

**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, JUNE 6, 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. | Purchases from Freedom Truck Centers (Spokane, WA) for the City of Spokane Fleet Services Department for: | Approve
All | |
| | a. Three 2017 Freightliner M2-108SD Truck Chassis—\$322,415.33 (incl. tax). | | OPR 2010-0585
BID 3709-10 |
| | b. Three dump truck bodies—\$201,735.24 (incl. tax). | | OPR 2016-0444 |
| | Gene Jakubczak | | |
| 2. | Renewal of Value Blanket Contracts with: | Approve
All | |
| | a. M&L Supply (Spokane, WA) for purchase of miscellaneous backflow prevention devices—\$106,404.81 (incl. tax). | | OPR 2016-0445
BID 4141-15 |
| | b. Haskins Steel (Spokane, WA) for Miscellaneous Stock Steel for various departments, estimated annual expenditure—\$200,000 (incl. tax). | | OPR 2016-0446
BID 3927-13 |

Dan Kegley

3. Contract with Cameron-Reilly, LLC Approve OPR 2015-0440
(Spokane Valley, WA) for the Utility Cut Sidewalk Repair for the Wastewater and Water Departments, as well as other City Departments, to use as needed for one year—\$70,000.

Dan Kegley

4. Additional capital funding added to: Approve All
- a. Northeast Community Center OPR 2016-0029
Contract—\$40,000.
- b. West Central Community Center OPR 2016-0030
Contract—\$40,000.

For improvements include capital improvement planning, structural repairs and/or restoration of the center.

Alicia Powell

5. Low bids meeting specifications of: Approve All
- a. (To be determined at bid opening to be held on June 6, 2016) (City, ST) for 1st Avenue, Et Al—\$_____ (plus tax). An administrative reserve of \$_____, which is 10% of the contract price (plus tax), will be set aside. (East Central Neighborhood) PRO 2016-0022
ENG 2015133
- b. Bacon Concrete, Inc. (Spokane, WA) for Wall Street Surface Improvements—\$797,659.25. An administrative reserve of \$79,765.93, which is 10% of the contract price, will be set aside. (East Central Neighborhood) PRO 2016-0023
ENG 2015177
- c. Halme Construction, Inc. (Spokane, WA) for Riverside Extension Phase 2A—\$3,313,764.50 (plus tax). An administrative reserve of \$331,376.45 (plus tax), which is 10% of the contract price (plus tax), will be set aside. (Riverside Neighborhood) PRO 2016-0024
ENG 2005264

Dan Buller

6. Accept \$60,000 Invest Health Training Grant from Reinvestment Fund (funded by Robert Wood Johnson Foundation) on behalf of 5 community partners including the City. Approve OPR 2016-0447

Rob Crow

7. Recommendation to list on the Spokane Register of Historic Places the Love House, 436 West 24th Avenue. Approve & Auth. OPR 2016-0448
Mgmt.

Megan Duvall

Agreement

- | | | | |
|-----|---|------------------------------|------------------------------|
| 8. | Memorandum of Understanding between the City and Spokane County to apply for the Edward Byrne Memorial Justice Program JAG FY2016 Grant Funds - CFDA # 16.738. Total Funding: \$154,903; City Share—\$69,707.
Justin Lundgren | Approve | OPR 2016-0449 |
| 9. | Set Hearing for the Six-Year Comprehensive Street Program—2015-2020, for June 20, 2016. (Various Neighborhoods)
Brandon Blankenagel | Set Hrg for 6/20/2016 | PRO 2016-0025
ENG 2016015 |
| 10. | Report of the Mayor of pending: | Approve & Authorize Payments | CPR 2016-0002 |
| | a. 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 \$_____. | | |
| | b. Payroll claims of previously approved obligations through May 21, 2016: \$6,337,760.90. | | CPR 2016-0003 |
| 11. | 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)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

APPOINTMENTS

RECOMMENDATION

Design Review Board: One Appointment.

Confirm

CPR 1993-0069

Park Board: Two Reappointments.

Confirm

CPR 1981-0402

Ethics Commission: One Appointment.

Confirm

CPR 2006-0042

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 ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinances 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:

- ORD C35395** **Parks Fund**
FROM: Unappropriated Reserves, \$64,000;
TO: Surveys/Studies, \$64,000.
- (This action provides funding for the Collins Group to assist the Parks & Recreation Division in managing/conducting a Capital Fund Drive Feasibility Study for RFP Redevelopment.)
Sari Luciano
- ORD C35396** **Parks Fund**
FROM: Unappropriated Reserves, \$60,000;
TO: Professional Services, \$60,000.
- (This action provides funding for professional services provided by My Spokane for the Parks Division.)
Sari Luciano
- ORD C35397** **Parks Cumulative Reserve Fund**
FROM: Designated Reserves, \$47,800;
TO: Reserve for Capital Outlay, \$47,800.
- [This action provides funding for Sky Prairie (Impact Fees) Park Capital Improvements.]
Sari Luciano
- ORD C35398** **Parks Fund**
FROM: Various Accounts, \$490,000;
TO: Various Accounts, same amount.
- (This action provides funding to various Park and Golf funds for the purpose of strategic investments.)
Sari Luciano

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2016-0050** **Providing for the sale of surplus City property. (Surplus vacant lots)**
Heather Trautman
- RES 2016-0051** **Providing for the sale of surplus City property. (Latah/Hangman Valley and West Central)**
Dave Steele
- RES 2016-0052** **Providing for the sale of surplus City property. (Emerson/Garfield Neighborhood)**
Ed Lukas
- RES 2016-0054** **Concerning the City's high property crime rate.**
Council Member Kinnear

RES 2016-0055 **Declaring McCoy Power Consultants a sole source consultant and thus**
OPR 2016-0450 **authorizing the Waste To Energy Facility to directly enter into Contract**
 with McCoy Power Consultants in lieu of public bidding for maintaining
 annual compliance with the NERC/FERC Reliability Standards.

Chuck Conklin

ORD C35392 **Relating to the definition of graffiti vandalism; amending section**
 10.10.070 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

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

ORD C35399 **Relating to critical materials; amending SMC sections 17A.020.030,**
 17A.020.160, 17E.010.010, 17E.010.040, 17E.010.050, 17E.010.060,
 17E.010.090, 17E.010.095, 17E.010.120, 17E.010.140, 17E.010.150,
 17E.010.190, 17E.010.200, 17E.010.210, 17E.010.220, 17E.010.230,
 17E.010.270, 17E.010.290, 17E.010.300, 17E.010.320, 17E.010.340,
 17E.010.400, 17E.010.410, 17E.010.420, 17E.010.430, 17E.010.440,
 17E.010.470, 17E.010.490, 17E.010.510, 17E.010.530, 17E.010.560, and
 17G.010.150; and repealing SMC sections 17E.010.250, 17E.010.310,
 17E.010.330, 17E.010.450, 17E.010.500, and 17E.010.520.

David Kokot

ORD C35400 **Amending Ordinance C34924 vacating Walnut Street from Bridge**
 Avenue to College Avenue, North and South portions of Bridge Avenue
 from Maple Street to Cedar Street and the Alley between Walnut Street
 and Cedar Street from Bridge Avenue to College Avenue.

Eldon Brown

ORD C35401 **Granting a municipal franchise for the collection of solid waste to**
 Waste Management, for that area generally known as the Spokane
 Housing Ventures Annexation Area.

Scott Windsor

ORD C35402 **Relating to the organization of the Spokane Police Department;**
 amending section 03.01A.370 and 03.01A.375 of the Spokane Municipal
 Code; repealing sections 03.01A.380, 03.01A.385, and 03.01A.390 of the
 Spokane Municipal Code.

Council President Stuckart

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. Contract Amendment with Michael McMahon and the firm of Etter, McMahon, Lamberson, VanWert & Oreskovich, P.C. for the firm's further representation of the City—\$136,600. **Sam Faggiano** Approve OPR 2015-0915
-

NO HEARINGS

Motion to Approve Advance Agenda for June 6, 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 June 6, 2016, Regular Legislative Session of the City Council is adjourned to June 13, 2016.

NOTE: The June 6, 2016, 3:30 p.m. Briefing will be held in City Council Chambers. The June 6, 2016, 6:00 p.m. Legislative Session will be a Town Hall Session held at the West Central Community Center, 1603 North Belt Street.

NOTES



Agenda Sheet for City Council Meeting of:
06/06/2016

Date Rec'd	5/25/2016
Clerk's File #	OPR 2010-0585
Renews #	
Cross Ref #	
Project #	
Bid #	BID #3709-10
Requisition #	RE# 18002

Submitting Dept	FLEET OPERATIONS
Contact Name/Phone	GENE JAKUBCZAK 625-7865
Contact E-Mail	GJAKUBCZAK@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	5100-FLEET ADDT'L PURCHASE OF TRUCK CHASSIS

Agenda Wording

Additional purchase of three (3) 2017 Freightliner M2-108SD Truck Chassis from Freedom Truck Centers (Spokane, WA) - \$322,415.33 including tax

Summary (Background)

On 7/26/10 City Council awarded Bid #3709-10 for the purchase of single axle truck cab & chassis to Freedom Truck Centers. Subsequently Fleet Services has identified an additional need for three(3) more truck cab & chassis. These truck cabs & chassis will be used for dump trucks and will replace three units in the Street Department's fleet that have reached the end of their economic service life.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 322,415.33	#	5110-71700-94000-56413
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	JAKUBCZAK, GENE	<u>Study Session</u>	
<u>Division Director</u>	GIMPEL, KEN	<u>Other</u>	PWC 5/23/16
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	TPRINCE	
<u>For the Mayor</u>	WHITNEY, TYLER	GJAKUBCZAK	
<u>Additional Approvals</u>		FLEETSERVICES	
<u>Purchasing</u>	PRINCE, THEA	TAXES & LICENSES	

BRIEFING PAPER
Public Works Committee
Fleet Services
May 23, 2016

Subject

Purchase of three truck chassis from Freedom Truck Center of Spokane for \$322,415.33 including tax.

Background

These truck chassis are being purchased utilizing the terms of bid #3709-10.

Impact

These truck chassis are being purchased by Fleet Services for the Street Department to replace three units in the Street Department fleet that have reached the end of their economic service life.

Action

Recommend approval.

Funding

Funding is available in the Street Department's 2016 replacement fund.

**FLEET SERVICES
MEMORANDUM**

May 25, 2016

TO: PURCHASING DEPARTMENT

**FROM: GENE JAKUBCZAK
FLEET SERVICES DIRECTOR**

SUBJ: ADDITIONAL PURCHASES UTILIZING BID # 3709-10

This is an order for 3 truck chassis utilizing the terms of bid # 3709-10. The vendor has agreed to hold the price originally quoted for this purchase.

These chassis will be used to build new dump trucks for the Street Department.

RE 18002

QTY	ITEM	UNIT PRICE	TOTAL
3	2017 Freightliner M2-108SD chassis	\$55,450.00	\$166,350.00
3	2016 Model year upcharge – for orders after 2/28/12 add \$1,500 plus 5%	\$2,772.50	\$8,317.50
3	Price adjust for orders after 2/28/12	\$1,500.00	\$4,500.00
OPTION S			
3	Front frame extensions w/stationary grill Incl. air brakes	\$12,720.00	\$38,160.00
3	Heated, remote mirrors	\$395.00	\$1,185.00
3	Limited slip differential	\$1,025.00	\$3,075.00
3	Air ride cab	\$135.00	\$405.00
3	Auxiliary radio power post	\$25.00	\$75.00
3	Auxiliary radio mounting position	\$115.00	\$345.00
3	Premium cab insulation – Silencer Package	\$99.00	\$297.00
3	Outside frame clear	\$0.00	\$0.00
3	One (4)Additional factory switch	\$250.00	\$750.00
3	Trailer towing package w/air to rear of frame	\$715.00	\$2,145.00
3	Lower right hand door safety window	\$250.00	\$750.00
3	Air cleaner with inside/outside air control	\$275.00	\$825.00
3	Transmission option – 3500RDS-WR with PTO and 3 rd gear hold for snow plow operation	\$4,700.00	\$14,100.00
3	Front suspension – 16,000 lb min. rated w/HD shock absorbers. To include springs, steering gear upgrade and appropriate brakes, tires, and wheels. Incl. air brakes	\$5,560.00	\$16,680.00
3	Front fender extension – 2 inch	\$250.00	\$750.00

3	Frame – 31.0 Section Modulus, double rail	\$1,765.00	\$5,295.00
3	Rear suspension - 23,000 lb. min. at ground with applicable springs, shocks, tires and wheels. Incl. air brakes	\$4,765.00	\$14,295.00
3	Two speed rear axle	\$2,980.00	\$8,940.00
3	Engine tunnel/firewall liner	\$75.00	\$225.00
3	Daytime running lights	\$0.00	\$0.00
3	Center Storage console	\$25.00	\$75.00
3	12 volt dash power supply	\$30.00	\$90.00
3	Back-up alarm	\$115.00	\$345.00
3	Factory mounted P.T.O. switch with indicator lamp	\$195.00	\$585.00
3	Factory mounted plow light harness and relays	\$395.00	\$1,185.00
3	Huck bolt fasteners	\$197.00	\$591.00
3	Tilt and telescopic steering column	\$425.00	\$1,275.00
3	Air ride driver's and passengers seats	\$875.00	\$2,625.00
3	Vertical exhaust	\$610.00	\$1,830.00
SUB-TOTAL	Chassis sub-total	\$98,688.50	\$296,065.50
Chassis Sales Tax	8.9% tax		\$26,349.83
GRAND TOTAL			\$322,415.33

cc: Shane Thornton
Mark Serbousek

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

06/06/2016

Date Rec'd	5/25/2016
Clerk's File #	OPR 2016-0444
Renews #	

Submitting Dept	FLEET OPERATIONS	Cross Ref #	
Contact Name/Phone	GENE 625-7865	Project #	
Contact E-Mail	GJAKUBCZAK@SPOKANECITY.ORG	Bid #	GRANT COUNTY
Agenda Item Type	Purchase w/o Contract	Requisition #	RE# 18003
Agenda Item Name	5100-FLEET PURCHASE OF DUMP TRUCK BODIES		

Agenda Wording

Authorize purchase of three (3) dump truck bodies from Freedom Truck Centers (Spokane, WA) - \$201,735.24 including tax

Summary (Background)

On 4/29/15 Grant County Dept. of Public Works awarded a contract (#15-167) to Freedom Truck Centers Inc., resulting from a 2015 Bid. These dump truck chassis will be used by the Street Department as replacement units. Purchasing these dump truck chassis from the Grant County Dept. of Public Works contract through our Interlocal Procurement Agreement represents the lowest cost to the City.

Fiscal Impact		Budget Account	
Expense	\$ 201,735.24	#	5110-71700-94000-56413
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	JAKUBCZAK, GENE	Study Session	
Division Director	GIMPEL, KEN	Other	PWC 5/23/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	tprince	
For the Mayor	WHITNEY, TYLER	gjakubczak	
Additional Approvals		Fleetservices	
Purchasing	PRINCE, THEA	Taxes & Licenses	

**FLEET SERVICES
MEMORANDUM**

May 25, 2016

TO: PURCHASING DEPARTMENT

**FROM: GENE JAKUBCZAK
FLEET SERVICES DIRECTOR**

SUBJ: ADDITIONAL PURCHASES UTILIZING BID # 3709-10

This is an order for 3 truck chassis utilizing the terms of bid # 3709-10. The vendor has agreed to hold the price originally quoted for this purchase.

