

**CITY COUNCIL MEETINGS
RULES – PUBLIC DECORUM**

Strict adherence to the following rules of decorum by the public will be observed and adhered to during City Council meetings, including open forum, public comment period on legislative items, and Council deliberations:

- 1. No Clapping!**
- 2. No Cheering!**
- 3. No Booing!**
- 4. No public outbursts!**
- 5. Three-minute time limit for comments made during open forum and public testimony on legislative items!**
- 6. No person shall be permitted to speak at open forum more often than once per month.**

In addition, please silence your cell phones when entering the Council Chambers!

Further, keep the following City Council Rules in mind:

Rule 2.2 Open Forum

- 2.2.4 The open forum is a limited public forum and all matters discussed shall relate to affairs of the City. No person may use the open forum to speak on such matters and in such a manner as to violate the laws governing the conduct of municipal affairs. No person shall be permitted to speak on matters related to the current or advance agendas, potential or pending hearing items, or ballot propositions for a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not make personal comment or verbal insults about any individual.
- 2.2.6 In an effort to encourage wider participation in open forum so that the Council can hear a wide array of citizen comment, no person shall be permitted to speak at open forum more often than once per month. However, this limitation has no effect on the public comment rules concerning items on the Council's current legislative agenda, special consideration items, hearing items, and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature, as specified in Rules 5.3 and 5.4.

Rule 5.4 Public Testimony Regarding Legislative Agenda Items – Time Limits

- 5.3.1 Members of the public may address the Council regarding items on the Council's legislative agenda, special consideration items, hearing items and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature. This rule shall not limit the public's right to speak during the open forum.
- 5.3.2 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 and provide his or her address as a condition of recognition. In order for a council member to be recognized by the Chair for the purpose of obtaining the floor, the council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.
- 5.3.3 Each person speaking at the public microphone shall verbally identify him(her)self by name and, if appropriate, representative capacity.
- 5.3.4 Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.
- 5.3.5 In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, including but not limited to demonstrations, banners, applause, profanity, vulgar language, or personal insults will be permitted.
- 5.3.6 A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.
- 5.3.7 When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.
- 5.3.8 When any person, including members of the public, City staff and others are addressing the Council, council members shall observe the same decorum and process, as the rules require among the members inter se. That is, a council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted the floor by the Council President. All persons and/or council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in *Robert's Rules of Order* shall extend to all speakers before the City Council. The council president pro-tem shall be charged with the task of assisting the council president to insure that all individuals desiring to speak, be they members of the public, staff or council members, shall be identified and provided the opportunity to speak.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, MAY 23, 2016

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 BREEAN BEGGS

COUNCIL MEMBER LORI KINNEAR

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER MIKE FAGAN

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER AMBER WALDREF

CITY 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 THURSDAYS 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 entrance 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 Christine Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

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

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)
(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION

Roll Call of Council

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | | |
|----|---|---------|------------------------------|
| 1. | Low bid meeting specifications of Dykman Inc. (Spokane Valley, WA) for miscellaneous Variable Frequency Drives for the Waste to Energy Facility—\$142,257.86 (incl. tax).
Chuck Conklin | Approve | OPR 2016-0406
BID 4240-16 |
| 2. | Contract Amendment with SNAP to add CDBG funds to repair failed Orangeburg sewer pipe for low-income homeowners participating in the Single Family Rehab program—increase of \$102,000. Total amended contract amount: \$570,418.
Paul Trautman | Approve | OPR 2016-0190 |
| 3. | Authorization to increase the administrative reserve on the Contract with Red Diamond Construction, Inc., (Spokane, WA) for Indiana Avenue from Division Street to Dakota Street - Phase I—increase of \$2,500 for a total administrative reserve of \$157,038.38 or 10.16% of the contract price. (Logan Neighborhood)
Kyle Twohig | Approve | PRO 2015-0020
ENG 2014134 |

- | | | | |
|----|---|--------------------|---------------|
| 4. | Multiple Family Housing Property Tax Exemption Agreements with: | Approve All | |
| | a. North Gorge Residential Partners, LLC for 24 apartment units located at 1907 West Summit Parkway. | | OPR 2016-0376 |
| | b. North Gorge Commercial Partners, LLC for Two 50-unit buildings and one 37-unit building located at 528 North Cedar Street. | | OPR 2016-0377 |

Both Deferred from May 9, 2016, Agenda.

Ali Brast

- | | | | |
|----|---|--------------------|------------------------------|
| 5. | Low Bids of: | Approve All | |
| | a. N & N Excavation LLC, (Mead, WA) for Ben Burr Trail—\$1,122,839.90. An administrative reserve of \$112,283.99, which is 10% of the contract price, will be set aside. (Lincoln Heights Neighborhood) | | PRO 2016-0019
ENG 2010091 |
| | b. T LaRiviere Equipment & Excavation, (Athol, ID) for Indiana Avenue from Dakota Street to Crescent Street Phase II—\$1,853,653.52 (plus tax). An administrative reserve of \$185,365.35 (plus tax), which is 10% of the contract price, will be set aside. (Logan Neighborhood) | | PRO 2016-0020
ENG 2014150 |
| | c. Shamrock Paving, Inc., (Spokane, WA) for 2016 Residential Grind & Overlay Projects—\$679,811.71. An administrative reserve of \$67,981.17, which is 10% of the contract price, will be set aside. (Various Neighborhoods) | | PRO 2016-0021
ENG 2016044 |

Dan Buller

- | | | | |
|----|--|----------------|----------------------|
| 6. | Contract Amendment No. 3 to the Master Maintenance Agreement with Northrop Grumman Systems Corporation for CAD/RMS computer system Maintenance Agreement for one additional year from May 9, 2016 through May 8, 2017—\$296,170.85 (incl. tax). | Approve | OPR 2010-0535 |
| | Justin Lundgren | | |
| 7. | Contract Amendment with Michael McMahon and the firm of Etter, McMahon, Lamberson, VanWert & Oreskovich, P.C. adding additional funds—\$136,600. | Approve | OPR 2015-0915 |
| | Sam Faggiano | | |

- | | | | |
|-----|---|-----------------------------------|------------------------------|
| 8. | Contract with PSF Industries, Inc., (Seattle, WA) for boilermaker services for the Waste to Energy Facility for scheduled and unscheduled outages from June 1, 2016 through December 31, 2016—\$600,000 (excl. tax).
Chuck Conklin | Approve | OPR 2016-0413
RFB 4227-16 |
| 9. | Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2016, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | Approve &
Authorize
Payment | CPR 2016-0002 |
| 10. | City Council Meeting Minutes: _____, 2016 | Approve
All | CPR 2016-0013 |

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)

NO BOARDS AND COMMISSIONS APPOINTMENTS

ADMINISTRATIVE 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.

Note: No person shall be permitted to speak at Open Forum more often than once per month (Council Rule 2.2.6).

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCE

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinance No. C35391 amending Ordinance No. C35322 passed by the City Council November 23, 2015, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2016, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2016, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund

FROM: Unappropriated Reserves, \$200,000;

TO: Other Contractual Services, same amount.

(This action provides 24-hour shelter space for the City's homeless population.)

Tim Dunivant

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2016-0046 Setting the assessment roll hearing for the East Sprague Parking and Business Improvement Area (Business Improvement District - BID) and providing notice of the 2016 assessments to business and property owners.
Melissa Owen
- RES 2016-0047 Declaring Itron, Inc. (Liberty Lake, WA) as sole source, authorizing
OPR 2016-0407 future purchases of Itron Automated Meter Reading (AMR) Equipment and Encoder Receiver Transmitters (ERT's) without public bidding and approving a value blanket order for the purchase of AMR equipment and ERT's "as needed" at an estimated annual cost of \$300,000 (incl. tax).
Dan Kegley
- ORD C35379 Relating to sustainable public building standards for Capital Improvement Projects; amending section 7.17.020 of the Spokane Municipal Code and enacting new sections 12.05.005 and 12.05.030 to the Spokane Municipal Code. (Deferred from May 9, 2016, Agenda)
Council President Stuckart
- ORD C35389 Relating to the building code; amending SMC sections 17F.020.080, 17F.030.010, 17F.040.010, 17F.040.030, 17F.040.040, 17F.040.105, 17F.040.130, 17F.070.010, 17F.070.250, 17F.070.260, 17F.070.300, 7F.090.010 and 17F.100.010 and repealing 17F.040.070, 17F.040.125, 17F.070.070, 17F.07.270 and 17F.070.360.
Dean Giles
- ORD C35390 Relating to the fire code; amending SMC sections 17F.080.010, 17F.080.030, 17F.080.070, 17F.080.090, 17F.080.110, 17F.080.120, 17F.080.150, 17F.080.270, 17F.080.370, 17F.080.380, 17F.080.390 17F.080.400, 17F.080.480 and 17F.080.490 and repealing SMC sections 17F.080.321 and 17F.080.430.
David Kokot

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

- ORD C35392 Relating to graffiti vandalism; amending section 10.10.070 of the Spokane Municipal Code.
Council Member Beggs
- ORD C35393 Relating to refund of comprehensive plan amendment processing fees; amending section 08.02.0692 of the Spokane Municipal Code.
Council Member Beggs
- ORD C35394 Relating to nuisance properties; amending SMC sections 10.08A.010, 10.08A.020, 10.08A.030, 10.08A.040, 10.08A.050, 10.02.070, 17C.310.010, and 17F.070.520; adopting a new section 10.08A.045 to chapter 10.08A of the Spokane Municipal Code and repealing SMC sections 10.08.030 and 10.20.020. **Council Members Waldref and Beggs**

FURTHER ACTION DEFERRED

SPECIAL CONSIDERATIONS

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

RECOMMENDATION

- S1. Memorandum of Understanding with Spokane County regarding City of Spokane Urban Farming Ordinance. Approve OPR 2016-0408
Council President Stuckart
-

NO HEARINGS

Motion to Approve Advance Agenda for May 23, 2016
(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.

Note: No person shall be permitted to speak at Open Forum more often than once per month (Council Rule 2.2.6).

ADJOURNMENT

The May 23, 2016, Regular Legislative Session of the City Council is adjourned to June 6, 2016.

Note: The regularly scheduled City Council meeting for Tuesday, May 31, 2016, has been canceled. (There is no meeting on Monday, May 30, 2016, due to the recognized observance of the Memorial Day holiday.)

NOTES



Agenda Sheet for City Council Meeting of: 05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	OPR 2016-0406
Renews #	
Cross Ref #	
Project #	
Bid #	4240-16
Requisition #	RE# 17998

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	CHUCK CONKLIN 625-6524
Contact E-Mail	CCONKLIN@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	4490 - WTEF PURCHASE OF VARIABLE FREQUENCY DRIVES

Agenda Wording

Award to low bid meeting specifications called out in bid - Dykman Inc. (Spokane Valley, WA) for miscellaneous Variable Frequency Drives - \$142,257.86 including tax

Summary (Background)

On 3/4/16 sealed bids were opened to provide the City of Spokane Solid Waste Disposal - Waste to Energy Facility with miscellaneous variable frequency drives. Six (6) responses were received, of those responses, the lowest cost, Columbia Electric's bid was determined to not meet the specifications called out in the bid because the product they bid on would not fit the existing cabinet as required and the product was at the end of the support and life cycle. Lowest responsive bidder is Dykman Inc

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 142,257.86	#	4490-44100-37148-54803
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	CONKLIN, CHUCK	<u>Study Session</u>	
<u>Division Director</u>	CONKLIN, CHUCK	<u>Other</u>	PWC 5/9/16
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	ttauscher@spokanecity.org	
<u>For the Mayor</u>	WHITNEY, TYLER	tprince@spokanecity.org	
<u>Additional Approvals</u>			
<u>Purchasing</u>	PRINCE, THEA		

VARIABLE FREQUENCY DRIVES (VFD)
BID 4240-16 OPEN: 3/28/16

	Technology International 1349 S International Pkwy #2411 Lake Mary FL 32746 Michael Rosenberg tii@tii-usa.com (407) 359-2373	Platt Electric Supply 3920 E Alki Ave Spokane Wa 99202 Doug Borgford Doug.borgford@platt.com (509) 534-6630	Dykman Inc. 5711 E Sharp Spokane Valley WA 99212 Cody Brown cbrown@dykman.com (888) 284-3953	Columbia Electric Supply 203 E August Spokane Wa 99207 Bill Salcedo bsalcedo@ces-spokane.com (509) 325-4500 #1	Columbia Electric Supply 203 E August Spokane Wa 99207 Bill Salcedo bsalcedo@ces-spokane.com (509) 325-4500 #2	Woodhawk Controls 4951 N Bldg Ctr Dr #103 Coeur D’Alene ID 83815 Frank Collier fcollier@woodhawkcontrols.com (208) 665-0015	AirReps LLC 3830 E Trent Avenue Spokane WA 99202 Bob Guerin bob@airreps.com (509) 465-8038 *does not meet dimension requirements
3 ea 500 HP VFD	\$17,259.00/ea \$51,777.00 LS #SV3150IP5A-4O	\$18,500.00/ea \$55,500.00 ABB ACS880-04-635A-5+E208+H356	\$15,312.00/ea \$45,936.00 YASKAWA #CIMR-PU4A0675AAA	\$14,430.00/ea \$43,290.00 ALLEN-BRADLEY Powerflex #755	\$16,430.00/ea \$49,290.00 ALLEN-BRADLEY Powerflex #755	\$16,905.00/ea \$50,715.00 ABB ACS880-04-635A-5+H356	\$25,995.00/ea \$77,985.00 ABB ACH550-UH-602A-4
7 ea 350 HP VFD	#10,337.00/ea \$72,359.00 LS #SV2200IP5A-4O	\$12,653.00/ea \$88,571.00 ABB ACS880-01-414A-5	\$10,548.00/ea \$73,836.00 YASKAWA #CIMR-PU4A0414AAA	\$9,400.00/ea \$65,800.00 ALLEN-BRADLEY Powerflex #400	\$12,030.00/ea \$84,210.00 ALLEN-BRADLEY Powerflex #753	\$12,479.00/ea \$87,353.00 ABB ACS880-01-414A-5	\$17,450.00/ea \$122,150.00 ABB ACH550-UH-414A-4
3 ea 60 HP VFD	\$2,706.00/ea \$8,118.00 LS #SV450IP54A-4O	\$3,981.00/ea \$11,943.00 ABB ACS880-01-96A-5	\$3,700.00/ea \$11,100.00 YASKAWA #CIMR-PU4A0103FAA	\$2,970.00/ea \$8,910.00 ALLEN-BRADLEY Powerflex #400	\$3,230.00/ea \$9,690.00 ALLEN-BRADLEY Powerflex #753	\$3,226.00/ea \$9,678.00 ABB ACS-550-U1-097A-4	\$4,245.00/ea \$12,735.00 ABB-ACH550-UH-097A-4
SUB TOTAL	\$132,254.00	\$156,014.00	\$130,872.00	\$118,000.00	\$143,190.00	\$147,746.00	\$212.870.00
Freight or Shipping	Included	\$ 3,500.00	\$ 0.00	\$0.00	\$0.00	\$ 0.00	\$ 3,000.00
8.7% Sales Tax	\$ 11,506.10	\$ 13,877.72	\$ 11,385.86	\$ 10,266.00	\$ 12,457.53	\$ 12,953.91	\$ 18,780.69
TOTAL	\$143,760.10	\$173,391.72	\$142,257.86	\$128,266.00	\$155,647.53	\$160,599.91	\$234,650.69
Cost Of Startup Assistance, if needed	\$11,500.00	\$ 1,000.00	0.00 – No Charge	\$ 7,750.00	\$7,750.00	\$ 1,000.00	\$2,000.00 (max of two trips)
Are any spare parts included? If not, percentage off spare parts not specifically listed, if any	\$ 8,500.00	NO	Yes, Free parts package offered at a value of \$1,619	yes, \$277.20	Yes, \$1,646.20	0.00	No
Warranty Included	2 yr mfg warranty included in price of VFD	YES	Ys, 3 year warranty is included	Yes	Yes	YES	Yes, included
Cost of extended warranty	2 yr mft warranty included in price of VFD	Included in startup fee	0.0	Yes, 3 yr	Yes, 3 yr	3% per each additional year	See warranty statement & pricing with bid
Is training available, if needed	Included in price of startup	\$500/day max 10 students (4 hours)	Yes, no charge	Yes 0.00	Yes, 0.00	Yes, included in startup	Yes, \$800
Will Supplier accept credit card as payment form	NO	YES	YES – 3% charge	YES	YES	NO	YES
Delivery	50-70 days FRO	60 days FRO	30 days FRO	45 days FRO	14 days FRO	30 days FRO	30 days FRO

BRIEFING PAPER
Public Works Committee
Solid Waste Disposal
May 9, 2016

Subject

Contract for purchase of variable frequency drives from Dykman Inc., Spokane Valley, \$142,257.86.

Background

The WTEF requires variable frequency drives for use in powering pumps, fans and motors.

On March 4, 2016, the City of Spokane issued RFB #4240-16. Six responses were received. Of those responses, the lowest cost, Columbia Electric Supply, Spokane, Bid #1 was determined to not meet the specifications called out in the Bid package because the product they bid on would not fit in the existing cabinets as required, and as stated by Columbia Electric in their cover letter, were at the end of the support and life cycle and not stocked locally. The 2nd lowest cost bidder was Dykman Inc.

Impact

The variable frequency will allow for greater efficiency in operating these pieces of equipment.

Action

Recommend approval of this purchase.

Funding

Funding for this purchase is included in the 2016 operations and maintenance budget for the waste to energy facility.



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	OPR 2016-0190
Renews #	
Cross Ref #	RES 2015-0045
Project #	
Bid #	
Requisition #	

Submitting Dept	HOUSING & HUMAN SERVICES
Contact Name/Phone	PAUL TRAUTMAN 625-6329
Contact E-Mail	PTRAUTMAN@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	AUTHORIZATION TO AMMEND ESSENTIAL REPAIR PROGRAM CONTRACT

Agenda Wording

Authorization to enter into a contract amendment with SNAP to add CDBG funds to repair failed Orangeburg sewer pipe for low-income homeowners participating in the Single Family Rehab program. Total amended contract amount: \$570,418 (Citywide)

Summary (Background)

Spokane Neighborhood Action Partners (SNAP) is under a City CDBG-funded subrecipient contract to deliver the Essential Repair program. This program provides grants for minor home repairs that protect homeowners from imminent health/safety hazards or improves handicap accessibility. The \$102,000 of additional CDBG funds will enable about 12 low-income homeowners to access additional and necessary home repairs from the CHHS Single Family Rehabilitation program.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 102000	#	169595806592105420173408
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	CROW, ROB	<u>Study Session</u>	CHE May 2, 2016
<u>Division Director</u>	KEY, LISA	<u>Other</u>	
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT		
<u>For the Mayor</u>	WHITNEY, TYLER		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

BRIEFING PAPER
City of Spokane
Community, Housing and Human Services Department
Community, Health, and Environment Committee
May 2, 2016

Subject

Update on contract modifications for two CDBG-funded home repair programs.

Background

CHHS has contracts with the nonprofit Spokane Neighborhood Action Partners (SNAP) to deliver the Essential Repair and Single Family Rehabilitation programs that benefit Spokane low-income homeowners. Both programs are fully funded by federal CDBG funds. The Essential Repair program provides grants for minor home repairs costing \$50 – \$3,000 that protect homeowners from imminent health/safety hazards or improves handicapped accessibility. The Single Family Rehabilitation program provides loans for home repairs costing \$10,000 - \$30,000 that improve homeowner life, health, and safety and reduce home operating costs.

SNAP and CHHS wish to execute the following contract modifications:

- Essential Repair program – add \$102,000 CDBG funds for replacing Orangeburg sewer pipe for homeowners participating in the Single Family Rehabilitation program. These funds will benefit about 12 homeowners and increase collaboration between CDBG home repair programs.
- Single Family Rehabilitation program – add \$598,000 CDBG funds and extend the contract term from May 31 to December 31, 2016 (matches the Essential Repair program contract term). These modifications will result in uninterrupted program services and additional rehabilitation projects for low-income homeowners.

Impact

Additional low-income homeowners will receive CDBG-funds to address failing Orangeburg sewer pipe, in-home health/safety hazards, and excess home operating costs.

Action

Review contract modification proposals in preparation for CHHS staff request in May for Council approval.

Funding

A total of \$700,000 of federal CDBG funds allocated from the Single Family Rehabilitation revolving loan fund.



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	PRO 2015-0020
Renews #	
Cross Ref #	
Project #	2014134
Bid #	
Requisition #	BT

Submitting Dept	ENGINEERING SERVICES
Contact Name/Phone	KYLE TWOHIG 625-6152
Contact E-Mail	KTWOHIG@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0370 - ADMIN RESERVE INCREASE - RED DIAMOND CONSTRUCTION, INC.

Agenda Wording

Authorization to increase the administrative reserve on the contract with Red Diamond Construction, Inc., for Indiana Avenue from Division Street to Dakota Street - Phase I - for an increase of \$2,500.00 for a total administrative reserve of

Summary (Background)

Early in the project, buried trolley rail ties were discovered and required removal and disposal which required a significant portion of the original administrative reserve for the project. Additionally, a construction revision was needed to replace portions of curbing that was not in the original design but allowed a much cleaner and stable product for the swale areas. These items were covered in the original administrative reserve. However, 3rd party damage necessitated repairs to one of the

Fiscal Impact		Budget Account	
Expense	\$ 2,500.00	#	3200 49124 95300 56501 99999
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	TWOHIG, KYLE	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	Public Works 5/23/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	fperkins@spokanecity.org	
For the Mayor	WHITNEY, TYLER	kkeck@spokanecity.org	
Additional Approvals		mhughes@spokanecity.org	
Purchasing		htrautman@spokanecity.org	
		jahensley@spokanecity.org	
		kgoodman@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

\$157,038.38 or 10.16% of the contract price (Logan Neighborhood Council)

Summary (Background)

swale areas and severe weather required replacing a few trees and staking others. This request is to cover these final two items. The project is complete and final payment has been prepared. The contractor has agreed with these costs. Therefore, it will be necessary to increase the administrative reserve an additional \$2,500.00 or .16%.

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

BRIEFING PAPER
Public Works Committee
Engineering Services
May 23rd, 2016

Subject:

Indiana Ave. Phase 1 – Division to Dakota Administrative Reserve Increase (2014134)

Background:

Early in the project, buried trolley rail ties were discovered and required removal and disposal which required a significant portion of the original administrative reserve for the project. Additionally, a construction revision was needed to replace portions of curbing that was not in the original design but allowed a much cleaner and stable product for the swale areas.

These items were covered in the original administrative reserve. However, 3rd party damage necessitated repairs to one of the swale areas and severe weather required replacing a few trees and staking others. This request is to cover these final two items.

The project is complete and final payment has been prepared. The contractor has agreed with these costs. Additional administrative reserve of \$2,500 is requested to cover these final items and close out the project.

Original Contract Amount: \$1,545,383.76

Original Administrative Reserve: \$154,538.38 (10%)

This Request: \$2,500 (.16%)

Total Project Cost: \$1,702,422.14

Public Impact:

These final items complete the landscaping and street trees for the project.

Action:

Information is provided for Council background. The proposed administrative reserve increase will be on the 5/23/16 council agenda.

Funding

This project is funded by Levy funds



Agenda Sheet for City Council Meeting of:
05/09/2016

Date Rec'd	4/21/2016
Clerk's File #	OPR 2016-0376
Renews #	

Submitting Dept	DEVELOPMENT SERVICES CENTER	Cross Ref #	
Contact Name/Phone	ALI BRAST 625-6638	Project #	
Contact E-Mail	ABRAST@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	4700 - MULTI FAMILY HOUSING - 1907 W SUMMIT PARKWAY		

Agenda Wording

Multiple Family Housing Property Tax Exemption Agreement with North Gorge Residential, LLC for 24 apartment units located at 1907 West Summit Parkway, Parcel Number 25134.5639

Summary (Background)

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

<u>Fiscal Impact</u>	<u>Budget Account</u>
Neutral \$	#
Select \$	#
Select \$	#
Select \$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	BECKER, KRIS	<u>Study Session</u>	
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	PED 4/18/16
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE	fperkins@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	mpiccolo@spokanecity.org	
<u>Additional Approvals</u>		jmallahan@spokanecity.org	
<u>Purchasing</u>		kbecker@spokanecity.org	
		mhughes@spokanecity.org	
		abrast@spokanecity.org	
		htrautman@spokanecity.org	

BRIEFING PAPER
City of Spokane
MFTE Incentive Program / Planning and Development
April 18, 2016

Subject:

A Multi-Family Tax Exemption Conditional Contract for one 24-unit building at 1907 W Summit Ave.

Purpose:

Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. The City Council enacted Ordinance No. C-32575, which provides for the property tax exemption program for multiple housing in residential targeted areas. Pursuant to Ordinance No. C-33079, the City Council expanded the residential targeted areas. The State statute and the City ordinance require the City to approve the application regarding the tax exemption and the necessary construction requirements. The City has received an application from North Gorge Residential Partners, LLC for a project consisting of approximately 24 multiple family housing units at 1907 W Summit. The staff has reviewed the application and determined that it meets the requirements of Chapter 8.15 SMC and qualifies for the tax exemption. This contract authorizes the appropriate city official to enter into the attached Multiple Family Housing Property Tax Exemption Agreement, which will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office.

Details:

North Gorge Residential Partners, LLC

MFTE target area: Kendall Yards

Qualifying parcels: 25134.5639

Units: 24 units, (2 1-bedrooms, 16 2-bedrooms, 6 3-bedrooms)

Total Square Footage: 43,653 square feet

Average Sq Ft: 1,261 square feet

Affordable: not attempting to meet affordable rate

Project Area Map:



Recommendation:

Pursuant to SMC 08.15.060, the city council certifies the qualified property owner for this property tax exemption. This contract will be brought forward to City Council in the next few weeks.

For more information contact: Ali Brast, 509-625-6638, abrast@spokanecity.org
Planning & Development Services Department

MULTIPLE FAMILY HOUSING PROPERTY
TAX EXEMPTION AGREEMENT

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

W I T N E S S E T H:

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

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

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

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

KENDALL YARDS 3RD ADDITION, L11-17, B1

Assessor's Parcel Number(s) 25134.5639, commonly known as 1907 W Summit Parkway.

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

The City and the Owner do mutually agree as follows:

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

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

rehabilitation improvements shall achieve compliance with the applicable building and construction codes.

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

4. The Owner intends to construct on the site, approximately 24 new multiple family residential housing units substantially as described in their application filed with and approved by the City. In no event shall such construction provide fewer than a total of four multiple family permanent residential housing units.

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

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

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

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

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

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

7. The City agrees, conditioned on the Owner's successful completion of the improvements in accordance with the terms of this Agreement and on the Owner's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Spokane County Assessor indicating that the Owner is qualified for the limited tax exemption under Chapter 84.14 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

17. This Agreement is subject to approval by the City Council.

DATED this _____ day of _____, 2016

CITY OF SPOKANE

By: _____

Mayor, David A. Condon

Attest:

City Clerk

Joe Frank

By:  _____

Its: MANAGER _____

Approved as to form:

Assistant City Attorney

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared DAVID A. CONDON and TERRI L. PFISTER, to me known to be the Mayor and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2016.

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

My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this 1st day of April, 2016, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared Joseph Frank, to me known to be the person who executed the within and foregoing instrument, and acknowledged the said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 1st day of April, 2016.



Katherine Funk
Katherine Funk

Notary Public in and for the State
of Washington, residing at Spokane
Hyden, Idaho

My commission expires December 6, 2019



Agenda Sheet for City Council Meeting of:
05/09/2016

Date Rec'd	4/21/2016
Clerk's File #	OPR 2016-0377
Renews #	

Submitting Dept	DEVELOPMENT SERVICES CENTER	Cross Ref #	
Contact Name/Phone	ALI BRAST 625-6638	Project #	
Contact E-Mail	ABRAST@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	4700 - MULTI FAMILY HOUSING - 528 N CEDAR STREET		

Agenda Wording

Multiple Family Housing Property Tax Exemption Agreement with North Gorge Commercial Partners, LLC for two 50-unit buildings and one 37-unit building located at 528 North Cedar Street, Parcel Numbers 35183.0007 and 35183.0094

Summary (Background)

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

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	BECKER, KRIS	<u>Study Session</u>	
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	PED 4/18/16
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE	fperkins@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	mpiccolo@spokanecity.org	
<u>Additional Approvals</u>		jmallahan@spokanecity.org	
<u>Purchasing</u>		kbecker@spokanecity.org	
		mhughes@spokanecity.org	
		abrast@spokanecity.org	
		htrautman@spokanecity.org	

BRIEFING PAPER
City of Spokane
MFTE Incentive Program / Planning and Development
April 18, 2016

Subject:

A Multi-Family Tax Exemption Conditional Contract for three multi-family buildings; two 50-unit buildings and one 37-unit building at 528 N Cedar

Purpose:

Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. The City Council enacted Ordinance No. C-32575, which provides for the property tax exemption program for multiple housing in residential targeted areas. Pursuant to Ordinance No. C-33079, the City Council expanded the residential targeted areas. The State statute and the City ordinance require the City to approve the application regarding the tax exemption and the necessary construction requirements. The City has received an application from North Gorge Residential Partners, LLC for a project consisting of approximately 137 multiple family housing units at 528 N Cedar. The staff has reviewed the application and determined that it meets the requirements of Chapter 8.15 SMC and qualifies for the tax exemption. This contract authorizes the appropriate city official to enter into the attached Multiple Family Housing Property Tax Exemption Agreement, which will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office.

Details:

North Gorge Residential Partners, LLC

MFTE target area: Kendall Yards

Qualifying parcels: 35183.0007, 35183.0094

Units: 137 units, (16 studios, 38 1-bedrooms, 63 2-bedrooms, 20 3-bedrooms)

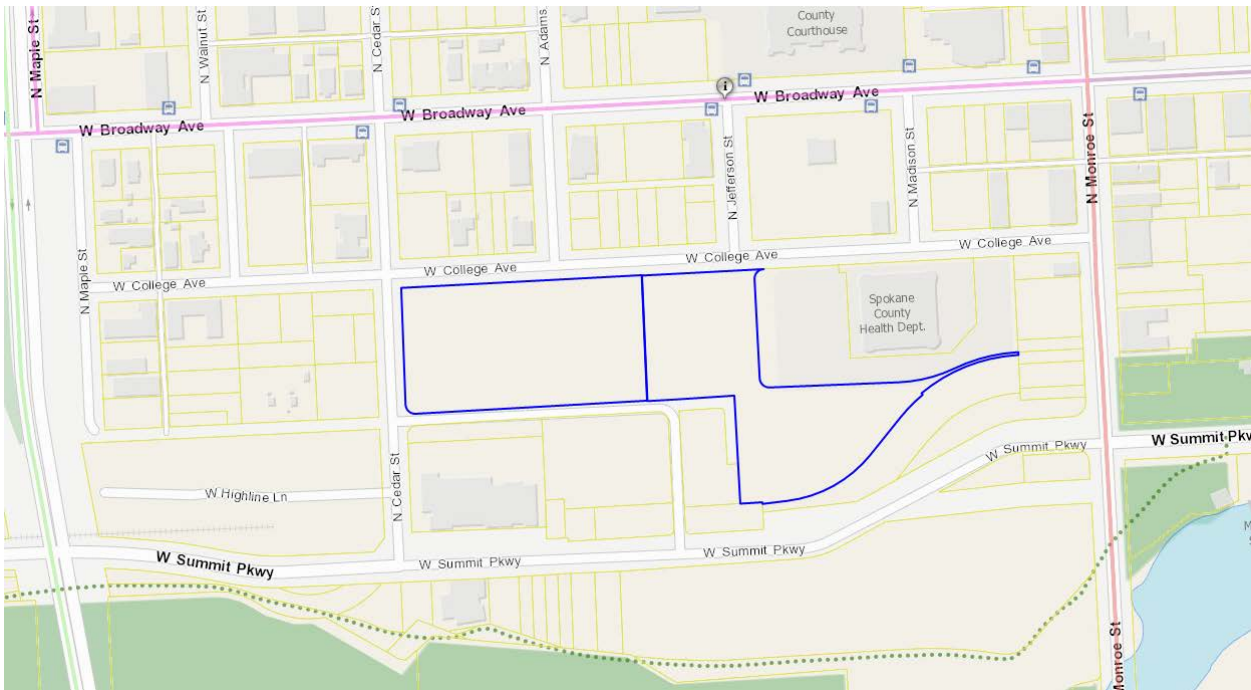
Total Square Footage: 137,000 square feet (3 buildings)

Average Sq Ft: 1,000 square feet

STA Routes: 124, 21

Affordable: not attempting to meet affordable rate

Project Area Map:



For more information contact: Ali Brast, 509-625-6638, abrast@spokanecity.org
Planning & Development Services Department

Recommendation:

Pursuant to SMC 08.15.060, the city council certifies the qualified property owner for this property tax exemption. This contract will be brought forward to City Council in the next few weeks.

MULTIPLE FAMILY HOUSING PROPERTY
TAX EXEMPTION AGREEMENT

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

WITNESSETH:

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

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

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

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

18-25-43 N322FT OF W350FT OF PTN L3 OF SW1/4 S OF COLLEGE AVE & BEG AT PT IN SL COLLEGE AVE 350FT E FRM EL CEDAR ST TH SLY P AR TO SD EL 322FT TH ELY PAR TO SL COLLEGE AVE 82.7FT TH C TO LE FT RAD2818.43FT FOR 67.3FT M/L TO PT 500FT PERPEND FRM EL OF CE DAR ST TH NLY PAR TO EL 321.2FT M/L TO SL COLLEGE AVE TH WLY 150 FT TO POB EXC ANY PTN OF KENDALL YARDS COMMERCIAL ADD (AFN# 6262045)

Assessor's Parcel Number(s) 35183.0007 and 35183.0094, commonly known as 528 N Cedar St.

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

The City and the Owner do mutually agree as follows:

1. The City agrees to issue the Owner a Conditional Certificate of Acceptance of Tax Exemption subsequent to the City Council's approval of this agreement.
2. The project must comply with all applicable zoning requirements, land use requirements, design review recommendations and all building, fire, and housing code

requirements contained in the Spokane Municipal Code at the time a complete application for a building permit is received. However, if the proposal includes rehabilitation or demolition in preparation for new construction, the residential portion of the building shall fail to comply with one or more standards of applicable building or housing codes, and the rehabilitation improvements shall achieve compliance with the applicable building and construction codes.

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

4. The Owner intends to construct on the site, approximately 137 new multiple family residential housing units substantially as described in their application filed with and approved by the City. In no event shall such construction provide fewer than a total of four multiple family permanent residential housing units.

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

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

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

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

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

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

7. The City agrees, conditioned on the Owner's successful completion of the improvements in accordance with the terms of this Agreement and on the Owner's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Spokane County Assessor indicating that the Owner is qualified for the limited tax exemption under Chapter 84.14 RCW.

8. The Owner agrees, within 30 days following the first anniversary of the County's filing of the Final Certificate of Tax Exemption and each year thereafter for a

period of eight years, to file a declaration with the City's Business and Development Services Department, verified upon oath and indicating the following:

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

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

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

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

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

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

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

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

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

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

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

17. This Agreement is subject to approval by the City Council.

DATED this _____ day of _____, 2016

CITY OF SPOKANE

By: _____

Mayor, David A. Condon

Attest:

City Clerk

Joe Frank

By:  _____

Its: Manager _____

Approved as to form:

Assistant City Attorney

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared DAVID A. CONDON and TERRI L. PFISTER, to me known to be the Mayor and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2016.

