vending is also proposed.

Fiscal ImpactBudget Account

Neutral \$

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Select \$

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ApprovalsCouncil NotificationsDept Head

CHESNEY, SCOTT

Study Session

PCED 7/15/13

Division Director

QUINTRALL, JAN

OtherFinance

LESESNE, MICHELE

Distribution ListLegal

DALTON, PAT

jrichman@spokanecity.org

For the Mayor

SANDERS, THERESA

schesney@spokanecity.org

Additional Approvals

aworlock@spokanecity.org

Purchasing

jhaegele@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

amending Appendix B in SMC 4.31.040; and amending SMC 1.05.160, Penalty Schedule - Land Use Violation.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

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Distribution List

ORDINANCE NO. C35097

AN ORDINANCE relating to mobile food vendors, providing regulations, conditions and licensing requirements for mobile food vending; adopting a new chapter 10.51 to Title 10 of the Spokane Municipal Code; amending SMC 10.40.010; adopting a new SMC 8.02.0233 to chapter 08.02 SMC; amending Appendix B in SMC 4.31.040; and amending SMC 1.05.160, Penalty Schedule – Land Use Violation.

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 10.51 to Title 10 SMC, Division II as follows:

Chapter 10.51 Mobile Food Vendors

Sections.

10.51.010	Permit Required
10.51.020	License Class
10.51.030	Definitions
10.51.040	Exceptions
10.51.050	Mobile Food Vending From Or Onto The Public Right Of Way
10.51.060	Mobile Food Vending Located Entirely On Private Property
10.51.070	Mobile Food Vending Located On Or Adjoining a City Park
10.51.080	Application
10.51.090	Liquor Use And Sale Prohibited
10.51.100	Insurance Required
10.51.110	Indemnity – Permit Revocation
10.51.120	Requirements Not Cumulative
10.51.130	Violation

10.51.010 Permit Required

No person may operate a mobile food vending unit within the City of Spokane without first obtaining a mobile food vendor permit under this chapter.

10.51.020 License Class

Mobile food vending permits are Class IIIE licenses as provided in chapter 4.04 SMC.

10.51.030 Definitions

- A. “Adjoining Private Property Owner” means the owner of property, as reflected in the records of the Spokane County assessor, contiguous and immediately adjacent to the right of way as determined by extending the existing property lines to the centerline of the street as though such right of way were included in the property.
- B. “Mobile food vendor” means a person or persons owning, operating, or working in a mobile food vending unit and is the permit holder and person in charge of a mobile food vending unit under the provisions of the Washington state administrative code, WAC 246-215-121 and the rules of Spokane regional health district. A mobile food vendor as defined herein is not an itinerant vendor for the purposes of chapter 10.40 SMC, Itinerant Vendors.
- C. “Mobile food vending unit” means a readily movable food service establishment such as a push cart, van, trailer, or a temporary/movable structure approved for mobile food vending by Spokane regional health district. It provides space for limited storage, handling, and/or dispensing of foods. The entire operation must be contained within/on the mobile unit, except that expansion of the operation will be allowed in conjunction with an approved temporary event as allowed under the rules of the Spokane regional health district.

10.51.040 Exceptions

Mobile food vendors must operate in accordance with the provisions of this chapter except as follows:

- A. Limited special event vending.
Mobile food vendors may vend from a location in a zone which is not otherwise approved for mobile food vending, including residential zones, under the following conditions:
 - 1. The owner of the property where such event will occur has invited the mobile food vendor to participate in a special event approved by the City, such as a community event, neighborhood block party, wedding, or birthday party, and mobile food vending is part of the approved special event activities.
 - 2. The mobile food vendor will not advertise its services or products to the general public while in attendance at such event and should limit its services and products to the attendees of such events.
 - 3. The mobile food vending unit may not remain at the location for longer than the duration of the special event and while there must be located so as to avoid creating conflicts with pedestrian or motor vehicle traffic or creating other public safety problems.

4. Mobile food vendors who operate in accordance with this exception do not require additional permits or approvals but must have and maintain all other licenses and approvals necessary to lawfully operate as a mobile food vendor within the City of Spokane.
- B. Mobile food vendors who operate for six days or less annually within the City of Spokane shall be considered temporary food establishments and are exempt from the permitting requirements of this section but must otherwise comply with all other standards contained within this chapter.
- C. The provisions of this chapter do not apply to mobile caterers who are engaged in the business of transporting, in motor vehicles, food and beverages to residential, business and industrial establishments pursuant to prearranged schedules and dispensing from the vehicles the items to and for the convenience of the personnel or occupants of such establishments.
- D. Mobile food vendors who vend from very small pushcarts (twenty cubic feet of cart or less) on the public sidewalk and do not remain in any one place for more than ten minutes may choose to operate in accordance with the provisions of the itinerant vendor permit, SMC 10.40.010.

10.51.050 Mobile Food Vending From Or Onto The Public Right Of Way

- A. When vending from or onto a location or locations within a public right of way including a public sidewalk or plaza, the mobile food vendor's permit must contain approval for the vendor to vend at that particular location or locations. The approval is subject to the following requirements:
 1. The vending location must be within a zone wherein mobile food vending is a permitted use pursuant to SMC Title 17C.380.
 2. The vendor must obtain and provide to the director of planning and development services, the written consent from the owner(s) of the adjoining private property or their authorized representative, as to the use and location of the mobile food vendor on the right of way adjoining their property(ies);
 3. The vendor shall comply with all applicable parking regulations;
 4. The vendor must setup and operate the mobile food vending unit so as to maintain a minimum five foot clear pedestrian pathway, twenty feet in both directions from the food vending unit along the public sidewalk at all times;
 5. Approval of a mobile food vendor permit which includes the approval to vend from a particular location in the public right of way does not confer nor guarantee any exclusive right to an identified location. All locations

within the public right of way are based on a first come, first served basis, there are no designated parking spots or sidewalk locations for specific mobile food vendors.

6. The vendor acknowledges that the Spokane police department, or any authorized representative thereof, has the right to close down or request the food vendor to relocate when, in the opinion of the department, the vendor is causing or contributing to an imminent public safety hazard.
7. The mobile vending unit may not be within seventy five feet of the front entrance of an existing restaurant without the written consent of the owner or authorized representative of the restaurant owner.
8. The applicant shall comply with the terms and conditions of the mobile food vendor permit issued, and shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by an appropriate City officer such as the chief of police or fire official or their authorized representatives.

10.51.060 Mobile Food Vending Located Entirely On Private Property

- A. When vending from or onto a location or locations on private property where all mobile food vending activity takes place entirely on private property, the mobile food vendor's permit must contain approval for the vendor to vend at that particular location or locations. The approval is subject to the following requirements:
 1. The vending location must be located within a zone wherein mobile food vending is a permitted use pursuant to SMC Title 17C.380.
 2. The mobile food vending unit will be subject to the same land use and development standards applicable to the property as if the unit were a permanent structure, except that a mobile food vendor shall not be required to make any additional site improvements when:
 - a. The mobile food unit will be located on an existing paved parking area that will continue to provide sufficient space for required off street parking and circulation for any other existing uses on the property;
 - b. The mobile food unit is a licensed, wheeled vehicle and the wheels will not be removed;
 - c. Any canopies, awnings or any other attachments are supported entirely by the mobile food unit and do not touch the ground;

- d. The mobile food unit is self-contained, with no plumbing connections; and,
 - e. The mobile food unit will not be used for “drive thru” vending.
 - f. Temporary seating, sandwich board signs, refuse collection containers and other temporary appurtenances may be allowed.
2. The vendor shall obtain and provide to the permit authority, a copy of the written consent from the owner(s) of the private property or their designated property manager, as to the use and location of the mobile food vendor on their property.

10.51.070 Mobile Food Vending Located On Or Adjoining a City Park

Mobile food vending is prohibited in City parks without the written consent of the Spokane park board or its designee. When vending in or adjoining a City park, the mobile food vendor’s permit must contain approval for the vendor to vend at that particular location or locations.