These chassis will be used to build new dump trucks for the Street Department.

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3	Price adjust for orders after 2/28/12	\$1,500.00	\$4,500.00
OPTION S			
3	Front frame extensions w/stationary grill Incl. air brakes	\$12,720.00	\$38,160.00
3	Heated, remote mirrors	\$395.00	\$1,185.00
3	Limited slip differential	\$1,025.00	\$3,075.00
3	Air ride cab	\$135.00	\$405.00
3	Auxiliary radio power post	\$25.00	\$75.00
3	Auxiliary radio mounting position	\$115.00	\$345.00
3	Premium cab insulation – Silencer Package	\$99.00	\$297.00
3	Outside frame clear	\$0.00	\$0.00
3	One (4)Additional factory switch	\$250.00	\$750.00
3	Trailer towing package w/air to rear of frame	\$715.00	\$2,145.00
3	Lower right hand door safety window	\$250.00	\$750.00
3	Air cleaner with inside/outside air control	\$275.00	\$825.00
3	Transmission option – 3500RDS-WR with PTO and 3 rd gear hold for snow plow operation	\$4,700.00	\$14,100.00
3	Front suspension – 16,000 lb min. rated w/HD shock absorbers. To include springs, steering gear upgrade and appropriate brakes, tires, and wheels. Incl. air brakes	\$5,560.00	\$16,680.00
3	Front fender extension – 2 inch	\$250.00	\$750.00

3	Frame – 31.0 Section Modulus, double rail	\$1,765.00	\$5,295.00
3	Rear suspension - 23,000 lb. min. at ground with applicable springs, shocks, tires and wheels. Incl. air brakes	\$4,765.00	\$14,295.00
3	Two speed rear axle	\$2,980.00	\$8,940.00
3	Engine tunnel/firewall liner	\$75.00	\$225.00
3	Daytime running lights	\$0.00	\$0.00
3	Center Storage console	\$25.00	\$75.00
3	12 volt dash power supply	\$30.00	\$90.00
3	Back-up alarm	\$115.00	\$345.00
3	Factory mounted P.T.O. switch with indicator lamp	\$195.00	\$585.00
3	Factory mounted plow light harness and relays	\$395.00	\$1,185.00
3	Huck bolt fasteners	\$197.00	\$591.00
3	Tilt and telescopic steering column	\$425.00	\$1,275.00
3	Air ride driver's and passengers seats	\$875.00	\$2,625.00
3	Vertical exhaust	\$610.00	\$1,830.00
SUB-TOTAL	Chassis sub-total	\$98,688.50	\$296,065.50
Chassis Sales Tax	8.9% tax		\$26,349.83
GRAND TOTAL			\$322,415.33

cc: Shane Thornton
Mark Serbousek

BRIEFING PAPER
Public Works Committee
Fleet Services
May 23, 2016

Subject

Purchase of dump truck bodies from Freedom Truck Center of Spokane for \$201,735.24 including tax.

Background

This purchase is a ride-on of a Grant County bid and contract.

Impact

These dump bodies are being purchased by Fleet Services for the Street Department to replace three units in the Street Department fleet that have reached the end of their economic service life.

Action

Recommend approval.

Funding

Funding is available in the Street Department's 2016 replacement fund.

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

06/06/2016

Date Rec'd	5/25/2016
Clerk's File #	OPR 2016-0445
Renews #	OPR 2015-0550

Submitting Dept	WATER & HYDROELECTRIC SERVICES	Cross Ref #	
Contact Name/Phone	DAN KEGLEY 625-7821	Project #	
Contact E-Mail	DKEGLEY@SPOKANECITY.ORG	Bid #	BID #4141-15
Agenda Item Type	Purchase w/o Contract	Requisition #	VALUE BLANKET
Agenda Item Name	4100 - WATER DEPT RENEWAL OF VB FOR BACKFLOW PREV DEVICES		

Agenda Wording

Renew Value Blanket Order for purchase of miscellaneous backflow prevention devices from M&L Supply (Spokane, WA) - \$106,404.81 including tax

Summary (Background)

On June 1, 2015 sealed bids were opened to provide the City of Spokane Water Department with an annual supply of misc sizes of Backflow Prevention Devices to be purchases "as needed" throughout the year. This is the first and only renewal of the value blanket order. This renewal reflects no change in pricing.

Fiscal Impact		Budget Account	
Expense	\$ 106,404.81	#	various
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	SAKAMOTO, JAMES	Study Session	
Division Director	GIMPEL, KEN	Other	PWC 5/23/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	TPRINCE	
For the Mayor	WHITNEY, TYLER	TAXES & LICENSES	
Additional Approvals			
Purchasing	PRINCE, THEA		

BRIEFING PAPER
Public Works Committee
Water Department
June 13, 2016

Subject

Blanket Order for purchase of miscellaneous sizes of backflow prevention devices from M&L Supply (Spokane, WA) as per BID#4141-15. This Value Blanket Order is for the Water Department and has an estimated expenditure of \$106,404.81.

Background

On Monday, June 1, 2015 sealed bids were opened to provide the City of Spokane Water Department with an annual supply of miscellaneous sizes of backflow prevention devices to be purchased as needed throughout the year. Six (6) responses were received with M&L Supply being the lowest bidder. This is the first and only renewal of the Value Blanket. This renewal reflects no change in pricing.

Impact

This purchase will result in the Water Department being able to provide new backflow prevention devices for new construction as well as replacement of old worn out backflow prevention devices throughout the year from July 2016 to July 2017.

Action

Recommend approval.

Funding

All funding for this purchase will be from the Water Department Funds.

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

06/06/2016

Date Rec'd	5/25/2016
Clerk's File #	OPR 2016-0446
Renews #	OPR 2015-0330

Submitting Dept	WATER & HYDROELECTRIC SERVICES	Cross Ref #	
Contact Name/Phone	DAN KEGLEY 625-7821	Project #	
Contact E-Mail	DKEGLEY@SPOKANECITY.ORG	Bid #	BID #3927-13
Agenda Item Type	Purchase w/o Contract	Requisition #	VALUE BLANKET
Agenda Item Name	4100-WATER RENEWAL OF VB FOR MISC STOCK STEEL		

Agenda Wording

Renew Value Blanket Order with Haskins Steel (Spokane, WA) for Miscellaneous Stock Steel for the City of Spokane Departments - estimated annual expenditure - \$200,000.00 including tax.

Summary (Background)

On March 25, 2013 sealed bids were opened to provide the City of Spokane with an annual supply of miscellaneous stock steel to be purchased as needed throughout the year. The bid allowed for four (4) one-year renewals - this is the third renewal.

Fiscal Impact		Budget Account	
Expense	\$ 200,000.00	#	various
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	SAKAMOTO, JAMES	Study Session	
Division Director	GIMPEL, KEN	Other	PWC 5/23/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	TPRINCE	
For the Mayor	WHITNEY, TYLER	TAXES & LICENSES	
Additional Approvals			
Purchasing	PRINCE, THEA		

BRIEFING PAPER
Public Works Committee
Water Department
May 23, 2016

Subject

Blanket Order for purchase of miscellaneous stock steel from Haskins Steel, Inc., Spokane; as per BID# 3927-13. This Value Blanket Order is for multiple departments in the City of Spokane – estimated annual expenditure is \$200,000.00 including tax (the Water Department is the main user of this Value Blanket).

Background

On Monday March 25th, 2013 sealed bids were opened to provide the city of Spokane with an annual supply of Miscellaneous Stock Steel to be purchased as needed throughout the year. One response was received. This is the third of four renewals of the Value Blanket. Haskins Steel has been providing the City of Spokane with stock steel for many years and their product and service has been excellent. This renewal reflects no change in pricing.

Impact

Renewal of the Blanket Order will provide raw material needed in the fabrication and repair of tools, equipment and various water main fittings.

Action

Recommend approval.

Funding

All funding for this purchase will be from the relevant department budgets (primarily the Water Department).

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

06/06/2016

Date Rec'd

5/13/2016

Clerk's File #

OPR 2015-0440

Renews #**Submitting Dept**

WATER & HYDROELECTRIC SERVICES

Contact Name/Phone

DAN KEGLEY X 7821

Contact E-Mail

DKEGLEY@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

4100 - 2016 UTILITY CUT SIDEWALK REPAIR PROGRAM

Cross Ref #**Project #****Bid #****Requisition #**

CR16862

Agenda Wording

2016 Utility Cut Sidewalk Repair Program. New contract with Cameron-Reilly, LLC for the Utility Cut Sidewalk Repair for the Wastewater and Water Departments, as well as other City Departments to use as needed for one year.

Summary (Background)

On April 27, 2015, sealed bids were opened to provide on-demand Utility Cut Sidewalk Repair for use by City Utility Departments. Two bids were received with Cameron-Reilly LLC being the lowest. The annual amount of this contract is \$70,000.00. This contract is the first of the optional three additional one-year extensions.

Fiscal Impact

Expense \$ 50,000.00

Expense \$ 20,000.00

Select \$

Select \$

Budget Account

4100-42420-34145-54809-99999

4310-43100-35145-54809-99999

#

#

Approvals**Dept Head**

SAKAMOTO, JAMES

Division Director

GIMPEL, KEN

Finance

KECK, KATHLEEN

Legal

WHALEY, HUNT

For the Mayor

WHITNEY, TYLER

Council Notifications**Study Session**

PWC 5/23/2016

Other**Distribution List**

Kjohnson, MLowdon, kbrooks, mqureshi,

sjohnson, acline, lroff

Additional Approvals**Purchasing**

CONTRACT EXTENSION #1

THIS EXTENSION is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and CAMERON REILLY, LLC., whose address is 309 North Park Road, Spokane Valley, Washington 99212, as "Contractor".

WHEREAS, the parties entered into a Contract wherein the Contractor agreed to provide UTILITY CUT SIDEWALK REPAIR; and

WHEREAS, the bid allowed for three (3) additional one-year Contract extensions, subject to mutual agreement, this will be is extension number one (1); and

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

The parties agree as follows:

1. CONTRACT DOCUMENTS. The Contract, dated June 5, 2015, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.
2. EXTENSION. This Contract documents are hereby extended effective January 1, 2016 and end December 31, 2016.
3. TIME PERFORMANCE. The Contract shall begin within ten (10) days of the Notice to Proceed on a project and be substantially complete within thirty (30) working days after the project start date is given.
4. COMPENSATION. For the year 2016, the City shall pay the Contractor in accordance with schedule A and B as outlined in the Contractor's April 25, 2015 bid response, not to exceed SEVENTY THOUSAND AND NO/100 DOLLARS (\$70,000.00) for everything furnished and done under this Contract Extension.

Dated: _____

CITY OF SPOKANE

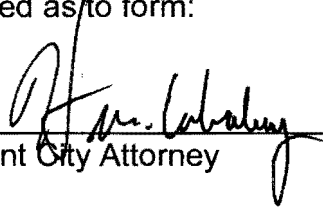
By: _____

Title: _____

Attest:

City Clerk

Approved as to form:



Assistant City Attorney

Dated: 5-6-15

CAMERON REILLY, LLC.

E-Mail address: _____

JIM@CAMERON-REILLY.COM

By: Joe Schroda

Title: CONTROLLER

16-2051



City of Spokane
Accounting Department
808 W. Spokane Falls Blvd.
Spokane, Washington 99201
(509) 625-6020

Angela Cline
City of Spokane
808 W Spokane Falls Blvd
Spokane, WA 99201

RECEIVED
MAY 13 2016
ACCOUNTING

May 05, 2016

Cameron Reilly, LLC
309 North Park Road
Spokane Valley, WA 99212

Attached is the contract extension for Utility Concrete Cuts with the City of Spokane Water & Waste Water Department.

Please sign the enclosed contract and return to the City of Spokane Accounting Department Attention: Angela Cline

Please feel free to contact me if you have any questions or concerns (509)625-6049

Thank you.

Sincerely,

Angela Cline
City of Spokane Utilities Accounting Manager

Enclosure

BRIEFING PAPER
Public Works Committee
Water Department
May 23, 2016

Subject

2016 Utility Cut Sidewalk Repair Program. New contract with Cameron-Reilly, LLC for the Utility Cut Sidewalk Repair for the Wastewater and Water Departments, as well as other City Departments to use as needed for one year.

Background

On April 27, 2015, sealed bids were opened to provide on-demand Utility Cut Sidewalk Repair for use by City Utility Departments. Two bids were received with Cameron-Reilly, LLC being the lowest.

The annual amount of the contract is \$70,000.00. This contract is the first of the optional three additional one-year extensions.

Impact

When repair work for the Wastewater and Water Departments requires cutting into curbs or sidewalks replacement of the necessary curb or sidewalk will occur in a timely manner.

Action

Recommend approval

Funding

Funding is provided in the Water-Wastewater Department budget.

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

06/06/2016

Date Rec'd

5/16/2016

Clerk's File #

OPR 2016-0029

Renews #**Submitting Dept**

NEIGHBORHOOD & BUSINESS

Contact Name/Phone

ALICIA POWELL 625-6780

Contact E-Mail

APOWELL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

0350 CAPITAL FUNDS FOR NORTHEAST COMMUNITY CENTER

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

\$40,000 in capital funding added to the Northeast Community Center contract.

Summary (Background)

Capital funding is being added to the Northeast Community Center contract. Improvements include capital improvement planning, structural repairs and/or restoration of the center.

Fiscal Impact

Expense \$ 40,000

Select \$

Select \$

Select \$

Budget Account

0350-57300-74217-54201

#

#

#

Approvals**Dept Head**

MALLAHAN, JONATHAN

Division Director

MALLAHAN, JONATHAN

Finance

KECK, KATHLEEN

Legal

WHALEY, HUNT

For the Mayor

WHITNEY, TYLER

Council Notifications**Study Session****Other**

CHE 5/2/16

Distribution List

apowell@spokanecity.org

jmallahan@spokanecity.org

mhughes@spokanecity.org

Additional Approvals**Purchasing**

CONTRACT AMENDMENT

THIS AGREEMENT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and NORTHEAST COMMUNITY CENTER ASSOICATION, whose address is 4001 North Cook Street, Spokane, Washington 99201, as "Northeast Community Center".

WHEREAS, the parties entered into a Contract wherein the Northeast Community Center agreed to PROVIDE BROAD-BASED COMMUNITY SERVICES TO THE LOCAL NEIGHBORHOOD AND SERVES AS AN INTEGRAL PART OF THE CITY OF SPOKANE'S SAFETY NET FOR OUT CITIZEN ; and

WHEREAS, \$40,000 for capital funding for improving the Northeast Community Center is added to the original contract; -- Now, Therefore,

The parties agree as follows:

1. **DOCUMENTS.** The Contract dated January 25, 2016, 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 April 11, 2016.
3. **AMENDMENT.** Section COMPENSATION of the contract documents is amended to read as follows:

~~The City shall pay the Northeast Community Center ONE HUNDRED TWENTY FIVE THOUSAND NINE HUNDRED FOUR AND 50/100 DOLLARS (\$125,904.50)~~ The City shall pay the Northeast Community Center ONE HUNDRED SIXTY FIVE THOUSAND NINE HUNDRED FOUR AND 50/100 DOLLARS (\$165,904.50).