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

My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this 1st day of April, 2016, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared Joseph Frank, to me known to be the person who executed the within and foregoing instrument, and acknowledged the said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 1st day of April, 2016.



Katherine Funk
Katherine Funk
Notary Public in and for the State
of Washington, residing at Spokane
Hayden, Idaho

My commission expires December 6, 2019



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/10/2016
Clerk's File #	PRO 2016-0019
Renews #	

Submitting Dept	ENGINEERING SERVICES	Cross Ref #	
Contact Name/Phone	DAN BULLER 625-6391	Project #	2010091
Contact E-Mail	DBULLER@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	0370 - LOW BID AWARD - N & N EXCAVATION LLC		

Agenda Wording

Low Bid of N & N Excavation LLC (Mead, WA) for Ben Burr Trail - \$1,122,839.90. An administrative reserve of \$112,283.99, which is 10% of the contract price, will be set aside. (Lincoln Heights Neighborhood Council)

Summary (Background)

On May 9, 2016 bids were opened for the above project. The low bid was from N & N Excavation LLC in the amount of \$1,122,839.90, which is \$254,978.50 or 18.51% under the Engineer's Estimate; three other bids were received as follows: T LaRiviere Equipment & Excavation - \$1,264,998.00, Red Diamond Construction, Inc. - \$1,337,540.20 and Schimmels Construction - \$1,472,415.48

Fiscal Impact		Budget Account	
Expense	\$ 1,129,700.39	#	3200 95028 95300 56501 86009
Expense	\$ 48,241.02	#	3200 95028 95300 56501 86009
Expense	\$ 57,182.48	#	4340 43101 94000 56501 86009
Select	\$	#	
Approvals		Council Notifications	
Dept Head	TWOHIG, KYLE	Study Session	
Division Director	TWOHIG, KYLE	Other	Public Works 4/25/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	fperkins@spokanecity.org	
For the Mayor	WHITNEY, TYLER	kkeck@spokanecity.org	
Additional Approvals		mhughes@spokanecity.org	
Purchasing		htrautman@spokanecity.org	
		jahensley@spokanecity.org	
		jlargent@spokanecity.org	
		kgoodman@spokanecity.org	

BRIEFING PAPER
Public Works Committee
Engineering Services
April 25, 2016

Subject:

Ben Burr Trail (2010091)

Background:

The Ben Burr Trail has been in the planning stages for approx.. 20 years and, more recently, in the ROW acquisition phase for the last 3 years. ROW acquisition is now complete and the project is being advertised.

Please refer to attached exhibit.

Impact:

This project went through an extensive public input project including presentation at five separate neighborhood councils as well as other meetings with the active involvement of CMs Snyder and Allen, largely in the fall/winter/spring of 2013-2014. Some residents of the East Central neighborhood preferred the trail to remain unpaved. While that request could not be accommodated, other requests, such as limiting the extents of tree removal by modest trail realignment, were included in the project.

Since the project is out of the roadway, there will be very little impact to the traveling public. Tree removals associated with the project have already been completed.

Action:

The engineer's estimate is \$1.4M. We expect to forward a recommendation to award to Council on May 16, 2016.

Funding:

This project is paid with federal grant funding.

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

Project Number: 2010091

Project Description Ben Burr Trail

Funding Source Federal

Preparer Jonathan Adams

Original Date 7/30/2015 8:21:47 AM

Update Date 5/9/2016 2:14:07 PM

Addendum

Project Number: 2010091			Engineer's Estimate		N & N Excavation LLC		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc	
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

Sales tax shall be included in unit prices

101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
102	SPCC PLAN	1 LS	*****	500.00	*****	500.00	*****	1,000.00	*****	600.00
103	REFERENCE AND REESTABLISH SURVEY MONUMENT	14 EA	500.00	7,000.00	400.00	5,600.00	370.00	5,180.00	400.00	5,600.00
104	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	2,500.00	*****	3,000.00	*****	3,150.00	*****	3,500.00
105	MOBILIZATION	1 LS	*****	80,000.00	*****	115,000.00	*****	142,000.00	*****	123,000.00
106	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	25,000.00	*****	8,500.00	*****	20,000.00	*****	41,000.00
107	SPECIAL SIGNS	30 SF	20.00	600.00	10.00	300.00	10.50	315.00	10.00	300.00
108	SEQUENTIAL ARROW SIGN	400 HR	5.00	2,000.00	2.00	800.00	2.10	840.00	2.00	800.00
109	PORTABLE CHANGEABLE MESSAGE SIGN	200 HR	5.00	1,000.00	3.50	700.00	3.70	740.00	3.50	700.00
110	TYPE III BARRICADE	20 EA	50.00	1,000.00	25.00	500.00	26.00	520.00	25.00	500.00
111	CLEARING AND GRUBBING	1 LS	*****	10,000.00	*****	15,000.00	*****	9,270.00	*****	7,000.00
112	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	2,500.00	*****	3,000.00	*****	500.00	*****	1,900.00
113	AIR OR HYDRO EVACUATION	3 EA	300.00	900.00	370.00	1,110.00	125.00	375.00	375.00	1,125.00
114	TREE PROTECTION ZONE	20 EA	200.00	4,000.00	200.00	4,000.00	165.00	3,300.00	100.00	2,000.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		N & N Excavation LLC		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i>					Sales tax shall be included in unit prices					
115	REMOVE TREE, CLASS I	7 EA	150.00	1,050.00	250.00	1,750.00	160.00	1,120.00	350.00	2,450.00
116	REMOVE TREE, CLASS II	5 EA	300.00	1,500.00	400.00	2,000.00	315.00	1,575.00	900.00	4,500.00
117	REMOVE TREE, CLASS III	3 EA	700.00	2,100.00	1,000.00	3,000.00	685.00	2,055.00	2,500.00	7,500.00
118	TREE PRUNING	3 EA	500.00	1,500.00	250.00	750.00	525.00	1,575.00	300.00	900.00
119	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	5,000.00	*****	4,000.00	*****	4,515.00	*****	10,000.00
120	REMOVE EXISTING CURB	1300 LF	3.00	3,900.00	4.00	5,200.00	8.80	11,440.00	10.00	13,000.00
121	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	807 SY	7.00	5,649.00	6.00	4,842.00	7.40	5,971.80	10.00	8,070.00
122	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	4 EA	450.00	1,800.00	400.00	1,600.00	365.00	1,460.00	450.00	1,800.00
123	REMOVE CURB/GRATE INLET	1 EA	300.00	300.00	300.00	300.00	300.00	300.00	350.00	350.00
124	SAWCUTTING CURB	32 EA	30.00	960.00	30.00	960.00	21.00	672.00	50.00	1,600.00
125	SAWCUTTING RIGID PAVEMENT	712 LFI	1.00	712.00	1.00	712.00	0.60	427.20	1.50	1,068.00
126	SAWCUTTING FLEXIBLE PAVEMENT	4000 LFI	0.30	1,200.00	0.30	1,200.00	0.25	1,000.00	0.80	3,200.00
127	REMOVING GUARDRAIL	68 LF	5.00	340.00	15.00	1,020.00	8.40	571.20	12.00	816.00
128	REMOVING GUARDRAIL ANCHOR	2 EA	100.00	200.00	250.00	500.00	210.00	420.00	250.00	500.00
129	REMOVE EXISTING FENCE	800 LF	2.50	2,000.00	5.00	4,000.00	3.20	2,560.00	3.00	2,400.00
130	ROADWAY EXCAVATION INCL. HAUL	1960 CY	28.00	54,880.00	13.00	25,480.00	13.00	25,480.00	21.00	41,160.00
131	REMOVE UNSUITABLE FOUNDATION MATERIAL	100 CY	25.00	2,500.00	16.00	1,600.00	16.00	1,600.00	0.01	1.00
132	REPLACE UNSUITABLE FOUNDATION MATERIAL	100 CY	20.00	2,000.00	20.00	2,000.00	21.00	2,100.00	0.01	1.00
133	COMMON BORROW INCL. HAUL	3000 CY	20.00	60,000.00	20.00	60,000.00	21.00	63,000.00	20.00	60,000.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		N & N Excavation LLC		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i>					Sales tax shall be included in unit prices					
134	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - ROADWAY EXCAVATION	400 CY	100.00	40,000.00	75.00	30,000.00	125.00	50,000.00	10.00	4,000.00
135	PRE-CONSTRUCTION AND POST-CONSTRUCTION SURVEY AND MONITORING	1 LS	*****	1,000.00	*****	2,400.00	*****	16,800.00	*****	1,200.00
136	PREPARATION OF UNTREATED ROADWAY	14080 SY	2.00	28,160.00	2.00	28,160.00	1.35	19,008.00	2.00	28,160.00
137	CRUSHED SURFACING TOP COURSE	2450 CY	30.00	73,500.00	42.00	102,900.00	35.00	85,750.00	47.00	115,150.00
138	CRUSHED SURFACING BASE COURSE	145 CY	30.00	4,350.00	39.00	5,655.00	35.00	5,075.00	60.00	8,700.00
139	CSTC FOR SIDEWALK AND DRIVEWAYS	65 CY	50.00	3,250.00	50.00	3,250.00	85.00	5,525.00	60.00	3,900.00
140	THICKENED GRAVEL SHOULDER	726 LF	42.00	30,492.00	8.00	5,808.00	6.70	4,864.20	6.00	4,356.00
141	HMA CL. 1/2 IN. PG 64-28, 2.5 INCH THICK	13641 SY	15.00	204,615.00	12.29	167,647.89	15.30	208,707.30	14.00	190,974.00
142	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	392 SY	18.00	7,056.00	15.10	5,919.20	16.00	6,272.00	18.00	7,056.00
143	HMA CL. 1/2 IN. PG 70-28, 6 INCH THICK	824 SY	30.00	24,720.00	36.22	29,845.28	32.50	26,780.00	39.00	32,136.00
144	HMA FOR TRANSITION, CL. 1/2 IN. PG 64-28, 2 INCH THICK	47 SY	20.00	940.00	31.50	1,480.50	40.00	1,880.00	50.00	2,350.00
145	SOIL RESIDUAL HERBICIDE	13641 SY	0.20	2,728.20	0.21	2,864.61	0.21	2,864.61	0.20	2,728.20
146	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
147	COMPACTION PRICE ADJUSTMENT	1 EST	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00
148	CEMENT CONCRETE CURB WALL	69 LF	50.00	3,450.00	34.00	2,346.00	34.00	2,346.00	50.00	3,450.00
149	SEGMENTAL CONCRETE RETAINING WALL	926 SF	100.00	92,600.00	35.50	32,873.00	50.00	46,300.00	50.00	46,300.00
150	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	420 LF	45.00	18,900.00	26.00	10,920.00	42.00	17,640.00	46.00	19,320.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		N & N Excavation LLC		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i>					Sales tax shall be included in unit prices					
151	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	68 LF	40.00	2,720.00	50.00	3,400.00	62.00	4,216.00	64.00	4,352.00
152	MANHOLE TYPE I-48, BASIC PRICE	3 EA	2,695.57	8,086.70	2,400.00	7,200.00	2,330.00	6,990.00	3,000.00	9,000.00
153	GRATE INLET TYPE 3	1 EA	1,500.00	1,500.00	1,500.00	1,500.00	1,460.00	1,460.00	1,400.00	1,400.00
154	DRYWELL TYPE 1	1 EA	2,500.00	2,500.00	2,500.00	2,500.00	2,620.00	2,620.00	3,200.00	3,200.00
155	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN CONCRETE	4 EA	350.00	1,400.00	250.00	1,000.00	240.00	960.00	500.00	2,000.00
156	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	4 EA	350.00	1,400.00	500.00	2,000.00	420.00	1,680.00	850.00	3,400.00
157	CATCH BASIN TYPE 1	6 EA	2,200.00	13,200.00	1,900.00	11,400.00	2,100.00	12,600.00	2,800.00	16,800.00
158	CATCH BASIN TYPE 3	1 EA	2,500.00	2,500.00	2,200.00	2,200.00	2,200.00	2,200.00	3,000.00	3,000.00
159	MANHOLE OR DRYWELL FRAME AND COVER (LOCKABLE)	11 EA	550.00	6,050.00	500.00	5,500.00	600.00	6,600.00	750.00	8,250.00
160	CLEANING EXISTING DRAINAGE STRUCTURE	18 EA	250.00	4,500.00	250.00	4,500.00	400.00	7,200.00	350.00	6,300.00
161	TRENCH SAFETY SYSTEM	1 LS	*****	500.00	*****	1,000.00	*****	1,050.00	*****	1,400.00
162	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	271 LF	45.00	12,195.00	40.00	10,840.00	48.00	13,008.00	50.00	13,550.00
163	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	500.00	*****	1,000.00	*****	525.00	*****	40,000.00
164	ESC LEAD	1 LS	*****	500.00	*****	500.00	*****	1,050.00	*****	2,500.00
165	INLET PROTECTION	28 EA	90.00	2,520.00	65.00	1,820.00	115.00	3,220.00	150.00	4,200.00
166	STABILIZED CONSTRUCTION ENTRANCE	178 SY	50.00	8,900.00	12.00	2,136.00	20.00	3,560.00	10.00	1,780.00
167	TOPSOIL TYPE A, 2 INCH THICK	400 SY	3.25	1,300.00	4.00	1,600.00	3.20	1,280.00	4.00	1,600.00
168	REMOVE AND RELOCATE BOULDERS	26 EA	50.00	1,300.00	100.00	2,600.00	53.00	1,378.00	125.00	3,250.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		N & N Excavation LLC		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i>					Sales tax shall be included in unit prices					
169	LANDSCAPE BOULDERS 3FT TO 4FT	14 EA	100.00	1,400.00	250.00	3,500.00	168.00	2,352.00	200.00	2,800.00
170	PINE NEEDLE MULCH	5600 SY	3.00	16,800.00	3.50	19,600.00	5.00	28,000.00	5.25	29,400.00
171	HYDROSEEDING	850 SY	7.00	5,950.00	5.00	4,250.00	1.60	1,360.00	2.00	1,700.00
172	SOD INSTALLATION	500 SY	9.00	4,500.00	9.00	4,500.00	10.50	5,250.00	12.00	6,000.00
173	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	2,000.00	*****	2,000.00	*****	2,940.00	*****	4,500.00
174	CEMENT CONCRETE CURB	1476 LF	14.00	20,664.00	14.80	21,844.80	15.00	22,140.00	18.00	26,568.00
175	CEMENT CONC. CURB AND GUTTER	560 LF	16.00	8,960.00	22.79	12,762.40	22.60	12,656.00	28.00	15,680.00
176	CEMENT CONC. V- GUTTER	60 LF	18.00	1,080.00	26.50	1,590.00	26.25	1,575.00	60.00	3,600.00
177	CEMENT CONCRETE DRIVEWAY	93 SY	40.00	3,720.00	42.40	3,943.20	42.00	3,906.00	60.00	5,580.00
178	BEAM GUARDRAIL ANCHOR TYPE 4	2 EA	2,200.00	4,400.00	1,000.00	2,000.00	998.00	1,996.00	1,000.00	2,000.00
179	MODIFY FENCING	1 LS	*****	2,500.00	*****	5,300.00	*****	5,670.00	*****	5,500.00
180	CHAIN LINK FENCE TYPE 3	1158 LF	50.00	57,900.00	17.40	20,149.20	30.00	34,740.00	20.00	23,160.00
181	SINGLE 6 FT CHAIN LINK GATE	2 EA	1,000.00	2,000.00	159.00	318.00	1,050.00	2,100.00	500.00	1,000.00
182	TEMPORARY FENCE	1 LS	*****	500.00	*****	1,500.00	*****	525.00	*****	1,500.00
183	CEMENT CONC. SIDEWALK	785 SY	38.00	29,830.00	38.16	29,955.60	38.00	29,830.00	38.00	29,830.00
184	RAMP DETECTABLE WARNING	264 SF	22.00	5,808.00	21.50	5,676.00	21.00	5,544.00	24.00	6,336.00
185	ILLUMINATION SYSTEM	1 LS	*****	13,000.00	*****	25,305.00	*****	15,000.00	*****	15,000.00
186	COMMUNICATION CONDUIT SYSTEM	1 LS	*****	35,000.00	*****	43,000.00	*****	35,800.00	*****	35,000.00
187	SIGNING, PERMANENT	1 LS	*****	25,000.00	*****	24,675.00	*****	23,247.89	*****	22,000.00

Project Number: 2010091			Engineer's Estimate		N & N Excavation LLC		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

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188	REMOVAL OF EXISTING PAVEMENT MARKINGS	301 SF	4.50	1,354.50	3.00	903.00	2.10	632.10	5.00	1,505.00
189	PAVEMENT MARKING - DURABLE HEAT APPLIED	1179 SF	10.00	11,790.00	9.38	11,059.02	9.30	10,964.70	10.00	11,790.00
190	WORD AND SYMBOL MARKINGS - DURABLE HEAT APPLIED	2 EA	200.00	400.00	275.60	551.20	275.00	550.00	150.00	300.00
191	TEMPORARY PAVEMENT MARKING	1 LS	*****	1,000.00	*****	1,200.00	*****	2,500.00	*****	1,400.00
192	ROCK RETAINING WALL	2800 SF	30.00	84,000.00	16.50	46,200.00	15.00	42,000.00	25.00	70,000.00
193	GABION CRIBBING	45 CY	200.00	9,000.00	150.00	6,750.00	140.00	6,300.00	300.00	13,500.00
194	PEDESTRIAN RAILING	2200 LF	50.00	110,000.00	12.00	26,400.00	25.20	55,440.00	13.00	28,600.00
195	REMOVABLE BOLLARDS	16 EA	1,100.00	17,600.00	1,026.00	16,416.00	1,140.00	18,240.00	1,500.00	24,000.00
196	REFLECTOR POLE	2 EA	20.00	40.00	102.00	204.00	100.00	200.00	145.00	290.00
197	PONDING AREA	1 LS	*****	5,000.00	*****	2,900.00	*****	2,400.00	*****	1,200.00
Schedule Totals				1,377,818.40		1,122,839.90		1,264,998.00		1,337,540.20

Project Number: 2010091			Engineer's Estimate		Schimmels Construction					
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

Sales tax shall be included in unit prices

101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	-1.00	-1.00	-1.00	-1.00	0.00	0.00	0.00	0.00
102	SPCC PLAN	1 LS	*****	500.00	*****	454.13	*****	0.00	*****	0.00
103	REFERENCE AND REESTABLISH SURVEY MONUMENT	14 EA	500.00	7,000.00	397.36	5,563.04	0.00	0.00	0.00	0.00
104	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	2,500.00	*****	3,405.97	*****	0.00	*****	0.00
105	MOBILIZATION	1 LS	*****	80,000.00	*****	96,770.44	*****	0.00	*****	0.00
106	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	25,000.00	*****	13,623.87	*****	0.00	*****	0.00
107	SPECIAL SIGNS	30 SF	20.00	600.00	11.35	340.50	0.00	0.00	0.00	0.00
108	SEQUENTIAL ARROW SIGN	400 HR	5.00	2,000.00	2.27	908.00	0.00	0.00	0.00	0.00
109	PORTABLE CHANGEABLE MESSAGE SIGN	200 HR	5.00	1,000.00	3.97	794.00	0.00	0.00	0.00	0.00
110	TYPE III BARRICADE	20 EA	50.00	1,000.00	28.38	567.60	0.00	0.00	0.00	0.00
111	CLEARING AND GRUBBING	1 LS	*****	10,000.00	*****	17,029.83	*****	0.00	*****	0.00
112	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	2,500.00	*****	465.48	*****	0.00	*****	0.00
113	AIR OR HYDRO EVACUATION	3 EA	300.00	900.00	397.36	1,192.08	0.00	0.00	0.00	0.00
114	TREE PROTECTION ZONE	20 EA	200.00	4,000.00	539.28	10,785.60	0.00	0.00	0.00	0.00
115	REMOVE TREE, CLASS I	7 EA	150.00	1,050.00	255.45	1,788.15	0.00	0.00	0.00	0.00
116	REMOVE TREE, CLASS II	5 EA	300.00	1,500.00	858.30	4,291.50	0.00	0.00	0.00	0.00
117	REMOVE TREE, CLASS III	3 EA	700.00	2,100.00	2,503.39	7,510.17	0.00	0.00	0.00	0.00
118	TREE PRUNING	3 EA	500.00	1,500.00	238.42	715.26	0.00	0.00	0.00	0.00
119	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	5,000.00	*****	9,841.64	*****	0.00	*****	0.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		Schimmels Construction					
<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>					Sales tax shall be included in unit prices					
120	REMOVE EXISTING CURB	1300 LF	3.00	3,900.00	6.06	7,878.00	0.00	0.00	0.00	0.00
121	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	807 SY	7.00	5,649.00	7.56	6,100.92	0.00	0.00	0.00	0.00
122	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	4 EA	450.00	1,800.00	378.12	1,512.48	0.00	0.00	0.00	0.00
123	REMOVE CURB/GRATE INLET	1 EA	300.00	300.00	378.12	378.12	0.00	0.00	0.00	0.00
124	SAWCUTTING CURB	32 EA	30.00	960.00	22.71	726.72	0.00	0.00	0.00	0.00
125	SAWCUTTING RIGID PAVEMENT	712 LFI	1.00	712.00	0.85	605.20	0.00	0.00	0.00	0.00
126	SAWCUTTING FLEXIBLE PAVEMENT	4000 LFI	0.30	1,200.00	0.28	1,120.00	0.00	0.00	0.00	0.00
127	REMOVING GUARDRAIL	68 LF	5.00	340.00	9.08	617.44	0.00	0.00	0.00	0.00
128	REMOVING GUARDRAIL ANCHOR	2 EA	100.00	200.00	227.06	454.12	0.00	0.00	0.00	0.00
129	REMOVE EXISTING FENCE	800 LF	2.50	2,000.00	1.31	1,048.00	0.00	0.00	0.00	0.00
130	ROADWAY EXCAVATION INCL. HAUL	1960 CY	28.00	54,880.00	34.60	67,816.00	0.00	0.00	0.00	0.00
131	REMOVE UNSUITABLE FOUNDATION MATERIAL	100 CY	25.00	2,500.00	24.38	2,438.00	0.00	0.00	0.00	0.00
132	REPLACE UNSUITABLE FOUNDATION MATERIAL	100 CY	20.00	2,000.00	24.38	2,438.00	0.00	0.00	0.00	0.00
133	COMMON BORROW INCL. HAUL	3000 CY	20.00	60,000.00	40.66	121,980.00	0.00	0.00	0.00	0.00
134	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - ROADWAY EXCAVATION	400 CY	100.00	40,000.00	60.88	24,352.00	0.00	0.00	0.00	0.00
135	PRE-CONSTRUCTION AND POST-CONSTRUCTION SURVEY AND MONITORING	1 LS	*****	1,000.00	*****	10,002.19	*****	0.00	*****	0.00
136	PREPARATION OF UNTREATED ROADWAY	14080 SY	2.00	28,160.00	2.83	39,846.40	0.00	0.00	0.00	0.00
137	CRUSHED SURFACING TOP COURSE	2450 CY	30.00	73,500.00	81.74	200,263.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		Schimmels Construction					
<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>					Sales tax shall be included in unit prices					
138	CRUSHED SURFACING BASE COURSE	145 CY	30.00	4,350.00	54.50	7,902.50	0.00	0.00	0.00	0.00
139	CSTC FOR SIDEWALK AND DRIVEWAYS	65 CY	50.00	3,250.00	129.26	8,401.90	0.00	0.00	0.00	0.00
140	THICKENED GRAVEL SHOULDER	726 LF	42.00	30,492.00	2.56	1,858.56	0.00	0.00	0.00	0.00
141	HMA CL. 1/2 IN. PG 64-28, 2.5 INCH THICK	13641 SY	15.00	204,615.00	13.28	181,152.48	0.00	0.00	0.00	0.00
142	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	392 SY	18.00	7,056.00	17.03	6,675.76	0.00	0.00	0.00	0.00
143	HMA CL. 1/2 IN. PG 70-28, 6 INCH THICK	824 SY	30.00	24,720.00	39.17	32,276.08	0.00	0.00	0.00	0.00
144	HMA FOR TRANSITION, CL. 1/2 IN. PG 64-28, 2 INCH THICK	47 SY	20.00	940.00	34.06	1,600.82	0.00	0.00	0.00	0.00
145	SOIL RESIDUAL HERBICIDE	13641 SY	0.20	2,728.20	0.23	3,137.43	0.00	0.00	0.00	0.00
146	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	0.00	0.00	0.00	0.00
147	COMPACTION PRICE ADJUSTMENT	1 EST	4,700.00	4,700.00	4,700.00	4,700.00	0.00	0.00	0.00	0.00
148	CEMENT CONCRETE CURB WALL	69 LF	50.00	3,450.00	51.09	3,525.21	0.00	0.00	0.00	0.00
149	SEGMENTAL CONCRETE RETAINING WALL	926 SF	100.00	92,600.00	45.58	42,207.08	0.00	0.00	0.00	0.00
150	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	420 LF	45.00	18,900.00	36.47	15,317.40	0.00	0.00	0.00	0.00
151	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	68 LF	40.00	2,720.00	56.32	3,829.76	0.00	0.00	0.00	0.00
152	MANHOLE TYPE I-48, BASIC PRICE	3 EA	2,695.57	8,086.70	3,608.66	10,825.98	0.00	0.00	0.00	0.00
153	GRATE INLET TYPE 3	1 EA	1,500.00	1,500.00	1,870.04	1,870.04	0.00	0.00	0.00	0.00
154	DRYWELL TYPE 1	1 EA	2,500.00	2,500.00	3,683.33	3,683.33	0.00	0.00	0.00	0.00
155	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN CONCRETE	4 EA	350.00	1,400.00	379.88	1,519.52	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		Schimmels Construction					
<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>					Sales tax shall be included in unit prices					
156	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	4 EA	350.00	1,400.00	379.88	1,519.52	0.00	0.00	0.00	0.00
157	CATCH BASIN TYPE 1	6 EA	2,200.00	13,200.00	2,609.95	15,659.70	0.00	0.00	0.00	0.00
158	CATCH BASIN TYPE 3	1 EA	2,500.00	2,500.00	2,845.64	2,845.64	0.00	0.00	0.00	0.00
159	MANHOLE OR DRYWELL FRAME AND COVER (LOCKABLE)	11 EA	550.00	6,050.00	776.22	8,538.42	0.00	0.00	0.00	0.00
160	CLEANING EXISTING DRAINAGE STRUCTURE	18 EA	250.00	4,500.00	450.61	8,110.98	0.00	0.00	0.00	0.00
161	TRENCH SAFETY SYSTEM	1 LS	*****	500.00	*****	629.29	*****	0.00	*****	0.00
162	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	271 LF	45.00	12,195.00	53.39	14,468.69	0.00	0.00	0.00	0.00
163	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	500.00	*****	629.29	*****	0.00	*****	0.00
164	ESC LEAD	1 LS	*****	500.00	*****	1,041.48	*****	0.00	*****	0.00
165	INLET PROTECTION	28 EA	90.00	2,520.00	38.43	1,076.04	0.00	0.00	0.00	0.00
166	STABILIZED CONSTRUCTION ENTRANCE	178 SY	50.00	8,900.00	57.84	10,295.52	0.00	0.00	0.00	0.00
167	TOPSOIL TYPE A, 2 INCH THICK	400 SY	3.25	1,300.00	9.65	3,860.00	0.00	0.00	0.00	0.00
168	REMOVE AND RELOCATE BOULDERS	26 EA	50.00	1,300.00	53.10	1,380.60	0.00	0.00	0.00	0.00
169	LANDSCAPE BOULDERS 3FT TO 4FT	14 EA	100.00	1,400.00	87.85	1,229.90	0.00	0.00	0.00	0.00
170	PINE NEEDLE MULCH	5600 SY	3.00	16,800.00	11.35	63,560.00	0.00	0.00	0.00	0.00
171	HYDROSEEDING	850 SY	7.00	5,950.00	1.25	1,062.50	0.00	0.00	0.00	0.00
172	SOD INSTALLATION	500 SY	9.00	4,500.00	13.62	6,810.00	0.00	0.00	0.00	0.00
173	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	2,000.00	*****	28,383.06	*****	0.00	*****	0.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		Schimmels Construction					
<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>					Sales tax shall be included in unit prices					
174	CEMENT CONCRETE CURB	1476 LF	14.00	20,664.00	14.76	21,785.76	0.00	0.00	0.00	0.00
175	CEMENT CONC. CURB AND GUTTER	560 LF	16.00	8,960.00	23.84	13,350.40	0.00	0.00	0.00	0.00
176	CEMENT CONC. V-GUTTER	60 LF	18.00	1,080.00	34.06	2,043.60	0.00	0.00	0.00	0.00
177	CEMENT CONCRETE DRIVEWAY	93 SY	40.00	3,720.00	51.09	4,751.37	0.00	0.00	0.00	0.00
178	BEAM GUARDRAIL ANCHOR TYPE 4	2 EA	2,200.00	4,400.00	1,078.56	2,157.12	0.00	0.00	0.00	0.00
179	MODIFY FENCING	1 LS	*****	2,500.00	*****	5,676.61	*****	0.00	*****	0.00
180	CHAIN LINK FENCE TYPE 3	1158 LF	50.00	57,900.00	18.81	21,781.98	0.00	0.00	0.00	0.00
181	SINGLE 6 FT CHAIN LINK GATE	2 EA	1,000.00	2,000.00	227.06	454.12	0.00	0.00	0.00	0.00
182	TEMPORARY FENCE	1 LS	*****	500.00	*****	2,331.43	*****	0.00	*****	0.00
183	CEMENT CONC. SIDEWALK	785 SY	38.00	29,830.00	34.06	26,737.10	0.00	0.00	0.00	0.00
184	RAMP DETECTABLE WARNING	264 SF	22.00	5,808.00	22.71	5,995.44	0.00	0.00	0.00	0.00
185	ILLUMINATION SYSTEM	1 LS	*****	13,000.00	*****	16,121.58	*****	0.00	*****	0.00
186	COMMUNICATION CONDUIT SYSTEM	1 LS	*****	35,000.00	*****	38,714.49	*****	0.00	*****	0.00
187	SIGNING, PERMANENT	1 LS	*****	25,000.00	*****	26,680.07	*****	0.00	*****	0.00
188	REMOVAL OF EXISTING PAVEMENT MARKINGS	301 SF	4.50	1,354.50	2.27	683.27	0.00	0.00	0.00	0.00
189	PAVEMENT MARKING - DURABLE HEAT APPLIED	1179 SF	10.00	11,790.00	10.05	11,848.95	0.00	0.00	0.00	0.00
190	WORD AND SYMBOL MARKINGS - DURABLE HEAT APPLIED	2 EA	200.00	400.00	295.18	590.36	0.00	0.00	0.00	0.00
191	TEMPORARY PAVEMENT MARKING	1 LS	*****	1,000.00	*****	1,702.98	*****	0.00	*****	0.00
192	ROCK RETAINING WALL	2800 SF	30.00	84,000.00	15.89	44,492.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2010091			<i>Engineer's Estimate</i>		Schimmels Construction					
<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>					Sales tax shall be included in unit prices					
193	GABION CRIBBING	45 CY	200.00	9,000.00	200.40	9,018.00	0.00	0.00	0.00	0.00
194	PEDESTRIAN RAILING	2200 LF	50.00	110,000.00	12.74	28,028.00	0.00	0.00	0.00	0.00
195	REMOVABLE BOLLARDS	16 EA	1,100.00	17,600.00	1,078.56	17,256.96	0.00	0.00	0.00	0.00
196	REFLECTOR POLE	2 EA	20.00	40.00	107.86	215.72	0.00	0.00	0.00	0.00
197	PONDING AREA	1 LS	*****	5,000.00	*****	2,791.84	*****	0.00	*****	0.00
<i>Schedule Totals</i>				1,377,818.40		1,472,415.48		0.00		0.00

Project Number 2010091 Ben Burr Trail

	SCHEDULE SUMMARY								
	Sched 1	Sched 2	Sched 3	Sched 4	Sched 5	Sched 6	Sched 7	Sched 8	Total
Engineer's Est	1,377,818.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,377,818.40
N & N Excavation LLC	1,122,839.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,122,839.90
T LaRiviere Equipment	1,264,998.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,264,998.00
Red Diamond Construc	1,337,540.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,337,540.20
Schimmels Constructio	1,472,415.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,472,415.48

Low Bid Contractor: N & N Excavation LLC

	Contractor's Bid	Engineer's Estimate	% Variance	
Schedule 01	\$1,122,839.90	\$1,377,818.40	18.51	% Under Estimate
Bid Totals	\$1,122,839.90	\$1,377,818.40	18.51	% Under Estimate



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/10/2016
Clerk's File #	PRO 2016-0020
Renews #	

Submitting Dept	ENGINEERING SERVICES	Cross Ref #	
Contact Name/Phone	DAN BULLER 625-6391	Project #	2014150
Contact E-Mail	DBULLER@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	BT
Agenda Item Name	0370 - LOW BID AWARD - T. LARIVIERE EQUIPMENT & EXCAVATION		

Agenda Wording

Low Bid of T LaRiviere Equipment & Excavation (Athol, ID) for Indiana Avenue from Dakota Street to Crescent Street Phase II - \$1,853,653.52 plus tax. An administrative reserve of \$185,36535 plus tax , which is 10% of the contract price, will be set

Summary (Background)

On May 9, 2016 bids were opened for the above project. The low bid was from T LaRiviere Equipment & Excavation in the amount of \$1,853,653.52, which is \$203,009.76 or 9.89% under the Engineer's Estimate; three other bids were received as follows: Red Diamond Construction, Inc. - \$1,924,576.15, Inland Asphalt Company - \$1,944,944.00 and Halme Construction, Inc. - \$2,099,661.80.

Fiscal Impact		Budget Account	
Expense	\$ 1,232,774.39	#	3200 49828 95300 56501 86004
Expense	\$ 588,290.22	#	4340 43354 94000 56501 86004
Expense	\$ 235,165.65	#	4340 42300 94000 56501 86004
Select	\$	#	
Approvals		Council Notifications	
Dept Head	TWOHIG, KYLE	Study Session	
Division Director	TWOHIG, KYLE	Other	Public Works 8/24/15
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	fperkins@spokanecity.org	
For the Mayor	WHITNEY, TYLER	kkeck@spokanecity.org	
Additional Approvals		mhughes@spokanecity.org	
Purchasing		htrautman@spokanecity.org	
		kgoodman@spokanecity.org	
		jahensley@spokanecity.org	
		jlargent@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

aside. (Logan Neighborhood Council)

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

BRIEFING PAPER
Public Works Committee
Engineering Services
August 24, 2015

Subject:

Indiana Avenue Rehabilitation Phase II – Dakota Street to Monroe Street (2014150)

Background:

This project includes full width reconstruction of approx. 0.5 miles of Indiana Avenue, installation of bike lanes/removal of on-street parking, water man replacement, sidewalk gap infill and miscellaneous minor storm water system upgrades. Because of Engineering Services staffing constraints, a Request for Qualifications of consulting engineers was advertised in late 2014. TD&H was selected to design phase I of this project. Because of their successful work on phase I, Engineering Services proposes to hire TD&H to design phase II as well as provide construction phase administration and inspection.

This project will advertise for bids this coming fall/winter and be constructed in spring 2016.

Public Impact:

The hiring of consultants which is the subject of this briefing paper has no direct impact on the public.

Action:

Information is provided for Council background. The proposed agreement will be on the 8/24/15 council agenda.

Funding

This project is being paid for with the recently voter approved street levy funds.