10.51.080 Application

- A. Application submittal requirements.
Applications for mobile food vendor permits must be submitted on forms provided by the planning and development department which shall include the following information:
- 1. The name and contact information including phone number, business address and mailing address of the applicant;
 - 2. The name and contact information of the registered owner of the mobile food unit, if different than the applicant;
 - 3. Address of all the fixed location(s) within the City of Spokane, if any, from which the mobile food vending unit is proposed to be operated from;
 - 4. A scaled drawing of the proposed fixed vending locations whether on public right of way or private property, showing existing improvements and the proposed placement of the mobile food vending unit;
 - 5. Proof of the insurance, as required under SMC 10.51.100;
 - 6. Proof of valid state and local business registrations, including registration numbers and date of issuance;

7. Proof that the mobile food unit has been inspected and is currently registered by state and local agencies as required by law;
8. Written consent from the adjoining property owner for location(s) where vending will take place from or onto public right of way;
9. Written consent from the property owner for location(s) where vending will take place entirely on privately owned property; and
10. A statement of the nature and type of goods or services to be sold.

B. Additional information.

The director of the planning and development department may require additional documentation of the applicant as deemed reasonably necessary prior to issuing the license.

10.51.090 Liquor Use And Sale Prohibited

Liquor, as defined in RCW 66.04.010(16), as now existing or hereafter amended, may not be used or sold by any mobile food vendor.

10.51.100 Insurance Required

An applicant for a mobile food vendor permit proposing to vend to or from any public property including public streets, sidewalks, plazas or parks shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in the amount specified by SMC 12.02.0730(B) to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the use of the public property for mobile food vending purposes, naming the City as an additional insured.

10.51.110 Indemnity – Permit Revocation

The applicant for a mobile food vendor permit shall deliver to the City, on a form supplied by the City, signed and acknowledge agreement by the applicant to defend, indemnify, and hold the City harmless from any and all claims, actions or damages or liabilities of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such mobile food vending unit. In addition, the agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that it may be suspended or revoked pursuant to the procedures set forth in SMC 4.04.080.

10.51.120 Requirements Not Cumulative

The requirements of SMC 17G.010.201, obstruction of streets, and obstruction of sidewalks, shall not apply to a mobile food vendors validly licensed under this chapter, except as herein provided.

10.51.130 Violation

- A. This chapter is subject to the administrative provisions of chapter 4.04 SMC. In the event of an appeal, the hearing officer shall be the City of Spokane hearing examiner.
- B. Mobile food vendors must comply with all state and local laws.
- C. A violation of this chapter is a class 1 civil infraction. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

Section 2. That SMC section 10.40.010 is amended as follows:

10.40.010 Itinerant Vendor Designation & Permit – When Required

A regular or temporary business issued a registration under chapter 8.01 SMC must obtain a separate “itinerant vendor” permit from the City of Spokane taxes and licenses division under any of the following circumstances:

- A. Where the person is engaged in the business of selling or delivering goods or services within the City from a fixed or temporary location as an itinerant vendor, except those vendors operating under the provisions of chapter 10.51 SMC Mobile Food Vending shall not be considered itinerant vendors.
 - 1. Examples are people selling prepackaged food or wares from ~~<<mobile carts on the sidewalk or>>~~ roving vehicles in the streets, except mobile food vendors. (Cross Reference: SMC 8.01.220 and chapter 10.51 SMC.).
- B. Where the person travels from door to door as the principle means of conducting business offering, exposing for sale, or selling within the City any goods, merchandise, service or product.
- C. Where the person engages in any business in the City with no permanent location. (Cross Reference: SMC 8.01.070).
- D. A person who engages in constitutionally protected expressive activities in the public right-of-way shall not be required to obtain a business registration unless the person engages in business activities. Constitutionally protected expressive activities conducted in the public right-of-way shall include, but is not limited to, street performers. For the purposes of this section, a street performer means an individual, including street musicians, who performs any form of artistic

expression. The voluntary contribution of money or other items of value by members of the public to the individual in association with the expressive activity shall not result in the requirement of obtaining a business registration. A person who engages in constitutionally protected expressive activities in the public right-of-way must still comply with all other regulations regarding conduct in the public right-of-way.

Section 3. That a new section 8.02.0233 is adopted in chapter 08.02 SMC to read as follows:

8.02.0233 Mobile Food Vendor Permit

- A. The application fee for a new mobile food vendor permit under SMC 10.51.010 is forty dollars, plus ten dollars for each mobile food vending location included for approval.
- B. The fee for the annual renewal of a mobile food vendor permit is forty dollars, plus ten dollars for each new or changed mobile food vending location included for approval.

Section 4. That Appendix B, as referenced in SMC 4.31.040 and regarding levy of special assessments in the parking and business improvement area, is amended as follows:

APPENDIX B

a. Tenants. Subject to the exemptions specified in paragraphs d and e below, all tenant assessments shall be based upon square footage of space leased, except where noted in the following schedule. There shall be a minimum assessment of \$90.00. Each tenant within the PBIA shall be assessed notwithstanding the fact that the owner of the leased property also may be assessed.

Type of Tenant	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Retail Tenants-Ground floor and skywalk	\$0.22	\$0.12	\$0.10	\$0.10	\$0.10	-0-
Office Tenants-Ground floor and skywalk	\$0.12	\$0.11	\$0.09	\$0.09	\$0.09	-0-
Office and Retail Tenants-	\$0.09	\$0.08	\$0.07	\$0.07	\$0.07	-0-

Upper floors and basement

Manufacturing Tenants-outside a C-1 zoning district	\$0.09	\$0.08	\$0.07	\$0.07	\$0.07	-0-
Manufacturing Tenants-within a C-1 zoning district	\$0.03	\$0.03	\$0.03	\$0.03	\$0.03	-0-
Commercial Parking-per space assessment	\$3.00	\$2.50	\$2.00	\$2.00	\$2.00	-0-
Apartments-per unit assessment	\$4.00	\$3.50	\$3.00	\$3.00	\$3.00	-0-
Combined Tenant/Owner-Hotels and Motels- per room	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	-0-
<u>Mobile Food Vendors –per mobile vending unit</u>	<u>\$90.00</u>	<u>\$90.00</u>	<u>\$90.00</u>	<u>\$90.00</u>	<u>\$90.00</u>	<u>-0-</u>

b. Property Owners. Subject to the exemptions specified in paragraphs d and f below, property owner assessment shall be based upon current land values plus improvements, and shall be calculated at a rate per \$1,000.00 of total assessed value. There shall be a minimum assessment of \$90.00 per property parcel. The assessed value of such property shall be determined solely by reference to the records of the Spokane County Assessor (without regard to any exemptions that may be applicable thereto for the purposes of property tax collection). Each owner of property within the PBIA shall be assessed notwithstanding the fact that its tenants also may be assessed. Notwithstanding the foregoing, (i) governmentally-owned park property shall be assessed pursuant to paragraph c below, and (ii) hotels and motels will be assessed for both property and tenancy at one rate per number of rooms, as set forth in paragraph a above.

Type of Owner	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Private, for profit entity (including individuals)	\$1.10	\$1.10	\$0.70	\$0.70	\$0.70	-0-
Government	\$0.80	\$0.80	\$0.60	\$0.60	\$0.60	-0-
Not-for-profit entity	\$0.60	\$0.60	\$0.40	\$0.40	\$0.40	-0-

- c. Government Park Property. The City will levy an annual special assessment on any state or local government (including the City) on account of the park property such governmental entity owns within the PBIA at the rate of \$150.00 per acre.
- d. General Exemptions. The following will be exempt from special assessment under paragraph a or b above: (i) any organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which is not a private foundation under Section 509(a) of the Code and is exempt from federal income taxation under Section 501(a) of the Code; (ii) residences (other than apartment complexes or other multi-family residences where the management organization or owner is assessed); (iii) governmental agencies exempt from taxation pursuant to state or federal law; (iv) vendors and concessionaires including machines, licensed by the City, located and doing business in or on the street right of way, except mobile food vendors licensed pursuant to Title 10 SMC shall not be exempt; (v) theaters that principally present live performances; and (vi) organizations conducting business in the PBIA less than 30 days per year.
- e. Tenant Exemptions. The following tenants will be exempt from special assessment under paragraph a above: (i) concessionaires at public events; (ii) vendors or entertainers in the streets and parks, except mobile food vendors licensed pursuant to chapter 10.51 SMC shall not be exempt; (iii) theaters which principally present live performances and not video or film shows; (iv) conducting business in the PBIA less than 30 days per year; (v) entities recognized under state or federal law as non-profit organizations; and (vi) emergency City services such as fire, police and medical care.
- f. Property Owner Exemptions. The following property owners will be exempt from special assessment under paragraph b above: religious, charitable or social welfare non-profit organizations.
- g. Proof of Exemption. Any ratepayer asserting an exemption shall have the burden of proving it qualifies for such an exemption.