4. **COMPENSATION.** The City shall pay FORTY THOUSAND DOLLARS 00/100 DOLLARS, (\$40,000.00) for everything furnished and done under this Contract Amendment.

NORTHEAST COMMUNITY CENTER
ASSOCIATION

By: Jean Farmer
(signature)

Print Name: JEAN FARMER

Title: Executive Director

Date: April 28, 2016

Email: jfarmer@necommunitycenter.net

CITY OF SPOKANE:

By: _____
(signature)

Print Name: _____

Title: _____

Date: _____

ATTEST:

City Clerk

DATE: _____

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

Attachments that are part of this Contract Amendment:

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

06/06/2016

Date Rec'd

5/16/2016

Clerk's File #

OPR 2016-0030

Renews #**Submitting Dept**

NEIGHBORHOOD & BUSINESS

Contact Name/Phone

ALICIA POWELL 625-6780

Contact E-Mail

APOWELL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

0350 CAPITAL FUNDING FOR WEST CENTRAL COMMUNITY CENTER

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

\$40,000 in capital funding added to the West Central Community Center contract.

Summary (Background)

Capital funding is being added to the West Central Community Center contract. Improvements include capital improvement planning, structural repairs and/or restoration of the center.

Fiscal Impact

Expense \$ 40,000

Select \$

Select \$

Select \$

Budget Account

0350-57200-74218-54201

#

#

#

Approvals**Dept Head**

MALLAHAN, JONATHAN

Division Director

MALLAHAN, JONATHAN

Finance

KECK, KATHLEEN

Legal

WHALEY, HUNT

For the Mayor

WHITNEY, TYLER

Council Notifications**Study Session****Other**

CHE 5/2/16

Distribution List

jmallahan@spokanecity.org

apowell@spokanecity.org

Additional Approvals**Purchasing**

CONTRACT AMENDMENT

THIS AGREEMENT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and WEST CENTRAL COMMUNITY DEVELOPMENT ASSOCIATIONS, whose address is 1603 North Belt Street, Spokane, WA 99205, as "West Central Community Center".

WHEREAS, the parties entered into a Contract wherein the West Central Community Center agreed to PROVIDE BROAD-BASED COMMUNITY SERVICES TO THE LOCAL NEIGHBORHOOD AND SERVES AS AN INTEGRAL PART OF THE CITY OF SPOKANE'S SAFETY NET FOR OUT CITIZEN ; and

WHEREAS, \$40,000 for capital funding for improving the West Central Community Center is added to the original contract; -- Now, Therefore,

The parties agree as follows:

1. **DOCUMENTS.** The Contract dated January 25, 2016, 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 April 11, 2016.
3. **AMENDMENT.** Section COMPENSATION of the contract documents is amended to read as follows:

~~The City shall pay the West Central Community Center ONE HUNDRED ELEVEN THOUSAND NINE HUNDRED THIRTY NINE AND 50/100 DOLLARS~~ The City shall pay the West Central Community Center ONE HUNDRED FIFTY ONE THOUSAND NINE HUNDRED THIRTY NINE AND 50/100 (151,939.50).

4. **COMPENSATION.** The City shall pay FORTY THOUSAND DOLLARS NO/100 DOLLARS, (\$40,000.00) for everything furnished and done under this Contract Amendment.

WEST CENTRAL COMMUNITY CENTER
ASSOCIATION

By: Kim Ferraro
(signature)

Print Name: Kim Ferraro

Title: Exec. Director

Date: 4/29/16

Email: kferraro@westcentralcc.org

CITY OF SPOKANE:

By: _____
(signature)

Print Name: _____

Title: _____

Date: _____

ATTEST:

City Clerk

DATE: _____

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

Attachments that are part of this Contract Amendment:



Agenda Sheet for City Council Meeting of:
06/06/2016

Date Rec'd	5/24/2016
Clerk's File #	PRO 2016-0022
Renews #	
Cross Ref #	
Project #	2015133
Bid #	
Requisition #	

Submitting Dept	ENGINEERING SERVICES
Contact Name/Phone	DAN BULLER 625-6391
Contact E-Mail	DBULLER@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0370 - BLANK AGENDA - 1ST AVENUE, ET AL

Agenda Wording

Low Bid of (to be determined at bid opening to be held on June 6, 2016) (City, ST) for 1st Avenue, Et Al - \$_____. An administrative reserve of \$_____, which is 10% of the contract price plus tax, will be set aside. (East Central Neighborhood)

Summary (Background)

All information will be provided prior to the June 6, 2016 meeting. On June 6, 2016 bids were opened for the above project. The Engineers Estimate for this project is \$927,950.50. The low bid was from (to be determined at bid opening) in the amount of \$_____, which is \$_____ or _____% over/under the Engineer's Estimate; other bids were received as follows:

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 500,158.84	#	6785 49831 42800 54201 86018
Expense	\$ 273,122.59	#	4340 43354 94000 56501 86018
Expense	\$ 60,161.71	#	4340 43101 94000 56501 86018
Expense	\$ 205,609.10	#	4340 42300 94000 56501 86018
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	TWOHIG, KYLE	<u>Study Session</u>	
<u>Division Director</u>	TWOHIG, KYLE	<u>Other</u>	Public Works 6/6/16
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	eraea@spokanecity.org	
<u>For the Mayor</u>	WHITNEY, TYLER	kkeck@spokanecity.org	
<u>Additional Approvals</u>		mhughes@spokanecity.org	
<u>Purchasing</u>		htrautman@spokanecity.org	
		kgoodman@spokanecity.org	
		jahensley@spokanecity.org	
		kbustos@spokanecity.org	

City Of Spokane
Engineering Services Department
*** * * Engineer's Final Estimate * * ***

Project Number: 2015133

Project Description 1st Avenue Et Al

Original Date 5/19/2016 3:20:53 PM

Funding Source Local

Update Date 5/19/2016 3:21:37 PM

Preparer Jonathan Adams

Addendum

Project Number: 2015133

Item No	Bid Item Description	Est Quantity	Unit Price	Amount
Description		Tax Classification		
Schedule 01 STREET & STORM		Sales tax shall be included in unit prices		
101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00
102	SPCC PLAN	1 LS	*****	1,000.00
103	POTHOLING	30 EA	400.00	12,000.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	16 EA	500.00	8,000.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,500.00
106	MOBILIZATION	1 LS	*****	60,000.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	25,000.00
108	SPECIAL SIGNS	265 SF	20.00	5,300.00
109	TYPE III BARRICADE	30 EA	75.00	2,250.00
110	TREE PROTECTION ZONE	7 EA	200.00	1,400.00
111	REMOVE TREE, CLASS I	3 EA	250.00	750.00
112	REMOVE TREE, CLASS II	9 EA	400.00	3,600.00
113	REMOVE TREE, CLASS III	3 EA	650.00	1,950.00
114	TREE PRUNING	35 EA	500.00	17,500.00
115	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	1,000.00
116	REMOVE EXISTING CURB	1025 LF	3.00	3,075.00
117	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	360 SY	6.00	2,160.00
118	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	11 EA	450.00	4,950.00
119	REMOVE CURB/GRATE INLET	1 EA	350.00	350.00
120	REMOVE EXISTING <12 IN DIAMETER PIPE	307 LF	10.00	3,070.00
121	SAWCUTTING CURB	34 EA	30.00	1,020.00
122	SAWCUTTING RIGID PAVEMENT	756 LFI	1.00	756.00
123	SAWCUTTING FLEXIBLE PAVEMENT	8750 LFI	0.30	2,625.00
124	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	400.00	400.00
125	ROADWAY EXCAVATION INCL. HAUL	1813 CY	18.00	32,634.00
126	ROADWAY EXCAVATION INCL. HAUL - TREATMENT AREA	430 CY	14.00	6,020.00
127	REMOVE UNSUITABLE FOUNDATION MATERIAL	20 CY	18.00	360.00
128	REPLACE UNSUITABLE FOUNDATION MATERIAL	20 CY	25.00	500.00
129	PREPARATION OF UNTREATED ROADWAY	7882 SY	1.75	13,793.50
130	CRUSHED SURFACING TOP COURSE	978 CY	35.00	34,230.00

Project Number: 2015133

<i>Item No</i>	<i>Bid Item Description</i>	<i>Est Quantity</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Description</i>		<i>Tax Classification</i>		
<i>Schedule 01</i>	STREET & STORM	Sales tax shall be included in unit prices		
131	CSTC FOR SIDEWALK AND DRIVEWAYS	40 CY	50.00	2,000.00
132	HMA CL. 1/2 IN. PG 70-28, 4 INCH THICK	3377 SY	20.00	67,540.00
133	HMA CL. 1/2 IN. PG 70-28, 5 INCH THICK	707 SY	25.00	17,675.00
134	HMA CL. 1/2 IN. PG 64-28, 2 INCH THICK	5258 SY	10.00	52,580.00
135	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	3798 SY	15.00	56,970.00
136	HMA FOR PRELEVELING CL. 3/8 IN. PG 64-28	20 TON	125.00	2,500.00
137	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 3 INCH THICK	60 SY	40.00	2,400.00
138	CRACK SEALING	6500 LF	1.50	9,750.00
139	PAVEMENT REPAIR EXCAVATION INCL. HAUL	60 SY	25.00	1,500.00
140	PLANING BITUMINOUS PAVEMENT	2054 SY	5.00	10,270.00
141	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00
142	COMPACTION PRICE ADJUSTMENT	1 EST	3,895.00	3,895.00
143	CEMENT CONCRETE CURB WALL	20 LF	45.00	900.00
144	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	1600 LF	45.00	72,000.00
145	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	344 LF	60.00	20,640.00
146	MANHOLE TYPE I-48, BASIC PRICE	12 EA	2,500.00	30,000.00
147	MANHOLE TYPE I-48, SHALLOW	1 EA	2,200.00	2,200.00
148	MANHOLE ADDITIONAL HEIGHT, TYPE I-48	1 VF	150.00	150.00
149	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	14 EA	300.00	4,200.00
150	CATCH BASIN TYPE 1	1 EA	2,100.00	2,100.00
151	CATCH BASIN TYPE 3	7 EA	2,300.00	16,100.00
152	CATCH BASIN TYPE 4	2 EA	2,500.00	5,000.00
153	RETROFIT SURFACE INLET CATCH BASIN WITH FRAME & BI-DIRECTIONAL VANED GRATE	2 EA	600.00	1,200.00
154	RETROFIT CURB & SURFACE INLET FRAME & GRATE WITH HOOD, FRAME AND BI-DIRECTIONAL VANED GRATE	2 EA	600.00	1,200.00
155	CONNECT 8 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	4 EA	300.00	1,200.00
156	CONNECT 12 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	1 EA	300.00	300.00
157	CLEANING EXISTING DRAINAGE STRUCTURE	4 EA	350.00	1,400.00
158	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	20 CY	25.00	500.00
159	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	20 CY	18.00	360.00
160	IMPORTED BACKFILL	20 CY	18.00	360.00
161	TRENCH SAFETY SYSTEM	1 LS	*****	1,000.00
162	RECONNECT SIDE SEWER	2 EA	750.00	1,500.00
163	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	442 LF	40.00	17,680.00
164	PLUGGING EXISTING PIPE	2 EA	150.00	300.00
165	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,000.00
166	ENCASE WATER/SEWER AT CROSSINGS	15 EA	300.00	4,500.00

Project Number: 2015133

<i>Item No</i>	<i>Bid Item Description</i>	<i>Est Quantity</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Description</i>		<i>Tax Classification</i>		
<i>Schedule 01</i>	STREET & STORM	Sales tax shall be included in unit prices		
167	CONCRETE PIPE ANCHOR	19 EA	500.00	9,500.00
168	ESC LEAD	1 LS	* * * * *	1,000.00
169	INLET PROTECTION	30 EA	90.00	2,700.00
170	TOPSOIL TYPE A, 2 INCH THICK	500 SY	19.00	9,500.00
171	HYDROSEEDING	400 SY	7.00	2,800.00
172	SOD INSTALLATION	100 SY	15.00	1,500.00
173	CEMENT CONCRETE CURB	820 LF	18.50	15,170.00
174	CEMENT CONC. CURB AND GUTTER	350 LF	22.00	7,700.00
175	CEMENT CONCRETE DRIVEWAY	44 SY	45.00	1,980.00
176	MODIFY FENCING, STA 50+50	1 LS	* * * * *	1,500.00
177	MONUMENT FRAME AND COVER	1 EA	300.00	300.00
178	CEMENT CONC. SIDEWALK	550 SY	35.00	19,250.00
179	RAMP DETECTABLE WARNING	104 SF	23.00	2,392.00
180	SIGNING, PERMANENT	1 LS	* * * * *	3,000.00
181	PAVEMENT MARKING - DURABLE HEAT APPLIED	7 SF	10.00	70.00
182	WORD AND SYMBOL MARKINGS - DURABLE HEAT APPLIED	8 EA	200.00	1,600.00
<i>Schedule Totals</i>				740,025.50

Project Number: 2015133

<i>Item No</i>	<i>Bid Item Description</i>	<i>Est Quantity</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Description</i>		<i>Tax Classification</i>		
<i>Schedule 02</i>	SEWER & WATER	Sales tax shall NOT be included in unit prices		
201	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	1 EA	450.00	450.00
202	REMOVE EXISTING < 12 IN DIAMETER PIPE	146 LF	10.00	1,460.00
203	MANHOLE TYPE I-48, BASIC PRICE	1 EA	2,500.00	2,500.00
204	MANHOLE TYPE I-48, SHALLOW	2 EA	2,200.00	4,400.00
205	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	8 EA	600.00	4,800.00
206	MANHOLE OR DRYWELL FRAME AND COVER (LOCKABLE)	1 EA	650.00	650.00
207	VALVE BOX AND COVER	4 EA	400.00	1,600.00
208	CONNECT 8 IN. DIAM. SEWER PIPE TO EXISTING SEWER PIPE	1 EA	400.00	400.00
209	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	40 CY	25.00	1,000.00
210	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	40 CY	18.00	720.00
211	IMPORTED BACKFILL	40 CY	18.00	720.00
212	TRENCH SAFETY SYSTEM	1 LS	*****	1,000.00
213	RECONNECT SIDE SEWER	8 EA	750.00	6,000.00
214	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,000.00
215	CLEANING EXISTING SANITARY SEWER	12 EA	400.00	4,800.00
216	DI PIPE FOR WATER MAIN 6 IN. DIAM.	1073 LF	55.00	59,015.00
217	DI PIPE FOR WATER MAIN 12 IN. DIAM.	821 LF	70.00	57,470.00
218	GATE VALVE 6 IN.	2 EA	2,700.00	5,400.00
219	GATE VALVE 12 IN.	2 EA	3,000.00	6,000.00
220	HYDRANT ASSEMBLY	1 EA	5,000.00	5,000.00
221	RECONNECT EXISTING HYDRANT	2 EA	2,500.00	5,000.00
222	TRENCH EXCAVATION FOR WATER SERVICE TAP	80 LF	20.00	1,600.00
223	REMOVE AND REPLACE CURB SECTION FOR WATER SERVICE	4 EA	120.00	480.00
224	REMOVE AND REPLACE SIDEWALK SECTION FOR WATER SERVICE	4 EA	400.00	1,600.00
225	SANITARY SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	220 LF	45.00	9,900.00
226	REMOVE AND REPLACE CURB SECTION FOR SIDE SEWER	8 EA	120.00	960.00
227	REMOVE AND REPLACE SIDEWALK SECTION FOR SIDE SEWER	8 EA	400.00	3,200.00
228	SIDE SEWER PERMIT	8 EA	100.00	800.00
<i>Schedule Totals</i>				187,925.00

Project Number *2015133* *1st Avenue Et Al*

SCHEDULE SUMMARY

	<i>Sched 1</i>	<i>Sched 2</i>	<i>Sched 3</i>	<i>Sched 4</i>	<i>Sched 5</i>	<i>Sched 6</i>	<i>Sched 7</i>	<i>Sched 8</i>	<i>Total</i>
<i>Engineer's Est</i>	740,025.50	187,925.00	0.00	0.00	0.00	0.00	0.00	0.00	927,950.50



Agenda Sheet for City Council Meeting of:
06/06/2016

Date Rec'd	5/24/2016
Clerk's File #	PRO 2016-0023
Renews #	
Cross Ref #	
Project #	2015177
Bid #	
Requisition #	BT

Submitting Dept	ENGINEERING SERVICES
Contact Name/Phone	DAN BULLER 625-6391
Contact E-Mail	DBULLER@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0670 - LOW BID AWARD - BACON CONCRETE, INC.