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

Project Number: 2014150

Project Description Indiana Avenue - Phase II

Funding Source Local

Preparer Oanh Delgado

Original Date 4/14/2016 10:36:20 AM

Update Date 5/9/2016 1:47:08 PM

Addendum

Project Number: 2014150			Engineer's Estimate		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc		Inland Asphalt Company	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description

Tax Classification

Schedule 01

Street

Sales tax shall be included in unit prices

101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
102	SPCC PLAN	1 LS	*****	750.00	*****	1,000.00	*****	500.00	*****	600.00
103	ARCHAEOLOGICAL AND HISTORICAL SALVAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
104	POTHOLING	5 EA	400.00	2,000.00	300.00	1,500.00	200.00	1,000.00	190.00	950.00
105	PUBLIC LIAISON REPRESENTATIVE	1 LS	*****	6,800.00	*****	12,000.00	*****	2,500.00	*****	13,000.00
106	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	600.00	2,400.00	500.00	2,000.00	300.00	1,200.00	317.00	1,268.00
107	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	2,000.00	*****	4,000.00	*****	3,500.00	*****	3,170.00
108	MOBILIZATION	1 LS	*****	112,834.30	*****	125,000.00	*****	161,500.00	*****	153,785.00
109	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	40,000.00	*****	15,000.00	*****	51,000.00	*****	69,000.00
110	SPECIAL SIGNS	139 SF	13.00	1,807.00	11.00	1,529.00	11.00	1,529.00	10.50	1,459.50
111	PORTABLE CHANGEABLE MESSAGE SIGN	500 HR	5.00	2,500.00	4.00	2,000.00	7.00	3,500.00	3.75	1,875.00
112	TYPE III BARRICADE	27 EA	40.00	1,080.00	40.00	1,080.00	40.00	1,080.00	26.00	702.00
113	CLEARING AND GRUBBING	1 LS	*****	10,000.00	*****	6,500.00	*****	4,000.00	*****	8,750.00
114	TREE PROTECTION ZONE	5 EA	150.00	750.00	400.00	2,000.00	100.00	500.00	500.00	2,500.00

Project Number: 2014150			Engineer's Estimate		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc		Inland Asphalt Company	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description

Tax Classification

Schedule 01

Street

Sales tax shall be included in unit prices

115	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	4,000.00	*****	5,000.00	*****	1,800.00	*****	6,500.00
116	REMOVE EXISTING CURB	3746 LF	7.00	26,222.00	9.00	33,714.00	7.75	29,031.50	8.10	30,342.60
117	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	1977 SY	9.00	17,793.00	12.00	23,724.00	10.00	19,770.00	8.45	16,705.65
118	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	25 EA	400.00	10,000.00	450.00	11,250.00	350.00	8,750.00	435.00	10,875.00
119	REMOVE CURB/GRATE INLET	2 EA	300.00	600.00	400.00	800.00	300.00	600.00	325.00	650.00
120	SAWCUTTING CURB	78 EA	30.00	2,340.00	45.00	3,510.00	35.00	2,730.00	21.00	1,638.00
121	SAWCUTTING FLEXIBLE PAVEMENT	3352 LFI	0.40	1,340.80	0.45	1,508.40	0.40	1,340.80	0.30	1,005.60
122	REMOVE AND DISPOSE OF TROLLEY RAILS	470 LF	40.00	18,800.00	35.00	16,450.00	2.00	940.00	24.50	11,515.00
123	ROADWAY EXCAVATION INCL. HAUL	6422 CY	15.00	96,330.00	12.00	77,064.00	13.00	83,486.00	13.00	83,486.00
124	ROADWAY EXCAVATION INCL. HAUL - SWALE	172 CY	15.00	2,580.00	18.00	3,096.00	15.00	2,580.00	16.00	2,752.00
125	REMOVE UNSUITABLE FOUNDATION MATERIAL	50 CY	14.00	700.00	12.00	600.00	0.01	0.50	21.50	1,075.00
126	REPLACE UNSUITABLE FOUNDATION MATERIAL	50 CY	18.00	900.00	28.00	1,400.00	0.01	0.50	21.50	1,075.00
127	PREPARATION OF UNTREATED ROADWAY	16092 SY	2.00	32,184.00	1.35	21,724.20	1.25	20,115.00	1.60	25,747.20
128	CRUSHED SURFACING TOP COURSE	894 CY	38.00	33,972.00	35.00	31,290.00	36.00	32,184.00	35.50	31,737.00
129	CRUSHED SURFACING BASE COURSE	2235 CY	33.00	73,755.00	30.00	67,050.00	34.00	75,990.00	35.00	78,225.00
130	CSTC FOR SIDEWALK AND DRIVEWAYS	344 CY	60.00	20,640.00	40.00	13,760.00	40.00	13,760.00	41.50	14,276.00
131	HMA CL. 1/2 IN. PG 70-28, 2.0 IN THICK	23134 SY	9.00	208,206.00	8.50	196,639.00	8.45	195,482.30	8.25	190,855.50
132	HMA CL. 1/2 IN. PG 70-28, 2.5 IN. THICK	7042 SY	11.00	77,462.00	9.50	66,899.00	11.50	80,983.00	9.50	66,899.00
133	HMA CL 1/2 IN. PG 70-28, 3.0 IN THICK	9050 SY	13.00	117,650.00	11.00	99,550.00	12.00	108,600.00	10.70	96,835.00

<i>Project Number:</i> 2014150			<i>Engineer's Estimate</i>		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc		Inland Asphalt Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street					Sales tax shall be included in unit prices					
134	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00
135	COMPACTION PRICE ADJUSTMENT	1 CAL	5,700.00	5,700.00	5,700.00	5,700.00	5,700.00	5,700.00	5,700.00	5,700.00
136	CEMENT CONCRETE CURB WALL	3556 LF	38.00	135,128.00	25.00	88,900.00	25.00	88,900.00	22.50	80,010.00
137	REMOVAL OF EXISTING 6-12 IN. DIAM. STORM SEWER PIPE	1133 LF	6.00	6,798.00	5.00	5,665.00	8.00	9,064.00	6.50	7,364.50
138	DRYWELL TYPE 1	2 EA	2,900.00	5,800.00	2,200.00	4,400.00	3,000.00	6,000.00	2,700.00	5,400.00
139	DRYWELL TYPE 2	13 EA	3,800.00	49,400.00	2,600.00	33,800.00	3,700.00	48,100.00	3,450.00	44,850.00
140	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	2 EA	500.00	1,000.00	300.00	600.00	400.00	800.00	325.00	650.00
141	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	9 EA	500.00	4,500.00	550.00	4,950.00	700.00	6,300.00	535.00	4,815.00
142	CATCH BASIN TYPE 1	9 EA	2,100.00	18,900.00	1,800.00	16,200.00	2,700.00	24,300.00	2,150.00	19,350.00
143	FRAME AND GRATE FOR CATCH BASIN OR GRATE INLET	2 EA	1,000.00	2,000.00	600.00	1,200.00	700.00	1,400.00	410.00	820.00
144	CONNECT 8 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	9 EA	500.00	4,500.00	125.00	1,125.00	300.00	2,700.00	320.00	2,880.00
145	RECONSTRUCT MANHOLE INVERT	5 EA	700.00	3,500.00	600.00	3,000.00	520.00	2,600.00	540.00	2,700.00
146	CLEANING EXISTING DRAINAGE STRUCTURE	9 EA	250.00	2,250.00	275.00	2,475.00	250.00	2,250.00	270.00	2,430.00
147	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	50 CY	28.18	1,408.89	12.00	600.00	0.01	0.50	13.00	650.00
148	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	50 CY	38.04	1,902.24	28.00	1,400.00	0.01	0.50	13.00	650.00
149	TRENCH SAFETY SYSTEM	1 LS	*****	1,600.00	*****	1,500.00	*****	500.00	*****	3,250.00
150	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM	655 LF	55.00	36,025.00	48.00	31,440.00	47.00	30,785.00	49.00	32,095.00

Project Number: 2014150			Engineer's Estimate		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc		Inland Asphalt Company	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description

Tax Classification

Schedule 01

Street

Sales tax shall be included in unit prices

151	PLUGGING EXISTING PIPE	6 EA	200.00	1,200.00	100.00	600.00	200.00	1,200.00	110.00	660.00
152	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,700.00	*****	500.00	*****	700.00	*****	865.00
153	ENCASE WATER/SEWER AT CROSSINGS	9 EA	1,000.00	9,000.00	1,500.00	13,500.00	200.00	1,800.00	865.00	7,785.00
154	ESC LEAD	1 LS	*****	3,400.00	*****	1,200.00	*****	500.00	*****	640.00
155	INLET PROTECTION	15 EA	100.00	1,500.00	100.00	1,500.00	80.00	1,200.00	70.00	1,050.00
156	STREET CLEANING	55 HR	160.00	8,800.00	150.00	8,250.00	0.25	13.75	165.00	9,075.00
157	TOPSOIL TYPE A, 4-INCH THICK	932 SY	0.00	0.00	8.00	7,456.00	6.00	5,592.00	10.60	9,879.20
158	PSIPE CLASS 2 STREET TREE	29 EA	205.00	5,945.00	210.00	6,090.00	300.00	8,700.00	210.00	6,090.00
159	PSIPE 5 GAL SHRUB	266 EA	32.00	8,512.00	40.00	10,640.00	55.00	14,630.00	37.50	9,975.00
160	PSIPE 1 GAL ANNUALS/PERENNIALS	650 EA	17.50	11,375.00	15.00	9,750.00	13.00	8,450.00	16.00	10,400.00
161	PSIPE 1 GAL GRASS	1761 EA	17.50	30,817.50	15.00	26,415.00	13.00	22,893.00	16.00	28,176.00
162	BARK OR WOOD CHIP MULCH	93 CY	62.00	5,766.00	60.00	5,580.00	60.00	5,580.00	58.50	5,440.50
163	SOD INSTALLATION	995 SY	7.00	6,965.00	6.00	5,970.00	6.00	5,970.00	6.40	6,368.00
164	TOPSOIL FOR BIO-FILTRATION SWALES, 12 INCH THICK INCL. SE	1159 SY	12.00	13,908.00	14.00	16,226.00	15.00	17,385.00	12.75	14,777.25
165	CONSTRUCT BIO-INFILTRATION SWALE	2081 SY	8.00	16,648.00	10.00	20,810.00	4.20	8,740.20	4.35	9,052.35
166	SWALE DRAIN PAD	95 SY	200.00	19,000.00	65.00	6,175.00	72.00	6,840.00	63.00	5,985.00
167	CURB DROP INLET	65 EA	150.00	9,750.00	75.00	4,875.00	100.00	6,500.00	53.00	3,445.00
168	IRRIGATION SYSTEM	1 LS	*****	70,000.00	*****	72,000.00	*****	94,000.00	*****	73,850.00
169	IRRIGATION VAULT	8 EA	1,200.00	9,600.00	1,000.00	8,000.00	1,100.00	8,800.00	1,130.00	9,040.00

<i>Project Number:</i> 2014150			<i>Engineer's Estimate</i>		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc		Inland Asphalt Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street					Sales tax shall be included in unit prices					
170	4 INCH PVC IRRIGATION SLEEVE	21 LF	10.00	210.00	20.00	420.00	21.00	441.00	16.00	336.00
171	4 INCH DUCTILE IRON IRRIGATION SLEEVE	1562 LF	28.00	43,736.00	26.00	40,612.00	14.00	21,868.00	27.50	42,955.00
172	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	5,000.00	*****	7,500.00	*****	4,000.00	*****	7,225.00
173	CEMENT CONCRETE CURB	4025 LF	16.00	64,400.00	11.00	44,275.00	12.30	49,507.50	11.00	44,275.00
174	CEMENT CONCRETE DRIVEWAY	376 SY	45.00	16,920.00	45.00	16,920.00	45.00	16,920.00	47.40	17,822.40
175	CEMENT CONC. SIDEWALK	1961 SY	37.00	72,557.00	29.00	56,869.00	32.00	62,752.00	30.75	60,300.75
176	RAMP DETECTABLE WARNING	200 SF	25.00	5,000.00	19.00	3,800.00	24.00	4,800.00	20.25	4,050.00
177	TRAFFIC SIGNAL SYSTEM RETROFIT INDIANA AND HAMILTON	1 LS	*****	27,000.00	*****	38,000.00	*****	36,500.00	*****	38,125.00
178	TRAFFIC SIGNAL SYSTEM RETROFIT INDIANA AND PERRY	1 LS	*****	75,000.00	*****	100,000.00	*****	95,000.00	*****	100,400.00
179	REMOVAL OF EXISTING PAVEMENT MARKINGS	130 SF	4.61	599.30	12.00	1,560.00	6.00	780.00	6.00	780.00
180	SIGNING PERMANENT	1 LS	*****	15,000.00	*****	18,500.00	*****	19,000.00	*****	19,000.00
181	REMOVAL OF EXISTING WORD AND SYMBOL MARKINGS	2 EA	50.00	100.00	150.00	300.00	150.00	300.00	135.00	270.00
182	PAVEMENT MARKING - DURABLE HEAT APPLIED	1924 SF	10.00	19,240.00	9.25	17,797.00	9.50	18,278.00	9.65	18,566.60
183	PAVEMENT MARKING - DURABLE INLAY TAPE	2971 SF	10.00	29,710.00	8.00	23,768.00	9.00	26,739.00	7.70	22,876.70
184	PAVEMENT MARKING - PAINT	420 SF	2.00	840.00	2.00	840.00	2.00	840.00	1.70	714.00
185	WORD AND SYMBOL MARKINGS - DURABLE HEAT APPLIED	20 EA	150.00	3,000.00	150.00	3,000.00	150.00	3,000.00	155.00	3,100.00
186	REINFORCED DOWELED CURB	793 LF	10.00	7,930.00	10.00	7,930.00	8.50	6,740.50	8.50	6,740.50
187	TRAFFIC ISLAND CONCRETE	202 SY	28.00	5,656.00	38.00	7,676.00	30.00	6,060.00	41.00	8,282.00
188	AIR OR HYDRO EVACUATION	6 EA	412.50	2,475.00	300.00	1,800.00	150.00	900.00	650.00	3,900.00

Project Number: 2014150			Engineer's Estimate		T LaRiviere Equipment & Excavation Inc		Red Diamond Construction Inc		Inland Asphalt Company	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street					Sales tax shall be included in unit prices					
189	REMOVE TREE, CLASS II	3 EA	663.81	1,991.43	500.00	1,500.00	1,200.00	3,600.00	1,100.00	3,300.00
190	TREE PRUNING	6 EA	228.22	1,369.35	650.00	3,900.00	350.00	2,100.00	330.00	1,980.00
191	SAWCUTTING RIGID PAVEMENT	3204 LFI	4.11	13,175.49	0.48	1,537.92	1.15	3,684.60	0.80	2,563.20
<i>Schedule Totals</i>				1,853,605.28		1,675,635.52		1,742,658.15		1,762,985.00

Project Number: 2014150			Engineer's Estimate		T LaRiviere Equipment & Excavation Inc.		Red Diamond Construction Inc		Inland Asphalt 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 02 Water					Sales tax shall NOT be included in unit prices					
201	DI PIPE FOR WATER MAIN 6 IN. DIAM.	2910 LF	43.00	125,130.00	38.00	110,580.00	42.00	122,220.00	40.00	116,400.00
202	TRENCH SAFETY SYSTEM	1 LS	*****	1,500.00	*****	500.00	*****	500.00	*****	1,075.00
203	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	100 CY	16.00	1,600.00	12.00	1,200.00	0.01	1.00	10.80	1,080.00
204	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	100 CY	22.00	2,200.00	28.00	2,800.00	0.01	1.00	10.80	1,080.00
205	REMOVAL OF EXISTING 6-12 IN DIAM. WATER MAIN	2790 LF	8.00	22,320.00	6.00	16,740.00	5.00	13,950.00	4.30	11,997.00
206	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,700.00	*****	500.00	*****	700.00	*****	1,075.00
207	GATE VALVE 6 IN.	8 EA	1,400.00	11,200.00	900.00	7,200.00	1,100.00	8,800.00	1,075.00	8,600.00
208	GATE VALVE 12 IN.	2 EA	2,800.00	5,600.00	2,100.00	4,200.00	3,000.00	6,000.00	2,600.00	5,200.00
209	HYDRANT ASSEMBLY	4 EA	5,000.00	20,000.00	4,700.00	18,800.00	4,300.00	17,200.00	4,435.00	17,740.00
210	TRENCH EXCAVATION FOR WATER SERVICE TAP	738 CY	16.00	11,808.00	21.00	15,498.00	17.00	12,546.00	24.00	17,712.00
Schedule Totals				203,058.00		178,018.00		181,918.00		181,959.00

<i>Project Number:</i> 2014150			<i>Engineer's Estimate</i>		Halme Construction Inc					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street					Sales tax shall be included in unit prices					
101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	0.00	0.00	0.00	0.00
102	SPCC PLAN	1 LS	*****	750.00	*****	550.00	*****	0.00	*****	0.00
103	ARCHAEOLOGICAL AND HISTORICAL SALVAGE	1 EST	1.00	1.00	1.00	1.00	0.00	0.00	0.00	0.00
104	POTHOLING	5 EA	400.00	2,000.00	350.00	1,750.00	0.00	0.00	0.00	0.00
105	PUBLIC LIAISON REPRESENTATIVE	1 LS	*****	6,800.00	*****	750.00	*****	0.00	*****	0.00
106	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	600.00	2,400.00	400.00	1,600.00	0.00	0.00	0.00	0.00
107	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	2,000.00	*****	380.00	*****	0.00	*****	0.00
108	MOBILIZATION	1 LS	*****	112,834.30	*****	200,000.00	*****	0.00	*****	0.00
109	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	40,000.00	*****	10,000.00	*****	0.00	*****	0.00
110	SPECIAL SIGNS	139 SF	13.00	1,807.00	12.60	1,751.40	0.00	0.00	0.00	0.00
111	PORTABLE CHANGEABLE MESSAGE SIGN	500 HR	5.00	2,500.00	4.40	2,200.00	0.00	0.00	0.00	0.00
112	TYPE III BARRICADE	27 EA	40.00	1,080.00	31.50	850.50	0.00	0.00	0.00	0.00
113	CLEARING AND GRUBBING	1 LS	*****	10,000.00	*****	6,500.00	*****	0.00	*****	0.00
114	TREE PROTECTION ZONE	5 EA	150.00	750.00	120.00	600.00	0.00	0.00	0.00	0.00
115	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	4,000.00	*****	3,200.00	*****	0.00	*****	0.00
116	REMOVE EXISTING CURB	3746 LF	7.00	26,222.00	2.30	8,615.80	0.00	0.00	0.00	0.00
117	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	1977 SY	9.00	17,793.00	4.80	9,489.60	0.00	0.00	0.00	0.00
118	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	25 EA	400.00	10,000.00	270.00	6,750.00	0.00	0.00	0.00	0.00
119	REMOVE CURB/GRATE INLET	2 EA	300.00	600.00	270.00	540.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2014150			<i>Engineer's Estimate</i>		Halme Construction Inc					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street					Sales tax shall be included in unit prices					
120	SAWCUTTING CURB	78 EA	30.00	2,340.00	25.00	1,950.00	0.00	0.00	0.00	0.00
121	SAWCUTTING FLEXIBLE PAVEMENT	3352 LFI	0.40	1,340.80	0.25	838.00	0.00	0.00	0.00	0.00
122	REMOVE AND DISPOSE OF TROLLEY RAILS	470 LF	40.00	18,800.00	6.00	2,820.00	0.00	0.00	0.00	0.00
123	ROADWAY EXCAVATION INCL. HAUL	6422 CY	15.00	96,330.00	18.00	115,596.00	0.00	0.00	0.00	0.00
124	ROADWAY EXCAVATION INCL. HAUL - SWALE	172 CY	15.00	2,580.00	12.00	2,064.00	0.00	0.00	0.00	0.00
125	REMOVE UNSUITABLE FOUNDATION MATERIAL	50 CY	14.00	700.00	16.00	800.00	0.00	0.00	0.00	0.00
126	REPLACE UNSUITABLE FOUNDATION MATERIAL	50 CY	18.00	900.00	12.00	600.00	0.00	0.00	0.00	0.00
127	PREPARATION OF UNTREATED ROADWAY	16092 SY	2.00	32,184.00	0.80	12,873.60	0.00	0.00	0.00	0.00
128	CRUSHED SURFACING TOP COURSE	894 CY	38.00	33,972.00	40.00	35,760.00	0.00	0.00	0.00	0.00
129	CRUSHED SURFACING BASE COURSE	2235 CY	33.00	73,755.00	30.00	67,050.00	0.00	0.00	0.00	0.00
130	CSTC FOR SIDEWALK AND DRIVEWAYS	344 CY	60.00	20,640.00	65.00	22,360.00	0.00	0.00	0.00	0.00
131	HMA CL. 1/2 IN. PG 70-28, 2.0 IN THICK	23134 SY	9.00	208,206.00	7.70	178,131.80	0.00	0.00	0.00	0.00
132	HMA CL. 1/2 IN. PG 70-28, 2.5 IN. THICK	7042 SY	11.00	77,462.00	11.00	77,462.00	0.00	0.00	0.00	0.00
133	HMA CL 1/2 IN. PG 70-28, 3.0 IN THICK	9050 SY	13.00	117,650.00	13.00	117,650.00	0.00	0.00	0.00	0.00
134	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	0.00	0.00	0.00	0.00
135	COMPACTION PRICE ADJUSTMENT	1 CAL	5,700.00	5,700.00	5,700.00	5,700.00	0.00	0.00	0.00	0.00
136	CEMENT CONCRETE CURB WALL	3556 LF	38.00	135,128.00	30.50	108,458.00	0.00	0.00	0.00	0.00
137	REMOVAL OF EXISTING 6-12 IN. DIAM. STORM SEWER PIPE	1133 LF	6.00	6,798.00	5.00	5,665.00	0.00	0.00	0.00	0.00
138	DRYWELL TYPE 1	2 EA	2,900.00	5,800.00	3,800.00	7,600.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2014150			<i>Engineer's Estimate</i>		Halme Construction Inc					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street					Sales tax shall be included in unit prices					
139	DRYWELL TYPE 2	13 EA	3,800.00	49,400.00	4,100.00	53,300.00	0.00	0.00	0.00	0.00
140	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	2 EA	500.00	1,000.00	200.00	400.00	0.00	0.00	0.00	0.00
141	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	9 EA	500.00	4,500.00	420.00	3,780.00	0.00	0.00	0.00	0.00
142	CATCH BASIN TYPE 1	9 EA	2,100.00	18,900.00	2,500.00	22,500.00	0.00	0.00	0.00	0.00
143	FRAME AND GRATE FOR CATCH BASIN OR GRATE INLET	2 EA	1,000.00	2,000.00	620.00	1,240.00	0.00	0.00	0.00	0.00
144	CONNECT 8 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	9 EA	500.00	4,500.00	453.00	4,077.00	0.00	0.00	0.00	0.00
145	RECONSTRUCT MANHOLE INVERT	5 EA	700.00	3,500.00	1,500.00	7,500.00	0.00	0.00	0.00	0.00
146	CLEANING EXISTING DRAINAGE STRUCTURE	9 EA	250.00	2,250.00	130.00	1,170.00	0.00	0.00	0.00	0.00
147	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	50 CY	28.18	1,408.89	16.00	800.00	0.00	0.00	0.00	0.00
148	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	50 CY	38.04	1,902.24	12.00	600.00	0.00	0.00	0.00	0.00
149	TRENCH SAFETY SYSTEM	1 LS	*****	1,600.00	*****	500.00	*****	0.00	*****	0.00
150	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM	655 LF	55.00	36,025.00	39.00	25,545.00	0.00	0.00	0.00	0.00
151	PLUGGING EXISTING PIPE	6 EA	200.00	1,200.00	490.00	2,940.00	0.00	0.00	0.00	0.00
152	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,700.00	*****	2,200.00	*****	0.00	*****	0.00
153	ENCASE WATER/SEWER AT CROSSINGS	9 EA	1,000.00	9,000.00	750.00	6,750.00	0.00	0.00	0.00	0.00
154	ESC LEAD	1 LS	*****	3,400.00	*****	620.00	*****	0.00	*****	0.00
155	INLET PROTECTION	15 EA	100.00	1,500.00	71.00	1,065.00	0.00	0.00	0.00	0.00
156	STREET CLEANING	55 HR	160.00	8,800.00	223.00	12,265.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2014150			<i>Engineer's Estimate</i>		Halme Construction Inc					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street					Sales tax shall be included in unit prices					
157	TOPSOIL TYPE A, 4-INCH THICK	932 SY	0.00	0.00	12.60	11,743.20	0.00	0.00	0.00	0.00
158	PSIPE CLASS 2 STREET TREE	29 EA	205.00	5,945.00	252.00	7,308.00	0.00	0.00	0.00	0.00
159	PSIPE 5 GAL SHRUB	266 EA	32.00	8,512.00	44.00	11,704.00	0.00	0.00	0.00	0.00
160	PSIPE 1 GAL ANNUALS/PERENNIALS	650 EA	17.50	11,375.00	19.00	12,350.00	0.00	0.00	0.00	0.00
161	PSIPE 1 GAL GRASS	1761 EA	17.50	30,817.50	19.00	33,459.00	0.00	0.00	0.00	0.00
162	BARK OR WOOD CHIP MULCH	93 CY	62.00	5,766.00	70.00	6,510.00	0.00	0.00	0.00	0.00
163	SOD INSTALLATION	995 SY	7.00	6,965.00	7.60	7,562.00	0.00	0.00	0.00	0.00
164	TOPSOIL FOR BIO-FILTRATION SWALES, 12 INCH THICK INCL. SE	1159 SY	12.00	13,908.00	15.00	17,385.00	0.00	0.00	0.00	0.00
165	CONSTRUCT BIO-INFILTRATION SWALE	2081 SY	8.00	16,648.00	3.20	6,659.20	0.00	0.00	0.00	0.00
166	SWALE DRAIN PAD	95 SY	200.00	19,000.00	189.00	17,955.00	0.00	0.00	0.00	0.00
167	CURB DROP INLET	65 EA	150.00	9,750.00	63.00	4,095.00	0.00	0.00	0.00	0.00
168	IRRIGATION SYSTEM	1 LS	*****	70,000.00	*****	87,000.00	*****	0.00	*****	0.00
169	IRRIGATION VAULT	8 EA	1,200.00	9,600.00	1,300.00	10,400.00	0.00	0.00	0.00	0.00
170	4 INCH PVC IRRIGATION SLEEVE	21 LF	10.00	210.00	7.60	159.60	0.00	0.00	0.00	0.00
171	4 INCH DUCTILE IRON IRRIGATION SLEEVE	1562 LF	28.00	43,736.00	30.00	46,860.00	0.00	0.00	0.00	0.00
172	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	5,000.00	*****	9,000.00	*****	0.00	*****	0.00
173	CEMENT CONCRETE CURB	4025 LF	16.00	64,400.00	15.00	60,375.00	0.00	0.00	0.00	0.00
174	CEMENT CONCRETE DRIVEWAY	376 SY	45.00	16,920.00	60.00	22,560.00	0.00	0.00	0.00	0.00
175	CEMENT CONC. SIDEWALK	1961 SY	37.00	72,557.00	40.00	78,440.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2014150			<i>Engineer's Estimate</i>		Halme Construction Inc					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street					Sales tax shall be included in unit prices					
176	RAMP DETECTABLE WARNING	200 SF	25.00	5,000.00	24.00	4,800.00	0.00	0.00	0.00	0.00
177	TRAFFIC SIGNAL SYSTEM RETROFIT INDIANA AND HAMILTON	1 LS	*****	27,000.00	*****	45,000.00	*****	0.00	*****	0.00
178	TRAFFIC SIGNAL SYSTEM RETROFIT INDIANA AND PERRY	1 LS	*****	75,000.00	*****	120,000.00	*****	0.00	*****	0.00
179	REMOVAL OF EXISTING PAVEMENT MARKINGS	130 SF	4.61	599.30	7.25	942.50	0.00	0.00	0.00	0.00
180	SIGNING PERMANENT	1 LS	*****	15,000.00	*****	23,000.00	*****	0.00	*****	0.00
181	REMOVAL OF EXISTING WORD AND SYMBOL MARKINGS	2 EA	50.00	100.00	159.00	318.00	0.00	0.00	0.00	0.00
182	PAVEMENT MARKING - DURABLE HEAT APPLIED	1924 SF	10.00	19,240.00	11.50	22,126.00	0.00	0.00	0.00	0.00
183	PAVEMENT MARKING - DURABLE INLAY TAPE	2971 SF	10.00	29,710.00	9.00	26,739.00	0.00	0.00	0.00	0.00
184	PAVEMENT MARKING - PAINT	420 SF	2.00	840.00	2.00	840.00	0.00	0.00	0.00	0.00
185	WORD AND SYMBOL MARKINGS - DURABLE HEAT APPLIED	20 EA	150.00	3,000.00	182.00	3,640.00	0.00	0.00	0.00	0.00
186	REINFORCED DOWELED CURB	793 LF	10.00	7,930.00	10.00	7,930.00	0.00	0.00	0.00	0.00
187	TRAFFIC ISLAND CONCRETE	202 SY	28.00	5,656.00	48.00	9,696.00	0.00	0.00	0.00	0.00
188	AIR OR HYDRO EVACUATION	6 EA	412.50	2,475.00	788.00	4,728.00	0.00	0.00	0.00	0.00
189	REMOVE TREE, CLASS II	3 EA	663.81	1,991.43	1,350.00	4,050.00	0.00	0.00	0.00	0.00
190	TREE PRUNING	6 EA	228.22	1,369.35	400.00	2,400.00	0.00	0.00	0.00	0.00
191	SAWCUTTING RIGID PAVEMENT	3204 LFI	4.11	13,175.49	1.15	3,684.60	0.00	0.00	0.00	0.00
<i>Schedule Totals</i>				1,853,605.28		1,897,577.80		0.00		0.00

<i>Project Number:</i> 2014150			<i>Engineer's Estimate</i>		Halme Construction Inc					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> Water					Sales tax shall NOT be included in unit prices					
201	DI PIPE FOR WATER MAIN 6 IN. DIAM.	2910 LF	43.00	125,130.00	36.00	104,760.00	0.00	0.00	0.00	0.00
202	TRENCH SAFETY SYSTEM	1 LS	*****	1,500.00	*****	2,000.00	*****	0.00	*****	0.00
203	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	100 CY	16.00	1,600.00	16.00	1,600.00	0.00	0.00	0.00	0.00
204	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	100 CY	22.00	2,200.00	12.00	1,200.00	0.00	0.00	0.00	0.00
205	REMOVAL OF EXISTING 6-12 IN DIAM. WATER MAIN	2790 LF	8.00	22,320.00	2.60	7,254.00	0.00	0.00	0.00	0.00
206	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,700.00	*****	2,500.00	*****	0.00	*****	0.00
207	GATE VALVE 6 IN.	8 EA	1,400.00	11,200.00	1,200.00	9,600.00	0.00	0.00	0.00	0.00
208	GATE VALVE 12 IN.	2 EA	2,800.00	5,600.00	3,000.00	6,000.00	0.00	0.00	0.00	0.00
209	HYDRANT ASSEMBLY	4 EA	5,000.00	20,000.00	4,800.00	19,200.00	0.00	0.00	0.00	0.00
210	TRENCH EXCAVATION FOR WATER SERVICE TAP	738 CY	16.00	11,808.00	65.00	47,970.00	0.00	0.00	0.00	0.00
<i>Schedule Totals</i>				203,058.00		202,084.00		0.00		0.00

	SCHEDULE SUMMARY								
	Sched 1	Sched 2	Sched 3	Sched 4	Sched 5	Sched 6	Sched 7	Sched 8	Total
Engineer's Est	1,853,605.28	203,058.00	0.00	0.00	0.00	0.00	0.00	0.00	2,056,663.28
T LaRiviere Equipment	1,675,635.52	178,018.00	0.00	0.00	0.00	0.00	0.00	0.00	1,853,653.52
Red Diamond Construc	1,742,658.15	181,918.00	0.00	0.00	0.00	0.00	0.00	0.00	1,924,576.15
Inland Asphalt Compan	1,762,985.00	181,959.00	0.00	0.00	0.00	0.00	0.00	0.00	1,944,944.00
Halme Construction Inc	1,897,577.80	202,084.00	0.00	0.00	0.00	0.00	0.00	0.00	2,099,661.80

Low Bid Contractor: T LaRiviere Equipment & Excavation Inc

	Contractor's Bid	Engineer's Estimate	% Variance	
Schedule 01	\$1,675,635.52	\$1,853,605.28	9.60	% Under Estimate
Schedule 02	\$193,505.57	\$220,724.05	12.33	% Under Estimate
Bid Totals	\$1,869,141.09	\$2,074,329.33	9.89	% Under Estimate



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/10/2016
Clerk's File #	PRO 2016-0021
Renews #	

Submitting Dept	ENGINEERING SERVICES	Cross Ref #	
Contact Name/Phone	DAN BULLER 625-6391	Project #	2016044
Contact E-Mail	DBULLER@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	CR 16852
Agenda Item Name	0370 - LOW BID AWARD - SHAMROCK PAVING, INC.		

Agenda Wording

Low Bid of Shamrock Paving, Inc. (Spokane, WA) for 2016 Residential Grind & Overlay Projects - \$679,811.71. An administrative reserve of \$67,981.17, which is 10% of the contract price, will be set aside. (Various Neighborhood Councils)

Summary (Background)

On May 9, 2016 bids were opened for the above project. The low bid was from Shamrock Paving, Inc. in the amount of \$679,811.71, which is \$43,552.60 or 6.02% under the Engineer's Estimate; one other bid was received as follows: Inland Asphalt Company - \$713,713.00

Fiscal Impact		Budget Account	
Expense	\$ 685,874.30	#	6785 49833 42800 54201 99999
Expense	\$ 61,918.58	#	4340 43101 94000 56501 99999
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	TWOHIG, KYLE	Study Session	
Division Director	TWOHIG, KYLE	Other	Public Works 4/25/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	fperkins@spokanecity.org	
For the Mayor	WHITNEY, TYLER	kkeck@spokanecity.org	
Additional Approvals		mhughes@spokanecity.org	
Purchasing		htrautman@spokanecity.org	
		kgoodman@spokanecity.org	
		jlargent@spokanecity.org	
		jahensley@spokanecity.org	

BRIEFING PAPER
Public Works Committee
Engineering Services
April 25, 2016

Subject:

2016 Residential Grind and Overlay Project (2016044)

Background:

This project will grind and overlay various streets as shown on the attached exhibits.

More specifically, the project will taper grind seven feet next to the curb in order to provide a finished four inch to six inch curb reveal. Various sections will be patched full depth. Finally, a two inch asphalt overlay will be applied to the entire road, curb to curb. Curb ramps will also be upgraded.

Impact

Public involvement consisted of sending a letter to the property owners fronting the streets indicated on the attached exhibits.