Section 5. That SMC 1.05.160, Penalty Schedule – Land Use Violation, is amended as follows:

Section 01.05.160 Penalty Schedule – Land Use Violation

- A. For each subsequent violation, excluding continuing violations, by a person the classification of infraction advances by one class.
- B. Infraction/Violation Class – General.

SMC 1.05.160

Penalty Schedule – Land Use Violation Infraction

	Infraction	Violation Class
General		
IFC 105.3.3 SMC 17G.010.100(B)	Occupy Land or Building Without Certificate of Occupancy	2
SMC 10.48.050	Alarm Installation or Monitoring Company Failure to Provide Customer List	1
SMC 10.48.130	Alarm Installation or Monitoring Company Failure to Report New Customers	1
Boiler Code		
SMC 10.29.020	Operating Boiler Without License	1
SMC 10.29.021	Failure to Report Hazard	1
SMC 10.29.022	Leaving Boiler Room	2
SMC 17F.030.110	Failure to Cause Required Inspections of Boiler, Pressure Vessel	2
SMC 17F.030.130	Improper Operation of Boiler, Pressure Vessel	1
SMC 17F.060.050	Operate Without Elevator Operating Permit	1
Fire Code – International Fire Code (IFC)		
Chapter 22 IFC	Improper Aboveground Storage Tank for Motor Fuel Dispensing	1
Chapter 28 IFC	Improper Storage, Display of Aerosols	2
Chapter 33 IFC IFC 105.6.14 Chapter 10.33A SMC SMC 17F.080.060	Unauthorized Manufacture, Storage, Sale, Use, Handling of Explosives	1
IFC 107 IFC 109 IFC 110	Continuance of Hazard	1
IFC 109.2.2	Noncompliance with Condemnation Tag	1

IFC 109.2.4	Removal, Destruction of Tag, Sign	1
IFC 304	Improper Storage/Accumulation of Rubbish, Vegetation	2
IFC 304	Storage, Use, Handling of Miscellaneous Combustible Material	2
IFC 308	Improper Use of Candles, Open Flame	3
IFC 311	Failure to Properly Maintain Vacant Building, Property	2
IFC 503.4	Obstruction of Fire Access Road	2
IFC 703.1	Failure to Maintain Fire-resistive Construction	2
IFC 703.2	Failure to Maintain Fire Assemblies for Openings	2
IFC 704		
IFC 805	Failure to Flameproof Decorative Material	2
IFC 806		
IFC 901.4	Failure to Install Protection for Kitchen Hoods, Ducts	2
IFC 901.4	Failure to Install Sprinkler System	2
IFC 901.4	Failure to Install Alarm System	1
SMC 17F.080.100		
SMC 17F.080.150		
IFC 901.6	Failure to Maintain Automatic Extinguishing System	2
IFC 901.6	Failure to Maintain Kitchen Rangehood Extinguishing System	2
IFC 901.6	Failure to Maintain Sprinkler System	2
IFC 901.6	Failure to Maintain Standpipe System	2
IFC 903.4	Failure to Provide Approved Electronic Monitoring for Sprinkler	2
IFC 907.15	and Fire Alarm Systems	
IFC 904.11.6.3	Failure to Clean Kitchen Hoods, Ducts	2
IFC 905.3	Failure to Install Standpipe System	2
IFC		
IFC 1003.6	Obstruction of Exit	1
IFC 1011	Failure to Provide Exit Signs	1
IFC 2703.3	Release of Hazardous Material	1

IFC 3404.2.13.1.3	Failure to Remove Abandoned Underground Storage Tank	1
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Spokane Municipal Code

SMC 10.08.040	Fire Hazard from Vegetation and Debris	1
SMC 10.20.020	Abatement of Nuisance	1
SMC 12.01.0804	Failure to Maintain Pedestrian Strip	2
SMC 12.02.010	Sidewalk Not Clear of Snow, Ice	3
SMC 12.02.0210	Vegetation Nuisance Obstruction	1
SMC 12.02.0737	Obstruction of Public Right-of-Way	1
SMC 12.02.0760	Disposal of Leaves and Yard Debris	2
SMC 13.05.010	Tree, etc., Interfering With City Sewer	2
SMC 13.05.020	Poplar, Cottonwood Tree Near Utility Line	2
SMC 17C.110.100	Use Not Permitted in Residential Zone	2
SMC 17C.110.110	Limited Use Standards (Residential)	2
SMC 17C.110.120	Accessory Uses – Residential	2
SMC 17C.110.200	Violation of Development Standards – Residential	2
–		
SMC 17C.110.220		
SMC 17C.110.225	Accessory Structures – Residential	2
SMC 17C.110.230	Residential Fence	2
SMC 17C.110.270	Exterior Storage	2
SMC 17C.110.300	Alternative Residential Development	1
–		
SMC 17C.110.350		
SMC 17C.110.400	Multi-family Design Standards	1
–		
SMC 17C.110.465		
SMC 17C.110.500	Institutional Design Standards	1
–		
SMC 17C.110.575		

SMC 17C.120.100 Use Not Permitted in Commercial Zone	1
SMC 17C.120.110 Limited Use Standards – Commercial	1
SMC 17C.120.210 Development Standards - Commercial	1
–	
SMC 17C.120.300	
SMC 17C.120.310 Commercial Fence	1
SMC 17C.120.500 Commercial Design Standards	1
–	
SMC 17C.120.580	
SMC 17C.122.070 Use Not Permitted in Center and Corridor Zone	1
SMC 17C.122.080 Development Standards – Center and Corridor Zone	1
–	
SMC 17C.122.150	
SMC 17C.124.100 Use Not Permitted in Downtown Zone	1
SMC 17C.124.110 Limited Use Standards – Downtown	1
SMC 17C.124.210 Development Standards - Downtown	1
–	
SMC 17C.124.300	
SMC 17C.124.310 Fences – Downtown Zone	1
SMC 17C.124.340 Parking and Loading - Downtown	1
SMC 17C.124.500 Design Standards – Downtown	1
–	
SMC 17C.124-590	
SMC 17C.130.100 Use Not Permitted in Industrial Zone	1
–	
SMC 17C.130.110	
SMC 17C.130.210 Violation of Development Standards	1
–	
SMC 17C.130.250	
SMC 17C.130.270 Outdoor Activities Not Permitted	1
SMC 17C.130.300 Detached Accessory Structures	1
SMC 17C.130.310 Industrial Fence	1

SMC 17C.160.020 North River Overlay District	1
–	
SMC 17C.160.030	
SMC 17C.170.110 Special Height Overlay Zone	1
SMC 17C.180.050 Airfield Overlay Zone	1
–	
SMC 17C.180.100	
SMC 17C.200.040 Landscaping and Screening Requirements	1
–	
SMC 17C.200.110	
SMC 17C.210.040 Non-conforming Rights	1
–	
SMC 17C.210.070	
SMC 17C.220.080 Off-Site Impacts	1
–	
SMC 17C.220.090	
SMC 17C.230.140 Development Standards – Parking and Loading	2
–	
SMC 17C.230.300	
SMC 17C.230.310 Design Standards - Parking Structures	1
SMC 17C.240.070 Sign in Violation of the Sign Code	1
–	
SMC 17C.240.270	
SMC 17C.300.100 Accessory Dwelling Units General Regulations	2
SMC 17C.300.110 Accessory Dwelling Units Criteria	2
SMC 17C.300.130 ADU Development Standards	1
SMC 17C.305.020 Adult Business Use Standards	1
SMC 17C.310.100 Animal Keeping – Permitted/Prohibited Practices	2
–	
SMC 17C.310.160	
SMC 17C.315.120 Bed and Breakfast Use-related Regulations	2
SMC 17C.315.130 Bed and Breakfast Site-related Standards	2