Agenda Wording

Low Bid of Bacon Concrete, Inc. (Spokane, WA) for Wall Street Surface Improvements - \$797,659.25. An administrative reserve of \$79,765.93, which is 10% of the contract price, will be set aside. (East Central Neighborhood Council)

Summary (Background)

On May 23, 2016 bids were opened for the above project. The low bid was from Bacon Concrete, Inc. in the amount of \$797,659.25, which is \$51,650.72 or 6.08% under the Engineer's Estimate; one other bid was received as follows: Cameron-Reilly - \$890,218.00

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 877,425.18	#	4340 43416 94000 56501 10026
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	TWOHIG, KYLE	<u>Study Session</u>	
<u>Division Director</u>	TWOHIG, KYLE	<u>Other</u>	Public Works 5/23/16
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	eraea@spokanecity.org	
<u>For the Mayor</u>	WHITNEY, TYLER	kkeck@spokanecity.org	
<u>Additional Approvals</u>		mhughes@spokanecity.org	
<u>Purchasing</u>		htrautman@spokanecity.org	
		kgoodman@spokanecity.org	
		jahensley@spokanecity.org	
		kbustos@spokanecity.org	

BRIEFING PAPER
Public Works Committee
Engineering Services
May 23, 2016

Subject:

Wall Street Surface Improvements (2015177)

Background:

Last summer sewer main was installed in Wall Street between Spokane Falls Boulevard and Main Avenue as part of the CSO program. Because of the large number of utilities and extensive rock encountered, surface restoration and the associated public input process could not be completed last year so the street was graveled for the winter. The purpose of this project is to complete the surface restoration.

The public input process coupled with the need to finish this project prior to the opening of Urban Outfitters resulted in the project depicted graphically in the attached exhibit. The aesthetics of this project were developed in conjunction with adjacent property owners, Downtown Spokane Partnership, River Park Square and the design review board.

Please refer to two attached exhibits.

Impact:

This project will require the closure of Wall Street between Spokane Falls Boulevard and Main Avenue. Construction on the south half of the project, the portion next to Urban Outfitters, will begin first such that that portion of the project, and ideally the entire project, is complete prior to Urban Outfitters scheduled opening in early fall.

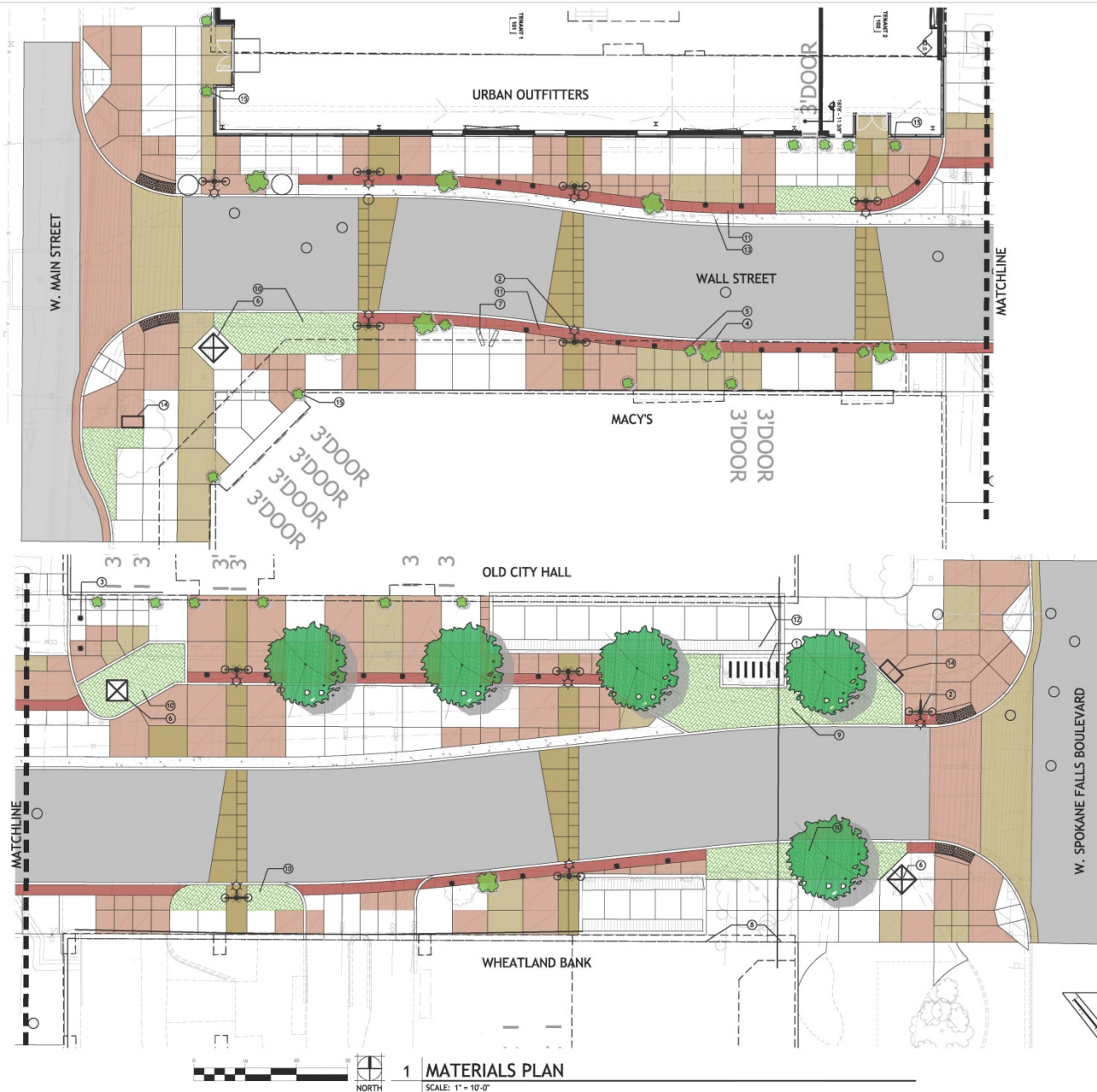
Action:

The engineer's estimate is \$900,000.00. We expect to forward a recommendation to award to Council on May 23 2016.

Funding:

This project is paid with utility funds.



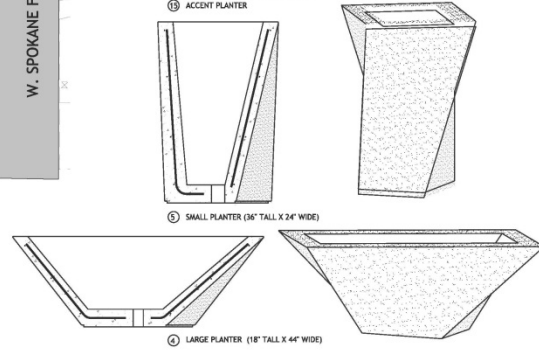


1 MATERIALS PLAN
SCALE: 1" = 10'-0"

- ### LEGEND
- ASPHALT PAVEMENT AND BASE ROCK
 - CONCRETE FLATWORK
COLOR: NATURAL GREY
 - CONCRETE FLATWORK
COLOR: MESA BUFF 5447
 - CONCRETE FLATWORK
COLOR: CLIFFSIDE BROWN #804
 - RED PAVEMENT - UTILITY/ADA VISUAL CLUE
COLOR: RED CONCRETE PAVEMENT FROM CITY STOCK
 - LANDSCAPE PLANTING BED
TOPDRESSING - 3" DEPTH OF LEACH ROCK
 - DETECTIBLE WARNING
 - BIKE RACK WITH ACCENT COLOR
 - BOLLARDS
 - CAR CORNING BOLLARD
 - PLANTER POT LARGE 44"
 - PLANTER POT TALL 24"
 - ACCENT PLANTER WITH ACCENT COLOR
 - POLE W/ (2) HANGING BASKETS
 - BANNER POLE W/HANGING BASKET

- ### CONSTRUCTION NOTES
1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF ANY DEMOLITION OR CONSTRUCTION OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY.
 2. COORDINATE ALL DEMOLITION AND CONSTRUCTION OPERATIONS WITH CIVIL, MECHANICAL, AND ELECTRICAL ENGINEERING SHEETS.
 3. COORDINATE INSTALLATION OF ELECTRICAL AND IRRIGATION CONDUIT AND SLEEVES WITH RESPECTIVE CONTRACTORS.
 4. WHEREVER CONCRETE FLATWORK ABUTS BUILDING OR COLUMNS IT SHALL HAVE AN EXPANSION JOINT.
 5. PROVIDE TOoled SCORE JOINTS AS SHOWN ON PLANS. SCORE JOINTS ARE AN INTEGRAL PART OF THE DESIGN AND SHALL NOT VARY FROM PATTERNS AND LOCATIONS SHOWN. CONTRACTOR SHALL REMOVE ANY FLATWORK THAT DOES NOT CONFORM TO DESIGN.
 6. CONTRACTOR SHALL REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
 7. ALL ASPHALT PAVING (REGULATORY, DIRECTIONAL, WARNING, OR ACCESSIBILITY) SHALL FOLLOW STANDARD A.A.S.H.T.O. ENGINEERING AND INSTALLATION REQUIREMENTS.
 8. CONTRACTOR RESPONSIBLE FOR ANY DAMAGE TO NEW OR EXISTING CONCRETE FLATWORK OR ASPHALT AS A RESULT OF CONSTRUCTION ACTIVITIES.
 9. LOCATION OF ALL SITE FURNISHINGS, BOLLARDS, PLANTERS AND TRASH RECEPTACLES SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
 10. REFER TO SIGN BASE DETAIL FOR INSTALLATION OF ALL SIGNS.
 11. REFER TO PLANTING PLANS FOR SOFT MATERIAL LOCATIONS.
 12. REFER TO DETAIL DRAWINGS AND SPECIFICATIONS FOR ACTUAL CONSTRUCTION REQUIREMENTS.
 13. IN THE EVENT OF A DISCREPANCY, IMMEDIATELY NOTIFY LANDSCAPE ARCHITECT.

- ### SUMMARY
- 1. BIKE RACK - IRON AGE SPARK
 - 2. LIGHT FIXTURE, SEE ELECTRICAL PLAN
 - 3. BOLLARD RELIANCE FOUNDRY: R-7891
 - 4. LARGE PLANTER - AGORA SHEAR LARGE
 - 5. SMALL PLANTER - AGORA SHEAR TALL
 - 6. VERTICAL ELEMENT - CUSTOM PIECE, BANNER, INTERNAL LED LIGHTING
 - 7. PUBLIC ART - ALIEN LOVE
 - 8. PUBLIC ART - HAROLD BALAZS
 - 9. RAIN GARDEN
 - 10. LANDSCAPE PLANTER
 - 11. UTILITY - PAVERS
 - 12. ARTIST ELECTRIC VAULTS
 - 13. VALLEY GUTTER
 - 14. BIG BELLY SOLAR TRASH COMPACTOR
 - 15. ACCENT PLANTER



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

Project Number: 2015177

Project Description Wall St Surface Improvements

Original Date 5/5/2016 7:03:44 PM

Funding Source Local

Update Date 5/23/2016 2:02:46 PM

Preparer Jonathan Adams

Addendum

Project Number: 2015177			Engineer's Estimate		Bacon Concrete Inc		Cameron-Reilly			
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 Improvements					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	*****	500.00	*****	750.00	*****	0.00
103	POTHOLING	6 EA	400.00	2,400.00	200.00	1,200.00	300.00	1,800.00	0.00	0.00
104	PUBLIC LIAISON REPRESENTATIVE	1 LS	*****	2,000.00	*****	12,000.00	*****	9,000.00	*****	0.00
105	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	500.00	2,000.00	800.00	3,200.00	500.00	2,000.00	0.00	0.00
106	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,000.00	*****	2,500.00	*****	3,000.00	*****	0.00
107	MOBILIZATION	1 LS	*****	60,000.00	*****	65,000.00	*****	57,540.50	*****	0.00
108	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	19,000.00	*****	8,000.00	*****	16,705.00	*****	0.00
109	REMOVE TREE, CLASS I	1 EA	200.00	200.00	600.00	600.00	350.00	350.00	0.00	0.00
110	REMOVE TREE, NON-CLASSIFIED	4 EA	150.00	600.00	100.00	400.00	350.00	1,400.00	0.00	0.00
111	TREE PRUNING	3 EA	500.00	1,500.00	400.00	1,200.00	300.00	900.00	0.00	0.00
112	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	2,500.00	*****	18,000.00	*****	12,500.00	*****	0.00
113	REMOVE EXISTING CURB	800 LF	10.00	8,000.00	8.00	6,400.00	10.00	8,000.00	0.00	0.00
114	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	920 SY	14.00	12,880.00	20.00	18,400.00	12.00	11,040.00	0.00	0.00