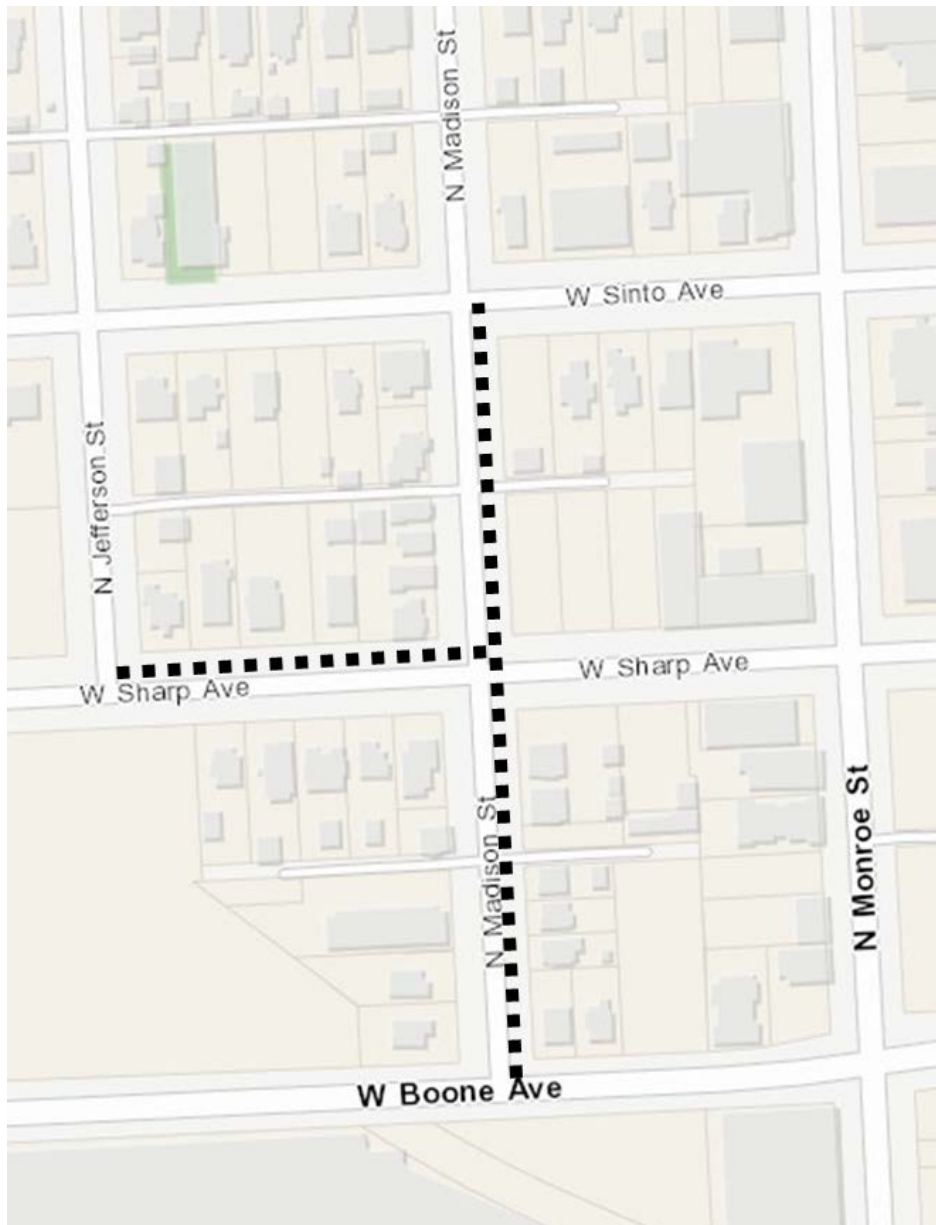
Residents will have access to their homes during construction which will occur this summer.

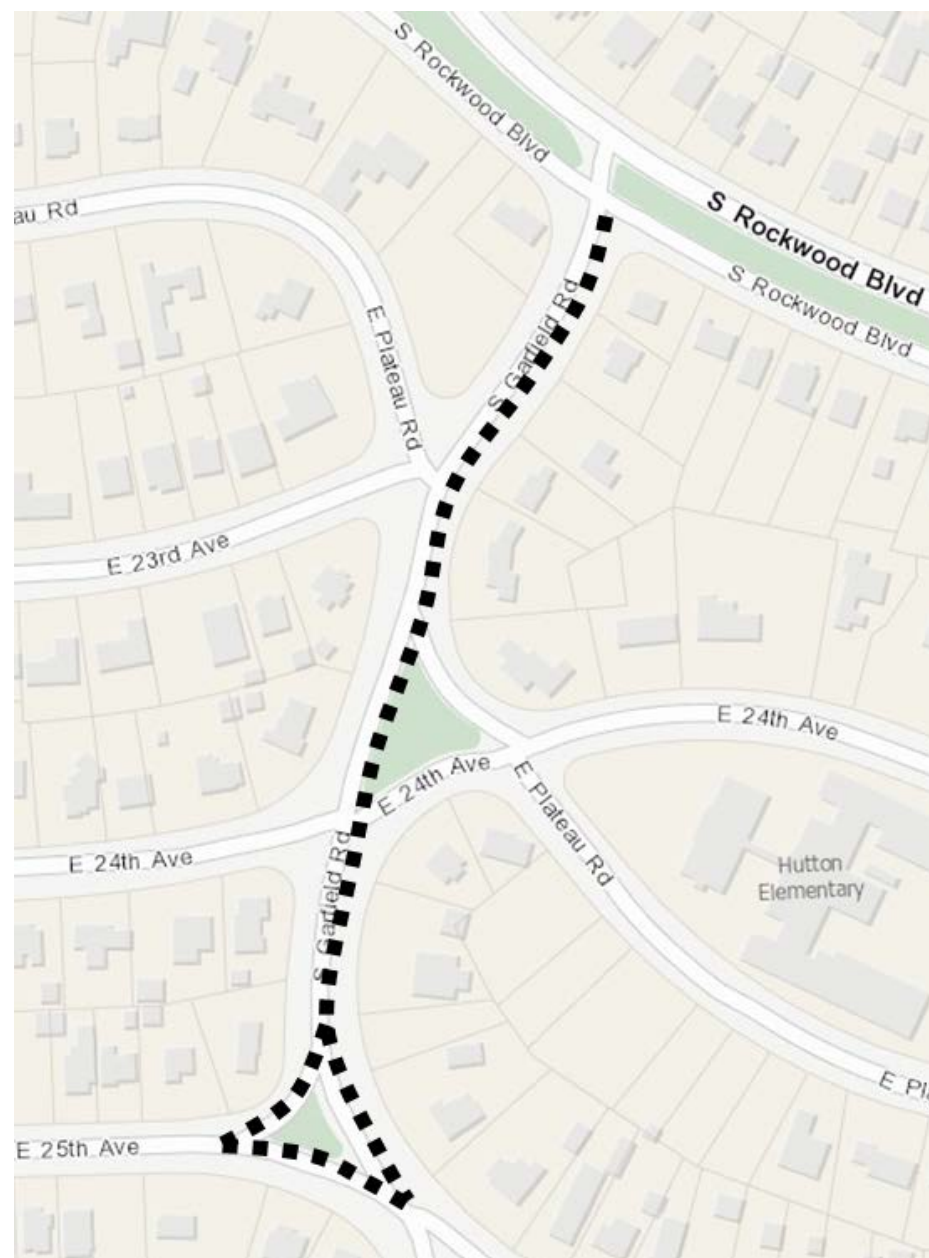
Action

The engineer's estimate is \$700,000.00. We expect to forward a recommendation to award to Council on May 16, 2016.

Funding

This project is funded with Transportation Benefit District funds.







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

Project Number: 2016044

Project Description Residential Grind and Overlay

Original Date 2/23/2016 2:53:46 PM

Funding Source Local

Update Date 5/9/2016 2:00:32 PM

Preparer Mark Melnick

Addendum

Project Number: 2016044			Engineer's Estimate		Shamrock Paving Inc		Inland Asphalt 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

Sales tax shall be included in unit prices

101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
102	SPCC PLAN	1 LS	*****	500.00	*****	750.00	*****	500.00	*****	0.00
103	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	500.00	2,000.00	450.00	1,800.00	430.00	1,720.00	0.00	0.00
104	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,500.00	*****	2,500.00	*****	2,140.00	*****	0.00
105	MOBILIZATION	1 LS	*****	65,760.00	*****	34,000.00	*****	89,525.34	*****	0.00
106	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	50,000.00	*****	60,000.00	*****	58,000.00	*****	0.00
107	SEQUENTIAL ARROW SIGN	100 HR	5.00	500.00	4.00	400.00	2.70	270.00	0.00	0.00
108	TYPE III BARRICADE	57 EA	50.00	2,850.00	42.00	2,394.00	27.00	1,539.00	0.00	0.00
109	AIR AND HYDRO EVACUATION	1 EA	350.00	350.00	400.00	400.00	1,925.00	1,925.00	0.00	0.00
110	TREE PROTECTION ZONE	5 EA	200.00	1,000.00	450.00	2,250.00	320.00	1,600.00	0.00	0.00
111	REMOVE TREE, CLASS I	1 EA	350.00	350.00	235.00	235.00	540.00	540.00	0.00	0.00
112	REMOVE TREE, CLASS II	2 EA	400.00	800.00	1,400.00	2,800.00	540.00	1,080.00	0.00	0.00
113	TREE PRUNING	92 EA	175.00	16,100.00	270.00	24,840.00	425.00	39,100.00	0.00	0.00
114	REMOVE EXISTING CURB	725 LF	8.00	5,800.00	5.00	3,625.00	12.85	9,316.25	0.00	0.00

<i>Project Number:</i> 2016044			<i>Engineer's Estimate</i>		Shamrock Paving Inc		Inland Asphalt 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>					Sales tax shall be included in unit prices					
115	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	490 SY	14.00	6,860.00	11.00	5,390.00	13.90	6,811.00	0.00	0.00
116	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	3 EA	300.00	900.00	575.00	1,725.00	535.00	1,605.00	0.00	0.00
117	SAWCUTTING CURB	52 EA	35.00	1,820.00	40.00	2,080.00	25.00	1,300.00	0.00	0.00
118	SAWCUTTING RIGID PAVEMENT	980 LFI	1.65	1,617.00	1.00	980.00	1.00	980.00	0.00	0.00
119	SAWCUTTING FLEXIBLE PAVEMENT	19320 LFI	1.00	19,320.00	0.35	6,762.00	0.25	4,830.00	0.00	0.00
120	REMOVE AND DISPOSE OF RR TRACKS	120 LF	35.00	4,200.00	25.00	3,000.00	32.00	3,840.00	0.00	0.00
121	CSTC FOR SIDEWALK AND DRIVEWAYS	28 CY	40.00	1,120.00	65.00	1,820.00	110.00	3,080.00	0.00	0.00
122	HMA CL. 1/2 IN. PG 64-28, 2 INCH THICK	21242 SY	9.00	191,178.00	9.50	201,799.00	8.55	181,619.10	0.00	0.00
123	HMA FOR PRELEVELING CL. 3/8 IN. PG 64-28	250 TO	125.00	31,250.00	120.00	30,000.00	131.00	32,750.00	0.00	0.00
124	HMA FOR FEATHERING CL. 3/8 IN. PG 64-28	90 TO	125.00	11,250.00	50.00	4,500.00	160.00	14,400.00	0.00	0.00
125	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 4 INCH THICK	1125 SY	40.00	45,000.00	32.00	36,000.00	32.00	36,000.00	0.00	0.00
126	CRACK SEALING 1-INCH TO 3-INCH	31913 LF	1.75	55,847.75	0.85	27,126.05	1.20	38,295.60	0.00	0.00
127	CRACK SEALING 3-INCH TO 6-INCH	310 LF	12.00	3,720.00	9.50	2,945.00	6.95	2,154.50	0.00	0.00
128	PAVEMENT REPAIR EXCAVATION INCL. HAUL	1125 SY	25.00	28,125.00	27.00	30,375.00	15.15	17,043.75	0.00	0.00
129	PLANING BITUMINOUS PAVEMENT	8945 SY	4.00	35,780.00	6.50	58,142.50	3.00	26,835.00	0.00	0.00
130	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	0.00	0.00
131	COMPACTION PRICE ADJUSTMENT	1 EST	3,823.56	3,823.56	3,823.56	3,823.56	3,823.56	3,823.56	0.00	0.00
132	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	20 EA	285.00	5,700.00	300.00	6,000.00	320.00	6,400.00	0.00	0.00

<i>Project Number:</i> 2016044			<i>Engineer's Estimate</i>		Shamrock Paving Inc		Inland Asphalt 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>					Sales tax shall be included in unit prices					
133	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	25 EA	500.00	12,500.00	450.00	11,250.00	590.00	14,750.00	0.00	0.00
134	CATCH BASIN TYPE 1	2 EA	2,100.00	4,200.00	1,800.00	3,600.00	2,035.00	4,070.00	0.00	0.00
135	CATCH BASIN TYPE 3	1 EA	2,300.00	2,300.00	2,000.00	2,000.00	2,245.00	2,245.00	0.00	0.00
136	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	21 EA	600.00	12,600.00	700.00	14,700.00	590.00	12,390.00	0.00	0.00
137	VALVE BOX AND COVER	5 EA	375.00	1,875.00	400.00	2,000.00	320.00	1,600.00	0.00	0.00
138	CLEANING EXISTING DRAINAGE STRUCTURE	25 EA	325.00	8,125.00	275.00	6,875.00	320.00	8,000.00	0.00	0.00
139	TRENCH SAFETY SYSTEM	1 LS	*****	1,000.00	*****	550.00	*****	1,600.00	*****	0.00
140	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	222 LF	53.00	11,766.00	48.00	10,656.00	51.50	11,433.00	0.00	0.00
141	CONNECT 8 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	12 EA	320.00	3,840.00	465.00	5,580.00	214.00	2,568.00	0.00	0.00
142	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	500.00	*****	550.00	*****	695.00	*****	0.00
143	CLEANING EXISTING SANITARY SEWER	26 EA	232.00	6,032.00	285.00	7,410.00	267.00	6,942.00	0.00	0.00
144	REPAIR EXISTING SIDE SEWER TAP	2 EA	800.00	1,600.00	2,200.00	4,400.00	2,140.00	4,280.00	0.00	0.00
145	ESC LEAD	1 LS	*****	900.00	*****	2,500.00	*****	700.00	*****	0.00
146	INLET PROTECTION	12 EA	44.00	528.00	100.00	1,200.00	135.00	1,620.00	0.00	0.00
147	TOPSOIL TYPE A, 2 INCH THICK	10 SY	7.50	75.00	50.00	500.00	65.00	650.00	0.00	0.00
148	SOD INSTALLATION	10 SY	8.00	80.00	50.00	500.00	65.00	650.00	0.00	0.00
149	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	3,000.00	*****	3,000.00	*****	5,560.00	*****	0.00
150	CEMENT CONCRETE CURB	798 LF	24.00	19,152.00	18.20	14,523.60	18.50	14,763.00	0.00	0.00

<i>Project Number:</i> 2016044			<i>Engineer's Estimate</i>		Shamrock Paving Inc		Inland Asphalt 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>

Schedule Description

Tax Classification

Schedule 01

Sales tax shall be included in unit prices

151	CEMENT CONC. SIDEWALK	564 SY	55.00	31,020.00	35.00	19,740.00	35.60	20,078.40	0.00	0.00
152	RAMP DETECTABLE WARNING	200 SF	23.00	4,600.00	21.00	4,200.00	22.40	4,480.00	0.00	0.00
153	SIGNING, PERMANENT	1 LS	*****	1,000.00	*****	3,800.00	*****	3,850.00	*****	0.00
154	PAVEMENT MARKING - DURABLE HEAT APPLIED	165 SF	10.00	1,650.00	11.00	1,815.00	10.70	1,765.50	0.00	0.00
<i>Schedule Totals</i>				723,364.31		679,811.71		713,713.00		0.00

Project Number 2016044 Residential Grind and Overlay

	SCHEDULE SUMMARY								
	Sched 1	Sched 2	Sched 3	Sched 4	Sched 5	Sched 6	Sched 7	Sched 8	Total
Engineer's Est	723,364.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	723,364.31
Shamrock Paving Inc	679,811.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	679,811.71
Inland Asphalt Compan	713,713.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	713,713.00

Low Bid Contractor: Shamrock Paving Inc

	Contractor's Bid	Engineer's Estimate	% Variance	
Schedule 01	\$679,811.71	\$723,364.31	6.02	% Under Estimate
Bid Totals	\$679,811.71	\$723,364.31	6.02	% Under Estimate

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

05/23/2016

Date Rec'd

4/29/2016

Clerk's File #

OPR 2010-0535

Renews #**Submitting Dept**

POLICE

Cross Ref #**Contact Name/Phone**

JUSTIN 835-4527

Project #**Contact E-Mail**

JCLUNDGREN@SPOKANEPOLICE.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #

EBO

Agenda Item Name

1510 CAD/RMS HARDWARE AND SOFTWARE MAINTENANCE

Agenda Wording

Extension to CAD/RMS computer system Maintenance Agreement with Northrop Grumman for one additional year. Term is May 9, 2016 through May 8, 2017. Total cost including tax is \$296,170.85.

Summary (Background)

Maintenance of hardware and software in the computer aided dispatch and records management system is necessary to ensure operation of the system and compatibility with changing technology. Funding is shared by users of the system.

Fiscal Impact**Budget Account**

Expense \$ 63,643.85

1510-12100-21100-54804-99999

Expense \$ 232,527.00

1510-12100-21100-54820-99999

Select \$

#

Select \$

#

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

LYNDS, SARAH

Study Session

PSC 05/16/16

Division Director

LYNDS, SARAH

Other**Finance**

KECK, KATHLEEN

Distribution List**Legal**

WHALEY, HUNT

For the Mayor

WHITNEY, TYLER

Additional Approvals

korlob

Purchasing

aschmidt

slynds@spokanepolice.org

**Amendment No. 3 to the Master Maintenance Agreement
Between the City of Spokane
And Northrop Grumman Systems Corporation**

This Third Amendment to the Northrop Grumman Master Maintenance Agreement (the "Agreement") for Computer's Computer Aided Dispatch System (CAD) maintenance services is made and entered between the City of Spokane ("Customer") and Northrop Grumman Systems Corporation ("NGSC"), Missile Defense & Protective Systems Division. The Agreement was amended by a Second Amendment on May 9, 2015.

Customer and NGSC agree as follows:

1. Effective May 9, 2016, the term of the Agreement shall be extended through May 8, 2017, as described on Exhibit "A" hereto.
2. Effective May 9, 2016, the hardware equipment as described in Exhibit "B" attached hereto shall be maintained through May 8, 2017 in accordance with the Hewlett-Packard's terms of maintenance.
3. This Agreement may be terminated by and for the convenience of the Customer, at any time by providing a 90-day written notice of termination, in accordance with the Agreement. As such, the Agreement shall terminate after 90 days from the date of such notice. Customer shall be liable for a prorated portion of the maintenance to the effective date of termination.
4. Customer shall pay the amounts labeled "Total Due" per the Price and Payment Schedule, Exhibit "A" attached. Payment shall be made by the Customer within 30 days of the receipt of an invoice from Northrop Grumman.
5. All other Terms and Conditions of the Agreement, except as specifically changed hereby, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this amendment, the day and year written below.

City of Spokane:

Northrop Grumman Systems Corporation

Signature of Authorized Representative

Sue Jun
Contracts Administrator

Printed Name

Date

Title

Date

**Amendment No. 3 to the Master Maintenance Agreement
Between the City of Spokane
And Northrop Grumman Systems Corporation**

EXHIBIT “A”

Price and Payment Schedule:

Period No. 7 – May 9, 2016 to May 8, 2017

NG/HP Hardware Maintenance	\$58,550.00
NG Basic Software Maintenance:	
CAD/MIS	\$92,054.00
RMS/Oracle	<u>\$140,473.00</u>
Total, Period No. 7	\$291,077.00

**Amendment No. 3 to the Master Maintenance Agreement
Between the City of Spokane
And Northrop Grumman Systems Corporation**

EXHIBIT "B"

<u>Spokane PD Exhibit "B"</u>									
Item #	Model #	New HP Model #	Description	s/n	Effective Date	EOSL	Coverage	Qty	Period 7 5/9/2016 to 5/8/2017
			<u>HP SAID 1032 6200 6908</u>						
1.000	DY-62BAA-DA		ES40 6/667 Model 1 1GB OVMS	4146DPSZA012			24h * 7 days *4hr	1	\$ 4,966
1.002	KZPCM-DA		Dual Chl PCI to SCSI Adapter				24h * 7 days *4hr	1	\$ 370
1.003	KZPBA-CA		PCI to UltraSCSI Adapter UWSE				24h * 7 days *4hr	1	\$ 185
1.004	2T-BA370-AS		BA370 Shelf,Slide Front RM			5/8/2016	24h * 7 days *4hr	1	\$ -
1.005	DS-RZ1DD-VW		9.1GB 10K RPM UltraSCSI Disk				24h * 7 days *4hr	12	\$ 5,182
1.006	DS-BA35X-HH		180 WATT POWER SUPPLY BLU SBB				24h * 7 days *4hr	2	\$ 370
1.008	DS-HSZ80-AJ	400565-B21	HSZ80 ULTRASCSI CONTR 256MB C	C104150139			24h * 7 days *4hr	1	\$ 2,190
1.009	DS-HS35X-BD	380567-B21	DUAL EXTERNAL CACHE BATTERY				24h * 7 days *4hr	1	\$ 925
1.010	DS-BA356-SD		D SHF 1DOC ULTR BLWR BLU	C111702749			24h * 7 days *4hr	1	\$ 586
1.012	DS-DWZZH-3		SCSI Hub 0 SE:3 DIF 3.5 SBB				24h * 7 days *4hr	1	\$ 371
1.014	H7906-A9		ES40 POWER SUPPLY				24h * 7 days *4hr	1	\$ 555
1.015	BA610-6D		DS29e/ES40 6 SLOT DRIVE CAGE				24h * 7 days *4hr	1	\$ 187
1.016	3X-KZPCA-AA		1 CH WIDE ULTRA-2(LVD) ADAPT				24h * 7 days *4hr	1	\$ 62
1.017	3R-A1542-AA		9GB U3 15K HP				24h * 7 days *4hr	1	\$ 433
1.018	SN-PBXGK-BB		ELSA GLORIA Synergy 8MB graph				24h * 7 days *4hr	1	\$ 62
1.023	H7600-AA		PDU,120V, 24A, 5-15R,L5-30P				24h * 7 days *4hr	1	\$ 218
1.024	CCMAB-AA		PCI MC Cluster Controller				24h * 7 days *4hr	1	\$ 740
1.026	3R-A0716-AA		4 Port Switchbox				24h * 7 days *4hr	1	\$ 372
1.029	QT-MT1AE-A7	QL-MT1AE-67	OVMS AAXP ES-40 ASE SSS				24h * 7 days *4hr	1	\$ 1,857
1.032	QT-5LSA9-DB	QL-5LSA9-3B	ABS CLT WNT CONC 1 LPS				24h * 7 days *4hr	1	\$ 717
1.037	QT-2A1AA-DB	QL-2A1AA-3B	Vol Shadow V/A LPS Conc Use				24h * 7 days *4hr	1	\$ 369
1.039	QT-MT3AA-DE	QL-MT3AA-3E	OpenVMSCONC 8 LIC LPS				24h * 7 days *4hr	2	\$ 1,559
1.033	QT-5LQAE-L9	QL-5LQAE-AA	ABS OMT VMS LPS				24h * 7 days *4hr	1	\$ 559
1.034	QT-OLXAE-L9	QL-OLXAE-AA	TCP/IP SVC V/A LPS				24h * 7 days *4hr	1	\$ 889
1.035	AT-09MAE-L9	QL-09MAE-AA	DCPS Plus V/A LPS				24h * 7 days *4hr	1	\$ 179
1.036	QT-09KAE-L9	QL-09KAE-AA	DCPS Open V/A LPS				24h * 7 days *4hr	1	\$ 259
1.038	QT-MUZAE-L9	QL-MUZAE-AA	VMSccluster V/A LPS				24h * 7 days *4hr	2	\$ 6,259
1.040	QT-MU7AE-L9	QL-MU7AE-AA	Compaq C V/A LPS				24h * 7 days *4hr	1	\$ 1,125
1.041	QT-0JUAEL9	QL-0JUAEL9	DEC COBOL V/A LPS				24h * 7 days *4hr	1	\$ 1,769
1.042	QT-MITFAE-L9	QL-MITFAE-AA	Dn-Plus ES V/A LPS				24h * 7 days *4hr	1	\$ 649
1.043	QT-MV4AE-L9	QL-MV4AE-AA	DW MOTIF V/A LPS				24h * 7 days *4hr	1	\$ 175
1.044	QT-5TA9A-MB		OVMS DS NT VMS LPS Pers Use				24h * 7 days *4hr	1	\$ 155
1.045	QT-5TD9A-TA	QM-5TD9A-AA	OSVR CALL ALL SYS 1 NVLS				24h * 7 days *4hr	1	\$ 45
1.046	QT-5LKAA-TB	QM-5LKAA-AB	PW 32 MUL SYS 1 LIC NVLS				24h * 7 days *4hr	1	\$ 88
1.047	QT-5TD9A-TA	QM-5TD9A-AA	OSVR CALL ALL SYS 1 NVLS				24h * 7 days *4hr	1	\$ 45
1.048	QT-MT1AA-E8	QA-MT1AA-H8	OVMS Alp bin+Onln Doc MDDS CD				24h * 7 days *4hr	1	\$ 975
1.051	QT-03XAA-C8	QA-03XAA-H8	SW LP PKG V/A DOC/CDRM SVC				24h * 7 days *4hr	1	\$ 4,691
2.000	DY-62BAA-DA		ES40 6/667 Model 1 1GB OVMS	4146DPSZA013			24h * 7 days *4hr	1	\$ 4,966
2.002	KZPCM-DA		Dual Chl PCI to SCSI Adapter				24h * 7 days *4hr	1	\$ 372
2.003	DS-RZ1DD-VW		9.1GB 10K RPM UltraSCSI Disk				24h * 7 days *4hr	12	\$ 5,185
	1039 6142 5410: new SAID		<u>HP SAID 1037 3325 9430 - DR</u>						
3.001	DCSRV-RA		DEC90M+,8MJ8P 4Mb		9/1/2011		Next Day	1	\$ 286
3.002	DY-64BAA-EA		AS ES40 6/667 Mod2 2GB OVMS	AY02000115	9/1/2011		Next Day	1	\$ 4,458
3.003	MS610-EA		2GB Mem Opt(4x512MB DIMMs)		9/1/2011		Next Day	2	\$ 2,768
3.004	BA610-6D		Scsi drive cage 6 slot 1.0		9/1/2011		Next Day	1	\$ 131
3.005	3X-KZPCA-AA		1 CH WIDE ULTRA-2(LVD) ADAPT		9/1/2011		Next Day	2	\$ 88
3.006	DS-KGPSA-DA		PCI-FIBRE CH HBA 2GB ALPHA		9/1/2011		Next Day	1	\$ -
3.008	3R-A3851-AA		72GB 15K U320 UNI HDD		9/1/2011		Next Day	2	\$ 131
3.009	3X-DEGXA-TR		HP PCI-X Gigabit UTP Adapter		9/1/2011		Next Day	1	\$ 27
3.010	SN-PBXGK-BB		ELSA Gloria Synergy 8MB		9/1/2011		Next Day	1	\$ -
3.011	BA61R-RM		SKIN KIT, RACK MOUNT (8U HIGH		9/1/2011		Next Day	1	\$ -
3.013	218231-B22		HP MSA1000/1500 Ctr 256 Cache ALL		9/1/2011	12/31/2015	Next Day	1	\$ -
3.015	286778-B22		72GB 15K U320 UNI HDD ALL		9/1/2011		Next Day	14	\$ -
			Annual Total						\$ 58,550

Briefing Paper

City of Spokane

LEIS/Public Safety Committee

May 16, 2016

Subject

Additional year of hardware and software maintenance for the Northrop Grumman Computer Aided Dispatch (CAD) and Records Management Systems (RMS).

Background

The Northrop Grumman CAD/RMS system has been operational for over 20 years, and is currently under a maintenance agreement with NG for software, and Hewlett Packard for hardware and operating systems. CAD/RMS is considered mission critical for regional law enforcement agencies, and as such the hardware maintenance requires a maximum 4 hour response 24x7x365. These systems are scheduled for replacement in the next year, so we are on a year to year maintenance schedule. The maintenance contract will be billed on a quarterly basis and can be terminated as soon as the new CAD/RMS program is operational by providing a 90 day written termination notice.

Impact

The CAD system is critical for SPD, Spokane County Sheriff, 911, City and County Prosecutors, Police Records, and Spokane County Jail. Without hardware and software maintenance, CAD/RMS would be vulnerable to hardware or software failure.

Action

Need council approval

Funding

The maintenance costs are shared among all CAD/RMS/JMS users throughout the criminal justice system in Spokane County. The current year quoted cost is 291,077, please see breakout below. The prior year cost was 126,938.21, we are still trying to negotiate a reasonable price increase.

EXHIBIT "A"

Price and Payment Schedule:

Period No. 7 – May 9, 2016 to May 8, 2017	
NG/HP Hardware Maintenance	\$58,550.00
NG Basic Software Maintenance:	
CAD/MIS	\$92,054.00
RMS/Oracle	<u>\$140,473.00</u>
Total, Period No. 7	\$291,077.00



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	OPR 2015-0915
Renews #	

Submitting Dept	RISK MANAGEMENT	Cross Ref #	
Contact Name/Phone	SAM FAGGIANO 6818	Project #	
Contact E-Mail	SFAGGIANO@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	RISK
Agenda Item Name	AMEND OPR 2015-0915, ETTER, MCMAHON, LAMBERSON, VANWERT.,		

Agenda Wording

An amendment adding additional funds to the contract with Michael McMahon and the firm of Etter, McMahon, Lamberson, VanWert & Oreskovich, P.C.

Summary (Background)

In October, 2015, the City entered into a contract with Michael McMahon and the firm of Etter, McMahon, Lamberson, VanWert & Oreskovich, P.C. to serve as Special Counsel to the City regarding a personnel matter involving Frank Straub, and subsequently Frank Straub v City of Spokane, Mayor David Condon, City Attorney Nancy Isserlis and City Administrator Theresa Sanders. Additional funds necessary for the firm's further representation of the City in this matter.

Fiscal Impact		Budget Account	
Expense	\$ \$136,600.00	#	0000 00000 00000 00000
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	DUNIVANT, TIMOTHY	Study Session	
Division Director	DUNIVANT, TIMOTHY	Other	
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	tdunivant@spokanecity.org	
For the Mayor	WHITNEY, TYLER	james.scott@ascrisk.com	
Additional Approvals		mjm13@ettermcmahon.com	
Purchasing		sfaggiano@spokanecity.org	
		rimus@spokanecity.org	

CONTRACT AMENDMENT

THIS CONTRACT AMENDMENT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and MICHAEL MCMAHON of ETTER, MCMAHON, VANWERT & ORESKOVICH, P.C., whose address is 618 West Riverside Avenue, Suite 210, Spokane, Washington 99201, as "Firm."

WHEREAS, the parties entered into a Contract wherein the Firm agreed to act as OUTSIDE COUNSEL, providing legal services and advice to the City and individual officers and employees regarding a PERSONNEL MATTER; and

WHEREAS, a lawsuit, entitled FRANK STRAUB v. THE CITY OF SPOKANE, a municipal corporation, CITY OF SPOKANE MAYOR DAVID CONDON, CITY OF SPOKANE CITY ATTORNEY NANCY ISSERLIS, and CITY OF SPOKANE CITY ADMINISTRATOR THERESA SANDERS, in their individual and official capacities, has been filed in United States District Court for the Eastern District of Washington under Civil Action Number 2:16-cv-00029-TOR, which relates to the above referenced PERSONNEL MATTER the Firm was under contract to provide legal services and advice to the City; and

WHEREAS, additional funds are necessary, -- Now, Therefore,

The parties agree as follows:

1. DOCUMENTS. The Contract dated October 15, 2015 and October 19, 2015, any previous amendments and/or extensions/renewals thereto are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.
2. EFFECTIVE DATE. This Contract Amendment shall become effective upon signature by both parties.
3. AMENDMENT. Section 3 of the contract documents is amended to read as follows:

The City shall pay the hourly fees and other charges as stated in the attached exhibit, up to a maximum amount of ~~FORTY EIGHT THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$48,400)~~, THREE HUNDRED SIXTY EIGHT THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$368,400) as full compensation for everything furnished and done under this contract."

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Dated: _____

ETTER, MCMAHON, VANWERT &
ORES KOVICH, P.C.

E-Mail address, if available: _____

By: _____

Title: _____



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	OPR 2016-0413
Renews #	

Submitting Dept	SOLID WASTE DISPOSAL	Cross Ref #	
Contact Name/Phone	CHUCK 625-6524	Project #	
Contact E-Mail	CCONKLIN@SPOKANECITY.ORG	Bid #	RFB#4227-16
Agenda Item Type	Contract Item	Requisition #	BT
Agenda Item Name	4490-CONTRACT FOR BOILERMAKER SERVICES AT THE WTE		

Agenda Wording

Contract with PSF Industries, Inc., Seattle, for boilermaker services for the WTE for scheduled and unscheduled outages June 1, 2016 through December 31, 2016. \$600,000.00 excluding taxes where applicable.

Summary (Background)

Each year 2 outages are performed on each boiler at the WTE. These outages normally last for 7 or more days each boiler. During outages, boilermaker services are needed for removal and replacement of worn or damaged boiler tubes. Also included in the contract are unscheduled downtime repairs caused by boiler tube blows, which would require boiler tubes to be repaired or removed and replaced.

Fiscal Impact		Budget Account	
Expense	\$ 600,000.00	#	4490-44100-37148-54803
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	CONKLIN, CHUCK	Study Session	PWC 5/9/16
Division Director	CONKLIN, CHUCK	Other	
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	ttauscher@spokanecity.org	
For the Mayor	WHITNEY, TYLER	jsalstrom@spokanecity.org	
Additional Approvals			
Purchasing	PRINCE, THEA		



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

RFB#4227-16 was issued on January 29, 2016. Four bids were received and opened on March 7, 2016. After review of all bids, it was determined that PSF Industries, Inc., was the lowest cost bid. This is a time and materials contract, with all labor being subject to Washington State Prevailing Wage regulations. This contract will allow the needed maintenance of the WTE to be performed. Delaying or foregoing the scheduled maintenance could result in a costly shutdown of the facility.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

BRIEFING PAPER
Public Works Committee
Solid Waste Disposal
May 9, 2016

Subject

Contract with PSF Industries Inc., Seattle, for boilermaker services for the WTE for scheduled and unscheduled outages.

Background

Each year at least 2 outages are performed on each boiler at the WTE. These outages normally last for a period of 7 or more days each boiler. During these outages, boilermaker services are needed for removal and replacement of worn or damaged boiler tubes. Also included in the contract are unscheduled downtime repairs caused by boiler tube blows, which would require boiler tubes to be repaired or removed and replaced.

RFB#4227-16 was issued on January 29, 2016. Four bids were received and opened on March 7, 2016. After review of all bids, it was determined that PSF Industries, Inc., was the lowest cost bid.

This is a time and materials contract, with all labor being subject to Washington State Prevailing Wage regulations.

Impact

This contract will allow the needed maintenance of the WTE to be performed. Delaying or foregoing the scheduled maintenance could result in a costly shutdown of the facility.

Contract term is June 1, 2016 through December 31, 2017 for a cost of \$600,000.00 excluding taxes if applicable.

Action

Recommend approval.

Funding

Funding is included in the 2016 operations and maintenance budget for the Solid Waste Disposal Department.



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	ORD C35391
Renews #	

Submitting Dept	FINANCE & ADMIN	Cross Ref #	
Contact Name/Phone	TIM DUNIVANT 625-6845	Project #	
Contact E-Mail	TDUNIVANT@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Emergency Budget Ordinance	Requisition #	
Agenda Item Name	0410 - EBO RE: 24/7 SHELTER FUNDING		

Agenda Wording

Amending Ordinance No. C-35322 and appropriating funds in the General Fund, FROM: Unappropriated Reserves, \$200,000; TO: Other Contractual Services, same amount. This provides support for 24-hour shelter space for the City's homeless population.