SMC 17C.315.150	Bed and Breakfast Monitoring	2
SMC 17C.315.160	Pre-established Bed and Breakfast Facilities	2
SMC 17C.319.100	Commercial Use of Residential Streets	2
SMC 17C.319.200	Recreational Camping	2
SMC 17C.320.080	Conditional Uses	1
SMC 17C.325.030	Drive-through Facilities	1
—		
SMC 17C.325.060		
SMC 17C.330.120	Group Living Development Standards	1
SMC 17C.335.110	Historical Structures – Change Of Use Development Standards	1
SMC 17C.340.100	Home Occupations	2
—		
SMC 17C.340.110		
SMC 17C.345.100	Manufactured Homes and Mobile Home Parks	1
—		
SMC 17C.345.120		
SMC 17C.350.030	Development Standards – Mini Storage Facilities	1
SMC 17C.350.040	Design Considerations – Mini Storage Facilities	1
SMC 17C.355.030	Wireless Communication Facilities	1
—		
SMC 17C.355.040		
<u>SMC</u> <u>17C.380.030.B</u>	<u>Mobile Food Vending located entirely on private property</u>	<u>1</u>
Chapter 17D.060 SMC	Stormwater Facility Standards	1
SMC 17E.010.080	Aquifer Pollution Nuisance Declared by Critical Review Officer	2
SMC 17E.010.160(B) SMC 17E.010.350(F) SMC 17E.010.540(F)	Failure to Comply With Order, Decision of Critical Review Officer	1

SMC 17E.010.160(C)	Failure to Abide by Terms, Conditions of Permit, License, Approval	1
SMC 17E.010.210(A)	Maintain Underground Storage Tank Without Permit	2
SMC 17E.010.230 SMC 17E.010.440	Use of Underground/Aboveground Storage Tank Without Permit	1
SMC 17E.010.350(A) SMC 17E.010.350(E) SMC 17E.010.540(A) SMC 17E.010.540(E)	Supply False, Inaccurate, Incomplete Information Concerning an UST or AST	2
SMC 17E.010.350(B) SMC 17E.010.540(B)	Approval Permit Violation	2
SMC 17E.010.350(C) SMC 17E.010.540(C)	Fill Unpermitted Underground/Aboveground Storage Tank	2
SMC 17E.010.350(D) SMC 17E.010.540(D)	Tamper with, Fail to Maintain Inventory, Other Records	2
Chapter 17E.020 SMC	Prohibited Activities in Fish and Wildlife Areas and Buffers	1
Chapter 17E.040 SMC	Prohibited Activities in Geological Hazard Areas and Buffers	1
SMC 17E.060.120	Use, Alter Land, Erect, Alter, Occupy Structure Within Shoreline Without Compliance With Shoreline Management Regulations	1
Chapter 17E.070 SMC	Prohibited Activities in Wetlands and Buffers	1
SMC 17F.070.380	Failure to Discharge Responsibilities of Owner	2

SMC 17F.070.390	Failure to Discharge Responsibilities of Occupant	2
SMC 17F.080.250	Failure to Maintain Fire Alarm System	1
SMC 17F.080.260(B)	Failure to Provide Fire Protection System Verification Fees	2
SMC 17F.080.280	Failure to Secure Fire-damaged Building	2
SMC 17F.080.390	Failure to Provide Semi-annual Inspection of Private Hydrant	2
SMC 17F.080.420	Failure to Maintain Private Hydrant	2
SMC 17F.080.440	Lack of Basement Sprinkler System in Existing Building	2
SMC 17G.010.100 (C)(2)	Testing Underground Storage Tank Without Spokane Fire Department Registration	1

PASSED BY THE CITY COUNCIL ON _____, 20__.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

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

05/12/2014

Date Rec'd

4/30/2014

Clerk's File #

ORD C35098

Renews #Submitting Dept

PLANNING & DEVELOPMENT

Cross Ref #Contact Name/Phone

ANDREW 625-6991

Project #Contact E-Mail

AWORLOCK@SPOKANECITY.ORG

Bid #Agenda Item Type

First Reading Ordinance

Requisition #Agenda Item Name

0650 - ORD RELATING TO MOBILE FOOD VENDING W/IN CERTAIN ZONES

Agenda Wording

AN ORDINANCE relating to mobile food vending within certain zones as a limited; and amending SMC sections 17C.120.100, 17C.120.110, 17C.120.270, 17C.122.070, 17C.124.100, 17C.124.110, 17C.130.100, 17C.130.110, and 17C.319.100;

Summary (Background)

This ordinance is the outcome of the City's Mobile Food Vendor Project. The project's goal was to ensure the City's rules support the changes and growth in the industry, with an easier, more predictable regulatory system consistent with the community interest and expectations. Broad public and industry input with coordination with the agencies involved regulating mobile food vending was included. A separate ordinance, containing the licensing regulations for mobile food vendors is also proposed.

Fiscal ImpactBudget Account

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

CHESNEY, SCOTT

Study SessionDivision Director

QUINTRALL, JAN

Other

PCED 7/15/13

Finance

LESESNE, MICHELE

Distribution ListLegal

DALTON, PAT

jrichman@spokanecity.org

For the Mayor

SANDERS, THERESA

schesney@spokanecity.org

Additional Approvals

aworlock@spokanecity.org

Purchasing

jhaegele@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

adopting a new SMC section 245 to chapter 17C.190 and adopting a new chapter 17C.380 to Title 17C of the Spokane Municipal Code.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. ORD C35098

AN ORDINANCE relating to mobile food vending within the commercial, industrial, downtown and center and corridor zones, allowing mobile food vending as a limited use in these zones; and amending SMC sections 17C.120.100, 17C.120.110, 17C.120.270, 17C.122.070, 17C.124.100, 17C.124.110, 17C.130.100, 17C.130.110, and 17C.319.100; adopting a new SMC section 245 to chapter 17C.190 and adopting a new chapter 17C.380 to Title 17C of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That SMC section 17C.120.100 is amended to read as follows:

17C.120.100 Commercial Zones Primary Uses

- A. Permitted Uses – “P.”
Uses permitted in the commercial zones are listed in Table 17C.120-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses – “L.”
Uses allowed that are subject to limitations are listed in Table 17C.120-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses – “CU.”
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.120-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted – “N.”
Uses listed in Table 17C.120-1 with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

TABLE 17C.120-1 COMMERCIAL ZONE PRIMARY USES						
Use is: P: Permitted N: Not Permitted L: Allowed, but Special Limitations CU: Conditional Use Review Required	O (Office)	OR (Office Retail)	NR (Neighborhood Retail)	NMU (Neighborhood Mixed Use)	CB (Community Business)	GC (General Commercial)
Residential Categories						
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P	P
Commercial Categories						
Adult Business	N	N	N	N	L[2]	L[2]
Commercial Outdoor Recreation	N	N	N	N	P	P
Commercial Parking	CU[3]	CU[3]	P	P	P	P
Drive-through Facility	L[4]	L[4]	L[4]	L[4]	P	P
Major Event Entertainment	N	N	N	N	P	P
Office	P	P	P	P	P	P
Quick Vehicle Servicing	N	N	L[5, 10]	L[5, 7, 10]	P	P
Retail Sales and Service	N	L/CU[6]	P	L[7]	P	P
Mini-storage Facilities	N	N	N	N	L[9]	L[9]
Vehicle Repair	N	N	N	N	P	P
<u>Mobile Food Vending</u>	<u>L[13]</u>	<u>L[13]</u>	<u>L[13]</u>	<u>L[13]</u>	<u>L[13]</u>	<u>L[13]</u>
Industrial Categories						
High Impact Uses	N	N	N	N	N	N
Industrial Service	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]

Manufacturing and Production	N	N	L[8, 10]	L[7, 8, 10]	L/CU[8, 10]	L/CU[8, 10]
Railroad Yards	N	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Waste-related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Institutional Categories						
Basic Utilities	P	P	P	P	P	P
Colleges	P	P	P	P	P	P
Community Service	P	P	P	P	P	P
Daycare	P	P	P	P	P	P
Medical Centers	P	P	P	P	P	P
Parks and Open Areas	P	P	P	P	P	P
Religious Institutions	P	P	P	P	P	P
Schools	P	P	P	P	P	P
Other Categories						
Agriculture	N	N	N	N	CU	CU
Aviation and Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	N	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU	CU
Wireless Communication Facilities [11]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Notes: <ul style="list-style-type: none"> ▪ The use categories are described in chapter 17C.190 SMC. ▪ Standards that correspond to the bracketed numbers [] are stated in SMC 17C.120.110. ▪ Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards. 						