<i>Project Number:</i> 2015177			<i>Engineer's Estimate</i>		Bacon Concrete Inc		Cameron-Reilly			
<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 Improvements					Sales tax shall be included in unit prices					
115	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	2 EA	500.00	1,000.00	700.00	1,400.00	800.00	1,600.00	0.00	0.00
116	REMOVE CURB/GRATE INLET	2 EA	400.00	800.00	200.00	400.00	500.00	1,000.00	0.00	0.00
117	REMOVE EXISTING <12 IN. DIAMETER PIPE	71 LF	10.00	710.00	14.00	994.00	20.00	1,420.00	0.00	0.00
118	SAWCUTTING CURB	4 EA	35.00	140.00	50.00	200.00	50.00	200.00	0.00	0.00
119	SAWCUTTING RIGID PAVEMENT	700 LFI	3.50	2,450.00	2.00	1,400.00	1.00	700.00	0.00	0.00
120	SAWCUTTING FLEXIBLE PAVEMENT	1500 LFI	0.75	1,125.00	1.50	2,250.00	1.00	1,500.00	0.00	0.00
121	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	400.00	400.00	600.00	600.00	750.00	750.00	0.00	0.00
122	ROADWAY EXCAVATION INCL. HAUL	733 CY	18.00	13,194.00	16.50	12,094.50	45.00	32,985.00	0.00	0.00
123	REMOVE UNSUITABLE FOUNDATION MATERIAL	20 CY	15.00	300.00	30.00	600.00	45.00	900.00	0.00	0.00
124	REPLACE UNSUITABLE FOUNDATION MATERIAL	20 CY	25.00	500.00	30.00	600.00	65.00	1,300.00	0.00	0.00
125	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - ROADWAY EXCAVATION	15 CY	100.00	1,500.00	120.00	1,800.00	100.00	1,500.00	0.00	0.00
126	PREPARATION OF UNTREATED ROADWAY	1500 SY	1.75	2,625.00	3.50	5,250.00	5.00	7,500.00	0.00	0.00
127	CONSTRUCTION GEOSYNTHETIC FOR UNDERGROUND DRAINAGE	21 SY	2.00	42.00	10.00	210.00	20.00	420.00	0.00	0.00
128	CRUSHED SURFACING TOP COURSE	225 CY	40.00	9,000.00	45.00	10,125.00	65.00	14,625.00	0.00	0.00
129	CSTC FOR SIDEWALK AND DRIVEWAYS	69 CY	50.00	3,450.00	60.00	4,140.00	75.00	5,175.00	0.00	0.00
130	HMA CL. 1/2 IN. PG 64-28, 4 INCH THICK	1061 SY	45.00	47,745.00	41.00	43,501.00	35.00	37,135.00	0.00	0.00
131	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28, 3 INCH THICK	40 SY	60.00	2,400.00	45.00	1,800.00	75.00	3,000.00	0.00	0.00
132	PAVEMENT REPAIR EXCAVATION INCL. HAUL	40 SY	25.00	1,000.00	48.00	1,920.00	50.00	2,000.00	0.00	0.00

<i>Project Number:</i> 2015177			<i>Engineer's Estimate</i>		Bacon Concrete Inc		Cameron-Reilly			
<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 Improvements					Sales tax shall be included in unit prices					
133	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	0.00	0.00
134	COMPACTION PRICE ADJUSTMENT	1 EST	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00
135	FURNISHING CONCRETE FOR CEMENT CONCRETE PAVEMENT	121 CY	200.00	24,200.00	140.00	16,940.00	200.00	24,200.00	0.00	0.00
136	CEMENT CONC. PAVEMENT, 9 IN. THICK	439 SY	75.00	32,925.00	60.00	26,340.00	97.50	42,802.50	0.00	0.00
137	CEMENT CONCRETE CURB WALL	25 LF	45.00	1,125.00	70.00	1,750.00	75.00	1,875.00	0.00	0.00
138	REMOVE AND FILL STRUCTURAL SIDEWALK	1 LS	*****	106,000.00	*****	45,720.00	*****	54,000.00	*****	0.00
139	UNDERDRAIN PIPE 4 IN. DIAM.	43 LF	25.00	1,075.00	15.00	645.00	22.00	946.00	0.00	0.00
140	GRAVEL BACKFILL FOR DRAIN	1.5 CY	50.00	75.00	60.00	90.00	100.00	150.00	0.00	0.00
141	REPAIR STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	1 EA	800.00	800.00	750.00	750.00	750.00	750.00	0.00	0.00
142	MANHOLE TYPE I-48, BASIC PRICE	2 EA	4,500.00	9,000.00	4,500.00	9,000.00	3,000.00	6,000.00	0.00	0.00
143	MANHOLE ADDITIONAL HEIGHT TYPE I-48	3 VF	150.00	450.00	260.00	780.00	120.00	360.00	0.00	0.00
144	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN CONCRETE	3 EA	450.00	1,350.00	400.00	1,200.00	400.00	1,200.00	0.00	0.00
145	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	3 EA	500.00	1,500.00	525.00	1,575.00	500.00	1,500.00	0.00	0.00
146	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN CONCRETE	2 EA	600.00	1,200.00	525.00	1,050.00	600.00	1,200.00	0.00	0.00
147	CATCH BASIN TYPE 0	1 EA	2,000.00	2,000.00	2,400.00	2,400.00	2,300.00	2,300.00	0.00	0.00
148	CATCH BASIN TYPE 1	1 EA	2,000.00	2,000.00	2,600.00	2,600.00	2,400.00	2,400.00	0.00	0.00
149	CATCH BASIN TYPE 3	1 EA	2,500.00	2,500.00	2,600.00	2,600.00	2,500.00	2,500.00	0.00	0.00

<i>Project Number:</i> 2015177			<i>Engineer's Estimate</i>		Bacon Concrete Inc		Cameron-Reilly			
<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 Improvements					Sales tax shall be included in unit prices					
150	MANHOLE OR DRYWELL FRAME AND COVER (LOCKABLE)	3 EA	650.00	1,950.00	800.00	2,400.00	750.00	2,250.00	0.00	0.00
151	VALVE BOX AND COVER	3 EA	400.00	1,200.00	320.00	960.00	500.00	1,500.00	0.00	0.00
152	REPLACE EXISTING MANHOLE CONE WITH ECCENTRIC CONE	1 EA	1,000.00	1,000.00	650.00	650.00	1,000.00	1,000.00	0.00	0.00
153	TELESCOPING MANHOLE FRAME AND COVER	3 EA	650.00	1,950.00	950.00	2,850.00	600.00	1,800.00	0.00	0.00
154	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	35 CY	150.00	5,250.00	100.00	3,500.00	100.00	3,500.00	0.00	0.00
155	IMPORTED BACKFILL	35 CY	25.00	875.00	35.00	1,225.00	55.00	1,925.00	0.00	0.00
156	TRENCH SAFETY SYSTEM	1 LS	*****	1,500.00	*****	400.00	*****	1,200.00	*****	0.00
157	CATCH BASIN DUCTILE IRON SEWER PIPE 8 IN. DIAM.	71 LF	40.00	2,840.00	56.00	3,976.00	40.00	2,840.00	0.00	0.00
158	PLUGGING EXISTING PIPE	2 EA	150.00	300.00	200.00	400.00	300.00	600.00	0.00	0.00
159	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	2,500.00	*****	500.00	*****	0.00
160	CLEANING EXISTING SANITARY SEWER	6 EA	500.00	3,000.00	450.00	2,700.00	350.00	2,100.00	0.00	0.00
161	TRENCH EXCAVATION FOR WATER SERVICE TAP	20 LF	20.00	400.00	24.00	480.00	30.00	600.00	0.00	0.00
162	ESC LEAD	1 LS	*****	1,000.00	*****	2,100.00	*****	750.00	*****	0.00
163	INLET PROTECTION	11 EA	120.00	1,320.00	100.00	1,100.00	100.00	1,100.00	0.00	0.00
164	STABILIZED CONSTRUCTION ENTRANCE	300 SY	50.00	15,000.00	10.00	3,000.00	10.00	3,000.00	0.00	0.00
165	TOPSOIL TYPE A	120 CY	35.00	4,200.00	31.00	3,720.00	37.00	4,440.00	0.00	0.00
166	BIORETENTION SOIL MEDIA (BSM) FOR RAINGARDEN/INFILTRATION PLANTER	85 CY	35.00	2,975.00	45.00	3,825.00	47.00	3,995.00	0.00	0.00
167	PSIPE 4 INCH CALIPER DECIDUOUS TREE	3 EA	1,200.00	3,600.00	500.00	1,500.00	1,000.00	3,000.00	0.00	0.00

<i>Project Number:</i> 2015177			<i>Engineer's Estimate</i>		Bacon Concrete Inc		Cameron-Reilly			
<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 Improvements					Sales tax shall be included in unit prices					
168	PSIPE 10 FOOT HIGH DECIDUOUS TREE	2 EA	1,200.00	2,400.00	1,000.00	2,000.00	800.00	1,600.00	0.00	0.00
169	PSIPE 5 GAL. CONTAINER SHRUB	22 EA	60.00	1,320.00	42.00	924.00	60.00	1,320.00	0.00	0.00
170	PSIPE 2 GAL. CONTAINER SHRUB	589 EA	35.00	20,615.00	30.00	17,670.00	44.00	25,916.00	0.00	0.00
171	PSIPE 1 GAL. CONTAINER SHRUB	116 EA	20.00	2,320.00	28.00	3,248.00	18.00	2,088.00	0.00	0.00
172	PSIPE4 INCH POTTED PLANT	836 EA	6.00	5,016.00	16.00	13,376.00	8.50	7,106.00	0.00	0.00
173	FINE BARK MULCH	20 CY	48.00	960.00	50.00	1,000.00	60.00	1,200.00	0.00	0.00
174	AGGREGATE TOP DRESSING 3 INCH THICK	9 SY	12.00	108.00	30.00	270.00	18.00	162.00	0.00	0.00
175	RAINGARDEN/INFILTRATION PLANTER	69 SY	20.00	1,380.00	50.00	3,450.00	58.00	4,002.00	0.00	0.00
176	IRRIGATION SYSTEM	1 LS	*****	38,000.00	*****	58,000.00	*****	55,000.00	*****	0.00
177	CEMENT CONCRETE CURB	900 LF	22.00	19,800.00	17.00	15,300.00	17.00	15,300.00	0.00	0.00
178	CEMENT CONC. CURB AND GUTTER	150 LF	25.00	3,750.00	28.00	4,200.00	25.00	3,750.00	0.00	0.00
179	CEMENT CONC. V-GUTTER	260 LF	30.00	7,800.00	23.00	5,980.00	35.00	9,100.00	0.00	0.00
180	CEMENT CONCRETE DRIVEWAY	45 SY	60.00	2,700.00	54.00	2,430.00	100.00	4,500.00	0.00	0.00
181	TEMPORARY FENCE	1 LS	*****	5,000.00	*****	2,400.00	*****	150.00	*****	0.00
182	CEMENT CONC. SIDEWALK	950 SY	45.00	42,750.00	40.50	38,475.00	85.50	81,225.00	0.00	0.00
183	RAMP DETECTABLE WARNING	80 SF	20.00	1,600.00	21.00	1,680.00	20.00	1,600.00	0.00	0.00
184	BRICK PAVERS	120 SY	65.00	7,800.00	144.00	17,280.00	195.00	23,400.00	0.00	0.00
185	TRAFFIC SIGNAL SYSTEM SPO FALLS BLVD & WALL	1 LS	*****	14,000.00	*****	16,464.00	*****	20,735.00	*****	0.00
186	TRAFFIC SIGNAL SYSTEM MAIN & WALL	1 LS	*****	10,000.00	*****	11,445.00	*****	20,900.00	*****	0.00

<i>Project Number:</i> 2015177			<i>Engineer's Estimate</i>		Bacon Concrete Inc		Cameron-Reilly			
<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 Improvements					Sales tax shall be included in unit prices					
187	ILLUMINATION SYSTEM WALL STREET	1 LS	*****	118,000.00	*****	89,922.00	*****	75,900.00	*****	0.00
188	COMMUNICATION CONDUIT SYSTEM	1 LS	*****	35,000.00	*****	26,827.00	*****	21,725.00	*****	0.00
189	LIGHTING CONDUIT SYSTEM WALL STREET	1 LS	*****	31,000.00	*****	18,663.75	*****	33,330.00	*****	0.00
190	SIGNING, PERMANENT	1 LS	*****	3,000.00	*****	5,000.00	*****	3,600.00	*****	0.00
191	REMOVAL OF EXISTING PAVEMENT MARKINGS	420 SF	4.50	1,890.00	4.20	1,764.00	3.00	1,260.00	0.00	0.00
192	PAVEMENT MARKING - DURABLE HEAT APPLIED	620 SF	10.00	6,200.00	15.00	9,300.00	16.00	9,920.00	0.00	0.00
193	PAVEMENT MARKING - PAINT	10 SF	3.00	30.00	10.00	100.00	10.00	100.00	0.00	0.00
194	LARGE PLANTER 44 INCH	7 EA	850.00	5,950.00	2,200.00	15,400.00	1,250.00	8,750.00	0.00	0.00
195	TALL PLANTER 24 INCH	4 EA	725.00	2,900.00	2,000.00	8,000.00	1,300.00	5,200.00	0.00	0.00
196	BIKE RACK	3 EA	1,000.00	3,000.00	1,000.00	3,000.00	1,300.00	3,900.00	0.00	0.00
197	BOLLARD - FIXED	14 EA	750.00	10,500.00	1,020.00	14,280.00	1,300.00	18,200.00	0.00	0.00
198	BOLLARD- REMOVABLE	6 EA	1,000.00	6,000.00	1,500.00	9,000.00	1,300.00	7,800.00	0.00	0.00
199	INSTALL ARTWORK	1 LS	*****	500.00	*****	2,400.00	*****	3,500.00	*****	0.00
<i>Schedule Totals</i>				849,310.00		797,659.25		890,218.00		0.00

Project Number 2015177 Wall St Surface Improvements

SCHEDULE SUMMARY									
	Sched 1	Sched 2	Sched 3	Sched 4	Sched 5	Sched 6	Sched 7	Sched 8	Total
Engineer's Est	849,310.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	849,310.00
Bacon Concrete Inc	797,659.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	797,659.25
Cameron-Reilly	890,218.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	890,218.00

Low Bid Contractor: Bacon Concrete Inc

	Contractor's Bid	Engineer's Estimate	% Variance
Schedule 01	\$797,659.25	\$849,310.00	6.08 % Under Estimate
Bid Totals	\$797,659.25	\$849,310.00	6.08 % Under Estimate

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

06/06/2016

Date Rec'd

5/24/2016

Clerk's File #

PRO 2016-0024

Renews #**Submitting Dept**

ENGINEERING SERVICES

Cross Ref #**Contact Name/Phone**

DAN BULLER 625-6391

Project #

2005264

Contact E-Mail

DBULLER@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #

CR 16900

Agenda Item Name

0370 LOW BID AWARD - HALME CONSTRUCTION, INC.

Agenda Wording

Low Bid of Halme Construction, Inc. (Spokane, WA) for Riverside Extension Phase 2A - \$3,313,764.50 plus tax. An administrative reserve of \$331,376.45 plus tax, which is 10% of the contract price plus tax, will be set aside. (Riverside Neighborhood)

Summary (Background)

On May 23, 2016 bids were opened for the above project. The low bid was from Halme Construction, Inc. in the amount of \$3,313,764.50, which is \$586,664.50 or 15.16% under the Engineer's Estimate; one other bid was received as follows: Red Diamond Construction, Inc. - 4,214,850.80.