Summary (Background)

The City of Spokane is working to enable round-the-clock emergency shelter access in Spokane and has been working with community partners to put together a deliberate plan to address the needs of Spokane's homeless population - in particular, the current lack of 24-hour, year-round shelter space.

Fiscal Impact		Budget Account	
Expense	\$ 200,000	#	0300-53010-65410-54204-99999
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	DUNIVANT, TIMOTHY	Study Session	
Division Director	DUNIVANT, TIMOTHY	Other	
Finance	KECK, KATHLEEN	Distribution List	
Legal	DALTON, PAT	jmallahan@spokanecity.org	
For the Mayor	WHITNEY, TYLER	sscheidegger@spokanecity.org	
Additional Approvals		cmarchand@spokanecity.org	
Purchasing		tdunivant@spokanecity.org	
		dkinder@spokanecity.org	

ORDINANCE NO C35391

An ordinance amending Ordinance No. C-35322, passed the City Council November 23, 2015, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2016, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2016, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2016 budget Ordinance No. C-35322, as above entitled, and which passed the City Council November 23, 2015, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	0100-99999	General Fund	
	99999-	Unappropriated Reserves	<u>\$ 200,000</u>
TO:	0300-53010	Human Services Grants Fund	
	65410-54204	Other Contractual Services	<u>\$ 200,000</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to provide for 24-hour shelter space for the City's homeless population, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage..

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	RES 2016-0046
Renews #	

Submitting Dept	PLANNING	Cross Ref #	
Contact Name/Phone	MELISSA OWEN 625-6063	Project #	
Contact E-Mail	MOWEN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	0650 - EAST SPRAGUE PARKING & BUSINESS IMPROVEMENT AREA (BID)		

Agenda Wording

A resolution setting the assessment roll hearing for the East Sprague Parking and Business Improvement Area (BID) and providing notice of the 2016 assessment to business and property owners.

Summary (Background)

The City Council passed Ordinance C35377 on April 18, 2016 establishing the East Sprague Parking and Business Improvement Area. This resolution will set a date of June 20, 2016 for an assessment roll hearing. All ratepayers will be provided notice of assessments and the hearing date and be given an opportunity to make comments and/or objections.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	KEY, LISA	Study Session	
Division Director	KEY, LISA	Other	PED 5/16/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	fperkins@spokanecity.org	
For the Mayor	WHITNEY, TYLER	bborrisov@spokanecity.org	
Additional Approvals		mowen@spokanecity.org	
Purchasing		jmallahan@spokanecity.org	
		lkey@spokanecity.org	
		aworlock@spokanecity.org	
		lmeuler@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

deannah@primesourcecu.org

bob@nwseed.com

speedy1727@gmail.com

laverne@accessunified.net

dr@acmetv.com

ierr811@omnicast.net

tara.brown1@usbank.com

RESOLUTION NO. 2016-0046

A RESOLUTION SETTING THE ASSESSMENT ROLL HEARING FOR THE EAST SPRAGUE PARKING AND BUSINESS IMPROVEMENT AREA (BUSINESS IMPROVEMENT DISTRICT – BID) AND PROVIDING NOTICE OF THE 2016 ASSESSMENTS TO BUSINESS AND PROPERTY OWNERS.

WHEREAS, pursuant to the laws of Washington State and City Ordinance C-35377, the City Council intends to hold a hearing on the assessment levied upon properties within the East Sprague Parking and Business Improvement Area (PBIA); and

WHEREAS, through this Resolution, the City Council intends to provide notice that there will be a hearing upon the assessment roll prepared under the above identified Ordinance.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE SPOKANE CITY COUNCIL:

1. Notice is hereby given that the assessment rolls for properties prepared under Ordinance C-35377, will be on file in the Office of the City Clerk on the 23rd day of May 2016, and are open for public inspection.
2. The City Council has fixed the 20th day of June 2016 at 6:00 p.m., or as soon thereafter as practicable in the City Council Chambers of the Municipal Building, W. 808 Spokane Falls Blvd, Spokane, Washington, as the time and place for hearing upon said rolls.
3. The City Council declares its intent to impose special assessment in a manner that measures special benefits from each of the purposes set forth in Ordinance C-35377. The special assessments will finance the PBIA (BID) budgets and programs approved by the City Council.
4. All persons who may desire to object to the assessment roll shall make their objections in writing and file them with the City Clerk at, or prior to the date fixed for hearing.

At the time and place fixed, and at such other times as the hearing may be continued to, the City Council will consider the assessment roll as a board of equalization for the purpose of considering objections or comments made thereto, or any part thereof, and may correct, revise, raise, lower, change or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made de novo, or take such other action as the circumstances may warrant, including confirmation of the assessment rolls.

This is the only hearing held on the assessment roll, and it will be final unless appealed according to City Ordinance C-35377

5. Business & Developer Services is directed to mail, at least fifteen days before the date fixed for hearing, a notice to the business and property owners identified in the assessment rolls setting forth the date and time of public hearing, including the amount of special assessment.
6. The City clerk is directed to publish notice of the hearing on the assessment rolls in the Official Gazette for two consecutive weeks, the last publication being one week before the date fixed for public hearing

ADOPTED by the City Council this _____ day of May, 2016.

City Clerk

Approved as to form:

Assistant City Attorney



Agenda Sheet for City Council Meeting of:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	RES 2016-0047
Renews #	

Submitting Dept	WATER & HYDROELECTRIC SERVICES	Cross Ref #	
Contact Name/Phone	DAN KELGLEY 625-7821	Project #	
Contact E-Mail	DKEGLEY@SPOKANECITY.ORG	Bid #	SOLE SOURCE
Agenda Item Type	Purchase w/o Contract	Requisition #	VALUE BLANKET
Agenda Item Name	4100 - WATER DEPARTMENT ITRON SOLE SOURCE RESOLUTION		

Agenda Wording

Resolution declaring ITRON, INC. (Liberty Lake, WA) sole source, authorizing future purchases of ITRON Automated Meter Reading (AMR) Equipment and Encoder Receiver Transmitters (ERTs) on an "as needed" basis without public bidding- \$300,000 annually

Summary (Background)

in the early part of 1990, the City of Spokane Water Department began using the Itron Automated Meter Reading System. This system was chosen because it could read the Neptune ARB pro read pads and pin box's, and interface this information with the City's Billing system. In 2001 the City Water Department began installing Itron Encoder Receiver Transmitters to replace the older Neptune Pro-Read pads and pin box's allowing faster meter reading. The Automated Meter Reading equipment and Radio

Fiscal Impact		Budget Account	
Expense	\$ 300,000.00	#	various
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	KEGLEY, DANIEL	Study Session	
Division Director	KEGLEY, DANIEL	Other	PWC 5/9/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	TPRINCE	
For the Mayor	WHITNEY, TYLER	ACLINE	
Additional Approvals		TAXES & LICENSES	
Purchasing	PRINCE, THEA		



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

including sales tax

Summary (Background)

Transmitters in the water industry are proprietary and vendor specific. A majority of the radios installed by the City of Spokane to date are Itron and can only be read by Itron equipment. This resolution shall be reviewed and updated in five (5) years or sooner if different brand equipment is procured.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

BRIEFING PAPER
Public Works Committee
Water Department
May 9, 2016

Subject

A resolution declaring Itron, Inc. as a sole source, authoring future purchases of Itron Automated Meter Reading (AMR) equipment and Encoder Receiver Transmitters (ERTS) without public bidding.

Background

In the early part of 1990, the City of Spokane Water Department began using the Itron Automated Meter Reading System. This system was chosen because it could read the Neptune ARB pro read pads and pin box's, and interface this information with the City's Billing system. In 2001, the City Water Department began installing Itron Encoded Receiver Transmitters to replace the older Neptune Pro-Read pads and pin box's thus allowing faster meter reading. The Automated Meter reading equipment and Radio Transmitter in the water industry are proprietary and vendor specific. This value blanket order will cover cost to continue the program for twelve months through June 30, 2017.

Impact

The Water Department is the user of this Value Blanket. The estimated annual expenditure is \$300,000.00 including tax.

Action

Recommend approval

Funding

Funding is from the Water & Hydroelectric 6-Year Capital Plan

RESOLUTION NO. 2016-0047

A resolution declaring ITRON, INC. as sole source, authorizing future purchase of ITRON Automated Meter Reading (AMR) equipment and Encoder Receiver Transmitters (ERT'S) without public bidding and approving a value blanket order for the purchase of AMR equipment and ERT' s "as needed" at an estimated annual cost of \$300,000.00 (including tax)

WHEREAS, in the early part of 1990, the City of Spokane Water Department began using the Itron Automated Meter Reading System. This system was chosen because it could read the Neptune ARB pro read pads and pin box's, and interface this information with the City's Billing system. In 2001 the City Water Department began installing Itron Encoder Receiver Transmitters to replace the older Neptune Pro-Read pads and pin box's allowing faster meter reading. The Automated Meter Reading equipment and Radio Transmitters in the water industry are proprietary and vendor specific. A majority of the radios installed by the City of Spokane to date are Itron and can only be read by Itron equipment, and

WHEREAS, the 2016 public bid limit for the purchase of goods is \$48,700; and

WHEREAS, the City desires to purchase various pieces of automated meter reading equipment and Encoder Receiver Transmitters on an "as needed" basis for an estimated annual cost of \$300,000.00 (including tax) -- Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that it hereby declares ITRON, INC. as a sole source for the purchase of Itron automated meter reading equipment and encoder receiver transmitters without public bidding, and approves the value blanket order for purchase of remote meter reading equipment and fixed network equipment on an "as needed" basis at an estimated annual cost of \$300,000.00 (including tax). This resolution shall be reviewed and updated in five (5) years or sooner if different brand equipment is procured.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:

Assistant City Attorney



Electric / Gas / Water
Information collection, analysis and application

2111 N. Molter Rd.

Liberty Lake, WA 99019
fax: 866-787-8910
www.itron.com

Pricing Summary for

City of Spokane, WA

BMR# 10185-16 Ver1 Mar
April 1, 2016

Item	Part Number	Description	Qty	Unit Price	Extended Price	Notes
Hardware						
1	ERW-1300-402	100W+, Encoder with Integral Connector & Antenna Connector	24	\$70.00	\$1,680.00	(1)
2	ERW-1300-313	100W-R+ ERT, Encoder Remote with 10 Inch Cable	30	\$65.00	\$1,950.00	(1)
3	ERW-1300-314	100W-R+ ERT, Encoder Remote with 10 Inch Cable and 10 Inch Cable for Leak Sensor	30	\$70.00	\$2,100.00	(1)
3	ERW-0771-205	60W ERT, Inline Connector Encoder, Neptune Protocol - ProRead	36	\$60.00	\$2,160.00	(1)
4	ERW-0771-425	60W-R ERT, 10" Flying Lead, Remote, Neptune Protocol- ProRead	30	\$60.00	\$1,800.00	(1)
5	CFG-0900-003	100W Through-the-Lid remote mount antenna Kit	12	\$27.00	\$324.00	
6	CFG-0771-021	60W-R/100W-R Mounting Kit for Remote Installations	30	\$2.50	\$75.00	
7	CFG-0151-005	Standard 25' cable with In-Line connector with .135" diameter	1	\$17.25	\$17.25	
8	CFG-0151-009	Standard 25' Cable with In-Line Connector with .167" Diameter Cable	1	\$15.00	\$15.00	
9	FC3-0004-011	FC300, SRead Radio, English WIN CE 5.0 Pro, Non-Bluetooth	1	\$4,490.00	TBD	(2)
10	FC3002DSKCRDL	FC300 single dock	1	\$350.00	TBD	
11	FC3004MLTDOCK	FC300 5-bay multi-dock	1	\$1,690.00	TBD	
12	MX9302PWRSPPLY	AC power supply, FC300 handheld or desktop dock	1	\$65.00	TBD	
13	9000A066CBLPWRAC	AC power cord, C14 type, North America	2	\$8.00	TBD	
14	FC3059CABLE	FC300 Charge/Comm Interface Cable, USB client for ActiveSync with power connector	TBD	\$42.00	TBD	(3)
15	MCLITE	Mobile Collector Lite	1	\$8,500.00	\$8,500.00	
		Includes:				
	DCU-5310-201	MCLite RF Unit (1 Year Warranty)				
	DCU-5002-213	MCLite FC300 Ship Kit (Portable Wiring)				
	FC3058CABLE	FC300 MCLite Communication/Power Cable				
	FC3006VMCRADLE	FC300 Vehicle Mounting Cradle				
	MX9009BRKTKIT	FC200 To FC300 Retrofit Mounting Ball Kit w/ Locking Arm (1 Ball)				



Electric / Gas / Water
Information collection, analysis and application

2111 N. Molter Rd.
Liberty Lake, WA 99019
fax: 866-787-6910
www.itron.com

Pricing Summary for

City of Spokane, WA

BMR# 10185-16 Ver1 Mar
April 1, 2016

Item	Part Number	Description	Qty	Unit Price	Extended Price	Notes
16	MC3-CF <25K ERT's	Mobile Collector 3 - RF Unit WITH Laptop	1	\$26,000.00	\$26,000.00	(4-7)
		Includes:				
	OEM-CF-3110-05CM	Toughbook CF-31 Laptop w/ DVD (5 year warranty)	1			
	SWK-0339-000	MC Software version 3.8 on USB	1			
	DCU-5310-011	MC3 RF Unit (1 year warranty)	1			
	DCU-5302-602	MC3, Premium Accessory Kit	1			
	KIT-0060-101	MC3, Portable Wiring Kit, sytem with laptop	1			
	CFG-0173-001	MC3, Pedestal Mounted Laptop Dock	1			
17	MC3-CF <25K ERT's	Mobile Collection 3 (No Laptop) - RF Unit	1	\$21,600.00	\$21,600.00	(4-7)
		Includes:				
	SWK-0280-###	No Laptop Option	1			
	SWK-0339-000	MC Software version 3.8 on USB	1			
	DCU-5310-011	MC3 RF Unit (1 year warranty)	1			
	DCU-5302-621	MC3, Standard Accessory Kit	1			
	CFG-0152-101	MC3, Portable Wiring Kit, system without laptop	1			
18	SUB-0275-001	MC3, Side-Looker Antenna, contains a left and right antenna, 9.1 dBi, 17 foot cable (one year warranty)	1	\$1,000.00	\$1,000.00	

Annual Maintenance

19	Maintenance	FC300, SRead Radio, English WIN CE 5.0 Pro, Non-Bluetooth	1	\$435.00	\$435.00	
20	Maintenance	FC300 single dock	1	\$37.80	\$37.80	
21	Maintenance	FC300 5-bay multi-dock	1	\$192.00	\$192.00	
22	Maintenance	Mobile Collector Lite	1	\$576.00	\$576.00	
24	Maintenance	MC3 RF Unit (1 year warranty)	1	\$2,520.00	\$2,520.00	(4)
25	Maintenance	MC Software version 3.8 on USB	1	\$1,196.00	\$1,196.00	(5)
26	Maintenance	MC3, Side-Looker Antenna, contains a left and right antenna, 9.1 dBi, 17 foot cable (one year warranty)	1	\$96.00	\$96.00	

Notes and Assumptions

- Full warranty is consistent with the warranty terms in the Agreement for the first 10 years from date of shipment.
For warranty claims in years 11 through 15, Itron's sole obligation will be to provide Customer with a discount on replacement product equal to 50 percent of its then-current list price for the replacement product.
For warranty claims in years 16 through 20, Itron's sole obligation will be to provide Customer with a discount on replacement product equal to 25 percent of its then-current list price for the replacement product.
- FC300 Handheld unit and single desk dock require a power supply and AC power cord. The same power supply can be used for both. The multi-dock desk dock comes with a power supply but requires an AC power cord.
- Itron recommends at least one USB cable be purchased if only ordering a FC300 Multi-dock for IT staff to support data recovery or troubleshooting issues that may occur over the life of the system.
- Mobile Collection 3.0 RF Unit include a 1 year warranty.
- The Mobile Collection Software Maintenance start date commences on the first of the month following Software delivery.
- The Panasonic Toughbook Laptop comes with a 5 year warranty. Panasonic does not offer Annual Maintenance after the warranty period so all Laptop hardware support will be handled under Panasonic Time and Materials process.
- To pedestal mount the MC3's Laptop the customer must separately purchase a vehicle mount kit that is specific to the customer's vehicle.
Gamber Johnson and Ram Mount both manufacture pedestals and other mounts for various vehicle types.
www.gamberjohnson.com
www.ram-mount.com
- Taxes and freight are not included. Prices are in US dollars. Prices are valid for 90 days.

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

04/18/2016

Date Rec'd

4/4/2016

Clerk's File #

ORD C35379

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

BEN STUCKART 6256269

Project #**Contact E-Mail**

AMCDANIEL@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0320 SUSTAINABLE PUBLIC BUILDINGS ORDINANCE

Agenda Wording

An ordinance relating to sustainable public building standards for Capital Improvement Projects; amending section 07.17.020 of the Spokane Municipal Code and enacting new sections 12.05.005 and 12.05.030 to the Spokane Municipal Code.

Summary (Background)

This ordinance will require the City to seek and obtain LEED Silver Certification from the United States Green Building Council, or equivalent scoring system, on new public building construction projects impacting 5,000 square feet or more of conditioned space and on major renovations which include improvements to mechanical, plumbing, and electrical systems in a building 5,000 square feet or more of conditioned space.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

STUCKART, BEN

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

Public Works

Finance

KECK, KATHLEEN

Distribution List**Legal**

DALTON, PAT

Katherine Miller

For the Mayor

SANDERS, THERESA

Tyler Whitney

Additional Approvals

Ed Lukas

Purchasing

ORDINANCE C35379

An ordinance relating to sustainable public building standards for Capital Improvement Projects; amending section 07.17.020 of the Spokane Municipal Code and enacting new sections 12.05.005 and 12.05.030 to the Spokane Municipal Code.

WHEREAS, enormous quantities of resources are used during building construction, renovation, and operation, the production of which has substantial environmental impacts; and

WHEREAS, reducing the environmental impact of the construction, operation, and maintenance of publicly-funded facilities will save taxpayer dollars each year because green buildings operate more efficiently by using less energy, water, and fossil fuels; and

WHEREAS, the City of Spokane, through the “greening” of facilities, can support the local market for green building products and services, and raise the bar for the construction and operation of sustainable buildings; and

WHEREAS, the adoption of a Sustainable Public Buildings Standard for Capital Projects is consistent with and implements the City’s Sustainability Action Plan and Comprehensive Plan; and

WHEREAS, the United States Green Building Council has created and administers a rating system which is used to assess multiple areas of construction, such as existing buildings and commercial interiors, referred to as Leadership in Energy & Environmental Design (“LEED”); and

WHEREAS, the state of Washington requires that many new public buildings meet LEED standards, as do the cities of Bellingham, Everett, and Seattle, King County, and the federal government.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That section 07.17.020 of the Spokane Municipal Code is amended to read as follows:

Section 07.17.020 Scope of City-Wide Six Year Capital Improvement Program

- A. The City-wide Six-Year Capital Improvement Program shall coordinate the planning, financing and construction of the City’s capital facilities consistent with the following guidelines.

1. The City-wide Six-Year Capital Improvement Program shall encompass all City capital facilities projects regardless of the revenue source.
2. Elements of the City-wide Six-Year Capital Improvement Program shall include the Six-Year Comprehensive Street Program, the Six-Year Comprehensive Wastewater Program and the Six-Year Comprehensive Water Program, as well as Six-Year Capital Improvement Programs submitted by each City department projecting the department's respective capital facilities needs, including estimated costs and proposed methods of financing, for at least the subsequent six years.
3. The City-wide Six-Year Capital Improvement Program shall include the necessary maintenance, rehabilitation, and renovation of existing capital facilities.
4. The City-wide Six-Year Capital Improvement Program shall prioritize consistency with the City's Comprehensive Plan and Sustainability Action Plan, including, but not limited to the adaptive reuse of suitable existing buildings. When adaptively reusing existing buildings, these facilities shall be renovated to the ~~((highest defined energy conservation standard justified by a net present value analysis of capital and forecast energy costs over a thirty year period or the forecast life of the building, whichever is less.))~~ Sustainable Public Building Requirements specified in SMC 12.05.030.
5. Should it be necessary to build new public facilities, these facilities shall be constructed to the ~~((highest defined energy conservation standard justified by a net present value analysis of capital and forecast energy costs over a thirty year period.))~~ Sustainable Public Building Requirements outlined in SMC 12.05.030.
6. The City-Wide Six-Year Capital Improvement Program is intended to be an evolving document reflecting the current status of financing, planning and implementation of the City's Capital Facilities Plan with the intent that the programs be revised as the City completes certain projects and adds new projects.

Section 2. That there is adopted a new section 12.05.005 of the Spokane Municipal Code to read as follows:

Section 12.05.005 Definitions

- A. "Conditioned Space" means an enclosed space within a building where there is intentional control of the space thermal conditions within defined limits using natural, electrical, or mechanical means. Spaces that do not have heating or cooling systems but rely on natural or mechanical flow of thermal energy from adjacent spaces to maintain thermal conditions within defined limits are considered conditioned spaces.

- B. "LEED" is a green building rating and certification system developed by the U.S. Green Building Council to evaluate environmental performance from a whole building perspective, including sites, water efficiency, energy & atmosphere, materials & resources, indoor environmental quality, locations & linkages, awareness & education, innovation in design, and regional priority.
- C. "U.S. Green Building Council" is an organization serving as the nation's foremost leaders from across the building industry working to promote buildings that are environmentally responsible, profitable, and healthy places to work and live.

Section 3. That there is adopted a new section 12.05.030 of the Spokane Municipal Code to read as follows:

Section 12.05.030 Sustainable Public Buildings Requirements

- A. It is the intent of the City of Spokane to plan, design, construct, manage, renovate, operate, maintain, and decommission its buildings in an environmentally sustainable and economically efficient manner.
- B. All Capital Improvement projects constituting new construction, an addition, or renovations that involve substantial modification to all three of the major systems – mechanical, electrical, and plumbing - of a City-owned building and impacting 5,000 or greater gross square feet of conditioned space shall meet a minimum LEED Silver rating through the U.S. Green Building Council or comparable scoring system unless the City Council, by resolution, determines it not practicable due to available resources, construction costs, and life-cycle costs.
- C. If the City Council determines it not practicable to pursue LEED Silver rating, the Capital Improvement project shall continue to pursue the maximum number of LEED credits or comparable scoring system, reasonably achievable for the covered project.
- D. All Capital Improvement projects qualifying for LEED certification shall be registered through the U.S. Green Building Council or comparable scoring system, unless the City Council, by resolution, determines it not practicable due to overall project costs.
- E. All City departments shall seek opportunities to maximize the energy and water efficiency of existing City-owned buildings, consistent with the City's Sustainability Action Plan.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

BRIEFING PAPER
Public Works Committee
Spokane City Council
April 11, 2016

Subject

Adopting an ordinance to require the City to seek and obtain LEED Silver Certification from the United States Green Building Council, or equivalent scoring system, on new public building construction projects impacting 5,000 square feet or more of conditioned space and on major renovations which include improvements to mechanical, plumbing, and electrical systems in a building 5,000 square feet or more of conditioned space.

Background

The City of Spokane has multiple planning documents and policies that outline the desire for public buildings to be operationally efficient and effective. These documents include:

Chapter 5 Capital Facilities and Utilities of the City of Spokane's Comprehensive Plan

Policy 1.2 Operational Efficiency

"Require the development of capital improvement projects that either improve the city's operational efficiency or reduce costs by increasing capacity, use, and/or life expectancy of existing facilities."

City of Spokane Sustainability Action Plan

Strategy 5: Conserve Water Everywhere

5-C: *Develop innovative projects for water reuse and conservation on and in City properties and buildings.*

5-F: *Review and revise City policies, codes, ordinances and programs to allow for and incentivize best practices and innovation in water conservation.*

Strategy 6: Maximize Energy Efficiency

6-A: *Model leading practices by developing and implementing specific plans for reducing and managing energy use in all City operations.*

6-B: *Move toward carbon-neutral operations in all new and retrofit construction involving City facilities.*

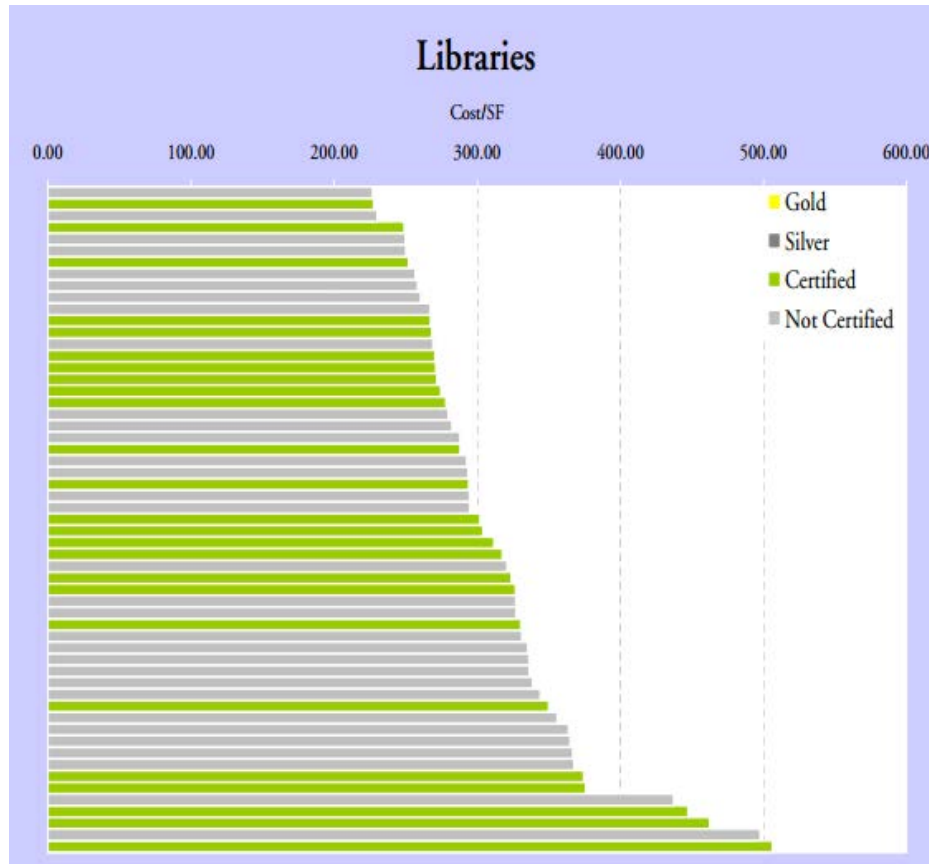
LEED/U.S. Green Building Council: By utilizing LEED/U.S. Green Building Council, an independent national third-party would be responsible for verification of performance. Some jurisdictions rely on other third-party systems, such as Energy Star or Green Communities.

Costs: Costs associated with pursuing LEED Silver certified buildings include: LEED certification fees, consultation costs, and possible increased construction costs specific to meeting LEED standards.

A study for California's Sustainable Building Task Force found that a minimal up-front investment of about 2% of construction costs typically yields life cycle savings of over ten times the initial investment. Source: The Costs and Financial Benefits of Green Buildings – Report to California's Sustainable Building Task Force (2003)

BRIEFING PAPER
Public Works Committee
Spokane City Council
April 11, 2016

“There is no significant difference in average costs for green buildings as compared to non-green buildings”. In a study of 57 libraries, 25 seeking LEED certification and 32 not seeking certification, there was no significant difference between the costs of projects seeking LEED certification versus the projects not seeking certification. In fact, the LEED buildings tended to fall on the lower cost/SF end of the 57 libraries as seen by the graph below.



Source: “Cost of Green Revisited” – Davis Langdon (2006)

The cost premium for LEED certified buildings are often found in periods or areas of high construction demand and limited competition. This can lead to a shortage of bids including bids by inexperienced contractors who may view these onerous and bid high to account for the perceived risk (Langdon).

Savings/Benefits: Savings come from annual utility savings from reduced water and energy use.

Other jurisdictions

The City of Spokane would join Pacific Northwest jurisdictions of Seattle, Everett, Bellingham, Eugene, Portland, West Linn, King County, and Whatcom County.

BRIEFING PAPER
Public Works Committee
Spokane City Council
April 11, 2016

The City of Spokane Valley is building their new City Hall building to LEED Standards but have chosen not to pursue the certification.

The State of Washington was the first US state to adopt a LEED Silver Standard for all public facilities greater than 5,000 square feet.

Understanding LEED

Projects can receive Sustainable Site ‘credits’ for a number of factors including: density, brownfield redevelopment, public transportation access, erosion control plans, bicycle storage, changing rooms, providing preferred parking for electric/alternative-fueled vehicles (or provides a fleet of alternatively fueled vehicles), reduced site disturbance, strategies to maximize open space, stormwater management, reducing the heat island effect, light pollution reduction

Projects can receive Water Efficiency ‘credits’ for water efficient landscaping, low-flow and waterless flush fixtures/innovative wastewater technologies, and water use reduction techniques.



Source: Water-efficient fixtures around City Hall

Projects can receive Energy and Atmosphere ‘credits’ for the commission of the building energy systems, refrigerant management, energy performance optimization (energy load reduction/improved equipment efficiency), and utilizing renewable energy and green power strategies onsite.

Projects can receive Materials and Resources ‘credits’ by incorporating recycled materials, reuse of a building, diversion of waste from landfills through construction waste management, reuse of materials, use of recycled content, use of local materials, and use of certified wood.

BRIEFING PAPER
Public Works Committee
Spokane City Council
April 11, 2016

Projects can receive Indoor Environmental Quality ‘credits’ by prohibiting smoking in the building, outdoor air delivery monitoring, increasing ventilation, use of low-emitting materials, lighting control, thermal comfort control, and maximizing daylight penetration to the building

‘Credits’ can also be earned for Innovation and Design Process.

Impact

This ordinance takes a step forward in implementing and codifying Sustainability Action Plan and Comprehensive Plan strategies.

By incorporating these energy and resource-efficient practices into our capital facilities projects, we are reducing the environmental impact of construction-related activities while providing savings to our taxpayers.

The construction of capital facilities is also an investment in our City employees. Utilizing these building principles will provide our employees with healthy places to work, which reduces absenteeism, turnover, and improves worker performance.

Action

Requesting City Council approval.

Funding

Refer to the 2015-2020/2016-2021 Citywide Capital Improvement Program

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Public Works Committee
Spokane City Council
April 11, 2016

Local LEED Certified or Designed Buildings

Northeast Community Center Addition – LEED Silver



Spokane Public Radio – Designed to meet LEED Silver



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Public Works Committee
Spokane City Council
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Lincoln Heights Elementary – LEED Gold



STCU Moran Prairie – Designed for LEED Silver



BRIEFING PAPER
Public Works Committee
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Washington State University Biomedical & Health Sciences Building – LEED Silver



The Davenport Grand Hotel – LEED Silver



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Spokane Falls Community College Science Building – LEED Gold



Spokane Community College Technical Education Building – LEED Silver



BRIEFING PAPER
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Spokane Falls Community College Music Building – LEED Silver



Spokane Central Service Center – Complies with LEED Silver criteria



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Public Works Committee
Spokane City Council
April 11, 2016

Spokane Convention Center Expansion – LEED Silver



BRIEFING PAPER
Public Works Committee
Spokane City Council
April 11, 2016

Local Firms & Labor Organizations with LEED project experience:

- Vandervert Construction – *“Based on our experience, seeking LEED Silver or higher on new capital construction projects (over 5,000 SF) could provide long term benefits for the City of Spokane. The sustainable design and improved energy efficiency would be the biggest benefits. In terms of potential obstacles, there will be some additional time, administration support, and increased construction costs associated with the pursuit of LEED Silver certified projects. A key component for any project that seeks a level of LEED certification is to engage in a LEED consultant as early as possible to help navigate the design and LEED process right from the start.”* – Klint Kimball, Chief Estimator
- TestComm – *“LEED has brought beneficial change to the construction industry. And certain aspects are now business as usual. But the administrative cost has restricted its usefulness for all projects all the time.”* – Jerry Ensminger, Manager
- IRS Environmental – *“Our main scope of work on renovation/demolition jobs is to provide asbestos/lead/hazardous waste abatement. We have participated in many LEED projects over the years and have not had any major issues at all. LEED requires that GOOD Accurate records are kept for the disposal or recycling of waste from the projects, this is something we do on a regular basis so from our standpoint it’s just another layer of paperwork that we need to provide to the client. Not much of a problem in the long run at all.”* – Carl Burnham, Vice President
- Cement Masons & Operative Plasterers Local 72 – *“[LEED projects] actually helps us. Concrete construction, especially floor polishing, does work on LEED projects.”* – Jim Geren, Business Manager
- Plumbers & Pipefitters Local 44 – *“I think Sustainable Public Buildings is a great idea and worthwhile idea. Silver certification is great place to start...”* – Pat Perez, Business Manager
- Walker Construction – *“we have done them and they haven’t been too problematic. Most LEED requirements are met with clever enough spec writing.”* – Bill Walsh, Project Manager
- Graham Construction & Management
- Taylor Engineering
- Lewis Construction and Development
- TD&H Engineering
- Lydig Construction
- SRM Development
- Garco
- McKinstry
- Bernardo Wills
- Bouten Construction
- Baker Construction
- MSI Engineers
- Stantec
- Leone & Keeble
- DCI Engineers
- Cobra BEC
- Copeland Architecture and Construction
- OAC

among many others....

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Public Works Committee
Spokane City Council
April 11, 2016

Other jurisdictional experiences with sustainable public buildings policies:

Everett Washington

The City of Everett has built one project since their sustainable buildings ordinance was adopted in 2007. That building (Municipal Court) achieved LEED Silver.

* Source: Chris Lark, City of Everett

Seattle Washington (passed in 2002)

The City of Seattle had 18 City of Seattle LEED Certified Projects from 2003-2010.

Environmental Benefits Include:

- 47,100 tons of construction waste diverted
- 1,062,180 gallons of stormwater reduced per year
- 4,368,100 gallons of potable water saved per year
- 765,455 kilowatt hours of electricity saved per year
- 12,876,500 CO2 emissions reduced per year

The City of Seattle found while measuring 7 LEED projects that the soft costs (certification/consultation fees) ranged 0.47% to 1.31% of overall project cost.

Source: Mayor's Recommendations: Sustainable Buildings and Sites Policy – City of Seattle (2011)

“Looking back at the reports that I have received for projects in the last 2-3 years, construction premiums reported for LEED related costs have ranged from 0.05% to .56%, with projected annual utility savings (energy & water) of \$2,000 to \$6,000/yr. These are all LEED Gold Fire Station projects ranging from 8,000 to 20,000 sq.ft. A LEED Gold Transfer Station had a 0% construction premium and projected utility savings of \$56,000/yr. We have a recently completed 10,000 sq.ft. Platinum Fire Station that had a 5% premium, with savings projected at \$9,700/yr”
– Sandra Mallory, Sustainable Building Program Manager for City of Seattle

Eugene Oregon

The City of Eugene has pursued and obtained over \$2 million in energy efficiency incentives to support efficiency upgrades in their city buildings. Over 100 separate incentives, ranging in size from \$50 to \$150,000, have been applied for and received by the City of Eugene since 1995.

Source: City of Eugene Oregon Website – Energy Management Program

Portland Oregon

The City of Portland adopted their “Green Building Policy” in 2001. They subsequently updated their policy in 2005, 2009, and 2015 – making it stronger each year. From 2005-2009, the City of Portland built three new buildings which would fall under their Green Building Policy. One project received LEED Platinum, one project received LEED Gold, and the other project was LEED Certified – despite being financed prior to adoption of the Portland’s 2005 standards.