Section 2. That SMC section 17C.120.110 is amended to read as follows:

17C.120.110 Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.120-1](#).

1. Group Living.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [1].
 - a. General Standards.
All group living uses except for alternative or post-incarceration facilities are allowed by right.
 - b. Alternative or Post Incarceration Facilities.
Group living uses which consist of alternative or post incarceration facilities are conditional uses.
2. Adult Business.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [2]. Adult businesses are subject to the additional standards of [chapter 17C.305 SMC](#).
3. Commercial Parking.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [3]. In the O and OR zones, a commercial parking use provided within a building or parking structure is a conditional use.
4. Drive-through Facility.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of [SMC 17C.120.290](#).
5. Quick Vehicle Servicing.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a principal arterial street. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.120.290](#).
6. Retail Sales and Service Uses Size Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [6]. Retail sales and services are limited in size in order to reduce their potential impacts on residential uses and to promote a relatively local market area. Retail sales and services uses are limited to the following:

- a. When retail sales and services uses are located within an office building, the retail sales and services may be larger than three thousand square feet, but may not exceed ten percent of the total floor area of the building exclusive of parking areas located within the structure.
- b. Uses not within an office building which are listed as sales-oriented under [SMC 17C.190.270\(C\)](#), retail sales and service, are limited to three thousand square feet of total floor area per site exclusive of parking areas located within a structure.
- c. Uses other than a hotel, motel, private club or lodge which are listed as personal service-oriented, entertainment-oriented or repair-oriented under [SMC 17C.190.270\(C\)](#), retail sales and service, that are larger than three thousand square feet are a conditional use. A hotel, motel, private club or lodge may be larger than three thousand square feet.

7. Required Residential Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [7]. The limitations are stated in [SMC 17C.120.280](#).

8. Industrial Size Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [8]. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. Individual uses in the NR and NMU zones are limited to five thousand square feet of floor area per site exclusive of parking area.
- b. Individual uses in the CB zone that exceed twenty thousand square feet of floor area per site exclusive of parking area are a conditional use.

- c. Individual uses in the GC zone that exceed fifty thousand square feet of floor area per site exclusive of parking area are a conditional use.
9. Mini-storage Facilities Limitation.
This regulation applies to all parts of [Table 17C.120-1](#) that have an [9]. The limitations are stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-storage Facilities.
10. Outdoor Activity Limitation.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [10]. Outdoor display, storage or use of industrial equipment, such as tools, equipment, vehicles, products, materials or other objects that are part of or used for the business operation is prohibited.
11. [Deleted]
12. Wireless Communication Facilities.
This regulation applies to all parts of [Table 17C.120-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).
13. Mobile Food Vending.
This standard applies to all parts of Table 17C.120-1 that have a [13]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010 Mobile Food Vendors.

Section 3. That SMC section 17C.120.270 is amended to read as follows:

17C.120.270 Outdoor Activities

- A. Purpose:
The standards of this section are intended to assure that outdoor sales, display, storage and work activities:
 1. will be consistent with the desired character of the zone;
 2. will not be a detriment to the overall appearance of a commercial area;
 3. will not have adverse impacts on adjacent properties, especially those zoned residential; and
 4. will not have an adverse impact on the environment.
- B. Outdoor Sales and Display Areas

1. Outdoor sales and display areas are not permitted in the O and OR zones.
2. Outdoor sales and display areas are prohibited in the NR and NMU zones except for the accessory sales of fruits, vegetables and plants.
3. Outdoor sales and display areas in NR and NMU zones are limited to ten percent of lot area or one thousand square feet, whichever is less.
4. Outdoor sales and display areas are permitted in the CB and GC zones except for uses in the industrial categories.
5. There is no limitation on the size of a permitted outdoor sales and display areas in CB and GC zones.
6. Mobile food vendors as defined and licensed pursuant to SMC Title 10 shall not be considered "outdoor sales" or "display" for the purposes of SMC 17C.120.270.

C. Outdoor Storage Areas

1. Outdoor storage areas are not permitted in the O and OR zones.
2. Outdoor storage areas in NR and NMU zones are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less.
3. Outdoor storage areas are permitted in the CB and GC zones except for uses in the industrial categories.
4. There is no limitation on the size of a permitted outdoor storage area in CB and GC zones.

D. Outdoor Activities Location

Where permitted, the following outdoor activities shall be located at least fifty feet from a residentially zoned lot:

1. Outdoor sales and/or service of food or beverages.
2. Outdoor storage.
3. Outdoor loading berths.
4. Outdoor work activities including the sales of motor vehicle fuels and car washes, when these uses are allowed.

Section 4. That SMC 17C.122.070 is amended to read as follows:

17C.122.070 Center and Corridor Zone Allowed Uses

The uses allowed in the center and corridor zones are shown in [Table 17C.122-1](#).

Table 17C.122-1 Center and Corridor Zone Allowed Uses			
Use is: P – permitted N – not permitted L – allowed, but special limitations CU – conditional use review required	CC Zone Type		
	Core Zones		Transition Zone
	CC1	CC2	CC4
Residential*	P	P	P
Hotels, including Bed and Breakfast Inns	P	P	N
Commercial, Financial, Retail, Personal Services (for neighborhood centers (NC) – See Note 1 below)	P[1]	P[1]	L[4]
Eating and Drinking Establishments (for neighborhood centers (NC) – See Note 2 below)	P[2]	P[2]	N
Restaurants without Cocktail Lounges	P	P	L[4]
Professional and Medical Offices	P	P	L[4]
Entertainment, Museum and Cultural	P	P	N
Government, Public Service or Utility Structures, Social Services and Education	P	P	P
Religious Institutions	P	P	P
Parks and Open Space	P	P	P
Structured Parking*	P	P	P

Public Parking Lot	P	P	N
Limited Industrial (if entirely within a building) (for neighborhood centers (NC) – See Note 3 below)	P[3]	P[3]	N
Heavy Industrial	N	N	N
Drive-through Businesses on Pedestrian Streets	N	N	N
Motor Vehicles Sales, Rental, Repair or Washing	N	P	N
Automotive Parts and Tires (with exterior storage or display)	N	P	N
Gasoline Sales (serving more than six vehicles)	N	P	N
Gasoline Sale (serving six vehicles or less)	P	P	P
Self-storage or Warehouse	N	P	N
Adult Business (subject to chapter 17C.305 SMC special provisions)	N	N	N
Winery and Microbreweries	P	P	N
<u>Mobile Food Vending</u>	<u>P[5]</u>	<u>P[5]</u>	<u>P[5]</u>
<p>* Uses especially encouraged through greater FAR and bonuses.</p> <p>Notes:</p> <p>[1] Retail uses having more than forty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.</p> <p>[2] Eating and drinking establishments larger than five thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.</p> <p>[3] Limited industrial uses having more than twenty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.</p> <p>[4] Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Nonresidential uses are limited to three thousand square feet per parcel. In neighborhood centers, nonresidential uses are only allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty feet of a single-family and two-family residential zone or further than three hundred feet (neighborhood center only) from a CC core comprehensive plan designation.</p>			

[5] All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.

Section 5. That SMC section 17C.124.100 is amended to read as follows:

17C.124.100 Downtown Zones Primary Uses

- A. Permitted Uses – “P.”
Uses permitted in the downtown zones are listed in Table 17C.124-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.

- B. Limited Uses – “L.”
Uses allowed that are subject to limitations are listed in Table 17C.124-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.