Fiscal Impact**Budget Account**

Expense \$ 3,506,276.42

3200 94997 95300 56501 99999

Expense \$ 150,704.17

4340 42300 94000 56501 99999

Select \$

#

Select \$

#

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

TWOHIG, KYLE

Study Session**Division Director**

TWOHIG, KYLE

Other

Public Works 5/23/16

Finance

KECK, KATHLEEN

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kbustos@spokanecity.org

BRIEFING PAPER
Public Works Committee
Engineering Services
May 23, 2016

Subject:

MLK Jr. Blvd Phase 2A (2005264)

Background:

This project is the continuation of MLK Jr. Boulevard Phase I constructed six years ago. Its alignment is shown in the attached exhibit.

This project has been delayed for six years due to the extremely slow pace BNSF processes property purchases. The remainder of the project, located between Sherman Street and Trent Avenue near the Union Gospel Mission has been divided into two phase, 2A and 2B because of continued property acquisition issues with the owner of Brown Building Supply. Phase 2A (this project) will be between Sherman Street and Erie Street and phase 2B will be between Erie Street and Trent Avenue and is planned for construction in 2017. Phase 2A needs to be constructed this year due to funding deadlines.

The project consists of one lane each direction as well as bike lanes. The associated extension of the Ben Burr Trail between this project and the river will be constructed with phase 2B of the project.

Impact:

The first portion of this project is rock removal/excavation/pre-loading toward the west end of the project. This work must be completed by mid-August to enable Avista to move a major power pole in the vicinity of the project. After that, work likely will temporarily be halted until late fall when it will resume and continue over the winter with completion in spring 2017. The plan is for phase 2B construction to begin while 2A is under construction such that the entire phase 2 is completed midsummer, 2017. Traffic and impacts to surrounding property owners for this phase 2A project will be minimal.

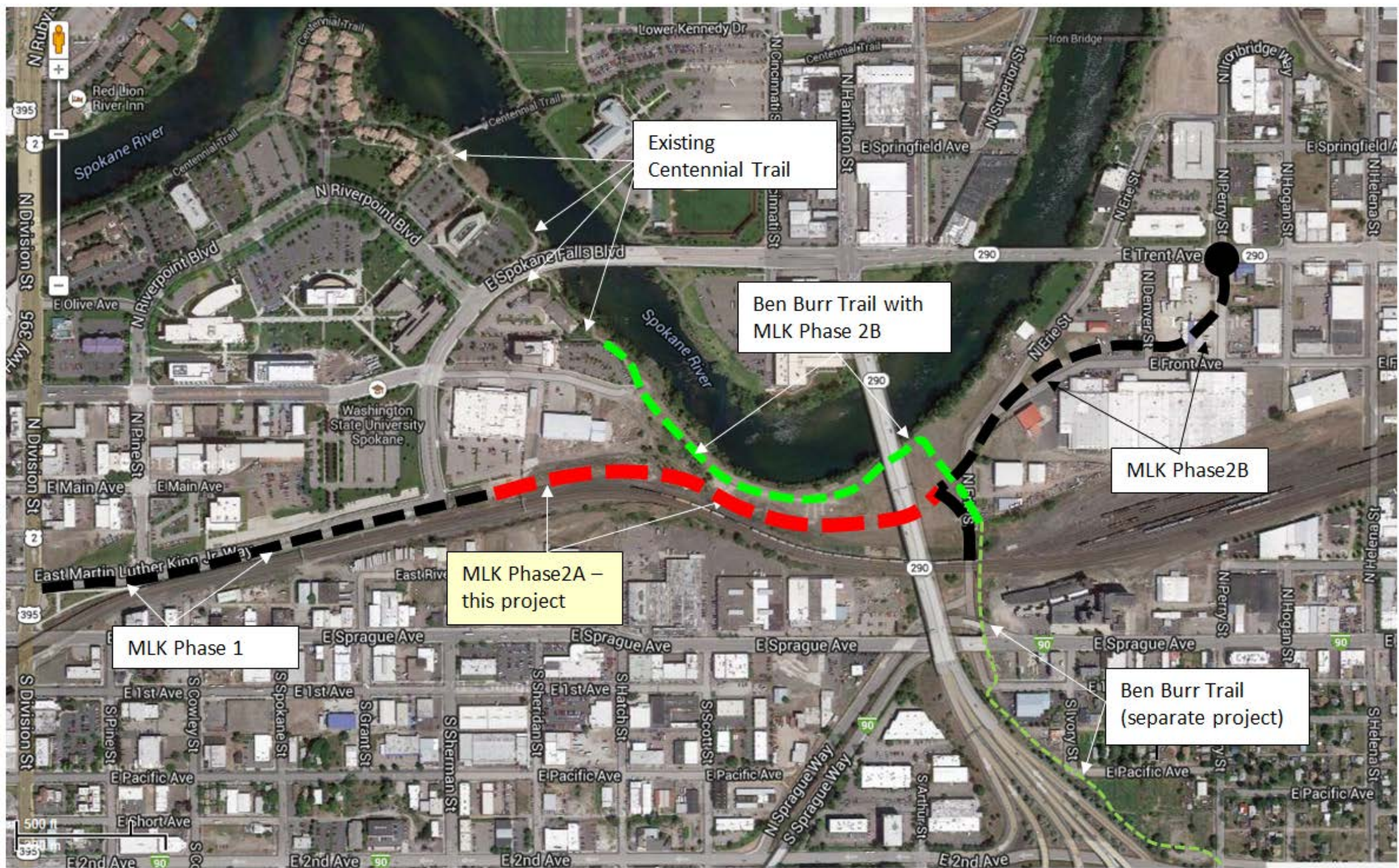
This project has been extensively discussed with neighboring property owners and businesses over the last several years.

Action:

The engineer's estimate is \$3.8M. We expect to forward a recommendation to award to Council in mid-June.

Funding:

This project is paid with federal funds.



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

Project Number: 2005264

Project Description Riverside Extension Phase 2A

Funding Source Federal

Preparer Michael Myers

Original Date 2/17/2016 9:46:26 AM

Update Date 5/23/2016 1:42:12 PM

Addendum

Project Number: 2005264			Engineer's Estimate		Halme Construction 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

Common & 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	0.00	0.00
102	SPCC PLAN	1 LS	*****	5,000.00	*****	525.00	*****	600.00	*****	0.00
103	POTHOLING	7 EA	400.00	2,800.00	370.00	2,590.00	500.00	3,500.00	0.00	0.00
104	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	600.00	*****	60.00	*****	3,000.00	*****	0.00
105	MOBILIZATION	1 LS	*****	282,800.00	*****	300,000.00	*****	779,000.00	*****	0.00
106	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	10,000.00	*****	7,800.00	*****	7,500.00	*****	0.00
107	CLEARING AND GRUBBING	1 LS	*****	23,000.00	*****	16,000.00	*****	30,000.00	*****	0.00
108	SAWCUTTING CURB	2 EA	30.00	60.00	24.00	48.00	75.00	150.00	0.00	0.00
109	SAWCUTTING RIGID PAVEMENT	20 LFI	1.10	22.00	0.65	13.00	10.00	200.00	0.00	0.00
110	SAWCUTTING FLEXIBLE PAVEMENT	350 LFI	0.50	175.00	0.30	105.00	2.00	700.00	0.00	0.00
111	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	500.00	500.00	256.00	256.00	400.00	400.00	0.00	0.00
112	ROADWAY EXCAVATION INCL. HAUL	11968 CY	25.00	299,200.00	6.00	71,808.00	12.00	143,616.00	0.00	0.00
113	EMBANKMENT SETTLEMENT AND MONITORING	1 LS	*****	50,000.00	*****	18,000.00	*****	6,500.00	*****	0.00
114	REMOVAL AND HANDLING OF CONTAMINATED MATERIAL	2950 CY	18.00	53,100.00	17.50	51,625.00	12.00	35,400.00	0.00	0.00

<i>Project Number:</i> 2005264			<i>Engineer's Estimate</i>		Halme Construction 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> Common & Street					Sales tax shall be included in unit prices					
115	MONITORING WELL PROTECTION	1 LS	*****	600.00	*****	444.00	*****	7,500.00	*****	0.00
116	HEALTH AND SAFETY PLAN	1 LS	*****	52,000.00	*****	4,000.00	*****	2,000.00	*****	0.00
117	REMOVE UNSUITABLE FOUNDATION MATERIAL	700 CY	18.00	12,600.00	17.00	11,900.00	1.50	1,050.00	0.00	0.00
118	REPLACE UNSUITABLE FOUNDATION MATERIAL	700 CY	12.00	8,400.00	13.50	9,450.00	2.00	1,400.00	0.00	0.00
119	COMMON BORROW INCL. HAUL	17725 CY	18.00	319,050.00	6.40	113,440.00	19.00	336,775.00	0.00	0.00
120	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - ROADWAY EXCAVATION	5600 CY	50.00	280,000.00	115.00	644,000.00	38.00	212,800.00	0.00	0.00
121	PREPARATION OF UNTREATED ROADWAY	10810 SY	2.20	23,782.00	0.85	9,188.50	2.00	21,620.00	0.00	0.00
122	GRADE & SHAPE LANDSCAPE AREAS	1 LS	*****	55,800.00	*****	10,000.00	*****	38,000.00	*****	0.00
123	CRUSHED SURFACING TOP COURSE	475 CY	40.00	19,000.00	47.00	22,325.00	50.00	23,750.00	0.00	0.00
124	CRUSHED SURFACING BASE COURSE	2010 CY	35.00	70,350.00	47.00	94,470.00	50.00	100,500.00	0.00	0.00
125	CSTC FOR SIDEWALK AND DRIVEWAYS	40 CY	55.00	2,200.00	107.00	4,280.00	75.00	3,000.00	0.00	0.00
126	HMA CL. 1/2 IN. PG 70-28, 2 INCH THICK	8450 SY	9.00	76,050.00	10.00	84,500.00	9.50	80,275.00	0.00	0.00
127	HMA CL. 1/2 IN. PG 70-28, 3.5 INCH THICK	9600 SY	14.00	134,400.00	16.00	153,600.00	15.00	144,000.00	0.00	0.00
128	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 CAL	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	0.00	0.00
129	COMPACTION PRICE ADJUSTMENT	1 CAL	4,220.00	4,220.00	4,220.00	4,220.00	4,220.00	4,220.00	0.00	0.00
130	RETROFIT MH 1254CD	1 LS	*****	18,000.00	*****	14,000.00	*****	21,000.00	*****	0.00
131	RETROFIT MH 1360CD	1 LS	*****	15,000.00	*****	11,500.00	*****	10,500.00	*****	0.00
132	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	105 LF	35.00	3,675.00	27.00	2,835.00	60.00	6,300.00	0.00	0.00

<i>Project Number:</i> 2005264			<i>Engineer's Estimate</i>		Halme Construction 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> Common & Street					Sales tax shall be included in unit prices					
133	STORM SEWER PIPE 10 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	180 LF	40.00	7,200.00	29.00	5,220.00	70.00	12,600.00	0.00	0.00
134	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	100 LF	50.00	5,000.00	33.00	3,300.00	74.00	7,400.00	0.00	0.00
135	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	55 LF	60.00	3,300.00	35.00	1,925.00	55.00	3,025.00	0.00	0.00
136	DUCTILE IRON STORM SEWER PIPE 10 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	65 LF	65.00	4,225.00	42.00	2,730.00	60.00	3,900.00	0.00	0.00
137	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	245 LF	75.00	18,375.00	42.00	10,290.00	66.00	16,170.00	0.00	0.00
138	MANHOLE TYPE 1 MODIFIED - SHALLOW	18 EA	3,000.00	54,000.00	1,000.00	18,000.00	1,200.00	21,600.00	0.00	0.00
139	MANHOLE TYPE 2 MODIFIED - SHALLOW	1 EA	2,500.00	2,500.00	1,700.00	1,700.00	1,500.00	1,500.00	0.00	0.00
140	DRYWELL TYPE 2	2 EA	5,200.00	10,400.00	3,450.00	6,900.00	4,000.00	8,000.00	0.00	0.00
141	DRYWELL TYPE 1 MODIFIED - SWALE	2 EA	4,000.00	8,000.00	1,800.00	3,600.00	3,500.00	7,000.00	0.00	0.00
142	DRYWELL TYPE 1 MODIFIED - POND	1 EA	3,500.00	3,500.00	3,200.00	3,200.00	3,500.00	3,500.00	0.00	0.00
143	CATCH BASIN TYPE 1	6 EA	2,000.00	12,000.00	2,000.00	12,000.00	2,700.00	16,200.00	0.00	0.00
144	CATCH BASIN TYPE 2	3 EA	2,600.00	7,800.00	2,300.00	6,900.00	3,000.00	9,000.00	0.00	0.00
145	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	27 EA	650.00	17,550.00	535.00	14,445.00	850.00	22,950.00	0.00	0.00
146	MANHOLE OR DRYWELL FRAME AND COVER (LOCKABLE)	6 EA	670.00	4,020.00	577.00	3,462.00	900.00	5,400.00	0.00	0.00
147	FRAME AND GRATE FOR CATCH BASIN OR GRATE INLET	3 EA	650.00	1,950.00	589.00	1,767.00	900.00	2,700.00	0.00	0.00
148	CONNECT 6 TO 12 IN. DIAM. PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	2 EA	600.00	1,200.00	940.00	1,880.00	750.00	1,500.00	0.00	0.00

<i>Project Number:</i> 2005264			<i>Engineer's Estimate</i>		Halme Construction 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> Common & Street					Sales tax shall be included in unit prices					
149	RECONSTRUCT MANHOLE INVERT	1 EA	800.00	800.00	1,400.00	1,400.00	2,000.00	2,000.00	0.00	0.00
150	INTERIOR DROP CONNECTION 4 IN. DIAM	1 EA	3,000.00	3,000.00	2,220.00	2,220.00	2,600.00	2,600.00	0.00	0.00
151	RETROFIT MONITORING WELL	2 EA	8,000.00	16,000.00	6,500.00	13,000.00	2,500.00	5,000.00	0.00	0.00
152	CLEANING EXISTING DRAINAGE STRUCTURE	3 EA	400.00	1,200.00	104.00	312.00	400.00	1,200.00	0.00	0.00
153	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	1300 CY	65.00	84,500.00	109.00	141,700.00	32.00	41,600.00	0.00	0.00
154	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	265 CY	20.00	5,300.00	18.00	4,770.00	5.00	1,325.00	0.00	0.00
155	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	565 CY	13.00	7,345.00	14.00	7,910.00	7.00	3,955.00	0.00	0.00
156	TRENCH SAFETY SYSTEM	1 LS	*****	5,000.00	*****	500.00	*****	27,000.00	*****	0.00
157	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	6,000.00	*****	4,600.00	*****	30,000.00	*****	0.00
158	ESC LEAD	1 LS	*****	6,000.00	*****	2,400.00	*****	1,200.00	*****	0.00
159	MATERIAL ON HAND, EROSION CONTROL	1 LS	*****	8,000.00	*****	11,000.00	*****	1,400.00	*****	0.00
160	SILT FENCE	3000 LF	10.00	30,000.00	3.60	10,800.00	3.00	9,000.00	0.00	0.00
161	INLET PROTECTION	9 EA	100.00	900.00	62.00	558.00	100.00	900.00	0.00	0.00
162	LANDSCAPING - WSU	1 LS	*****	17,000.00	*****	23,000.00	*****	32,000.00	*****	0.00
163	LANDSCAPING - ERIE	1 LS	*****	21,000.00	*****	16,000.00	*****	16,500.00	*****	0.00
164	LANDSCAPING - MLK & BNSF	1 LS	*****	15,000.00	*****	8,000.00	*****	6,400.00	*****	0.00
165	PSIPE SHRUBS, 2 GAL	253 EA	40.00	10,120.00	53.00	13,409.00	45.00	11,385.00	0.00	0.00
166	PSIPE SHRUBS, 5 GAL	116 EA	70.00	8,120.00	69.00	8,004.00	60.00	6,960.00	0.00	0.00
167	PSIPE 8' HIGH EVERGREEN TREE	29 EA	700.00	20,300.00	404.00	11,716.00	350.00	10,150.00	0.00	0.00