Source: City of Portland Green Building Policy Status Report 2005-2009

Anchorage Alaska

For more information: Adam McDaniel, Senior Executive Assistant to Council President Ben Stuckart
509-625-6269 amcdaniel@spokanecity.org

Final, Recv'd 4-28-16

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Adopted an initial LEED Certified policy in 2008 with the minimum level increasing to LEED Silver in 2012. Their ordinance allows an appeal to the Building Board of Appeals in cases where not economically feasible. “new public buildings may experience higher design and construction costs which will be more than offset by permit fee reductions and lower operating costs over the life of the building, resulting in a net economic gain for public buildings.” Source: Municipality of Anchorage Summary of Economic Effects – General Government (Fiscal Note) Anchorage repealed their ordinance in 2011 after inserting their sustainability requirements into their building code. Source: Ross Noffsinger, City of Anchorage

Asheville North Carolina

Adopted their LEED Standards policy in 2007 which requires buildings over 5,000 square feet to achieve LEED Gold but strive for LEED Platinum (the highest standard). The City of Asheville’s newest public building, the Dr. Wesley Grant Sr. Southside Center, achieved LEED Platinum. The Center is most easily recognized by its roof, the shape of which channels rainwater into sediment reducing ponds and cisterns as well as the roof gardens. It employs energy-efficient windows, geothermal temperature regulation and energy conserving insulation. Source: City of Asheville Website/Asheville City Source

State of Washington

The biennial legislative report by the Department of Enterprise Services had the following findings on the state’s High Performance Green Buildings Law (RCW 39.35D):

- Achieving LEED certification does not always cost more; the range is -.7 percent to + 3.0 percent of the total project first cost. This can be offset with facilities operating savings and user comfort with improved employee productivity results.
- Estimated energy savings range from 19 to 50 percent. The payback for LEED related costs is estimated between 0 and 33 years with the average being 15 years for 75 percent of the projects where complete data is available.
- Construction waste recycling practices used on 10 projects diverted more than 7,500 tons (94 percent) of construction debris from landfills.

“ Buildings are typically designed for people. If a building fails to provide a healthy work or learning environment, then it has failed its primary purpose. Yet many buildings can cause “sick building syndrome” where occupants are made sick by the building’s products or systems. Symptoms include headaches, dizziness, forgetfulness, nausea and drowsiness. The syndrome can affect productivity and, in extreme cases, result in lawsuits against the State” – Washington Department of Enterprise Services .

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

05/16/2016

Date Rec'd

5/2/2016

Clerk's File #

ORD C35389

Renews #**Submitting Dept**

DEVELOPMENT SERVICES CENTER

Contact Name/Phone

DEAN GILES 625-6121

Contact E-Mail

DGILES@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Agenda Item Name

4700 - ORDINANCE REVISING SMC 17F

Cross Ref #**Project #****Bid #****Requisition #****Agenda Wording**

An ordinance relating to the building code: amending SMC sections 17F.020.080, 17F.030.010, 17F.040.010, 17F.040.030, 17F.040.040, 17F.040.105, 17F.040.130, 17F.070.010, 17F.070.250, 17F.070.260, 17F.070.300, 17F.090.010 and 17F.100.010 and repealing

Summary (Background)

These changes are necessary due to the State adoption of the 2015 editions of the Model Codes and State Amendments. The modifications generally are of three varieties: updating reference numbers, deleting duplicate language that is already contained in the State Code and deleting sections that are less restrictive than the State Code. Some changes were made for clarification purposes as well.

Fiscal Impact

Neutral \$

Select \$

Select \$

Select \$

Budget Account

#

#

#

#

Approvals**Dept Head**

BECKER, KRIS

Division Director

MALLAHAN, JONATHAN

Finance

KECK, KATHLEEN

Legal

PICCOLO, MIKE

For the Mayor

SANDERS, THERESA

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Additional Approvals**Purchasing**



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

17F.040.070, 17F.040.125, 17F.070.070, 17F.07.270 and 17F.070.360

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. C35389

An ordinance relating to the building code; amending SMC sections 17F.020.080, 17F.030.010, 17F.040.010, 17F.040.030, 17F.040.040, 17F.040.105, 17F.040.130, 17F.070.010, 17F.070.250, 17F.070.260, 17F.070.300, 17F.090.010 and 17F.100.010 and repealing 17F.040.070, 17F.040.125, 17F.070.070, 17F.07.270 and 17F.070.360.

The City of Spokane does ordain:

Section 1. That SMC section 17F.020.080 is amended to read as follows:

17F.020.080 Requirements during Construction

International Fire Code chapter ((14)) 33, Fire Safety During Construction and Demolition ((of a Building)), requires approval of safety precautions during construction. These precautions shall include the following for mixed-use residential buildings being constructed in accordance with the provisions of this title:

- A. To minimize the size of fire and control radiant heat that could threaten buildings in close proximity:
 - 1. assure that apparatus set-up areas are available to direct master streams on exposures in the event of a fire. Access to all exterior exposures shall not exceed one hundred fifty feet from the fire truck setup locations;
 - 2. activate sprinklers as soon as practical.
- B. To control fire spread to other buildings, horizontal openings within twenty feet of other buildings will be provided with a minimum of three-quarter-inch plywood; these openings may remain open during work hours, but are required to be closed after hours. Care shall be taken to use appropriate materials and/or weather protection considering the stage of exposure to the weather.

Section 2. That SMC section 17F.030.010 is amended to read as follows:

17F.030.010 Adoption of Standard Codes

- A. Boiler and pressure vessels installed within the city of Spokane shall comply with Sections I, II (Parts A, B, C and D), IV, V, VI, VII, VIII Divisions 1, 2, 3, IX, X, XII and PVHO-1 of the ASME Boiler and Pressure Vessel Code, current edition, together with the addenda thereto. Boilers and pressure vessels shall comply with the editions of the code in effect at the time the equipment was manufactured. (Reference WAC 296-104-200).
- B. The National Board Inspection Code, ((2011)) 2015 Edition, with current addenda applies to the alteration, inspection and repair of boilers, unfired pressure vessels and appurtenances in the city.

- C. NFPA 85 Boiler and Combustion Systems Hazards Code current edition (for use with boilers with fuel input ratings of twelve million five hundred thousand BTU per hour or greater. (Reference WAC 296-104-200)
- D. These codes as modified by the additions, deletions and amendments set forth in this chapter, are the boiler and pressure vessel code of the City.
- E. The basis for SMC 17F.030 is WAC 296-104 with the exclusion of the unique administrative and fee items unique to Washington State inspectors and their inspection process.

Section 3. That SMC section 17F.040.010 is amended to read as follows:

17F.040.010 Adoption of Building Codes and Related Washington State Codes

- A. There is adopted the Washington State Building Code (chapter 19.27 RCW and chapter 19.27A RCW) as modified by chapter 51-50 WAC. Specifically, the code includes the:
 - 1. International Building Code (IBC), ~~((2012))~~ 2015 Edition, as published by the International Code Council, including Washington State amendments, ICC/ANSI A117.1 ~~((2003))~~ 2009, and ~~((appendices C, E, G, J, and))~~ the ~~((2012))~~ 2015 International Existing Building Code;
 - 2. International Residential Code, ~~((2012))~~ 2015 Edition (except Part IV – Energy Efficiency, Part VII – Plumbing, and Part VIII – Electrical) as published by the International Code Council, and chapter 51-51 WAC;
 - 3. International Energy Conservation Code, ~~((2012))~~ 2015 Edition, chapter 51-11C and 51-11R WAC.
- B. The codes, standards, and regulations adopted in subsection (A) of this section, as amended by this chapter, constitute the building code of the City of Spokane.

Section 4. That SMC section 17F.040.030 is amended to read as follows:

17F.040.030 Historic Buildings

In order for a building to be considered historic under ~~((IBC Section 3407))~~ IEBC Section 202, the landmarks commission must have placed the building on the Spokane Register of Historic Places. Other buildings, even though on state or federal registers, do not qualify.

Section 5. That SMC section 17F.040.040 is amended to read as follows:

17F.040.040 Affordable Housing

“Affordable housing” is defined as housing that has a rental rate at or below thirty percent of fifty percent of area median income adjusted for family size, and which is

committed to such rental rate for a period of at least ten years by means of a recorded regulatory agreement between the owner(s) and the City, enforceable by the occupants of the housing.

((

- A. ~~While the codes adopted in chapters 17F.030, 17F.040, 17F.050, 17F.060, 17F.070, 17F.080, 17F.090 and 17F.100 SMC remain the basic codes, in issuing permits and certificates of occupancy for the redevelopment, rehabilitation or renovation of structures for the purpose of affordable housing, the building official has discretion to waive or modify substantive and procedural code requirements when the deviation will not unreasonably increase the health or safety risks of those who occupy the residences.~~
-
- B. ~~The discretion of the building official under this section includes, but is not necessarily limited to, those items identified in IBC Section 3403 (otherwise applicable to historic buildings) and chapter 17F.070 SMC (existing building code).~~
-
- C. ~~The building official may require, as an offset to waiver or modification of other code requirements, installation of a fire sprinkler system (not otherwise required), a fire alarm system with central reporting, passive fire/smoke containment and such other items as appropriate to provide for reasonable levels of health and safety risk.))~~

Section 6. That SMC section 17F.040.070 is repealed:

~~((17F.040.070 Permits~~

~~Section 105 of the IBC and IRC are amended to read as follows:~~

- A. ~~Section 105.1 — Permits Required.~~
~~No person may erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure subject to this code without first obtaining a separate permit for each building or structure from the department of building services.~~
-
- B. ~~Section 105.2 — Exempted Work.~~
~~A building permit is not required for:~~
- ~~1. one-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, so long as the floor area does not exceed two hundred square feet for both residential and commercial properties;~~
 - ~~2. window awnings supported by an exterior wall, which do not project more than fifty-four inches from the exterior wall and do not require additional support of Group R-3 and Group U occupancies;~~

3. ~~movable cases, counters, and partitions not over five feet nine inches high;~~
4. ~~oil derricks;~~
5. ~~painting, papering, tiling, carpeting, countertops, and similar finish work;~~
6. ~~sidewalks and driveways not more than thirty inches above grade, which are not part of an accessible route of travel;~~
7. ~~prefabricated swimming pools less than twenty four inches deep;~~
8. ~~temporary motion picture, television, and theater stage sets and scenery;~~
9. ~~water tanks supported directly upon grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter on width does not exceed two to one;~~
10. ~~retaining walls, which are not over four feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, III-A liquids;~~
11. ~~shade cloth structures constructed for nursery or agricultural purposes and not included service systems;~~
12. ~~swings and playground equipment accessory to detached one- and two-family dwellings;~~
13. ~~decks not exceeding two hundred square feet in area that are not more than thirty inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by section R311.4-~~

~~Unless specifically exempted elsewhere, the foregoing activities exempted from the requirement of a building permit by Section 105.2 are not exempt from the requirements of this code for electrical, mechanical, and plumbing permits. Exemption from a permit requirement is not exemption from other requirements of this code and other municipal code requirements for heights and setbacks.))-~~

Section 7. That SMC section 17F.040.105 is amended to read as follows:

17F.040.105 Design Criteria

Table R301.2(1) is modified as follows to identify the design criteria associated with our geographical area:

TABLE R301.2(1)											
Ground Snow Load*	Wind Speed (((Gust))) (ult)	Seis mic Desi gn Cate gory	SUBJECT TO DAMAGE FROM				Wint er Desi gn Tem p	Ice Barrier Underlay ment Required	Flood Hazar ds	Air Freezi ng Index	Mean Annua l Temp
			Weath ering	Frostlin e Depth	Ter mite s	Dec ay					

39 lbs/ft ²	((85)) <u>110</u> mph	((B)) <u>C</u>	Severe	24"	Slight to Moderate	None to Slight	10°F	Yes	2006 1992 FIRM	1232	47.2°F
*Minimum roof snow load: 30 lbs/ft ²											

Section 8. That SMC section 17F.040.125 is repealed.

~~((17F.040.125 Alternating Tread Devices~~

~~Section 1009.13 of the 2012 IBC is amended to read as follows:~~

~~Alternating tread devices are limited to an element of means of egress in buildings of:~~

- ~~A. Groups F, H and S from a mezzanine not more than two hundred fifty square feet (23m²) in area and which serves not more than five occupants;~~
- ~~—~~
- ~~B. Group I-3 from a guard tower, observation station or control room not more than two hundred fifty square feet (23m²) in area.))~~

Section 9. That SMC section 17F.040.130 is amended to read as follows:

17F.040.130 Special Skywalk Provisions

The special provisions of this section apply to the skywalk system.

A. Definitions.

1. "Skywalk area" is those areas within a building through which pedestrians may pass when en route from any skywalk bridge or vertical circulation point to another skywalk bridge or vertical circulation point.
 - a. On single-tenant floors this includes the entire floor.
 - b. On multi-tenant floors this includes all areas which are not separated from the pedestrian routes by walls, doors, windows, chain gates, rolling grilles or other devices.
2. "Skywalk bridge" is any elevated bridge-like structure connecting two buildings and primarily designed for pedestrian use.
3. "Skywalk system" is the entirety of the central business district interconnecting above the street-level pedestrian circulation system.

B. Required Separations.

1. Required building separations must be in accordance with IBC Section ((302.1.)) 707. Openings for the purpose of interconnecting the skywalk areas of buildings may occur so long as they be protected as required by

IBC Section ((302.1.1.1)) 707 for area separation walls. The protection may be provided by any labeled fire door assembly of the proper rating.

2. Exceptions:

- a. Protection of openings in walls between buildings of like construction types need not be provided if the buildings are sprinklered on the floors upon which the openings occur.
- b. Protection of openings in walls between buildings of unlike construction types may be reduced from the required three-hour rating to a two-hour rating and from a one-and-one-half-hour rating to a one-hour rating if the buildings are sprinklered on the floors upon which the openings occur.

C. Exits.

1. Each building connected to the skywalk system by opening(s) or skywalk bridge(s) must have exits as required by the IBC.

2. Exceptions:

After business hours skywalk areas and tenant areas within a building may be closed off from each other or the rest of the building by security devices, but:

- a. Skywalk areas must be served by at least one exit at all times, and
- b. Tenant spaces must be served by at least one exit at all times. This exit may be into the skywalk area, but openings with closures other than leaf-type doors are not considered as exits after business hours. Proper separation of exits must be maintained in cases where two exits are required.

D. Corridors.

1. Skywalk areas within buildings are treated as corridors subject to the requirements of IBC Section ((1018)) 1020.

2. Exceptions:

- a. When thirty feet or more in width, such areas are not treated as corridors.
- b. When the skywalk area is fully sprinklered and smoke alarms are installed, the corridor walls may be of noncombustible construction instead of one-hour construction so long as sprinklers are installed on both sides of the corridor wall. Openings in the wall must be equipped with self-closing or automatic-closing (IBC Section 716) doors with gaskets in the frames. Only openings glazed with safety glazing or wire glass are permitted but there is no limit on the amount of glazing.
- c. When the skywalk areas and the tenant space opening onto it are both fully sprinklered and smoke alarms are installed, no corridor walls or doors are required. If walls are provided, they must be of noncombustible construction.

3. In no case are partitions, rails, counters and similar space dividers construed to form corridor walls.

Section 10. That SMC section 17F.070.010 is amended to read as follows:

Section 17F.070.010 In General

- A. Generally, this title does not apply retroactively so as to require owners of buildings to replace, alter, or retrofit portions of buildings or systems within buildings to comply fully with the current code standards. As stated in the International Building Code ((Section 3403)), the Washington State Amendments, and the International Existing Building Code, only new work of addition, alteration, repair, and new installations need comply with the current codes so long as:
 - 1. the work complied with the codes in effect at the time;
 - 2. the building, equipment, and devices have been maintained in a safe and sanitary condition;
 - 3. there is no change in use, occupancy, or load as would violate the current codes; and
 - 4. the building or premises or part thereof has not become dangerous.
- B. Conversely, every owner and occupant of premises is under a continuous obligation to prevent the property from becoming a nuisance and to maintain property in a reasonably safe condition.
- C. It is the purpose of this chapter, therefore, to:
 - 1. specify the minimum maintenance and rehabilitation standards for all buildings and properties necessary to prevent blight and such environmental degradation as would jeopardize the health and safety of occupants and the community, as authorized by chapter 35.80 RCW and the general police power of the City; and
 - 2. adopt specific retroactive requirements necessary to provide reasonable safety to the occupants of buildings, which present special hazards; namely, apartment and hotel buildings over two stories in height.
- D. It is further the policy of the City to put vacant buildings to use, especially residences, by encouraging the rehabilitation of usable structures and to demolish those that are beyond repair so that new development can occur.

Section 11. That SMC section 17F.070.070 is repealed:

~~((17F.070.070 Efficiency Dwelling Unit Defined~~

~~An "efficiency dwelling unit" is a room having cooking facilities used for combined living, dining and sleeping purposes.))~~

Section 12. That SMC section 17F.070.250 is amended to read as follows:

17F.070.250 Light and Ventilation Requirements

IBC subsection ~~((1203.4))~~ 1203.5 provides for natural ventilation and subsection 1205 applies to all existing buildings except that the building official may approve artificial light, in lieu of natural light, in guestrooms, dormitories, and other habitable rooms.

Section 13. That SMC section 17F.070.260 is amended to read as follows:

17F.070.260 Sanitation Requirements

In addition to IBC subsection 2902.1 and Washington State Amendments Table 2902.1 ~~((and section 2903.1))~~:

- A. splash backs and drain boards must have an impervious surface;
- B. every plumbing fixture must be connected to either a public sanitary sewer system or an approved private sewage disposal system;
- C. all plumbing fixtures must be connected to an approved water supply system and must be provided with hot and cold water, except that water closets need have only cold water;
- D. all plumbing fixtures must be of glazed earthenware or other similar approved nonabsorbent material and must be installed in accordance with the plumbing code;
- E. all sanitary facilities must be installed and maintained in a safe and sanitary condition.

Section 14. That SMC section 17F.070.270 is repealed:

~~((17F.070.270 Yards and Courts~~

~~IBC Section 1205.3 allows artificial light. Every required window must face on a yard, court, street, or alley at least three feet wide and unobstructed to the sky.))~~

Section 15. That SMC section 17F.070.300 is amended to read as follows:

17F.070.300 Fire Alarm Systems

Every existing apartment and hotel building over two stories in height must have an approved Type 2A alarm system, as provided in IFC Section Chart #((4007)) 907, and such system must be maintained as provided in SMC 17F.080.250.

Section 16. That SMC section 17F.070.360 is repealed:

~~((17F.070.360 Stair Construction~~

~~To be allowed, a stairway serving dwelling units must have:~~

- ~~A. a minimum run of nine inches;~~
~~—~~
- ~~B. a maximum rise of eight inches;~~
~~—~~
- ~~C. a minimum width, exclusive of handrail(s), of thirty inches;~~
~~—~~
- ~~D. at least one handrail;~~
~~—~~
- ~~E. a landing having a minimum horizontal dimension of thirty inches at each point of access to the stairway.))~~

Section 17. That SMC section 17F.090.010 is amended to read as follows:

17F.090.010 Adoption of International Mechanical Code

- ~~A. The International Mechanical Code (IMC) and the International Fuel Gas Code (IFGC),((2012)) 2015 Editions, published by the International Code Council, as modified by chapter 51-52 WAC and the additions, deletions, and amendments set forth in this chapter, are the mechanical code of the City.~~
~~((~~
- ~~B. There are adopted as standards to supplement the International Mechanical Code:~~
 - ~~1. The standards for liquefied petroleum gas installations shall be the 2006 Edition of NFPA 58 (liquefied petroleum Gas Code) and the 2009 Edition of ANSI Z223.1/NFPA 54 (National Fuel gas Code.) as noted in the Washington State Amendment to section 101.2 of the IMC.~~
 - ~~2. 1. NFPA No. 31, 2006 Edition, Standard for the Installation of Oil Burning Equipment.~~
 - ~~3. 2. HVAC Standards Book, 1996 Edition, published by the Inland Northwest Heating, Ventilation and Air Conditioning Association.))~~

Section 18. That SMC section 17F.100.010 is amended to read as follows:

17F.100.010 Adoption of Uniform Plumbing Code

- A. The Uniform Plumbing Code (UPC),((2012)) 2015 Edition, and related standards published by the International Association of Plumbing and Mechanical Officials, as modified by chapter 51-56 WAC and the additions, deletions, and amendments set forth in this chapter, is the plumbing code of the City.
- B. Portions of the UPC not adopted are:
1. Chapters 12 and 15;
 2. Combustion air and venting of appliances in Chapter 5; and
 3. Portions of the Code addressing building sewers.
- C. Appendices A, B, and I of the UPC are adopted as part of the code.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Background:

The International Codes that are enforced in the City of Spokane are adopted by the State of WA. By state law, local jurisdictions may adopt more stringent provisions of the Codes, but cannot reduce the requirements of the code adopted by the State.

The current edition of the International Building Code has 13 Appendices. The purpose of the Appendices is to provide guidance and details to some provisions identified in the body of the adopted Code. Over the years, the State has chosen not to adopt all of the Appendices of the various Codes, but rather, leave the determination to do so to local jurisdictions. Many of the larger jurisdictions in WA and around the US have adopted the Appendices as written, in their entirety. Others, including Spokane, have modified some provisions of the Appendices and adopted them as local provisions.

No changes are proposed to adopted Appendices, or to which Appendices are adopted.

Below is a list of the Appendices:

1. **Building Code** in 2013, Spokane adopted 4 Appendices; C, E, G and J.

Appendix A – Employee Qualifications

Appendix B – Board of Appeals

Appendix C – Group U- Agricultural Buildings

Appendix D – Fire Districts

Appendix E – Supplementary Accessibility Requirements

Appendix F - Rodentproofing

Appendix G – Flood-Resistant Construction

Appendix H - Signs

Appendix I – Patio covers

Appendix J - Grading

Appendix K – Administrative Provisions

Appendix L – Earthquake Recording Instrumentation

Appendix M – Tsunami-Generated Flood Hazard

2. **Residential Code** in 2013, Spokane adopted Appendices F and G

Appendix A – Sizing And Capacities Of Gas Piping

Appendix B – Sizing Of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances And Appliances Listed For Use With Type B Vents

Appendix C – Exit Terminals Of Mechanical Draft And Direct Vent Venting Systems

Appendix D – Recommended Procedure For Safety Inspection Of An Existing Appliance Installation

Appendix E – Manufactured Housing Used As Dwellings

Appendix F – Radon Control Methods

Appendix G – Swimming Pools, Spas and Hot Tubs

Appendix H – Patio Covers

Appendix I – Private Sewage Disposal

Appendix J – Existing Buildings And Structures

Appendix K – Sound Transmission

Appendix L –Permit Fees

Appendix M– Home Day Care – R-3 Occupancy

Appendix N –Venting Methods

Appendix O – Automatic Vehicular Gates

Appendix P – Sizing Of Water Piping System

3. **Existing Building Code** Spokane adopted no Appendices

Appendix A – Guidelines for the seismic retrofit of existing buildings

Appendix B – Supplementary Accessibility Requirements for Existing Buildings and Facilities

Appendix C – Guidelines for the Wind Retrofit of Existing Buildings

Proposed Changes to Locally Adopted Building Codes

17F.030.010 Adoption of the Boiler and Pressure Vessel Code

- Changed the adopted version from 2012 to 2015

17F.040.010 Adoption of the Building Code

- Changed the adopted version from 2012 to 2015
- Deleted references to adopted Appendices in this section

Discussion: the Appendices are adopted by 17F.040.020

17F.040.030 Historic Buildings

- Changed the code reference

Discussion: reference was to a section of the IBC that was removed in the 2015 edition. The relevant reference found in the IEBC

17F.040.040 Affordable Housing

- Deleted parts A, B and C.

Discussion: these sections grant the building official discretion to waive or modify code requirements “when the deviation will not unreasonable increase health or safety risks..”. The adopted Building Code clearly states that the Building Official has authority to clarify and interpret codes but cannot waive requirements specifically provided for in the code.

17F.040.070 Permits Required

- Deleted entire section.

Discussion: both part A and part B are redundant: items listed here are already listed in the adopted Codes, Section 105.

17F.040.105 Table R301.2(1)

- Revised wind speed to match IRC and IBC format of ultimate wind speed vs 3 second gust values.
Discussion: a conversion chart returns identical design requirements
- Changed seismic design category from B to C
Discussion: consistent with City website, County data and USGS map data.

17F.040.125 Alternating Tread Devices

- Requirement listed are redundant; already found in IBC 1011.14

17F.040.130 Special Skywalk Provisions

- Corrected the code reference number to match IBC 2015 edition

17F.070.010 In General

- Deleted the code reference number; reference was to a section of the IBC that was removed in the 2015 edition

17F.070.070 Efficiency Dwelling Unit Defined

- Deleted entire section.
Discussion: section is redundant: definition is found in Amendments to 2015 IBC

17F.070.250 Light and Ventilation Requirements

- Corrected the code reference number to match IBC 2015 edition

17F.070.260 Sanitation Requirements

- Deleted a code reference number
Discussion: number was a relic; did not exist in current or previous Code

17F.070.270 Yards and Courts

- Deleted entire section.
Discussion: section is redundant: requirements are found in Section 1205 of 2015 IEBC

17F.070.360 Stair Construction

- Deleted entire section.
Discussion: listing specific requirements can be less restrictive than adopted codes. In an existing building, the Building Official has the authority to allow existing non-compliant stairs when it is technically infeasible to construct to current standards.

17F.090.010 Adoption of International Mechanical Code

- Changed the adopted version from 2012 to 2015
- Deleted additional list of adopted Standards
Discussion: Standards are already adopted by Mechanical Code

17F.100.010 Adoption of Uniform Plumbing Code

- Changed the adopted version from 2012 to 2015



Agenda Sheet for City Council Meeting of:
05/16/2016

Date Rec'd	5/2/2016
Clerk's File #	ORD C35390
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	FIRE
Contact Name/Phone	DAVID KOKOT 625-7056
Contact E-Mail	DKOKOT@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	1970 - 2015 FIRE CODE ADOPTION

Agenda Wording

An ordinance relating to the fire code; amending SMC sections 17F.080.010, 030, 070, 090, 110, 120, 150, 270, 370, 380, 390, 400, and 490 and repealing 17F.080.321 and 430.

Summary (Background)

The State Adopted Fire Code (2015 International Fire Code - IFC) is required to be adopted by local jurisdictions by July 1, 2016. Local jurisdictions can provide additional changes as long as the changes are more restrictive. This ordinance will amend the existing Spokane Fire Code (17F.080) to be consistent with the State adopted version and provides clarification for some sections with minor edits.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SCHAEFFER, BRIAN	<u>Study Session</u>	3/31/2016
<u>Division Director</u>	SCHAEFFER, BRIAN	<u>Other</u>	PSAF 4/18/2016, PLAN CM
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE		
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

2015 Spokane Fire Code Adoption Summary

Background:

The International Fire Code that is enforced in the City of Spokane is adopted by the State of WA. By state law, local jurisdictions may adopt more stringent provisions of the Fire Code, but cannot reduce the requirements of the fire code adopted by the State.

The model Fire Code is adopted at the State Level with amendments under the State Building Code Council. There is a considerable process in review of model code language and proposals at the State level. These are reviewed by Technical Action Groups assigned to each Code and then the proposals are open to comment at two public hearings. All of the meetings are open to the public.

The current edition of the International Fire Code has 13 Appendices. An additional Appendix is adopted by the State for a total of the State Fire Code of 14. The purpose of the Appendices is to provide guidance and details to some provisions identified in the body of the adopted Fire Code. Over the years, the State has chosen not to adopt the Appendices of the Fire Code, but rather, leave the determination to do so to local jurisdictions. Many of the larger jurisdictions in WA and around the US have adopted the Appendices as written, in their entirety. Others, including Spokane, have modified some provisions of the Appendices and adopted them as local provisions.

Below is a list of the Appendices. Spokane adopts 10 Appendices and has made local modifications to 3 of the 10, Appendix B, C, and D. The purpose of each Appendix is listed in Attachment B.

Appendix A - Board of Appeals

Appendix B - Fire-Flow Requirements for Buildings – amended

Appendix C - Fire Hydrant Locations and Distribution - amended

Appendix D - Fire Apparatus Access Roads – amended

Appendix E - Hazard Categories

Appendix F - Hazard Ranking

Appendix G - Cryogenic Fluids - Weight and Volume Equivalents

Appendix H - Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

Appendix I - Fire Protection Systems-Noncompliant Conditions

Appendix J – Building Information Sign

The other 4 appendices are not recommended for adoption as they would be more restrictive or would require additional resources to implement them:

Appendix K – Construction Requirements for Existing Ambulatory Care Facilities

Appendix L – Requirements for fire Fighter Air Replenishment Systems

Appendix M – High-Rise Buildings – Retroactive Automatic Sprinkler Requirement

Appendix N – Wildland Urban Interface Code

The Fire Department has reviewed the provisions of the locally adopted Appendices to evaluate possible changes that would not substantially cause a negative impact on public safety, but could provide some greater flexibility in development of Business. While there is not a large number of proposed changes, and even though many locations around the State and country will not make language changes to the Appendices due to Risk exposure, we believe these can be safely modified.

There are also several sections of the appendices in the SMC where new language is necessary to clarify the intent of the provisions.

Attached are the recommended changes to the Fire code and an explanation of each proposal.

Proposed Changes to Locally Adopted 2015 International Fire Code Sections

17F.080.010 Adoption of International Fire Code

- A – Changed the adopted version from 2012 to 2015
- B.7 and B.8 – Revised reference
- B.10 – Added clarification of the intent of the amendment is not to replace the paragraph, but to add to it.
- B.12, B13, and B14 – Revised reference
- B.13 – Removed first part of amended sentence to accommodate change to model language
- B15, B.16, B17, B18 – Revised reference

Discussion:

The changes made to this appendix are not significant and reflect more of the reorganization of the code.

17F.080.030 Appendices Adopted

- Appendix B – Deleted amendment

Discussion:

Removed local amendment in favor of the model code language that is less restrictive.

- Appendix C – Revise Table numbers to match model code changes; remove the sentence in C.1 for maximum distance of 750 feet; removed the model code reference for footnote g.

Discussion:

This change revises the reference numbers for Table C105.2.1 to match the revisions done to the model code.

The removal of the sentence regarding the seven hundred fifty feet distance is made to accommodate the model code now using the same dimension. Previously the model code restricted the distance to 500 feet and we had amended it to 750. The model code now is the same as what we have adopted locally.

Footnote g of Table C102.1 is revised to be consistent with what we have been doing with local projects, and we are less restrictive than the model code which only allows a 25% increase in spacing.50%

- SMC 17F.080.070. Flammable or Combustible Liquids: Revise reference section number.

Discussion:

The referenced section number changed in the model code.

- SMC 17F.080.090. Additional Definitions – Section 202: Remove definition of “guest room”.

Discussion:

The definition is now in the model code.

- SMC 17F.080.110. Fire Alarm System Requirements: Revisions to Chart 907:

Discussion:

There are several changes to the table to match the State amendments for fire alarm. In addition, B.2 has been revised as the description of the travel distance was not the same as in the model code.

- SMC 17F.080.150. Installation Requirements: Change reference of Chapter 47 to 80.

Discussion:

Corrects the reference to the new Chapter due to the reorganization of the code.

- SMC 17F.080.270. Fire Equipment Servicer Registration: Added “Private Fire Hydrants”.

Discussion:

We have been for some time requiring that contractors conducting testing for private fire hydrants to be registered with the Fire Department. It was recently discovered that it had not been codified. This corrects that oversight.

- SMC 17F.080.321. Fire Hydrant Proximity to Residential Infill Properties: Section is repealed.

Discussion:

The language of the ordinance is not included in the model code.

- SMC 17F.080.370, 380, 390: Revised reference to title of the Director of Water and Wastewater.

Discussion:

Corrected the title for the Director of Water and Wastewater to be consistent with the current organizational structure.

- SMC 17F.080.400. Inspection Reports of Private Hydrants: Revised language for responsibility of hydrant report submission.

Discussion:

Language has been revised to address an issue in which we have not been receiving the reports. The owner is responsible for verifying that the reports are submitted, even if it is to be done by a contractor.

- SMC 17F.080.480. Combined Standpipes: Revised language further clarifying the threshold for when fire pumps would be required for buildings.

Discussion:

The original language refers to the threshold at 5 floors. We have come across some buildings with high floors, so the actual height exceeded the capacity of fire apparatus to get water to that level with adequate pressure. The distance of 55 feet is inserted to be able to address that condition.

- SMC 17F.080.490. Licensed Marijuana Processor Extraction Requirements: Revise the title to better match the industry name and revise language in B to accommodate changes to the cannabis industry.

Discussion:

The revisions are made to facilitate the changing industry and how they are creatively extracting the hash oil from the plant. There are several methods of extraction that do not need review and inspection. This revision supports both the non-hazardous and hazardous systems.

Attachment B
Purpose of Fire Code Appendices

Below is a short explanation of the purpose of each Appendix:

Appendix A - Board of Appeals – This appendix contains criteria for administrative procedures of the board of appeals and board member qualifications.

Appendix B - Fire-Flow Requirements for Buildings – This appendix establishes the City's policy on fire flow to provide a consistent way of choosing the appropriate fire flow for buildings throughout the City.

Appendix C - Fire Hydrant Locations and Distribution – This appendix establishes the City's methodology for determining fire hydrant locations and spacing for new buildings, additions and change of use situations.

Appendix D - Fire Apparatus Access Roads – This appendix establishes criteria for basic access requirements to structures.

Appendix E - Hazard Categories – This appendix contains guidance in the classifying of hazardous materials so proposed designs can be evaluated accurately.

Appendix F - Hazard Ranking – This appendix is intended to be a companion to the specific requirements of Chapters 51 through 67 of the Fire Code which regulates the storage, handling and use of hazardous materials and it lists the various hazardous materials categories that are defined in the Fire Code.

Appendix G - Cryogenic Fluids - Weight and Volume Equivalents – This appendix is intended to be a companion to the provisions of Chapter 55 of the Fire Code and to provide a ready reference tool for the conversion of the liquid weight and volume of cryogenic fluid to their corresponding volume of gas and vice versa.

Appendix H - Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions – This appendix is intended to be a companion to IFC sections 407.5 and 407.6 which provide the requirements for HMMPs and HMISs.

Appendix I - Fire Protection Systems-Noncompliant Conditions – This appendix is intended to identify unsafe and non-compliant conditions for fire protection systems.

Appendix J - Emergency Responder Radio Coverage – This appendix includes design, construction, maintenance and testing criteria for emergency responder communications systems required by the Fire Code.

ORDINANCE NO. C35390

An ordinance relating to the fire code; amending SMC sections 17F.080.010, 17F.080.030, 17F.080.070, 17F.080.090, 17F.080.110, 17F.080.120, 17F.080.150, 17F.080.270, 17F.080.370, 17F.080.380, 17F.080.390, 17F.080.400, 17F.080.480 and 17F.080.490 and repealing SMC sections 17F.080.321 and 17F.080.430.