- C. Conditional Uses – “CU.”
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.124-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in chapter 17C.320 SMC, Conditional Uses.

- D. Uses Not Permitted – “N.”
Uses listed in Table 17C.124-1 with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.

SMC 17C.124.100 Table 17C.124-1 Downtown Zone Primary Uses				
Use is: P – Permitted N – Not Permitted L – Allowed, but special limitations CU – Conditional Use review required	DTC (Downtown Core)	DTG (Downtown General)	DTU (Downtown University)	DTS (Downtown South)
Residential Categories				
Group Living [1]	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P
Commercial Categories				
Adult Business [2]	N	N	N	CU [2]
Commercial Outdoor Recreation	CU	CU	CU	CU
Commercial Parking	L [3]	L [3]	L [3]	L [3]
Drive-through Facility [4]	L [4]	L [4]	L [4]	L [4]
Major Event Entertainment	P	P	P	P
Office	P	P	P	P
Quick Vehicle Servicing	N	L [5,10]	L [5,10]	L [5,10]
Retail Sales and Service	L [6]	L [6]	L [6]	P
Mini-storage Facilities [9]	N	L [8,10]	L [8,10]	L [8,10]
Vehicle Repair	N	L [5,10]	L [5,10]	P
Mobile Food Vending	L [14]	L [14]	L [14]	L [14]
Industrial Categories				
High Impact Uses	N	N	N	N
Industrial Service	N	N	N	N
Manufacturing and Production	L [7,8,10]	L [7,8,10]	L [7,8,10]	L [7,8,10]
Railroad Yards	N	N	N	N

Section 6. That SMC section 17C.124.110 is amended to read as follows:

17C.124.110 Limited Use Standards

- A. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.124-1](#).
1. Group Living.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [1].
 - a. General Standards.
All group living uses except for alternative or post-incarceration facilities are allowed by right.

- b. Alternative or Post Incarceration Facilities.
Group living uses which consist of alternative or post incarceration facilities are conditional uses.
- 2. Adult Business.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [2]. Adult businesses are subject to the additional standards of [chapter 17C.305 SMC](#).
- 3. Commercial Parking.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [3]. See [SMC 17C.230.310](#) for the parking structure design guidelines. See [SMC 17C.124.340](#), Parking and Loading, for ground level parking structure use standards.
 - a. New standalone surface commercial parking lots are not allowed as the primary use within the area shown on [Map 17C.124-M1](#), Surface Parking Limited Area. Within the area shown on [Map 17C.124-M1](#), standalone commercial parking as a primary use must be located entirely within a parking structure.
- 4. Drive-through Facility.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [4]. Drive-through facilities are subject to the additional standards of [SMC 17C.124.290](#).
- 5. Quick Vehicle Servicing.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a Type III or IV complete street. Quick vehicle servicing uses must be fully contained within a structure. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.124.290](#).
- 6. Retail Sales and Services Uses Motorized Vehicle Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [6]. Sale, rental, or leasing of motor vehicles, including passenger vehicles, light and medium trucks is not allowed. Sale, rental, and leasing of motorcycles and other recreational vehicles not able to be licensed for normal on street use is allowed. For sale or leasing of motorcycles and other recreational vehicles see [SMC 17C.124.270](#), Outdoor Activities.
- 7. Industrial Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [7]. These types of uses are limited to assure that they will not dominate the downtown area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the

proposed use will not be able to comply with the off-site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. Limited industrial uses are allowed. Only limited industrial uses are allowed. Industrial uses more intensive than the limited industrial definition are not allowed.
 - b. Industrial buildings and industrial sites are subject to the same design standards as commercial buildings and commercial sites.
8. Mini-storage, Storage, Warehousing, Industrial and Parking Structure Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [8]. See [SMC 17C.124.340](#).
9. Mini-storage Facilities Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [9]. Mini-storage facilities are subject to the additional standards of [chapter 17C.350 SMC](#), Mini-storage Facilities.
10. Outdoor Activity Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [10]. Outdoor display, storage, or use of industrial equipment or other industrial items such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.
11. Community Services.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [11]. Most community service uses are allowed by right.
12. Wireless Communication Facilities.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).
13. Existing Light Industrial and Self-service Storage Uses.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [13]. Light industrial and self-service storage uses in operation on the effective date of this ordinance, are considered to be a conforming use.
14. Mobile Food Vending.
This standard applies to all parts of Table 17C.124-1 that have a [14]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.

Section 7. That SMC section 17C.130.100 is amended to read as follows:

17C.130.100 Industrial Zones Primary Uses

- A. Permitted Uses (P).
Uses permitted in the industrial zones are listed in Table 17C.130-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses (L).
Uses allowed that are subject to limitations are listed in Table 17C.130-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses (CU).
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.130-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted (N).
Uses listed in Table 17C.130-1 with an “N” are not permitted. Existing uses in categories listed as not permitted may be subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

Table 17C.130-1 Industrial Zones Primary Uses			
Use is: P – Permitted; N – Not Permitted; L – Allowed, but with Special Limitations; CU – Conditional Use Review Required	LI Zone (Light Industrial)	HI Zone (Heavy Industrial)	PI Zone (Planned Industrial)
Residential Categories			
Group Living	L[1]	N	L[3]
Residential Household Living	L[2]	L[2]	L[3]
Commercial Categories			

Adult Business	L[4]	N	N
Commercial Outdoor Recreation	P	P	CU
Commercial Parking	P	P	P
Drive-through Facility	P	P	P
Major Event Entertainment	CU	CU	CU
Office	P	P	P
Quick Vehicle Servicing	P	P	P
Retail Sales and Service	L/CU[5]	L/CU[6]	L[7]
Mini-storage Facilities	L[8]	L[8]	L[8]
Vehicle Repair	P	P	P
<u>Mobile Food Vending</u>	<u>L[12]</u>	<u>L[12]</u>	<u>L[12]</u>
Industrial Categories			
High Impact Use	L[9]	L[9]	N
Industrial Service	P	P	P
Manufacturing and Production	P	P	P
Railroad Yards	CU	P	P
Warehouse and Freight Movement	P	P	P
Waste-related	CU	CU	CU
Wholesale Sales	P	P	P
Institutional Categories			
Basic Utilities	P	P	P
Colleges	P	N	L[10]
Community Service	P	N	N
Daycare	P	CU	L[10]
Medical Centers	P	N	L[10]
Parks and Open Areas	P	CU	P
Religious Institutions	P	N	N
Schools	P	N	L[10]
Other Categories			
Agriculture	P	P	P
Aviation and Surface Passenger Terminals	P	P	P

Detention Facilities	CU	CU	CU
Essential Public Facilities	CU	CU	CU
Mining	CU	CU	CU
Rail Lines and Utility Corridors	P	P	P
Wireless Communication Facilities	L/CU[11]	L/CU[11]	L/CU[11]

Notes:

- The use categories are described in [chapter 17C.190 SMC](#).
- Standards that correspond to the bracketed numbers [] are specified in [SMC 17C.130.110](#).
- Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.
- Standards applicable to conditional uses are stated in [chapter 17C.320 SMC](#).

Section 8. That SMC section 17C.130.110 is amended to read as follows:

17C.130.110 Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.130-1](#).

1. Group Living.
This standard applies to all parts of [Table 17C.130-1](#) that have a [1].
 - a. Group living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a group living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Group living uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape and transportation plan which will limit conflicts between the residential, employment and industrial uses.
 - b. Alternative or Post Incarceration Facilities.
Group living uses which consist of alternative or post incarceration facilities are not permitted.
2. Residential Household Living.
This standard applies to all parts of [Table 17C.130-1](#) that have a [2].

- a. Residential household living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a residential living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Residential uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape, and transportation plan, which will limit conflicts between the residential, employment and industrial uses.
 - b. A single-family residence may be erected on a lot having a side property line which adjoins a lot in a residential zone, with or without an intervening alley, or on a lot which has less than one hundred feet of frontage and has residences existing on all lots adjoining its side property lines.
 - c. Living quarters for one caretaker per site in the LI, HI and PI zones are permitted.
3. Group Living and Residential Household Living.