<i>Project Number:</i> 2005264			<i>Engineer's Estimate</i>		Halme Construction 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> Common & Street					Sales tax shall be included in unit prices					
168	PSIPE 8' HIGH DECIDUOUS TREE	117 EA	500.00	58,500.00	360.00	42,120.00	310.00	36,270.00	0.00	0.00
169	WEED AND PEST CONTROL	1 FA	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	0.00	0.00
170	HYDROSEEDING	8895 SY	6.00	53,370.00	1.80	16,011.00	2.00	17,790.00	0.00	0.00
171	SOD INSTALLATION	2300 SY	10.00	23,000.00	8.00	18,400.00	5.50	12,650.00	0.00	0.00
172	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK INCL. SE	4110 SY	15.00	61,650.00	23.50	96,585.00	20.00	82,200.00	0.00	0.00
173	TOPSOIL TYPE A, 4 INCH THICK	5825 SY	9.00	52,425.00	8.50	49,512.50	8.00	46,600.00	0.00	0.00
174	CONSTRUCT BIO-INFILTRATION SWALE	470 SY	18.00	8,460.00	3.50	1,645.00	50.00	23,500.00	0.00	0.00
175	CONSTRUCT BIO-INFILTRATION SWALE & DRAIN	810 SY	40.00	32,400.00	33.00	26,730.00	133.83	108,402.30	0.00	0.00
176	CONSTRUCT BIO-INFILTRATION SWALE & DRAIN - LINED	3135 SY	80.00	250,800.00	46.00	144,210.00	160.00	501,600.00	0.00	0.00
177	SWALE DRAIN PAD	106 EA	175.00	18,550.00	117.50	12,455.00	100.00	10,600.00	0.00	0.00
178	CURB DROP INLET	106 EA	250.00	26,500.00	60.00	6,360.00	120.00	12,720.00	0.00	0.00
179	CHECK DAM - EARTHEN	47 EA	900.00	42,300.00	124.00	5,828.00	125.00	5,875.00	0.00	0.00
180	CHECK DAM TYPE 1 - CONCRETE	38 EA	2,000.00	76,000.00	500.00	19,000.00	325.00	12,350.00	0.00	0.00
181	CHECK DAM TYPE 2 - CONCRETE	11 EA	2,300.00	25,300.00	565.00	6,215.00	450.00	4,950.00	0.00	0.00
182	IRRIGATION SYSTEM - WSU	1 LS	*****	27,000.00	*****	55,000.00	*****	50,000.00	*****	0.00
183	IRRIGATION SYSTEM - MLK	1 LS	*****	35,000.00	*****	80,000.00	*****	80,000.00	*****	0.00
184	IRRIGATION VAULT	2 EA	2,500.00	5,000.00	3,000.00	6,000.00	2,300.00	4,600.00	0.00	0.00
185	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	1,500.00	*****	6,300.00	*****	5,300.00	*****	0.00

<i>Project Number:</i> 2005264			<i>Engineer's Estimate</i>		Halme Construction 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> Common & Street					Sales tax shall be included in unit prices					
186	CEMENT CONC. CURB AND GUTTER	4335 LF	23.00	99,705.00	15.00	65,025.00	16.50	71,527.50	0.00	0.00
187	CEMENT CONCRETE DRIVEWAY	100 SY	50.00	5,000.00	62.00	6,200.00	55.00	5,500.00	0.00	0.00
188	CHANNELIZING DEVICES	1 EA	100.00	100.00	180.00	180.00	200.00	200.00	0.00	0.00
189	BEAM GUARDRAIL TYPE 31	250 LF	40.00	10,000.00	47.00	11,750.00	50.00	12,500.00	0.00	0.00
190	BEAM GUARDRAIL ANCHOR TYPE 10	2 EA	1,800.00	3,600.00	1,180.00	2,360.00	1,500.00	3,000.00	0.00	0.00
191	CHAIN LINK FENCE TYPE 1	760 LF	45.00	34,200.00	28.00	21,280.00	24.00	18,240.00	0.00	0.00
192	WIRE FENCE TYPE 2	1300 LF	14.00	18,200.00	10.00	13,000.00	8.00	10,400.00	0.00	0.00
193	DOUBLE 20 FT CHAIN LINK GATE	1 EA	1,600.00	1,600.00	2,000.00	2,000.00	1,800.00	1,800.00	0.00	0.00
194	MONUMENT FRAME AND COVER	9 EA	500.00	4,500.00	597.00	5,373.00	400.00	3,600.00	0.00	0.00
195	CEMENT CONC. SIDEWALK	350 SY	30.00	10,500.00	40.00	14,000.00	40.00	14,000.00	0.00	0.00
196	CONDUIT TRENCH, <3 FT WIDTH	1170 LF	15.00	17,550.00	12.00	14,040.00	41.00	47,970.00	0.00	0.00
197	CONDUIT TRENCH, 3 FT TO 6 FT WIDTH	1300 LF	20.00	26,000.00	36.00	46,800.00	68.00	88,400.00	0.00	0.00
198	CONDUIT TRENCH, > 6 FT WIDTH	950 LF	35.00	33,250.00	42.00	39,900.00	65.00	61,750.00	0.00	0.00
199	CONDUIT, 2 IN. DIAM. - SCH. 40	11625 LF	6.00	69,750.00	3.50	40,687.50	4.00	46,500.00	0.00	0.00
200	CONDUIT, 3 IN. DIAM. - SCH. 80	225 LF	15.00	3,375.00	4.00	900.00	8.00	1,800.00	0.00	0.00
201	CONDUIT, 4 IN. DIAM. - SCH. 80	4740 LF	25.00	118,500.00	20.00	94,800.00	15.00	71,100.00	0.00	0.00
202	INTERSECTION CONDUIT SYSTEM MLK & ERIE	1 LS	*****	10,000.00	*****	7,300.00	*****	7,400.00	*****	0.00
203	VAULT/PULL BOX/HAND HOLE INSTALLATION	7 EA	1,700.00	11,900.00	4,000.00	28,000.00	3,500.00	24,500.00	0.00	0.00
204	LIGHTING AND ELECTRICAL SYSTEM	1 LS	*****	26,450.00	*****	38,660.00	*****	37,000.00	*****	0.00

Project Number: 2005264			Engineer's Estimate		Halme Construction 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 Common & Street					Sales tax shall be included in unit prices					
205	SIGNING, PERMANENT	1 LS	*****	5,000.00	*****	4,622.00	*****	25,000.00	*****	0.00
206	PAVEMENT MARKING - DURABLE HEAT APPLIED	35 SF	10.00	350.00	12.00	420.00	70.00	2,450.00	0.00	0.00
207	PAVEMENT MARKING - DURABLE INLAY TAPE	3109 SF	10.00	31,090.00	7.00	21,763.00	22.00	68,398.00	0.00	0.00
208	WORD AND SYMBOL MARKINGS - DURABLE HEAT APPLIED	2 EA	200.00	400.00	240.00	480.00	1,200.00	2,400.00	0.00	0.00
209	ROCK RETAINING WALL	660 SF	30.00	19,800.00	36.00	23,760.00	30.00	19,800.00	0.00	0.00
210	REINFORCED DOWELED CURB - MODIFIED	1580 LF	20.00	31,600.00	11.00	17,380.00	8.65	13,667.00	0.00	0.00
211	TRAFFIC ISLAND CONCRETE	3 SY	300.00	900.00	60.00	180.00	100.00	300.00	0.00	0.00
212	MANHOLE TYPE I-48, BASIC PRICE	1 EA	3,500.00	3,500.00	3,200.00	3,200.00	3,000.00	3,000.00	0.00	0.00
213	PSIPE SHRUBS, 1 GAL	1010 EA	35.00	35,350.00	18.00	18,180.00	13.50	13,635.00	0.00	0.00
214	ASPHALT COST PRICE ADJUSTMENT	1 CAL	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	0.00	0.00
Schedule Totals				3,693,914.00		3,191,212.50		4,084,520.80		0.00

Project Number: 2005264			Engineer's Estimate		Halme Construction 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 03

WATER AND SANITARY SEWER

Sales tax shall NOT be included in unit prices

301	DI PIPE FOR WATER MAIN 8 IN. DIAM.	65 LF	70.00	4,550.00	120.00	7,800.00	77.00	5,005.00	0.00	0.00
302	DI PIPE FOR WATER MAIN 12 IN. DIAM.	1410 LF	100.00	141,000.00	54.00	76,140.00	59.00	83,190.00	0.00	0.00
303	GATE VALVE 8 IN.	2 EA	1,200.00	2,400.00	1,528.00	3,056.00	1,770.00	3,540.00	0.00	0.00
304	GATE VALVE 12 IN.	3 EA	2,000.00	6,000.00	2,756.00	8,268.00	3,235.00	9,705.00	0.00	0.00
305	HYDRANT ASSEMBLY	3 EA	5,300.00	15,900.00	5,400.00	16,200.00	5,100.00	15,300.00	0.00	0.00
306	TRENCH EXCAVATION FOR WATER SERVICE TAP	100 LF	270.00	27,000.00	27.00	2,700.00	35.00	3,500.00	0.00	0.00
307	CLEANING EXISTING SANITARY SEWERS	5 EA	500.00	2,500.00	400.00	2,000.00	450.00	2,250.00	0.00	0.00
308	SIDE SEWER PIPE 4 IN. DIAM.	6 LF	50.00	300.00	68.00	408.00	75.00	450.00	0.00	0.00
309	SIDE SEWER PIPE 6 IN. DIAM.	45 LF	60.00	2,700.00	42.00	1,890.00	80.00	3,600.00	0.00	0.00
310	SIDE SEWER PERMIT	1 EA	40.00	40.00	40.00	40.00	40.00	40.00	0.00	0.00
311	MANHOLE TYPE I-48, BASIC PRICE	1 EA	3,500.00	3,500.00	3,700.00	3,700.00	3,000.00	3,000.00	0.00	0.00
312	MANHOLE ADDITIONAL HEIGHT 48 IN. DIAM. TYPE I	5 VF	125.00	625.00	70.00	350.00	150.00	750.00	0.00	0.00

Schedule Totals

206,515.00

122,552.00

130,330.00

0.00

Project Number 2005264 Riverside Extension Phase 2A

	SCHEDULE SUMMARY								
	Sched 1	Sched 2	Sched 3	Sched 4	Sched 5	Sched 6	Sched 7	Sched 8	Total
Engineer's Est	3,693,914.00	0.00	206,515.00	0.00	0.00	0.00	0.00	0.00	3,900,429.00
Halme Construction Inc	3,191,212.50	0.00	122,552.00	0.00	0.00	0.00	0.00	0.00	3,313,764.50
Red Diamond Construc	4,084,520.80	0.00	130,330.00	0.00	0.00	0.00	0.00	0.00	4,214,850.80

Low Bid Contractor: Halme Construction Inc

	Contractor's Bid	Engineer's Estimate	% Variance	
Schedule 01	\$3,191,212.50	\$3,693,914.00	13.61	% Under Estimate
Schedule 03	\$133,214.02	\$224,481.80	40.66	% Under Estimate
Bid Totals	\$3,324,426.52	\$3,918,395.80	15.16	% Under Estimate

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

06/06/2016

Date Rec'd

5/25/2016

Clerk's File #

OPR 2016-0447

Renews #**Submitting Dept**

HOUSING & HUMAN SERVICES

Contact Name/Phone

ROB CROW 625-6814

Contact E-Mail

RCROW@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

1680 - ACCEPT RWJF INVEST HEALTH GRANT

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

Accept \$60,000 training grant from Reinvestment Fund (funded by Robert Wood Johnson Foundation) for an Invest Health training grant on behalf of 5 community partners including the City of Spokane

Summary (Background)

Spokane was chosen as one of 50 mid-sized cities for a \$60,000 training grant to address quality, affordable housing issues that would improve the health disparities that exist between populations, particularly those that are homeless, low income, and minority. Spokane's team includes representatives from the City of Spokane, Catholic Charities of Spokane, Providence Health Care, SNAP, and Spokane Housing Authority with support from Spokane Regional Health District.

Fiscal Impact

Expense \$ 60,000

Revenue \$ 60,000

Select \$

Select \$

Budget Account

TBD

TBD

#

#

Approvals**Dept Head**

CROW, ROB

Division Director

MALLAHAN, JONATHAN

Finance

KECK, KATHLEEN

Legal

WHALEY, HUNT

For the Mayor

WHITNEY, TYLER

Council Notifications**Study Session**

6/6/2016 (CHE)

Other**Distribution List****Additional Approvals****Purchasing**

BRIEFING PAPER
City of Spokane – City Council CHE
Community, Housing & Human Services Department
Invest Health Training Grant
June 6, 2016

Subject

\$60,000 Invest Health training grant from Reinvestment Fund (funded by Robert Wood Johnson Foundation) on behalf of 5 community partners including the City of Spokane

Background

Invest Health is a new initiative that brings together diverse leaders from mid-sized U.S. cities across the nation to develop new strategies for increasing and leveraging private and public investments to accelerate improvements in neighborhoods facing the biggest barriers to better health.

The city of Spokane is one of 50 selected to take part in the new Invest Health initiative. Spokane's team comprises representatives from Catholic Charities of Spokane, the City of Spokane, Providence Health Care, SNAP, and Spokane Housing Authority with support from the Spokane Regional Health District. They will work to effectively address quality, affordable housing issues that would improve the health disparities that exist between populations, particularly those that are homeless, low income, and minority.

Over the next 18 months, Invest Health teams will take part in a vibrant learning community, have access to highly skilled faculty advisors and coaches who will guide their efforts toward improved health, and receive a \$60,000 grant. Spokane will also engage a broader group of local stakeholders to encourage local knowledge sharing.

Impact

Spokane's team will explore a broad range of ideas from advocating for a comprehensive real-time inventory of available rentals to help those searching for affordable housing to working to address housing discrimination against those who benefit from rental assistance programs.

Action

Authorize City to enter into a grant agreement with Reinvestment Fund.

Funding

\$60,000 grant funds will be received by the City as the project's fiscal agent and used to pay for travel, training, and related expenses of team members. A portion of the funds could be used for additional capacity building related to grant activities.

INVEST HEALTH

Strategies for Healthier Cities

A Project of the *Robert Wood Johnson Foundation*
and *Reinvestment Fund*

What is the program?