The City of Spokane does ordain:

Section 1. That SMC section 17F.080.010 is amended to read as follows:

17F.080.010 Adoption of International Fire Code

- A. The Washington State amended version of the ((2012)) 2015 International Fire Code (IFC) and related standards, published by the International Code Council, as modified by this title, is the fire code of the City of Spokane except as otherwise provided.
- B. The following amendments are made to the International Fire Code:
 - 1. Section 101.1 is modified to read as follows:
 - a. Title.
These regulations shall be known as the fire code of the City of Spokane, hereinafter referred to as “this code.”
 - 2. Section 109.4 is modified to read as follows:
 - a. Violation Penalties.
Persons who shall violate a provision of this code or shall fail to comply with any of the requirements, thereof, or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official or of a permit or certificate used under provisions of this code shall be subject to the provisions of chapter 1.05 SMC.
 - 3. Section 111.4 is modified to read as follows:
 - a. Failure to Comply.
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties identified in chapter 1.05 SMC.
 - 4. IFC Sections 503.1.1, 503.1.2, 503.1.3, 503.2, 503.3, and 503.4 are adopted as published.
 - 5. Chapter 56 is amended with chapter 10.33A SMC.
 - 6. Section 903.2.11.5 is revised to read:

- a. A wet chemical suppression system shall be installed in a commercial kitchen exhaust hood and duct system to meet the compliance of Section 904.
7. Section 904.2.~~((4))~~2 is revised to read:
 - a. Each required commercial kitchen exhaust hood and duct system required by Section 609 to have a Type 1 hood shall be protected with a wet chemical suppression system installed in accordance with this code.
8. Section 904.1~~((4))~~2.
 Replace the first paragraph and the five types to read:
 - a. 904.1~~((4))~~2 – Commercial Cooking Systems.
 The automatic fire extinguishing system for commercial cooking systems shall be a wet-chemical type system. The wet-chemical system shall be tested in accordance with UL 300 and listed and labeled for the intended application. The system shall be installed in accordance with this code, its listing, and the manufacturer's installation instructions. Wet-chemical extinguishing systems shall be installed in accordance with NFPA 17A.
9. Section 904.1~~((4))~~2 – Exception; Section 904.1~~((4))~~2.1 – Exception; Section 904.1~~((4))~~2.3; Section 904.112.4 are not adopted.
10. Section 905.1 – Add the following to end of the paragraph:
 Class II and Class III standpipes are not allowed for new construction in the City of Spokane. All requirements for Class II and Class III shall be Class I and references to one- and one-half inch outlets shall be changed to two and one-half inches. There are no requirements for two and one-half inch hose to be provided (i.e., stages).
11. 906.1.1.
 Revise exception to read as follows:
 - a. Exception.
 Portable fire extinguishers are not required for residential buildings that do not have an interior or exterior common space, such as townhouses.
12. Section 10~~((09))~~11.1~~((3))~~4.
 Remove “and for access to unoccupied roofs” from last sentence.
13. Section 10~~((09))~~11.1~~((6))~~2
 Remove the last sentence (~~(In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an alternating tread device((-))~~)
14. Section 102~~((0-2))~~3.~~((8))~~9.
 Revise the second sentence to read as follows:
 “. . . the story of, the number of floors above grade (if it is different from the story number), and the direction . . .”
15. Section 5704.2.9.6.1.
 Remove the last part of the last sentence “(See Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page ~~((v))~~xxi).”
16. Section 5706.2.4.4.

- Remove the last part of the last sentence “(See Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page ((v))xxi).”
17. Section 5806.2.
Remove the last part of the last sentence “(See Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page ((v))xxi).”
18. Section 6104.2.
Remove the last part of the last sentence “(See Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page ((v))xxi).”

Section 2. That SMC section 17F.080.030 is amended to read as follows:

17F.080.030 Appendices Adopted

The following appendices of the International Fire Code are adopted as part of the fire code of the City:

A. Appendix A – Board of Appeals.

~~((B. Appendix B – Fire flow Requirements for Buildings.~~

- ~~1. B105.2 – Exception: Revise to read:~~
- ~~a. A reduction in fire flow of up to fifty percent, as approved, is allowed when the building is provided with an automatic sprinkler system installed.))~~

~~((G))B. Appendix C – Fire Hydrant Locations and Distribution.~~

- ~~2. Table C1052.1 – Revise the column for ‘Maximum distance from any point on street or road frontage to a hydrant’ to be five hundred feet for each row. ((For a fully fire sprinklered building, the maximum distance shall be no more than seven hundred fifty feet.))~~
3. Table C10((5))2.1 – Footnote b is not adopted.
4. Table C102.1 – Revise the sentence to read: “ A 50% increase shall be . . . “.

~~((D))C. Appendix D – Fire Apparatus Access Roads.~~

~~Provided, fire department access will be in conformance to Appendix D with the following exceptions:~~

- ~~1. D103.1.
Access roads with hydrants shall have a minimum width of twenty-eight feet along the twenty feet prior to and twenty feet after the hydrant.~~
- ~~2. D103.3.
The minimum external turning radius will be fifty feet and minimum internal turning radius will be twenty-eight feet.~~

3. Table D103.4.
The cul-de-sac diameter shall be one hundred feet. Width of road for length of five hundred one feet to seven hundred fifty feet will be twenty-eight feet.
4. Figure D103.1.
The ninety-six feet diameter cul-de-sac is revised to one hundred feet diameter.
5. D103.5.1.
Revise wording to the following:
 - a. The minimum gate width shall be twenty feet (six thousand ninety-six millimeters) unless reviewed and accepted by the fire official or designated representative.
6. D103.6.1.
Revise road width from twenty-six feet to twenty-eight feet unless reviewed and accepted by the fire department.
7. D103.6.2.
Revise road width from twenty-six feet to twenty-eight feet. Revise road width of thirty-two feet to thirty-six feet unless reviewed and accepted by the fire department.
8. D103.7.1.
Residential Driveways. Driveways used as fire lanes for single family and two-family dwellings can be reduced to an unobstructed width of twelve feet wide as long as there is a code compliant fifty foot radius turn-around or approved hammerhead within one hundred fifty feet of all points around the dwelling.
9. D103.7.2.
Fire access roads can be designed in accordance with SMC 17H.010.140, Emergency Vehicle Access and Staging Areas, as an approved alternative with the approval of the fire official for residential access roads.

((E)). D. Appendix E – Hazardous Categories.

((F)) E. Appendix F – Hazard Ranking.

((G)) E. Appendix G – Cryogenic Fluids – Weight and Volume Equivalents.

((H)) G. Appendix H – Hazardous Materials Management Plan (HMMO) and Hazardous Materials Inventory Statement (HMIS) Instructions.

((I)) H. Appendix I – Fire Protection Systems – Noncompliant Conditions; and

((J)) I. Appendix J – Building Information Sign.

Section 3. That SMC section 17F.080.070 is amended to read as follows:

17F.080.070 Flammable or Combustible Liquids

Section 105.6.1((6))7 of the IFC is amended to read: Flammable or combustible liquids or critical materials: See chapter ((34))57 and the City's aquifer protection ordinance (chapter 17E.010 SMC). An operational permit is required.

Section 4. That SMC section 17F.080.090 is amended to read as follows:

17F.080.090 Additional Definitions – Section 202

There are added to IFC Section 202 the following definitions:

- A. "Cellar" is that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling, provided the space does not meet the definition of a basement as defined in the International Building Code.
- B. "Central business district" or "CBD" is that portion of downtown Spokane so designated on the comprehensive plan.
- C. "Central reporting system" is an approved system or group of systems, the operation of which is signaled to, recorded in, maintained, and supervised from an approved central station in which there are competent and experienced observers and operators in attendance at all times whose duty it shall be, upon receipt of a signal, to call the fire department and to take such action as shall be required under the rules established for their guidance. Such systems shall be controlled and operated by a person, firm, or corporation whose principal business is the furnishing and maintaining of supervised protective signaling service and who has no interest in the protected properties. Such approved system must be listed with Underwriters Laboratories.
- ~~D. "Guest room" is any room or rooms used or intended for use by a guest for sleeping purposes. Every one hundred square feet of superficial floor area in a dormitory is regarded as one guest room.~~
- ~~—~~
- ((E)) D. "Performance certificate" is a statement by the installer certifying that a system has been installed as approved by the fire official and tested in accordance with manufacturer's specifications.

((F))E. "Registered servicer" is a natural person possessing a current license as provided in SMC 17F.080.270(A) and SMC 10.29.060(A).

((G)) F. "Special areas to be protected" are the following areas of a building, which present a special need for fire detection whether the space is provided with fire sprinklers or not:

1. Boiler and furnace rooms.
2. Community kitchens.
3. Community laundries.
4. Custodial rooms.
5. Locker rooms.
6. Machine rooms.
7. Parking garages.
8. Public or community restrooms,
9. Smoking rooms.
10. Storage rooms.
11. Supply rooms.
12. Tool and shop areas.
13. Trash rooms.
14. Vertical shafts and adjacent spaces which convey fire.
15. Public waiting areas.
16. Mechanical and equipment rooms.
17. Electrical rooms; and
18. Other rooms or spaces as the fire official may designate.

Section 5. That SMC section 17F.080.110 is amended to read as follows:

17F.080.110 Fire Alarm System Requirements

- A. The following Chart 907 depicts the minimum fire alarm system requirements for the City of Spokane. These requirements supplement the International Fire Code.
- B. Where heights are noted, they are from the lowest level of fire department apparatus access to the floor elevation of the highest occupied level.
- C. Existing fire alarm systems will be allowed to be used and repaired without upgrade as long as they are properly maintained. Buildings that are altered or additions exceeding fifty percent of the building area will require the fire alarm system to be upgraded to the current requirements.
- D. Smoke detectors will be the primary means of detection. Where environmental conditions warrant (rooms with moisture potential, outdoors, etc.) heat detectors are allowed. Smoke detectors in restrooms and janitor closets are discouraged.

CHART 907	
OCCUPANCY	REQUIREMENTS FOR FIRE ALARM
All Except R3 and U	<p>Atriums connecting more than two floors.</p> <p>Lowest level of structure greater than sixty feet below grade.</p> <p>Covered mall buildings.</p> <p>Retroactive – IFC 1103.7.</p> <p>Fire sprinkler monitoring for systems with twenty or more sprinklers.</p> <p>Smoke detection required in common areas and interior corridors used for required exits in occupancies required to have automatic fire alarm.</p> <p>Heat detectors are not required in spaces provided with quick response sprinklers in occupancies required to have automatic fire alarm.</p> <p>Special areas to be protected are required to have fire alarm in occupancies required to have automatic fire alarm – See SMC 17F.080.090.</p> <p>Central monitoring is required. A minimum of one notification device, one manual pull station, and one smoke detector is required.</p>
High Rise (greater than fifty-five to floor)	<p>Tenant spaces exceeding one thousand square feet.</p> <p>Voice notification is required.</p>
Daycares	<p>Less than or equal to ((thirty)) <u>fifty</u> children – Single station smoke detection is required.</p> <p>Greater than ((thirty)) <u>fifty</u> children – Automatic.</p> <p>Manual pull stations required at all exits of state licensed facilities.</p>
A1, A2, A3, A4, A5	<p>Automatic if greater than or equal to three hundred people.</p> <p>Voice notification is required if occupancy is greater than or equal to one thousand people.</p> <p>No manual pull stations required if fully sprinklered.</p>
B	<p>Automatic if greater than or equal to five hundred people.</p> <p>Automatic if greater than or equal to one hundred people above or below exit level.</p> <p>No manual pull stations required if fully sprinklered.</p> <p>Area contains Group B Ambulatory health care.</p>
E	<p>((Thirty)) <u>Fifty</u> one or more occupants.</p> <p>Voice notification is required if more than ((thirty)) <u>ninety-nine</u> occupants.</p> <p>Exception for manual pulls (907.2.3).</p>
F1, F2	<p>Automatic if greater than five hundred persons above or below exit level.</p> <p>No manual pull stations required if fully sprinklered.</p> <p>Automatic is required when occupancy is two or more stories in height.</p>

H1, H2, H3, H4	Not required unless other requirements apply.
H5	Manual. Automatic for highly toxic gases, organic peroxides and oxidizers.
I1, I2, I3, I4	Automatic. Manual pulls may be at staff-attended location. Sleeping areas required to have single or multiple station smoke detection. Manual pull stations required at all exits of State Licensed I4.
M	Automatic if greater than or equal to five hundred people. Automatic if greater than or equal to one hundred people above or below exit level. Automatic if greater than twelve thousand square feet (SMC). No manual pull stations required if fully sprinklered.
R1, R2	Automatic – Five or more units/guest rooms. Not required for less than three levels with each unit having independent (not shared) direct exit to exterior. One manual pull station per exit stair required if not fully sprinklered. ADA Type A units will be provided with accessible communications features. ADA Type B units will be pre-wired for building notification.
R3	Single station smoke detection in sleeping areas and in hallways outside of sleeping areas.
S1, S2	None required unless other requirements apply.

Section 6. That SMC section 17F.080.120 is amended to read as follows:

17F.080.120 Elevator Shafts, Equipment Rooms, Machine Spaces, and Lobbies

- A. Elevator shafts and elevator equipment rooms are not required to be provided with automatic sprinklers only if:
1. they are of non-combustible construction; and
 2. they meet the fire resistance ratings required by the International Building Code.
- B. Elevator shafts, lobbies, machine space, and elevator equipment rooms shall be provided with smoke detection that will:
1. notify the building's fire alarm system; and
 2. activate the recall operation of the elevator(s). Existing elevators having a travel distance of ((less)) more than twenty-five feet and with recall capabilities in buildings with a fire alarm system will be connected to the building fire alarm system to

activate the recall function. At a minimum, Phase 1 recall is required to be provided with primary and alternate recall floors.

Section 7. That SMC section 17F.080.150 is amended to read as follows:

17F.080.150 Installation Requirements

A person is required to install every fire alarm system in accordance with recognized standards mentioned in chapter ((47)) 80 of the International Fire Code.

Section 8. That SMC section 17F.080.270 is amended to read as follows:

17F.080.270 Fire Equipment Servicer Registration

A person proposing to engage in the occupation of installation, repair and maintenance of fire department regulated equipment or systems is required to pay the fee prescribed in SMC 8.02.0226 and obtain from the fire official the appropriate registrations as follows:

- A. Portable extinguisher.
- B. Range hood/extinguishing system.
- C. Sprinkler system.
- D. Standpipe system.
- E. Underground tank decommission.
- F. Underground tank install (install, upgrade or repair); and
- G. Underground tank test.
- H. Private Fire Hydrants

Section 9. That SMC section 17F.080.321 is repealed.

~~Section 17F.080.321 Fire Hydrant Proximity to Residential Infill Properties~~

~~The distance from a fire hydrant to a single-family (including duplexes and townhouses)-residential infill property is allowed to be five hundred feet in locations in which the property is within an established area that has been developed to include paved streets and utilities for at least fifteen years. The distance to the fire hydrant shall be along an acceptable path of travel for fire apparatus.~~

Section 10. That SMC section 17F.080.370 is amended to read as follows:

17F.080.370 Private Hydrants – Inspection – Installation

All private hydrants are subject to inspection and approval by the City water and ~~((hydroelectric services))~~ wastewater department at the time of installation. A fee for inspection or other City services is charged as set forth in SMC 8.02.034.

Section 11. That SMC section 17F.080.380 is amended to read as follows:

17F.080.380 Private Hydrants – Regulations

The fire official, with the assistance of the director of water and ~~((hydroelectric services))~~ wastewater, is authorized to establish regulations and design standards for private hydrants. These officials have the authority to interpret and apply the regulations and standards and to make rulings and orders consistent with the purpose of this chapter.

Section 12. That SMC section 17F.080.390 is amended to read as follows:

17F.080.390 Private Hydrants – Semi-annual Inspection

Property owners with private hydrants are responsible to obtain semi-annual, satisfactory inspection of their private hydrant(s) from a qualified inspector. Inspection procedures and forms for inspection by the City or others are set by the fire official with the assistance of the director of water and ~~((hydroelectric services))~~ wastewater. The fire official may order additional inspections as deemed necessary.

Section 13. That SMC section 17F.080.400 is amended to read as follows:

17F.080.400 Inspection Reports of Private Hydrants

Inspection reports of private hydrants are the responsibility of the owner and must be submitted to the fire department within five working days ~~((by the servicing inspector))~~.

Section 14. That SMC section 17F.080.430 is repealed.

~~Section 17F.080.430 Private Hydrants—Access~~

~~Roads and access to the fire hydrant must be provided in accordance with the IFC sections 503 and 507.~~

Section 15. That SMC section 17F.080.480 is amended to read as follows:

17F.080.480 Combined Standpipes

Where combined standpipes are used for both wet or dry sprinklers and Class I or III hose outlets, the outlet pressure at the top of the riser shall be not less than one hundred PSI.

Exception:

Buildings up to and including five floors above grade (not to exceed 55 feet) will be pressurized by the fire apparatus upon arrival to the site and are not required to provide one hundred PSI at the top outlet of the riser.

Section 16. That SMC section 17F.080.490 is amended to read as follows:

17F.080.490 Licensed Marijuana Cannabis Processor Extraction Requirements

- A. It shall be unlawful for any person to process or manufacture ~~((marijuana))~~ cannabis concentrate in the City of Spokane in a manner authorized by WAC 314-55-104 who is not a processor licensed by the Washington State Liquor Control Board. Such processors shall be required to use in their processing/manufacturing process a closed loop system that utilizes equipment specifically listed for such use by a nationally recognized testing and certification company, and which has been approved and inspected by Fire Department officials to ensure compliance with all fire safety regulations and codes within the State of Washington and City of Spokane
- B. Licensed processors shall acquire an annual operating permit from the City of Spokane Fire Department for the use and maintenance of cannabis extraction system~~((s))~~ that ~~((do not))~~ use ~~((just water))~~ hazardous or dangerous products as the medium of extraction.

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:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	ORD C35392
Renews #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	BREEAN BEGGS 6254	Project #	
Contact E-Mail	BBEGGS@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	AN ORDINANCE RELATING TO GRAFFITI VANDALISM		

Agenda Wording

An ordinance relating to graffiti vandalism; amending section 10.10.070 of the Spokane Municipal Code.

Summary (Background)

This ordinance would amend the definition of graffiti vandalism to make clear that the use of non-permanent chalk on the public right of way is not an offense under the Spokane Municipal Code.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	STUCKART, BEN	Study Session	
Division Director		Other	PSC 5/16/2016
Finance	KECK, KATHLEEN	Distribution List	
Legal	PICCOLO, MIKE		
For the Mayor	WHITNEY, TYLER		
Additional Approvals			
Purchasing			

ORDINANCE NO. C35392

An ordinance relating to graffiti vandalism; amending section 10.10.070 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 10.10.070 of the Spokane Municipal Code is amended to read as follows:

Section 10.10.070 Graffiti Vandalism Prohibited

- A. No person shall commit the offense of graffiti vandalism.
- B. A person is guilty of the offense of graffiti vandalism if the person intentionally defaces public or private property, including any property of the City, by etching, painting, spray painting, covering, gouging, drawing upon or otherwise placing of a mark upon public or private property without authorization of the owner. An individual who uses non-permanent chalk to express themselves on the public right of way shall not be guilty of the offense of graffiti vandalism under this section.
- C. A person is guilty of possession of graffiti tools when the person possesses any tool(s), as defined in SMC 10.10.080 other than non-permanent chalk, under circumstances evincing an intent to use the same in order to deface property in violation of this chapter.
- D. Any person violating subsections (A), (B) or (C) of this section shall be guilty of a gross misdemeanor.

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:
05/23/2016

Date Rec'd	5/10/2016
Clerk's File #	ORD C35393
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	BREEAN BEGGS 6254	Project #	
Contact E-Mail	BBEGGS@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	AN ORDINANCE RELATING TO REFUND OF APPLICATION FEES		

Agenda Wording

An ordinance relating to refund of comprehensive plan amendment processing fees; amending section 08.02.0692 of the Spokane Municipal Code.

Summary (Background)

This ordinance would allow the City to refund 100% of the fees received for several types of land use applications, including applications for comprehensive plan amendments, if the application is withdrawn based on the written request of an authorized city official.

Fiscal Impact		Budget Account	
Expense	\$ unknown fee refund number/amount	#	various
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	STUCKART, BEN	Study Session	
Division Director		Other	PED 5-16-2016
Finance	KECK, KATHLEEN	Distribution List	
Legal	DALTON, PAT	twhitney@spokanecity.org	
For the Mayor	WHITNEY, TYLER		
Additional Approvals			
Purchasing			

ORDINANCE NO. C35393

An ordinance relating to refund of comprehensive plan amendment processing fees; amending section 08.02.0692 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 08.02.0692 of the Spokane Municipal Code is amended to read as follows:

Section 08.02.0692 Refund of Land Use and Occupancy Permit Fees

Fees collected under the provisions of SMC 08.02.038, SMC 08.02.061, SMC 08.02.064, SMC 08.02.065, SMC 08.02.066 or SMC 08.02.069 may be refunded as follows:

- A. Seventy-five percent if no processing of the application has occurred; or
- B. Fifty percent if application processing has occurred but not to the point of public notice. No refund is made if public notice has been given or an administrative decision has been rendered((-)); or
- C. One hundred percent if the applicant withdraws the application at the written request of an authorized city official.

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:
05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	ORD C35394
Renews #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	AMBER 625-6719	Project #	
Contact E-Mail	AWALDREF@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0320 CHRONIC NUISANCE ORDINANCE		

Agenda Wording

AN ORDINANCE relating to nuisance properties; amending SMC sections 10.08A.010, 10.08A.020, 10.08A.030, 10.08A.040, 10.08A.050, 10.02.070, 17C.310.010, and 17F.070.520; adopting a new section 10.08A.045 to chapter 10.08A of the Spokane Municipal Code

Summary (Background)

This ordinance amends the Spokane Municipal Code (SMC) 10.08A.020 to define "abandoned property" and "abatement agreement," amends the definition of "chronic nuisance property;" expands the definition of "nuisance activity" to include a long list of activities including such things as possession of stolen property, identity theft, warrant arrests, & domestic violence; adds "any bank or financial institution" or lien holder to the definition of a "person in charge" of a property;

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	STUCKART, BEN	Study Session	
Division Director		Other	Public Safety Committee
Finance	KECK, KATHLEEN	Distribution List	
Legal	PICCOLO, MIKE	awaldref@spokanecity.org	
For the Mayor	WHITNEY, TYLER	bbeggs@spokanecity.org	
Additional Approvals		mfolsom@spokanecity.org	
Purchasing		bmclatchey@spokanecity.org	
		klarson@spokanecity.org	
		bstum@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

and repealing SMC sections 10.08.030 and 10.20.020

Summary (Background)

Adds joint and several liability for multiple persons in charge of a nuisance property; Clarifies the due process procedures. Requires the person in charge of the property to enter into an abatement agreement approved by SPD to abate the nuisance within 15 days of the issuance of the chronic nuisance notice.; Establishes a graduated penalty system whereby a person is warned first, cited with a class 1 civil infraction second, and abated through a superior court warrant third; Incorporates the Victim Protection Limitation under RCW 58.18.580; Adds the option of the City to pursue receivership as a way to facilitate returning chronic nuisance properties to productive use; Adds the option of relocation assistance.

Fiscal Impact

Select \$

Budget Account

#

Select \$

#

Distribution List

ORDINANCE NO. C35394

AN ORDINANCE relating to nuisance properties; amending SMC sections 10.08A.010, 10.08A.020, 10.08A.030, 10.08A.040, 10.08A.050, 10.02.070, 17C.310.010, and 17F.070.520; adopting a new section 10.08A.045 to chapter 10.08A of the Spokane Municipal Code and repealing SMC sections 10.08.030 and 10.20.020.

Section 1. That SMC section 10.08A.010 is amended to read as follows:

10.08A.010 Nuisance Properties - Purpose

~~((A. Chronic nuisance properties present grave health, safety and/ welfare concerns, which the property owners or persons in charge of such properties have failed to take corrective action to abate the nuisance condition. Chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to remedy nuisance activities that repeatedly occur or exist at chronic nuisance properties by providing a process for abatement; and this remedy is not an exclusive remedy available under any state or local laws and may be used in conjunction with such other laws.))~~

~~((B. Also, chronic nuisance properties are a financial burden to the City by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property, and this chapter is a means to ameliorate those conditions and hold responsible the owners or persons in charge of such property.))~~

The City of Spokane is committed to protecting its citizens from the dangers of properties that are abandoned, where unsafe conditions exist or where crime repeatedly occurs. Such properties are known as “nuisance properties” because of their adverse impact on the quality of life of Spokane’s citizens. Additionally, when owners, financial institutions and persons in charge fail to take responsible action to secure and care for these properties, they deteriorate and become “chronic nuisance” properties. Chronic nuisance properties create a substantial financial burden, pose a significant strain on city services, interfere with other’s use and enjoyment of their lands, and are a prohibited public nuisance. Persons in charge of such properties have a duty to take all reasonable measures to prevent and abate nuisance activity. It is the purpose of this chapter to hold legally and financially accountable the owners and persons in charge of nuisance and chronic nuisance properties, and to provide for the restoration and abatement of such properties. It is also the purpose of this chapter to provide for the closure of abandoned properties that are not subject to the building official process under Chapter 17F.070 SMC.

Section 2. That SMC section 10.08A.020 is amended to read as follows:

10.08A.020 Definitions

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

A. “Abandoned property”, for purposes of defining a chronic nuisance, means a property over which the person in charge no longer asserts control due to death, incarceration, or any other reason, and which is either unsecured or subject to occupation by unauthorized individuals.

~~((A))~~B. “Abate” means to repair, replace, remove, destroy, return to productive use, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the applicable City department director or designee determines is necessary in the interest of the general health, safety and welfare of the community.

C. “Abatement agreement” means a contract between the City and the person in charge of the chronic nuisance property in which such person agrees to promptly take all lawful and reasonable actions, which shall be set forth in the agreement, to abate the nuisance within a specified time and according to specified conditions.

~~((B))~~D. “Chronic nuisance property” means:

~~((1. a property on which three or more nuisance activities are observed during any sixty-day period))~~

1. a property on which nuisance activity is observed on three or more occasions during any sixty-day period or on which nuisance activity is observed on seven or more occasions during any twelve-month period, or

2. a property where, pursuant to a valid search warrant, evidence of drug-related activity has been identified two or more times, or

3. any abandoned property where nuisance activity exists.

~~((G))~~E. “Control” means the ability to regulate, restrain, dominate, counteract or govern property or conduct that occurs on a property.

~~((D))~~ F. “Drug-related activity” means any unlawful activity at a property which consists of the manufacture, delivery, sale, storage, possession, use, or giving away of any controlled substance as defined in chapter 69.50 RCW, legend drug as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW. Possession of marijuana that is legal under state law shall not result in enforcement action under this ordinance.

((E))G. "Landlord" means the owner, lessor or sublessor of the dwelling unit or the property of which it is a part, and in addition, means any person designated as a representative of the landlord.

((F))H. "Nuisance activity" means and includes:

1. ~~((a-nuisance))~~ Any civil code violation as defined by state law or local ordinance occurring around or near the property, including, but not limited to, the following activities, conditions or behaviors: ((;-or))

a. Litter and Rubbish: SMC 10.08.010.

b. Fire Hazard from Vegetation and Debris: SMC 10.08.040.

c. Any dangerous animal violations: SMC 17C.310.

d. Fire Code Violations: SMC 17F.080.

e. Alcohol beverage control violations, as defined in RCW 66.44.

f. General Nuisance

i. any act or omission, as provided in Chapter 7.48 RCW or Chapter 9.66 RCW or which unreasonably:

a. interferes with the comfort, solitude, health or safety of others; or

b. offends common decency; or

c. offends common sensibilities and senses by way of extreme noise, light or odor; or

d. obstructs or renders hazardous for public passage any public way or place; or

e. pollutes or renders less usable any watercourse or water body.

ii. maintaining or permitting upon any land:

a. refrigerator, freezer or other insulated container within which a child could suffocate;

b. a pit, excavation, swimming pool, well or other uncovered hole into which a person could fall;

c. lumber, metal, plastic, paper, cardboard, or other scrap material deposited in such place and manner as to constitute a hazardous attraction to children;

d. unused or junk vehicle or machinery or parts unless enclosed and secured as required by law for wrecking yards or junk yards;

e. an abandoned or vacant building, structure or part thereof not securely closed to entry;

f. toxic, radioactive, caustic, explosive, malodorous or septic substances, such as putrescent animal, fish or fowl parts, animal or vegetable waste matter, excrement and any material likely to attract or breed flies or rats, unless kept in proper receptacles as provided by the health and refuse laws; or

g. structure, collection of wood, cloth, paper, plastic or glass material, vegetation or flammable substances kept in such manner as to create a substantial risk of combustion or spread of fire.

2. ~~((any of the following activities, behaviors or criminal conduct:))~~ Any criminal conduct, including the attempt and/or conspiracy to commit any criminal conduct, as defined by State or local ordinance occurring on, around, near or having a nexus to a property, including but not limited to:

a. Stalking: SMC 10.11.060.

b. Harassment: SMC 10.11.070 through SMC 10.11.072 and SMC 10.11.079.

c. Failure to disperse: SMC 10.10.010.

d. Disorderly conduct: SMC 10.10.020.

e. Assault: SMC 10.11.010, including domestic violence assault, chapter 10.09 SMC.

f. Reckless endangerment: SMC 10.11.020.

g. Prostitution: SMC 10.06.030.

h. Patronizing a prostitute: SMC 10.06.010.

- i. Disorderly house, as defined by: SMC 10.06.010.
- j. Indecent exposure: SMC 10.06.025.
- k. Lewd conduct: SMC 10.06.020.
- l. Any firearms or dangerous weapons violations listed in: ((SMC 10.11.042 through SMC 10.11.050)) SMC 10.11.052.
- m. Noise: ((SMC 10.08.020)) SMC 10.08.D.
- n. Loitering for the purpose of engaging in drug-related activity: SMC 10.15.020.
- o. Drug-related activity.
- p. Gang-related activity, as defined in: RCW 59.118.030.
- q. Any crimes of domestic violence.
- r. Any violation of any protection order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590.
- s. Warrant arrests, or any instance in which a DOC offender is located at a property while in violation of DOC supervision.
- t. Reckless Driving, Driving Under the Influence, Vehicular Homicide and Assault: RCW 46.61.500 through RCW 46.61.540.
- u. Possession of stolen property: RCW 9A.56; SMC 10.05.064.
- v. Trafficking in stolen property and/or criminal profiteering: RCW 9A.82.
- w. Theft, trafficking, or unlawful possession of commercial metal property: RCW 19.290.
- x. Identity theft: RCW 9.35.020.
- y. Rendering criminal assistance: RCW 9A.76; SMC 10.07.037; SMC 10.07.038; SMC 10.07.039.
- z. Possession of stolen vehicle: RCW 9A.56.068.

((G))I. “Owner” means any person having any interest in the real estate in question as indicated in the records of the office of the Spokane County auditor, or who establishes under this chapter, their ownership interest therein.

((H))J. “Person” means natural person, financial institution, bank, joint venture, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, officer or employee of any of them.

((I))K. “Person associated with a property” means any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit, a property or a person present on property, including without limitation, any officer, director, customer, agent, employee or any independent contractor of a property, or a person in charge of or owner of a property.

((J))L. “Person in charge” of a property means any person in actual or constructive possession or control of a property, including, but not limited to, an owner, occupant, agent or property manager of a property under his control, and any bank or financial institution in actual or constructive possession or which possesses any sort of lien or interest in the property. There may be at any one time multiple persons in charge of a property all of which may be jointly and severally liable under this chapter.

((K))M. “Premises and property” may be used by this chapter interchangeably and means any building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as residential or commercial property.

((L))N. “Rental unit” means any structure or that part of a structure including, but not limited to, single-family home, room or apartment, which is rented to another and used as a home, residence or sleeping place by one or more persons.

Section 3. That SMC section 10.08A.030 is amended to read as follows:

10.08A.030 General Nuisance - Penalty

- ~~A. Any property within the City of Spokane which is a chronic nuisance property is in violation of this chapter and subject to its remedies; and~~
- ~~B. Any person in charge who permits property to be a chronic nuisance property shall be in violation of this chapter and subject to its remedies.))~~

No person in charge may maintain or permit nuisance activity under section 10.08A.020.H(1)(f) of this chapter upon any land or property within the City of Spokane. Any person in charge who maintains or permits nuisance activity under section 10.08A.020.H(1)(f), and fails to respond to the City and/or refuses to permit the City to fully abate the property, commits a misdemeanor.

The procedures set out in SMC 10.08A.040 for chronic nuisance properties do not apply to this section.

Section 4. That SMC section 10.08A.040 is amended to read as follows:

10.08A.040 Chronic Nuisance Property - Procedure

- A. ~~When the chief of police, or his designee, receives police documentation confirming the occurrence of three or more nuisance activities within a sixty day period on the property, the chief of police, or his designee, may review such reports to determine whether they describe the nuisance activities enumerated in SMC 10.08A.020.~~
 - 1. ~~Upon such a finding, the chief of police, or his designee, shall notify a property owner at the address shown on the county auditor records and shall notify the person in charge of the property in writing that the property is in danger of being declared a chronic nuisance property.~~
- B. ~~The notice shall contain:~~
 - 1. ~~the street address or a legal description sufficient for identification of the property;~~
 - 2. ~~a concise description of the nuisance activities that exist, or that have occurred on the property;~~
 - 3. ~~a demand that the owner or person in charge respond to the chief or his designee within ten days of service of the notice to discuss the nuisance activities and create a plan to abate the chronic nuisance;~~
 - 4. ~~offer the person in charge an opportunity to abate the nuisance activities giving rise to the violation; and~~
 - 5. ~~a statement describing that if legal action is sought, the property could be subject to closure, civil penalties and/or costs assessed up to one hundred dollars per day after the notice of the chronic nuisance property is received.~~
- C. ~~Such notice shall be either:~~
 - 1. ~~personally served, or~~
 - 2. ~~delivered by first class mail to the person in charge of the property with a copy mailed to the owner at the address indicated by the Spokane County auditor, if different than the person in charge of the property.~~
- D. ~~If the person in charge fails to respond to the notice within the time prescribed, the chief of police, or his designee, shall post such notice at the property and issue the person in charge a class 1 civil infraction.~~
 - 1. ~~If the person in charge fails to respond to the issued infraction the matter shall be referred to the office of the city attorney for further action.~~
- E. ~~If the person in charge responds as required by the notice and agrees to abate the nuisance activity, the chief of police, or his designee, and the person in charge and/or property owner may work out an agreed upon course of action which would abate the nuisance activity.~~

1. ~~If an agreed course of action does not result in the abatement of the nuisance activities or if no agreement concerning abatement is reached, the matter shall be forwarded to the office of the city attorney for enforcement action.~~
- F. ~~It is a defense to an action for chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is chronic nuisance property.))~~

A. Chronic Nuisance Notice

1. When documentation confirms a chronic nuisance property, as defined by SMC 10.08A.020, the chief of police, or his designee shall notify the person in charge of the property in writing that the property is in danger of being declared a chronic nuisance property.
2. The notice shall indicate the following:
 - a. the street address or a legal description sufficient for identification of the property;
 - b. a concise description of the nuisance activities that have occurred on the property and whether the property is abandoned;
 - c. a warning that the person in charge of the property may be subject to penalties as set forth in this chapter.
 - d. a demand that the person in charge respond to the chief of police or his designee within ten days of service of the chronic nuisance notice to discuss the nuisance activities and create a plan to abate the nuisance;
 - e. a statement that the person in charge shall have an opportunity to abate the nuisance giving rise to the nuisance; and
 - f. a warning that, if the person in charge does not respond, as required, or if the matter is not voluntarily corrected to the satisfaction of the chief of police, or his designee, the City may file an action to abate the property as a chronic nuisance property pursuant to this chapter and/or take other action against the property or person in charge.
3. Such notice shall be either:

- a. personally served, or
- b. delivered by first class mail to the person in charge of the property with a copy mailed to the owner at the address indicated by the Spokane County auditor, if different than the person in charge of the property.