This standard applies to all parts of [Table 17C.130-1](#) that have a [3]. Group living and residential household living uses may be permitted in the PI zone as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of Division G – Administration and Procedures. A minimum of fifty percent of the site within the binding site plan or planned unit development shall be in manufacturing and production, industrial service or office uses. Group living and residential household living uses shall be buffered from industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The buffering improvements shall be developed on the residential portion of the binding site plan or planned unit development at the time the residential uses are constructed. The site development plan shall include a design, landscape, and transportation plan, which will limit conflicts between the residential and industrial uses.
4. Adult Business.

This standard applies to all parts of [Table 17C.130-1](#) that have a [4]. Adult businesses are subject to the following standards:

 - a. [Chapter 17C.305 SMC](#), Adult Business.

- b. Adult businesses are subject to the size requirements specified in item [5] below applicable to retail sales and services uses in the light industrial (LI) zone.
 - c. In addition to the standards in subsections (4)(a) and (b) of this section, adult businesses are permitted only in the light industrial zone adult business overlay zone as designated on the official zoning map.
- 5. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [5]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than sixty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than sixty thousand square feet per site are a conditional use.
- 6. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [6]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than twenty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than twenty thousand square feet per site are a conditional use.
- 7. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [7]. Retail sales and service uses are allowed if the floor area plus the outdoor sales and display and outdoor storage area is not more than three thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than three thousand square feet per site may be permitted as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site area of the uses in the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses.
- 8. Mini-storage Facilities.
This standard applies to all parts of [Table 17C.130-1](#) that have a [8]. The limitations are stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-Storage Facilities.
- 9. High Impact Uses.
This standard applies to all parts of [Table 17C.130-1](#) that have a [9]. High impact uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.

10. Colleges, Medical Centers, Daycare and School Uses.
This standard applies to all parts of [Table 17C.130-1](#) that have an [10]. Colleges, medical centers, daycare and school uses may be permitted as a part of a binding site plan under the provisions of the subdivision code, or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site within the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses. Colleges, medical centers, daycare and school uses are allowed within the planned unit development or binding site plan provided that the site development includes a design, landscape and transportation plan which will limit conflicts between the college, medical center, daycare, school and industrial uses.
11. Wireless Communication Facilities.
This standard applies to all parts of [Table 17C.130-1](#) that have a [11]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).
12. Mobile Food Vending.
This standard applies to all parts of Table 17C.130-1 that have a [12]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.

Section 9. That there is adopted a new SMC section 245 to chapter 17C.190 of the Spokane Municipal Code to read as follows:

17C.190.245 Mobile Food Vending

- A. Characteristics.
Mobile food vendors are firms engaged in the selling or offering for sale of prepared food products and beverages to the general public from a mobile food vending unit, which is a readily movable food service establishment such as a push cart, van, trailer, or a structure approved for mobile food vending by the Spokane regional health district. It provides space for limited storage, handling, and/or dispensing of foods. The entire operation must be contained within/on the mobile unit, except that expansion of the operation will be allowed in conjunction with an approved temporary event as allowed under the rules of the Spokane regional health district.
- B. Examples.
Examples include mobile food vendors who vend from or onto a public sidewalk, plaza or right of way; mobile food vendors who vend from a location on private property; and, mobile vendors who are approved to vend at City parks or at special events.

C. Exceptions.

1. Mobile caterers who are engaged in the business of transporting, in motor vehicles, food and beverages to residential, business and industrial establishments pursuant to prearranged schedules and dispensing from the vehicles the items to and for the convenience of the personnel or occupants of such establishments are considered a retail sales service.
2. Mobile food vendors who vend from very small pushcarts (twenty cubic feet of cart or less) on the public sidewalk and do not remain in any one place for more than ten minutes may choose to operate in accordance with the provisions of the itinerant vendor permit, SMC 10.40.010

Section 10. That SMC section 17C.319.100 is amended to read as follows:

17C.319.100 Commercial Use of Residential Streets

The purpose of this section is to regulate the parking of commercial vehicles (see SMC 17A.020.030(U)) on streets in residential zones. No person may use the land abutting a public street in an RSF, RTF, RMF, or RHD zone or which is the boundary of a RSF, RTF, RMF, or RHD zone may make any commercial use of such street. Included in the prohibited commercial uses are the habitual or overnight parking or storage of a commercial vehicle or trailer, including mobile food vending units and the parking or storage of a vehicle awaiting service or home occupations which require the use of residential streets.

Section 11. That there is adopted a new chapter 17C.380 to Title 17C of the Spokane Municipal Code to read as follows:

**Chapter 17C.380
Mobile Food Vending**

Sections:

17C.380.010	Purpose
17C.380.020	Applicability
17C.380.030	Conditions

17C.380.010 Purpose

The purpose of this chapter is to make provisions and set limits for mobile food vending in the Neighborhood Retail (NR), Neighborhood Mixed Use (NMU), Community Business (CB), General Commercial (GC); Center and Corridor Types 1, 2 and 3; Downtown Core (DTC), Downtown General (DTG), Downtown University (DTU), Downtown South (DTS), Light Industrial (LI), Heavy Industrial (HI) and Planned

Industrial (PI) zones. The intent is to recognize that with proper design and management, mobile food vending such as mobile food trucks and carts can add vitality to the commercial districts and the street environment, encourage walking, and promote local economic development.

17C.380.020 Applicability

The provisions of this chapter apply to mobile food vendors licensed in accordance with SMC 10.51.010 Mobile Food Vending.

17C.380.030 Conditions

A. Mobile food vending from or onto the public right of way.

1. Mobile food vending may be allowed on a public street right of way in any Neighborhood Retail (NR), Neighborhood Mixed Use (NMU), Community Business (CB), General Commercial (GC); Center and Corridor Types 1, 2 and 3; Downtown Core (DTC), Downtown General (DTG), Downtown University (DTU), Downtown South (DTS), Light Industrial (LI), Heavy Industrial (HI) and Planned Industrial (PI) zone.
2. The mobile food vendor must have a valid license issued pursuant to SMC 10.51.010 and must be in compliance with the terms and conditions thereof.

B. Mobile food vending located entirely on private property.

1. Mobile food vending may be allowed on property in any Neighborhood Retail (NR), Neighborhood Mixed Use (NMU), Community Business (CB), General Commercial (GC); Center and Corridor Types 1, 2 and 3; Downtown Core (DTC), Downtown General (DTG), Downtown University (DTU), Downtown South (DTS), Light Industrial (LI), Heavy Industrial (HI) and Planned Industrial (PI) zone subject to the land use and development standards applicable to said property, except that a mobile food vendor shall not be required to make any additional site improvements when:
 - a. The mobile food unit will be located on an existing paved parking area that will continue to provide sufficient space for required off street parking and circulation for any other existing uses on the property;
 - b. The mobile food unit is a licensed, wheeled vehicle and the wheels will not be removed;

- c. Any canopies, awnings or any other attachments are supported entirely by the mobile food unit and do not touch the ground;
 - d. The mobile food unit is self-contained, with no plumbing connections; and,
 - e. The mobile food unit will not be used for “drive thru” vending.
 - 2. The mobile food vendor must have a valid license issued pursuant to SMC 10.51.010 and must be in compliance with the terms and conditions thereof.
- C. Mobile food vending on City Parks or on streets adjacent to a City Park.
- 1. Mobile food vending is prohibited in City Parks and on any street adjacent to or across the street from a City Park without the expressed written consent of the City Park Board or its designee.
 - 2. The mobile food vendor must have a valid license issued pursuant to SMC 10.51.010 and must be in compliance with the terms and conditions thereof.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendations
Proposed Amendments to SMC Title 17C Land Use Standards
Mobile Food Vending

A recommendation from the City Plan Commission to the City Council to approve an ordinance relating to mobile food vending within the commercial, industrial, downtown and center and corridor zones, allowing mobile food vending as a limited use in these zones by amending Title 17C of the Spokane Municipal Code, Chapters 17C.120, 122, 124, 130, and 319 and adding a new *Chapter 17C.380, Mobile Food Vending*.

Findings of Fact:

A. The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).

B. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act.