B. Requirement to Respond

A person in charge who receives notice pursuant to this section must, within ten days, contact the officer who issued the notice to establish a plan of action to eliminate the conditions, behaviors or activities which constitute a nuisance at the property.

C. Abatement Agreement/Approved Plan to Abate

1. The person in charge shall enter into an abatement agreement or otherwise produce a plan approved by the chief of police or his designee to abate the nuisance within fifteen days of the issuance of the chronic nuisance notice.
2. The abatement agreement, or approved plan to abate, shall be signed by the person in charge and shall include the following:
 - a. The name and address of the persons in charge of the property;
 - b. The street address or a description sufficient for identification of the property, building, structure, or land upon or within which the nuisance is occurring;
 - c. A description of the nuisance activities and whether the property is abandoned;
 - d. The necessary corrective action to be taken, and a specific date or time by which correction must be completed.

D. Corrective Action

Once the person in charge has entered into an abatement agreement or otherwise produced an approved plan to abate the nuisance, he or she must abide by the approved plan and promptly take corrective action to eliminate the nuisance. Corrective action may include, but is not limited to:

1. Effective tenant screening, leasing and rule enforcement;
2. Implementing physical improvements for crime prevention;

3. Providing security for the property;

4. Evicting persons responsible for the nuisance activity; and

5. Pursuing other remedies available to the owner pursuant to any lease or other agreement.

E. The City of Spokane shall offer services to persons in charge with known mental or physical disabilities in order to facilitate such persons taking all lawful and reasonable corrective action necessary to abate the nuisance.

All corrective action must conform to state and local laws, including but not limited to RCW 59.18.580, the Victim Protection Limitation on Landlord's Rental Decisions.

Section 5. That there is adopted a new section 10.08A.045 to chapter 10.08A of the Spokane Municipal Code to read as follows:

10.08A.045 Penalties

A. Failure to Respond

It is a class 1 civil infraction for any person in charge to fail to respond to the chief of police or his designee within ten days of service of the chronic nuisance notice.

B. Failure to Enter Agreement or Produce an Approved Plan to Abate

It is a class 1 civil infraction for any person in charge to fail to enter into an abatement agreement or otherwise produce an approved plan to abate the nuisance within fifteen days of the issuance of the chronic nuisance notice.

C. Failure to Abate Nuisance

After the issuance of the chronic nuisance notice, and after the time to enter into an abatement agreement or otherwise produce an approved plan has passed, every subsequent nuisance activity is a class 1 civil infraction.

D. The penalties and remedies of this chapter are not exclusive and do not affect any other enforcement actions taken by the City under this chapter, or any other section of the municipal code or law or enforcement actions taken by a different jurisdiction.

Section 6. That SMC section 10.08A.050 is amended to read as follows:

10.08A.050 Commencement of Abatement Action – Enforcement

- A. ~~((Once the matter is referred to the city attorney, the city attorney shall immediately review and make a determination to initiate legal action authorized under this chapter or state statute, or may seek alternative forms of abatement of the nuisance activity. The city attorney may initiate legal action on the chronic nuisance property and seek civil penalties and costs in superior court for the abatement of the nuisance.))~~
- B. ~~((In determining whether a property shall be deemed a chronic nuisance property and subject to the court's jurisdiction, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. The City may submit official police reports and other affidavits outlining the information that led to arrest(s) and other chronic nuisance activity occurring or existing at the property. The failure to prosecute an individual, or the fact no one has been convicted of a crime, is not a defense to a chronic nuisance action.))~~
- C. ~~Once a superior court determines the property to be a chronic nuisance under this chapter the court may impose a civil penalty against any or all of the persons in charge of the property and/or the owner of the property, and may order any other relief deemed appropriate. A civil penalty may be assessed for up to one hundred dollars per day for each day the nuisance activity continues to occur following the date of the original notice by the chief of police, or his designee, as described in [SMC 10.08A.040](#). In assessing the civil penalty, the court may consider the following factors, citing to those found applicable:~~
- ~~1. The actions taken by the person in charge and/or owner to mitigate or correct the nuisance activity.~~
 - ~~2. The financial condition of the persons in charge.~~
 - ~~3. The repeated or continuous nature of the nuisance activity.~~
 - ~~4. The statements of the neighbors or those affected by the nuisance activity; and~~
 - ~~5. Any other factor deemed relevant by the court.~~
- D. ~~The superior court which determined the property to be a chronic nuisance property shall also assess costs against the person in charge and/or owner in the amount it costs the City to abate, or attempt to abate, the nuisance activity.~~
- E. ~~If the superior court determines the property to be a chronic nuisance property, the superior court shall order the property closed and secured against all unauthorized access, use and occupancy for a period up to one year, and may impose a civil penalty and costs.~~

- F. ~~Once a determination has been made by the superior court that the chronic nuisance property shall be subject to closure, the court may authorize the City to physically secure the premises and initiate such closure.~~
- ~~1. Costs for such closure shall be submitted to the court for review.~~
 - ~~2. Any civil penalty and/or costs awarded to the City may be filed with the city treasurer who shall cause the same to be filed as a lien on the property with the county treasurer.~~
 - ~~3. The City shall file a formal lis pendens notice when an action for abatement is filed in the superior court.~~
- G. ~~The superior court shall retain jurisdiction during any period of closure or abatement of the property.~~
- H. ~~Spokane municipal court is to have jurisdiction of all civil infractions issued pursuant to this chapter.~~
- A. The matter may be referred to the city attorney for review and a determination of whether to initiate legal action.
- B. In any action filed, the City shall have the burden of showing by a preponderance of the evidence that the property is a chronic nuisance property. Police reports, official city reports, and affidavits may be offered as evidence of chronic nuisance. The failure to prosecute an individual, or the fact no one has been convicted of a crime, is not a defense to a chronic nuisance action.
- C. If the superior court determines the property to be a chronic nuisance under this chapter the court may:
1. impose a warrant of abatement ordering the complainant to take all necessary steps to abate, deter and prevent the resumption of such nuisance; which may include but is not limited to, the immediate:
 - A. vacation of the premises;
 - B. closure and securing of the premises;
 - C. removal of litter, rubbish and junk vehicles from the premises;
 - D. safety inspection by Code Enforcement, Building Official, Fire Marshal, or any other government agency;
 - E. removal of personal property subject to seizure and forfeiture pursuant to RCW 69.50.505. or RCW 10.105.010.
 2. impose the expenses of abating, or attempting to abate, the nuisance on the property and/or the person in charge;

3. impose a fine, civil penalty or award damages;
 4. order the property into receivership in accordance with RCW 7.60 and thereby recover from the property the reasonable, necessary expenses of abating the nuisance and returning the property to productive use;
 5. order the person in charge to pay relocation assistance to any tenant who must relocate because of the order of abatement, and who the court finds not to have caused or participated in nuisance activities at the property; and
 6. any other further relief deemed appropriate by the court.
- D. In assessing the penalties and remedies, the court may consider the following factors:
1. The actions taken by the person in charge to mitigate or correct the nuisance activity.
 2. The financial condition of the person in charge.
 3. Any known mental or physical disabilities of the person in charge.
 4. The repeated or continuous nature of the nuisance activity.
 5. The statements of the neighbors or those affected by the nuisance activity; and
 6. Any other factor deemed relevant by the court.
- E. Any fine, civil penalty and/or expense awarded to the City may be filed with the city treasurer who shall cause the same to be filed as a lien on the property with the county treasurer. Expenses shall be submitted to the court for review and may be collected on execution.
- F. The City shall file a formal lis pendens notice when an action for abatement is filed in the superior court.
- G. The superior court shall retain jurisdiction during any period of closure or abatement of the property.
- H. Spokane municipal court is to have jurisdiction of all civil infractions issued pursuant to this chapter.

Section 7. That SMC section 10.02.070 is amended to read as follows:

10.02.070 Nuisance

- A. A “nuisance” is the unreasonable or unlawful use by a person of his real or personal property, or the unreasonable, indecent or unlawful personal conduct which materially interferes with or jeopardizes the health, safety, prosperity, quiet enjoyment of property or welfare of others, offends common decency or public morality, or obstructs or interferes with the free use of public ways, places or bodies of water.
- B. Nuisance also consists of the specific violations set forth in this title in SMC ((10.08.030)) 10.08A.020.H(1)(f), SMC 10.08.040, SMC 10.24.040 and SMC 12.02.0202.

Section 8. That SMC section 17C.310.010 is amended to read as follows:

17C.310.010 Purpose

- A. Animal Keeping.

The purpose of this chapter is to make provisions for and set limits on the keeping of animals within the City limits. This section recognizes the commercial and sport animal keeping activities as well as the desire of citizens to keep pets. The provisions of this section strive to provide the broadest personal discretion in animal keeping. However, since the City is characterized as an intense urban environment with people living in close proximity, this section also emphasizes the significant responsibility of animal owners and keepers to protect the rights and lifestyles of their neighbors. Animal owners and keepers are expected to meet the following requirements as a reflection of their responsibility.

 - 1. Unrestrained Animals.

Owners and keepers are to keep all animals contained within a structure or fenced yard or on a leash or other appropriate harness or retraining device capable of safely controlling the animal. As provided in chapter 5.04 of the Spokane County Code, dog may be permitted to run at large. Racing/homing pigeons are allowed to fly unrestrained during periods of exercise, training and racing.
 - 2. Noisy Animals.

Owners and keepers are to prevent their animals from making unnecessary or unusual noises to the extent that reasonable persons are annoyed. Chapter 5.04 of the Spokane County Code and 10.08D SMC relate to noisy animals.
 - 3. Dangerous Dog, Potentially Dangerous Dog and Inherently Dangerous Animals.

The keeping of dangerous or potentially dangerous dogs shall be regulated pursuant to chapter 10.03 SMC. The keeping of inherently dangerous animals is prohibited in all zones pursuant to SMC

17C.310.150, except as provided in Chapter 5.12 of the Spokane County Code.

4. Potentially Rabid Animals.

Chapter 5.04 of the Spokane County Code prohibits the keeping of any dog over age six months that has not been properly inoculated against rabies. Any animal afflicted with rabies or that has been exposed to a rabid animal or suspected rabid animal shall be either destroyed or detained and treated in a manner directed by the health officer, in accordance with state communicable disease regulations (WAC 246-100-197 Rabies – Measures to Prevent Human Disease).

5. Nuisance Related to Odors.

Owners and keepers are to maintain their animals in a clean and sanitary condition so as not to create offensive odors or other nuisances to the extent that a reasonable person is annoyed. SMC ((10.08.030)) 10.08A.020.H(1)(f) relates to the creation of a nuisance, including nuisance conditions related to odor.

Section 9. That SMC section 17F.070.520 is amended to read as follows:

17F.070.520 Foreclosure Registration Program

A. Purpose

It is the purpose and intent of this section to establish a Foreclosure Property registration program in order to protect the community from the deterioration, crime, and decline in value in Spokane's neighborhoods caused by properties in various stages of the foreclosure process, and to identify, regulate, limit, and reduce the number of those properties within the City of Spokane. It is the policy and intent of the City to establish a requirement that the lender or other responsible party(ies) of properties that are in the foreclosure process to register those properties with the City as set forth in this section in order to protect the neighborhoods from the negative impacts of absentee ownership and lack of adequate maintenance and security for properties in the foreclosure process.

B. Definitions

As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise:

1. "Abatement Order" means an appealable order, supported by specific factual findings, issued by the Office of Neighborhood Services and Code Enforcement which directs the Owner of a Foreclosure Property to take certain specific steps, within a specific period of time, to ensure that the relevant property is in compliance with this section.
2. "Enforcement Officer" means the Director of the Office of Neighborhood Services and Code Enforcement or its designee.
3. "Evidence of Foreclosure Status" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is a Foreclosure Property. Such conditions

include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or debris; statements by neighbors, passersby, delivery agents, or government employees that the property is in foreclosure; the presence of boards over doors, windows or other openings in violation of applicable building code; and for residential properties, the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation.

4. "Foreclosure" means the legal processes described in Title 61, Revised Code of Washington, in which a mortgagee or other lien holder terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. For purposes of this section, the foreclosure process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title or other means, is sold to a non-related, bona fide purchaser in an arms'-length transaction to satisfy the debt or lien.
5. "Foreclosure Property" means a property that is (1) under a current notice of default and/or notice of trustee's sale; (2) the subject of a pending tax assessor's lien sale; (3) the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; (4) a property title to which has been transferred under a deed in lieu of foreclosure/sale, or (5) subject to a contract forfeiture. Property acquired by Spokane County at a tax foreclosure sale under chapter 84.64 RCW is not "Foreclosure Property" within the meaning of this section. For purposes of this section, a property remains a Foreclosure Property until it is sold at an arms'-length transaction to a non-related bona fide purchaser or until the foreclosure action has been dismissed and any default has been cured.
6. "Lender" means any person who makes, extends, holds, or services a real estate loan agreement and includes, but is not limited to, mortgagees; beneficiaries under deeds of trust; underwriters under deeds of trust; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor or trustee and any other lien holder on the property. The term also includes any mortgagee, beneficiary or trustee that accepts a deed in lieu of foreclosure.
7. "Local Agent" means an individual property manager, property management company, or similar person or entity, located in Spokane County and responsible for, having the authority to make decisions and required expenditures concerning, the maintenance and security of a Foreclosure Property and the abatement of nuisance conditions at the property.
8. "Owner" means any individual or group of natural persons, partnership, association, corporation or other entity having legal or beneficial title in real property including any borrower.

9. "Property" means any unimproved or improved, residential or commercial real property, or portion thereof, situated in the City, and includes the buildings or structures located on the property regardless of condition.
10. "Responsible Party" means any person, partnership, association, corporation, or fiduciary having legal or equitable title to or any interest in any real property, including but not limited to an Owner, borrower, and Lender as defined in this section.

C. Establishment of a Registry

The Office of Neighborhood Services and Code Enforcement shall establish and maintain a Foreclosure Property Registry to implement the terms of this section.

D. Registration of Foreclosure Properties.

1. Any Lender which holds or services a mortgage on real property located in the City of Spokane shall inspect the property upon mortgage default.
2. The Enforcement Officer can also initiate the registration process.
3. Any Lender or other Responsible Party(ies) of a Foreclosure Property as defined in this section shall register that property with the City of Spokane Office of Neighborhood Services and Code Enforcement within ten (10) days of the property becoming a Foreclosure Property within the meaning of this section and initial inspection or of receiving notice from the City of the requirements of this section, and every 12 months thereafter until the property is no longer a Foreclosure Property within the meaning of this section. A separate registration is required for each property.
4. The content of the registration shall include:
 - a. Proof of ownership, or financial interest, such as a lien or loan,
 - b. The name, address, phone number, and email address for the Owner, Lender , and Responsible Party and twenty-four hour contact phone number of the Local Agent of the respective entity; and
 - c. Documentation which demonstrates the property is foreclosed, pending foreclosure, or subject to foreclosure, trustee's sale, tax assessor's lien sale or other legal proceedings.
5. The Lender, Owner, or Responsible Party shall notify the Enforcement Officer within ten (10) days of the date of any change in the information contained in the registration.
6. Mortgagees who have existing Foreclosure Properties on the effective date of this ordinance have 30 calendar days from the effective date to register the property with City of Spokane Office of Neighborhood Services and Code Enforcement. A separate registration is required for each property.
7. All property registrations are valid for one year from the date of entry of registration as recorded by Office of Neighborhood Services and Code Enforcement. Subsequent registrations are due every twelve (12) months thereafter for renewal and must certify required registration data is current and correct.

- E. Minimum Property Maintenance Requirements.
- While a Foreclosure Property is registered, the Lender or Responsible Party shall be required to:
1. maintain and keep Foreclosure Property free of conditions including, but not limited to:
 - a. weeds, dry brush, dead vegetation, trash, junk, debris, building materials and junk vehicles,
 - b. accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), and discarded personal items including, but not limited to, furniture, clothing, or large and small appliances, and
 - c. graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches and/or coordinates with the color of the exterior of the structure,
 2. secure ponds, pools and hot tubs and ensure that they do not become a public nuisance,
 3. secure the Foreclosure Property to prevent access by unauthorized persons, including, but not limited to, the following: the closure and locking of windows, doors (walk-through, sliding and garage), gates, and any other opening of such size that it may allow a child or any other person to access the interior of the property and or structure(s). Securing also includes boarding as applicable. Preferred material for boarding shall be painted with an exterior grade paint that matches and/or coordinates with the color of the exterior of the structure, or is of a material that mimics glazed windows and intact doors.
 4. Post the property with no trespassing signs and current emergency contact information for the local agent.
 5. take any other action necessary to prevent giving the appearance that the property is abandoned, and
 6. monitor the Foreclosure Property monthly or more frequently as necessary to prevent the creation of a nuisance.
- F. Monitoring of Foreclosure Property.
1. Upon registration, the City will provide regular monitoring of Foreclosure Properties including, but not limited to, periodic site visitation, which will not exceed the City's rights of access as well as notification to Lender or Responsible Party if the property begins to exhibit characteristics established in RCW 35.80.010. The City's monitoring of Foreclosure Properties does not relieve the Lender or other Responsible Party from monitoring and maintaining the property as required by this section.
 2. At least monthly while a Foreclosure Property is registered, the Lender or Responsible Party shall inspect the Foreclosure Property.
- G. Waiver for City to Abatement – Trespass of Unauthorized Individuals.
1. As part of the Foreclosure Property registration, the Owner, Lender, Local Agent, Responsible Party, or other person having the legal authority to do

so shall waive any objection to the City to enter onto the property for purposes of abating any condition that would constitute an unfit or substandard building as established in RCW 35.80.010, nuisance condition under [SMC 10.08.010](#) Litter, [SMC \(\(10.08.030\)\) 10.08A.020.H91\)\(f\)](#) Nuisance, [SMC 10.10](#) Graffiti, [10.16](#) Junk Vehicle, and to issue a trespass order against any unauthorized individual from the Foreclosure Property.

2. The City shall notify the Owner, Lender, Responsible Party, or Local Agent ten (10) days prior to the City taking abatement action in order to allow the Owner, Lender, Responsible Party, or Local Agent to abate the condition first unless such abatement constitutes an emergency, in which case, the City may abate the emergency immediately.
3. The cost of the abatement of any of the illustrative conditions contained in paragraph E above shall be charged against the Foreclosure Property pursuant to [SMC 08.02.067](#) and shall be lienable pursuant to [SMC 17F.070.500](#) and other applicable sections of the municipal code pursuant to state law.

H. Local Agent

The Lender or Responsible Party shall provide the City with the name, address, telephone number, email address and 24-hour contact information of a Local Agent who has the authority to act to respond to complaints regarding the Foreclosure Property and to remedy any nuisance, substandard or unfit conditions found on the property.

I. Annual Foreclosure Property Registration Fee.

The Lender or Responsible Party shall pay the annual non-refundable Foreclosure Property registration fee as set forth in [SMC 08.02.0675](#).

J. Policies and Procedures

The Office of Neighborhood Services and Code Enforcement shall develop procedures to implement this section which are consistent with and do not conflict with this section, the Spokane Municipal Code, or Washington law.

K. Violation

1. Any person, firm or entity who fails to a Foreclosure Property pursuant to the requirements of this section shall be subject to a class 1 civil infraction. Each day in which a Foreclosure Property which is subject to this section is not registered shall constitute a separate violation.
2. Failure to maintain a Foreclosure Property as required by this section is a criminal misdemeanor violation under [SMC 10.08.030](#) for maintaining a nuisance property in addition to applicable penalties for nuisance conditions in the municipal code or state law.
3. Failure to provide notification of changes in ownership of a Foreclosure Property under this section is a class 1 civil infraction.

- L. Removal of properties from the registry
1. A property may only be removed from the Foreclosure Property registry upon the Lender's, Owner's, or Responsible Party's written certification that (1) the mortgage or lien on the property has been satisfied or legally discharged, (2) the property is no longer in mortgage default, or (3) the Foreclosure Property has been sold to a non-related party in a bona-fide, arms' length transaction.
 2. A Lender's statement that it no longer desires to pursue foreclosure, has filed a dismissal of lis pendens and/or summary of final judgment and/or certificate of title or otherwise, such as deed in lieu of foreclosure shall not be the basis for removal of a Foreclosure Property from the registry under this section.
 3. For purposes of this section, a transfer to another entity which is under common ownership with the Lender, as determined in the sole discretion of the Office of Neighborhood Services and Code Enforcement, is not an arms' length transaction.
- M. Transfer of Ownership
1. If the mortgage on a registered Foreclosure Property is transferred, the transferee shall be subject to the requirements of this section and shall, within five (5) days of the transfer of the mortgage, register the property as a new registration in accordance with this section. Any previously unpaid registration fees are the responsibility of the transferee and are due and payable upon the new registration.
 2. If the mortgagee sells a Foreclosure Property in an arms'-length transaction to a non-related person or entity, the transferee is subject to the terms of this section and shall register the property as a new registration under this section within five (5) days of the sale. Any previously unpaid registration fees shall be the responsibility of the new owner.

Section 10. That SMC 10.08.030 is repealed.

Section 11. That SMC 10.20.020 is repealed

PASSED BY THE CITY COUNCIL ON _____, 2016.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

PROPOSED UPDATES TO SPOKANE'S CHRONIC NUISANCE CODE

May 2016

City Councilwoman Amber Waldref & Matthew Folsom, Spokane Police Dept.

Background:

The City of Spokane, through its Police Department and its Neighborhood Services and Code Enforcement Unit, has expended inordinate resources in response to complaints about properties that are abandoned, where unsafe conditions exist, and where crime repeatedly occurs. Such properties are known as “nuisance” properties because they have a tremendous adverse impact upon the quality of life of Spokane’s residents and visitors and they impose a significant financial burden to the City. This proposal revises the chronic nuisance code (SMC 10.08A.010) and improves the process for the abatement of such properties. The desired outcome of these changes is to increase the City’s success in returning abandoned and chronic nuisance properties to productive use. The ordinance is scheduled for a final reading and public hearing before City Council on Monday, June 6th.

Proposed revisions:

- Clearly defines “abandoned property” and “abatement agreement,” as well as adds “return to productive use” to the definition of “abate”; (page 2)
- Amends the definition of “chronic nuisance property” to include a property:
 - with seven or more nuisance activities during any twelve month period; (page 2)
 - where, pursuant to a valid search warrant, evidence of drug related activity exists,
 - that is abandoned and where nuisance activity exists; (page 2)
- Expands the definition of “nuisance activity” to include a long list of activities including such things as possession of stolen property, identity theft, warrant arrests, & domestic violence; (refer to the full list of new and consolidated activities on page 3 & 4)
- Adds “any bank or financial institution” or lien holder to the definition of a “person in charge” of a property; (pg. 6)
- Adds joint and several liability for multiple persons in charge of a nuisance property; (pg. 6)
- Clarifies the due process procedures. Requires the person in charge of the property to enter into an abatement agreement approved by SPD to abate the nuisance within 15 days of the issuance of the chronic nuisance notice.; (pages 7-10)
- Establishes a graduated penalty system whereby a person is warned first, cited with a class 1 civil infraction second, and abated through a superior court warrant third; (page 10)
- Incorporates the Victim Protection Limitation under RCW 58.18.580; (page 10)
- Adds the option of the City to pursue receivership as a way to facilitate returning chronic nuisance properties to productive use; (page 12)
- Adds the option of relocation assistance; (page 12)

Stakeholder Input and Next Steps:

This amendment has been reviewed by the Spokane Police Department, Code Enforcement, Landlord Association of the Inland Northwest and the City Prosecutor’s Office. City Council was briefed at its March 21st and May 16th Public Safety Committee Meetings. Outreach has been conducted to Spokane COPS, the Community Assembly, tenants groups, and neighborhood/business organizations to help improve upon these changes. Please contact Councilwoman Amber Waldref at awaldref@spokanecity.org or 625-6719 with any suggestions.



Agenda Sheet for City Council Meeting of:

05/23/2016

Date Rec'd	5/11/2016
Clerk's File #	OPR 2016-0408
Renews #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	BEN STUCKART 6256269	Project #	
Contact E-Mail	AMCDANIEL@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Special Considerations	Requisition #	
Agenda Item Name	0320 MOU WITH SPOKANE COUNTY REGARDING CITY OF SPOKANE URBAN		

Agenda Wording

0320 Memorandum of Understanding with Spokane County regarding City of Spokane Urban Farming Ordinance.

Summary (Background)

Spokane County has signed and approved this MOU via resolution no. 2016-0111. The City's Urban Farming ordinance allows for small domestic animals in certain zones across the City. The City and the County entered into an MOU on July 14, 2014 regarding the tracking and complaint response as a result of the urban farming ordinance. This MOU renews the MOU adopted in 2014.

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	MCDANIEL, ADAM	Study Session	
Division Director		Other	PCED - May 16
Finance	KECK, KATHLEEN	Distribution List	
Legal	PICCOLO, MIKE	Jonathan Mallahan	
For the Mayor	WHITNEY, TYLER	Heather Trautman	
Additional Approvals			
Purchasing			

S P O K A N E



C O U N T Y

OFFICE OF COUNTY COMMISSIONERS

NANCY McLAUGHLIN, 1ST DISTRICT • SHELLEY O'QUINN, 2ND DISTRICT • AL FRENCH, 3RD DISTRICT

February 24, 2016

Ms. Theresa Sanders, City Administrator
City of Spokane
808 W. Spokane Falls BLVD
Spokane, WA 99201

Re: Memorandum of Understanding Regarding the Tracking of and Responding to City Urban Farming Ordinance C35087 Complaints.

Good Morning Theresa,

Enclosed is a copy of the 2nd MOU approved under Resolution No. 2016-0111. All documents have been signed by our office and are ready to be fully executed. Please send back fully executed copies to the Commissioners' Office for our records.

Should you have any questions or concerns please feel free to contact our office at (509) 477-2265.

Have a wonderful day!

Sincerely,


Katrina Solum
Office Assistant
ksolum@spokanecounty.org



OFFICE OF COUNTY COMMISSIONERS
COMMISSIONER, 1ST DISTRICT • SHELLY O'QUINN, 2ND DISTRICT • AL FRENCH, 3RD DISTRICT

February 4, 2016

Ms. Theresa Sanders, City Administrator
City of Spokane
808 West Spokane Falls Boulevard
Spokane, Washington 99201

Re: *Memorandum of Understanding Regarding the Tracking of and Responding to City Urban Farming Ordinance C35087 Complaints*

Dear Theresa:

This correspondence will act as a Memorandum of Understanding ("2nd MOU") between Spokane County ("County") and the City of Spokane ("City") (jointly "Parties") with respect to the above referenced matter.

BACKGROUND

The City adopted an Urban Farm Animal Ordinance in 2013 denominated as C35087 ("Ordinance"). The Ordinance permits, in part, the keeping of small domestic animals in certain zones within the City under various conditions.

Subsequent to the City's adoption of the Ordinance, the County and City entered into a Memorandum of Understanding dated July 14, 2014 ("1st MOU") regarding the tracking and responding to complaints related to urban farming under the Ordinance. Under the 1st MOU, City Code Enforcement agreed to respond to citizen complains related to underlying zoning code violations related to the Ordinance (e.g. too many farm animals, prohibited animals and setback requirements) and the County, through Spokane County Regional Animal Protection Services ("SCRAPS"), agreed to respond to complaints related to animal noise and welfare complaints under the Ordinance and to provide impound services. The 1st MOU has expired.

The Parties desire to renew the 1st MOU for an additional term commencing January 1, 2016 and terminating December 31, 2016.

PURPOSE

The purpose of this 2nd MOU is to reduce to writing the Parties understandings with respect to the County, through SCRAPS, providing certain enumerated services relating to the tracking and enforcement of complaints regarding the City's Ordinance for a twelve (12) month time frame commencing on January 1, 2016.

Pursuant to the terms of this 2nd MOU, the Parties understand and agree as follows:

- (1) The City through its Code Enforcement Department will respond to citizen complains related to underlying zoning code violations relating to the Ordinance (e.g. too many farm animals, prohibited animals and set back requirements).
- (2) The County through SCRAPS will respond to complaints related to animal noise under the Ordinance and provide impound services for violations of the Ordinance ("Services"). With regard to responding to complaints related to animal noise under the Ordinance, the County will use the same general guidelines applicable to barking dogs ("Guidelines"). A copy of those Guidelines is attached hereto at Attachment "A" and incorporated herein by reference. Reference in the Guidelines to "dogs" shall mean "animals", "barking" shall means "noise", and "Spokane County Code" shall mean Ordinance.
- (3) The City shall pay the County for providing Services pursuant to the fee schedule attached hereto as Attachment "B" and incorporated herein by reference. City shall pay the County for Services provided within thirty (30) days of billing. All billings shall be directed to City of Spokane, Neighborhood Services and Code Enforcement, 808 W. Spokane Falls Blvd. Spokane, Washington 99201: Attention Jonathan Mallahan.
- (4) The County shall indemnify, defend and hold harmless the City, its officers and employees from all claims, demands, or suits in law or equity arising from the County's intentional or negligent acts or breach of its obligations under the 2nd MOU. The County's duty to indemnify shall not apply to loss or liability caused by the intentional or negligent acts of the City, its officers and employees.

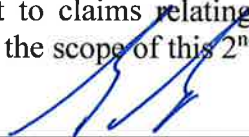
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If the comparative negligence of the Parties and their officers and employees is a cause of such damage or injury, the liability, loss, cost, or expense shall be shared between the Parties in proportion to their relative degree of negligence and the right of indemnity shall apply to such proportion.


Where an officer or employee of a party is acting under the direction and control of the other party, the party directing and controlling the officer or employee in the activity and/or omission giving rise to liability shall accept all liability for the other party's officer or employee's negligence.

Each party's duty to indemnify shall survive the termination or expiration of the 2nd MOU.

Each party waives, with respect to the other party only, its immunity under RCW Title 51, Industrial Insurance and only as necessary to make this indemnity provision enforceable with respect to claims relating to the death or injury of City and/or County employees acting within the scope of this 2nd MOU. The Parties have specifically negotiated this provision.



County initials



City initials


- (5) The City shall assume the defense, defend, indemnify and hold harmless the County with respect to any legal challenge to the validity or constitutionality of the Ordinance.
- (6) Each party shall be responsible for financing their obligations under this 2nd MOU.
- (7) The Parties shall be responsible for filing this 2nd MOU as provided for in RCW 39.34.040.
- (8) This 2nd MOU may be executed in counterparts, each of which when so executed and delivered shall be an original, but such counterparts shall constitute one and the same.
- (9) This 2nd MOU may be terminated by either party upon thirty (30) days advance written notice to the other party signatory. In the event of termination, all property acquired by the County under the 2nd MOU shall remain the County's.
- (10) The Parties warrant that the officers/individuals executing below have been duly authorized to act for and on behalf of the party for purposes of executing this 2nd MOU.

The County's execution of this 2nd MOU shall act as its agreement with all of the terms and conditions set forth herein.

The City's execution of this 2nd MOU shall act as its agreement with all of the terms and conditions set forth herein.

The provisions of this 2nd MOU will supersede the 1st MOU.

Very truly yours,


Gerry Gemmill
County Chief Executive Officer

Ms. Theresa Sanders
February 4, 2016
Page 4

(Authorized by Board of County Commissioners on February ____, 2016)

Enclosure(s) (2)

Reviewed and agreed to this ____ day of _____, 2016.

City of Spokane

By:

Title:


City administrator

ATTACHMENT "A"

8.5 SPECIFIC CALL TYPES

BARKING COMPLAINTS

GENERAL GUIDELINES

Barking is frustrating for all parties – remember it is our job to provide excellent customer service to the complainant and to the dog owner.

1st complaint: Office mails a barking packet to the complainant. Complainant will be instructed to follow the directions included in the packet. A barking letter will be mailed to the pet owner listing current dates and times, either in general (Every day at 7am) or specific (5/12/2015 from 1-3 pm), of barking from the complainant and advising them that their dog(s) are a nuisance. A copy of Spokane County Code pertaining to barking dogs and an informational pamphlet providing them with suggestions and ideas to help alleviate this situation will be mailed along with the letter. The complainant may be kept confidential up to this point. The complainant will be advised that if the barking continues they will need to keep a log (which is included in the packet) of the dates and times the animal is a nuisance. The complainant will be asked to allow the dog owner approximately one week from their initial call to correct the problem. During this time, instruct the complainant to fill in dates and times they are being disturbed on the Barking Dog Log Sheet.

2nd complaint: If the barking persists, the complainant must call us again after seven days to let us know. *Note: The complainant is asked not to call back unless 7 days have gone by in order to allow the dog owner to correct the problem. Generally, the dog owner will receive the letter within three days and that gives them another 4 days to work on a solution.* Office staff will take down the dates and times from the Barking Dog Log Sheet. An Animal Protection Officer (APO) will go directly to the home of the dog owner and talk with them regarding the barking dog complaint. Advise the complainant to continue logging dates and times.

3rd complaint: If the problem still continues, the complainant should contact us again after seven days to set up a date and time for an APO to meet with them to take a statement as part of the investigation. This could lead to a possible citation being issued to the dog owner. Please advise complainant that SCRAPS prefers a second complainant who lives in the neighborhood (separate household) that is also willing to sign an affidavit to corroborate the complaint. At this point, the complainant will no longer be kept confidential. Advise the complainant to continue logging dates and times. If we receive no additional complaints within a six month period then the process will start over again. It is important to follow the outlined procedures so that the problem can be resolved in a timely manner.

FOR ALL CALLS

- Obtain date and start/stop times of disturbance (2-3 dates and times are preferable but take whatever you are able to obtain from the complainant, we are only mailing a letter on the first complaint and our goal is to provide good customer service.)
 - a. Need dog description (i.e. dog breed, size, color, hair length, etc.)
 - b. Check animal address in computer. You are checking for previous violations, licensing, impounds, calls, notes, cautions, DAL/CAL letters, barking letters, etc. that you will want to make the APO aware of on the call. Make sure your computer check includes the people and animal screens

If there is a previous barking complaint but it is over 6 months since the last complaint then the process starts over

- 1st complaint in 6 months – enter a DISPATCH CALL to send a barking letter
- Assign the call and mail a barking letter to the dog owner. Send brochure and licensing form (if needed)
- Mail a barking log to the complainant
- 2nd complaint – an APO will make contact with the dog owner – enter a DISPATCH CALL for barking officer contact
- 3rd complaint – investigation. Advise complainant that SCRAPS prefers a second complainant who *lives* in the neighborhood (separate household) that is also willing to sign a statement corroborating the barking complaint. Make sure complainant has a current log of dates and times and schedule a time when the officer can meet with them.
- Enter a DISPATCH CALL for a barking investigation



REGIONAL ANIMAL PROTECTION SERVICE
NANCY HILL
REGIONAL DIRECTOR

ATTACHMENT "B"

SCRAPS Cost
Urban Farm Animal Enforcement
Updated February 5, 2016

Animal Protection Officer Response to a Complaint: (estimated)

- Normal operating hours: 2 hours per call at \$50 per hour = \$100 per call
- After-hours emergency: 2 hours per call at \$75 per hour = \$150 per call

Trip Fee:

- \$25 regular
- \$50 after-hours emergency

Animal Impoundment:

- Truck and Trailer w/driver - \$250 per haul

Housing:

- Board = \$20 per day per animal

Note: Billing will occur monthly and includes the dispatch summary for each call. If owner information is known it will be provided to the City for cost recovery purposes. SCRAPS does not collect these fees from the owner. Additionally, any land use/code violations will also be reported to the City for follow-up.



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