C. Under the Growth Management Act, comprehensive plans may be amended no more frequently than once a year. However, pursuant to SMC 17G.020.040 Amendment Exceptions, subsection G, “Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan” may be considered more frequently than once a year.

D. Spokane Municipal Code, Title 17G, Administration and Procedures, Chapter 17G.025 Unified Development Code Amendment Procedures were used to prepare this proposed amendment to the Unified Development Code.

E. City of Spokane Comprehensive Plan, Land Use Chapter, Goal LU 4 – TRANSPORTATION states: *Promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.* LU 4.2 Land Uses That Support Travel Options states: *Provide a compatible mix of housing and commercial uses in neighborhood centers, district centers, employment centers, and corridors.*

F. The proposed amendments will encourage mobile food vending in neighborhood centers, district centers, employment centers, corridors and other existing commercial and industrial areas contributing to the provision of affordable and healthy food alternatives in these areas and reducing the reliance on automobiles, especially when these areas are underserved by existing food service establishments.

G. City of Spokane Comprehensive Plan, Economic Development Chapter, Goal ED7, Regulatory Environment and Tax Structure states: *Create a regulatory environment and tax structure that encourage investment, nurture economic activity, and promote a good business climate.* Policy ED 7.6, Development Standards and Permitting Process states: *Periodically evaluate and improve the City of Spokane’s development standards and permitting process to ensure that they are equitable, cost-effective, timely, and meet community needs and goals.*

H. The current development standards and permitting process do not adequately address the growing mobile food vending industry and the proposed amendments help create a more consistent, predictable and stream-lined system for the local mobile food vendor industry.

I. The Spokane City Plan Commission held a workshop to study the proposed amendments on May 8, 2013.

J. A Public Open House was held on April 23, 2013, in Room 1A of the Downtown Spokane Public Library, to receive public feedback on the proposed mobile food vending regulations. The City provided notice of the open house meeting by advertising on Planning Services website and via email notice to the local mobile food vending community, neighborhood business associations, and industry groups. Approximately 33 individuals attended the open house.

K. Notice of the proposed amendments and announcement of the Plan Commission's May 22, 2013 hearing was published in the Spokesman Review on May 8, 2013 and May 15, 2013. Notice of the proposed amendments and announcement of the Plan Commission's July 10, 2013 hearing was published in the Spokesman Review on June 26, 2013 and July 3, 2013.

L. A State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on May 7, 2013 for the Mobile Food Vendor Project amendments to SMC Title 17C. The public comment period for the SEPA determination ended on May 21, 2013.

M. On May 7, 2013, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan. An acknowledgement letter from the Department of Commerce was received by the City on May 9, 2013.

N. The City Plan Commission held a Public Hearing on May 22, 2013 to obtain public comments and continued the hearing to July 10, 2013 to allow for additional testimony on the proposed amendments. At the July 10, 2013 hearing four public testimonies favored the proposed amendment were heard by the Plan Commission with; deliberations following.

Conclusions:

A. The Plan Commission has reviewed all public testimony received during the public hearings and has made changes to the draft documents during deliberations to address the testimony as considered appropriate. The Plan Commission took action, by amendment, to include the recommendation to allow mobile food vending as a permitted use in the Office and Office Retail zones, subject to limitations.

B. The Plan Commission has found that the proposed amendments meet the approval criteria for text amendments to the Unified Development Code:

SMC 17G.025.010 (F) Approval Criteria:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

C. The proposed amendments, as amended, have been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, as well as the Spokane Municipal Code Chapter 17G.025.

Recommendations:

By a vote of 7 to 1, the Plan Commission recommends to the City Council the approval of the **Proposed Amendments to SMC Title 17C Land Use Standards Mobile Food Vending**, with changes as deliberated.



**Mike Ekins, President
Spokane Plan Commission**

July 10, 2013

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

05/19/2014

Date Rec'd

5/8/2014

Clerk's File #

ORD C35099

Renews #Submitting Dept

CITY COUNCIL

Contact

BEN

625-6269

Cross Ref #Contact E-Mail

AMCDANIEL@SPOKANECITY.ORG

Project #Agenda Item Type

First Reading Ordinance

Bid #Agenda Item Name

0320 PCB PRODUCT & PRODUCTS IN PACKAGING PROCUREMENT POLICY

Agenda Wording

An ordinance relating to the establishment of purchasing and procurement requirements that provides a preference, where technically feasible and cost effective, for products and products in packaging that do not contain polychlorinated biphenyls;

Summary (Background)

This ordinance creates a purchasing policy whereby the City shall provide a preference for products and products in packing that do not contain PCBs. The ordinance also provides in part that no city department may knowingly purchase such products containing PCBs above the practical quantification limit except when it is not cost-effective or technically feasible to do so.

Fiscal ImpactBudget Account

Select \$

#

Select \$

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Select \$

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Select \$

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ApprovalsCouncil NotificationsDept Head

MCDANIEL, ADAM

Study SessionDivision DirectorOther

Finance

Finance

BUSTOS, KIM

Distribution ListLegal

DALTON, PAT

For the Mayor

SANDERS, THERESA

Additional ApprovalsPurchasing



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

adopting a new section 7.06.172 to chapter 7.06 of the Spokane Municipal Code.

Summary (Background)

The ordinance does not require departments to test every product and allows the department to accept from businesses, manufacturers, organizations, and individuals results obtained from an accredited laboratory or testing facility documenting product or product packaging PCB levels. The department may request suppliers of products to provide testing data from an accredited laboratory or testing facility documenting the testing method and product or product packaging PCB levels. The City may also develop policies to implement the preference set forth above, which are consistent with and do not conflict with the provisions of the ordinance.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. C-35099

AN ORDINANCE relating to the establishment of purchasing and procurement requirements that provides a preference, where technically feasible and cost effective, for products and products in packaging that do not contain polychlorinated biphenyls; adopting a new section 7.06.172 to chapter 7.06 of the Spokane Municipal Code.

WHEREAS, polychlorinated biphenyls, commonly known as PCBs, are a family of human-made organic chemicals that were used in many industrial and commercial products such as insulating fluids for electric transformers and capacitors, hydraulic fluids, plasticizers, paint additives, lubricants, inks, caulk, and carbonless copy paper; and

WHEREAS, PCBs were used because of their fire resistance, chemical stability, and electrical insulating properties. PCBs are also found in products as an unintentional by-product of manufacturing processes. PCBs are ubiquitous in the environment because of their stability, extensive previous use, by-production in manufacturing, inadvertent release, and the inability to control and eliminate them through current waste management practices; and

WHEREAS, PCBs are persistent, bioaccumulative, and toxic, and they cycle between the air, soil, and water. PCBs have been shown to cause cancer and affect the human immune, reproductive, nervous, and endocrine systems; and

WHEREAS, the United States toxic substances control act prohibited the commercial production of PCBs in 1979. However, the United States environmental protection agency rules implementing the ban provides exemptions for certain products containing PCBs at concentrations of fifty parts per million or less as a result of manufacturing processes and therefore the continued manufacture, processing, distribution, and use of products containing PCBs remains permitted; --Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new section 7.06.172 to chapter 7.06 of the Spokane Municipal Code to read as follows:

7.06.172 Preference for Products and Products in Packaging That Does Not Contain Polychlorinated Biphenyls.

- A. The City shall provide a preference for products and products in packaging that does not contain polychlorinated biphenyls. No department may knowingly purchase products or products in packaging containing polychlorinated biphenyls above the practical quantification limit except when it is not cost-effective or technically feasible to do so. "Practical quantification limit" means the lowest concentration that can be reliably measured within specified limits of precision,

accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions, or using EPA Method 1668. "Not cost effective" means compliance with this requirement would increase the purchase price of the product by at least ten percent.

- B This subsection does not require a department to test every product procured. However, the department may accept from businesses, manufacturers, organizations, and individuals results obtained from an accredited laboratory or testing facility documenting product or product packaging polychlorinated biphenyl levels. The department may request suppliers of products to provide testing data from an accredited laboratory or testing facility documenting the testing method and product or product packaging polychlorinated biphenyl levels.
- C. The City may develop policies to implement the preference set forth above, which are consistent with and do not conflict with the provisions of this subsection.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date