Invest Health is a new initiative that brings together diverse leaders from mid-sized U.S. cities across the nation to develop new strategies for increasing and leveraging private and public investments to accelerate improvements in neighborhoods facing the biggest barriers to better health. The program is a collaboration between the Robert Wood Johnson Foundation and Reinvestment Fund.

The program was developed to:

- **BRING TOGETHER DISPARATE SECTORS** in mid-sized cities to align around a vision for better health, create innovative ideas, and unlock new sources of investment.
- **HELP MID-SIZED CITIES ATTRACT CAPITAL** to improve health outcomes in low-income communities.
- **BUILD LASTING RELATIONSHIPS** in these cities that extend beyond the length of the program and help inform work in other communities nationwide.
- **TEST POTENTIAL SOLUTIONS** to inform the national conversation about how to best invest to achieve health equity in more communities throughout the U.S.

- **ADVANCE SYSTEMS-FOCUSED STRATEGIES** that reach across sectors to support health improvement in low-income communities.
- **HELP CITIES USE DATA AS A DRIVER** for change, beginning with an evidence-based understanding of the problem and continuing to a data framework for assessing impact.



Why was the program developed?

The Commission to Build a Healthier America recommends that we fundamentally change how we revitalize neighborhoods, fully incorporating health into community development. To realize this vision, many communities need to build their capacity to align capital in ways that address the social, economic, physical, and environmental factors that drive well-being. With significant changes in populations and demographics, mid-sized cities are, in many ways, leading the charge to define 21st century prosperity. This is where the majority of Americans live and where many experience some of nation's deepest challenges with entrenched poverty, poor health, and lack of investment. Collectively, mid-sized cities have more individuals living in poverty than large cities. These cities offer fertile ground for new approaches to improving health—approaches that may also help boost local economies—and drive momentum nationally.

This initiative was developed to provide an opportunity for mid-sized cities to transform the way local leaders work together to create solution-driven and diverse partnerships. These partnerships will emphasize making changes to the built environment in low-income neighborhoods to improve resident health and well-being. These changes can focus on increasing access to quality jobs, affordable housing, and nutritious food, and reducing crime rates and environmental hazards.

In many of these cities, local leaders are already invested and engaged in low-income communities and possess many of the skills and networks necessary to create systems change. However, they may lack a team approach and a common vision, a data-informed understanding of their problem and how to resolve it, or connection to the capital channels required to advance projects and programs that address the multiple determinants of health. This initiative is designed to provide a learning community experience in which to better define community challenges, devise solutions, and align capital and other funding to build healthier, more equitable communities.



What will the program do?

This program has the potential to fundamentally change the way cities improve opportunities to live healthy lives. In the 50 Invest Health cities, this shift starts with the creation of a team of leaders from government, corporate, health, philanthropic, academic, and community development sectors. Drawing upon a broad definition of health and the power of local data, at the end of 18-months team will have:

1. Established a strong, sustainable collaboration between community development, built environment, and health sector stakeholders;
2. Meaningfully engaged community residents in the planning process;
3. Identified and initiated key systems-change strategies to create more equitable communities, including efforts to leverage existing or new funding streams to address priority determinants of health;
4. Surfaced 2-3 actionable investment opportunities that use capital to advance the city's health priorities; and
5. Catalyzed an enduring, health-supporting, community investment pipeline.

Each participating city will also engage a broader group of local stakeholders as it goes about its work and that spirit of knowledge sharing will continue through regional and national gatherings where larger learning communities can flourish.

Through the initiative, cities will create new paths to problem-solving in low-income communities. Through cross-sector teamwork and a shared vision and strategy, cities will improve their capacity to develop solutions and permanent change.

Learning from the program will be synthesized and disseminated to influence the field more broadly.

To find out more about Invest Health, visit www.investhealth.org.



**REINVESTMENT
FUND**

About Reinvestment Fund

Reinvestment Fund is a catalyst for change in low-income communities. We integrate data, policy and strategic investments to improve the quality of life in low-income neighborhoods. Using analytical and financial tools, we bring high-quality grocery stores, affordable housing, schools and health centers to the communities that need better access—creating anchors that attract investment over the long term and help families lead healthier, more productive lives. Learn more at reinvestment.com.



Robert Wood Johnson Foundation

About The Robert Wood Johnson Foundation

For more than 40 years the Robert Wood Johnson Foundation has worked to improve health and health care. We are striving to build a national Culture of Health that will enable all to live longer, healthier lives now and for generations to come. For more information, visit www.rwjf.org. Follow the Foundation on Twitter at www.rwjf.org/twitter or on Facebook at www.rwjf.org/facebook.

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

06/06/2016

Date Rec'd

5/23/2016

Clerk's File #

OPR 2016-0448

Renews #**Submitting Dept**

HISTORIC PRESERVATION

Contact Name/Phone

MEGAN 625-6543

Contact E-Mail

MDUVALL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

0780 - LOVE HOUSE - 436 W 24TH AVE

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

Recommendation to list the Love House, 436 West 24th Avenue, on the Spokane Register of Historic Places.

Summary (Background)

SMC #17D.040.120 provides that the City/County Historic Landmark Commission can recommend to the City Council that certain properties be placed on the Spokane Register of Historic Places. The Love House has been found to meet the criteria set forth for such designation and a management agreement has been signed by the owners.

Fiscal Impact

Neutral \$

Select \$

Select \$

Select \$

Budget Account

#

#

#

#

Approvals**Dept Head**

DUVALL, MEGAN

Division Director

MALLAHAN, JONATHAN

Finance

KECK, KATHLEEN

Legal

PICCOLO, MIKE

For the Mayor

WHITNEY, TYLER

Council Notifications**Study Session****Other**

SHLC 5/18/16

Distribution List

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sschoonover@spokanecity.org

Additional Approvals**Purchasing**

Findings of Fact and Decision for Council Review
Nomination to the Spokane Register of Historic Places
Love House – 436 W. 24th Avenue

FINDINGS OF FACT

1. SMC 17D.040.090: "Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation."

- Completed in 1912, The Love House meets the 50-year age criteria established for listing on the Spokane Register of Historic Places.

2. SMC 17D.040.090: The property must qualify under one or more categories for the Spokane Register (A, B, C, D).

- Under Category C, for its architecture and design as an excellent example of the Craftsman style.

3. SMC17D.040.090: "The property must also possess integrity of location, design, materials, workmanship, and association." From NPS Bulletin 15: "Integrity is the ability of a property to convey its significance...it is not necessary for a property to retain all its historic physical features...the property must retain, however, the essential physical features that enable it to convey its historic identity."

- The Love House is remarkably well-preserved and retains excellent integrity in terms of its location, design, workmanship, materials and association.
- Stylistic Craftsman features well-depicted at the Love House include the home's low-slung, ground-hugging appearance and horizontal orientation, low pitched roof, widely overhanging eaves, exposed rafters/structural members, mortise-and-tenon joinery, original windows, and partial-width covered front porch.

4. Once listed, this property will be eligible to apply for incentives, including:

Special Valuation (property tax abatement), Spokane Register historical marker, and special code considerations.

RECOMMENDATION

The Spokane Historic Landmarks Commission evaluated the Love House according to the appropriate criteria at a public hearing on 05/18/16 and recommends that the Love House be listed on the Spokane Register of Historic Places.

After Recording Return to:
Office of the City Clerk
5th Floor Municipal Bldg.
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the property legally described as:

(CANNON HILL PK E1/2 OF L29; W37.5F OF L30 B23)

Parcel Number 35304.1224, is governed by a Management Agreement between the City of Spokane and the Owner(s), Douglas and Janet Lambarth (Henry & Frances Love House), of the subject property.

The Management Agreement is intended to constitute a covenant that runs with the land and is entered into pursuant to Spokane Municipal Code Chapter 6.05. The Management Agreement requires the Owner of the property to abide by the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) and other standards promulgated by the Historic Landmarks Commission.

Said Management Agreement was approved by the Spokane City Council on _____. I certify that the original Management Agreement is on file in the Office of the City Clerk under File No. _____.

I certify that the above is true and correct.

Spokane City Clerk

Historic Preservation Officer

Dated: _____

Dated: _____

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **18th** day of **May 2016**, by and between the City of Spokane (hereinafter "City"), acting through its Historic Landmarks Commission ("Commission"), and **Douglas D. Lambarth** (hereinafter "Owner(s)"), the owner of the property located at **436 W. 24th Avenue** commonly known as the **Henry & Frances Love House** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 6.05 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.040 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter "Commission") is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. **CONSIDERATION.** The City agrees to designate the Owner's property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.

2. **COVENANT.** This Agreement shall be filed as a public record. The parties intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties.

3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.

4. PROMISE OF OWNERS. The Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (36 CFR Part 67)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to meet with the Commission to seek alternatives to demolition. These negotiations may last no longer than forty-five (45) days. If no alternative is found within that time, the Commission may take up to forty-five (45) additional days to attempt to develop alternatives, and/or to arrange for the salvage of architectural artifacts and structural recording. Additional and supplemental provisions are found in City ordinances governing historic landmarks.

This Agreement is entered into the year and date first above written.

Owner

Owner

CITY OF SPOKANE

By:

Title:

My MK Bell

Historic Preservation Officer

ATTEST:

City Clerk

Approved as to form:

Assistant City Attorney

STATE OF WASHINGTON)
) ss
County of ~~Spokane~~ Pend Oreille

On this 16 day of May, 2016, before me, the undersigned,
a Notary Public in and for the State of Washington, personally appeared

Douglas D. Lambarth
_____, to me known to be the
individual(s) described in and who executed the within and foregoing
instrument, and acknowledged that _____(he/she/they) signed the same as
_____ (his/her/their) 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
16 day of May, 2016.



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

My commission expires 8-15-19

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, MAYOR 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 _____

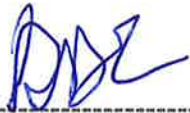
Attachment A

1. This Management Agreement includes all architectural features on all floors of the home (excluding the kitchen and bathrooms.) Architectural features include woodwork, first floor fireplace mantel, original lighting fixtures, hardwood floors and inlays on all floors, and built-in buffet and built-in corner china cabinet in dining room. The original windows throughout the home and doors are also covered by this Management Agreement as protected features.

2. The interior of the garage is not covered by this agreement.

3. The interior of the laundry room, the storage room with heating source, and the walk-through to the laundry are not covered.

4. In the event of the house becoming uninhabitable due to fire, wind storm, earthquake, or other force of a comparable nature, there shall be no obligation to re-build the home and/or garage.



Owner Initials

May 16, 2016

Date



City of Spokane

Agent's Initials

5/18/16

Date

Secretary of The Interior's Standards

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color,

texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE

***Spokane Register of Historic Places
Nomination***

*Spokane City/County Historic Preservation Office, City Hall, 3rd Floor
808 W. Spokane Falls Boulevard, Spokane, WA 99201*

1. HISTORIC NAME

Historic Name **HENRY & FRANCES LOVE HOUSE**
Common Name

2. LOCATION

Street & Number 436 W. 24th Avenue
City, State, Zip Code Spokane, WA 99203
Parcel Number 35304.1224

3. CLASSIFICATION

Category	Ownership	Status	Present Use	
<input checked="" type="checkbox"/> building	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agricultural	<input type="checkbox"/> museum
<input type="checkbox"/> site	<input checked="" type="checkbox"/> private	<input type="checkbox"/> work in progress	<input type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both		<input type="checkbox"/> educational	<input type="checkbox"/> religious
<input type="checkbox"/> object	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input checked="" type="checkbox"/> residential
	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes, restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input type="checkbox"/> yes, unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
		<input type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other

4. OWNER OF PROPERTY

Name Douglas D. Lambarth
Street & Number 436 W. 24th Avenue
City, State, Zip Code Spokane, WA 99203
Telephone Number/E-mail 509-458-2382, jdkl.lambarth43@gmail.com

5. LOCATION OF LEGAL DESCRIPTION

Courthouse, Registry of Deeds Spokane County Courthouse
Street Number 1116 West Broadway
City, State, Zip Code Spokane, WA 99201
County Spokane

6. REPRESENTATION OF EXISTING SURVEYS

Title City of Spokane Historic Landmarks Survey
Date Federal____ State____ County____ Local____
Location of Survey Records Spokane Historic Preservation Office

**Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE**

7. DESCRIPTION

(continuation sheets attached)

Architectural Classification

Condition

☒ excellent

☐ good

☐ fair

☐ deteriorated

☐ ruins

☐ unexposed

Check One

☐ unaltered

☒ altered

Check One

☒ original site

☐ moved & date

8. SPOKANE REGISTER CATEGORIES & STATEMENT OF SIGNIFICANCE

(continuation sheets attached)

Applicable Spokane Register of Historic Places Categories: Mark "x" on one or more for the categories that qualify the property for the Spokane Register listing:

☐ A Property is associated with events that have made a significant contribution to the broad patterns of Spokane history.

☐ B Property is associated with the lives of persons significant in our past.

☒ C Property embodies the distinctive characteristics of a type, period, or method or construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

☐ D Property has yielded, or is likely to yield, information important in prehistory history.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Bibliography is found on one or more continuation sheets.

10. DIGITAL PHOTOS, MAPS, SITE PLANS, ARTICLES, ETC.

Items are found on one or more continuation sheets.

11. GEOGRAPHICAL DATA

Acreage of Property

Less than one acre.

Verbal Boundary Description

Cannon Hill Park Addition, east ½ of Lot 29, west 37.5 feet of Lot 30, Block 23.

Verbal Boundary Justification

Nominated property includes entire parcel and urban legal description.

12. FORM PREPARED BY

Name and Title

Linda Yeomans, Consultant

Organization

Historic Preservation Planning & Design

Street, City, State, Zip Code

501 West 27th Avenue, Spokane, WA 99203

Telephone Number

509-456-3828

Email Address

lindayeomans@comcast.net

Date Final Nomination Heard

May 18, 2016

13. Signature of Owner(s)



14. For Official Use Only:

Date nomination application filed: 4/19/16

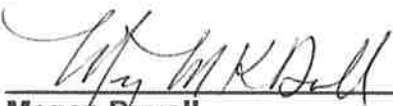
Date of Landmarks Commission hearing: 5/18/16

Landmarks Commission decision: approved

Date of City Council/Board of County Commissioners' hearing: _____

City Council/Board of County Commissioners' decision: _____

I hereby certify that this property has been listed in the Spokane Register of Historic Places based upon the action of either the City Council or the Board of County Commissioners as set forth above.



Megan Duvall
City/County Historic Preservation Officer
City/County Historic Preservation Office
3rd Floor - City Hall, Spokane, WA 99201

5/19/16
Date

Attest:

Approved as to form:

City Clerk

Assistant City Attorney



Love House in 2016

SECTION 7: DESCRIPTION OF PROPERTY

Summary Statement

Constructed in 1912¹ and located in the architecturally prominent Cannon Hill Park Addition in southwest Spokane, Washington, the Henry & Frances Love House is a hallmark example of the Craftsman style applied to a bungalow house form. Stylistic Craftsman features well-depicted at the Love House include the home's low-slung, ground-hugging appearance and horizontal orientation, low pitched roof, widely overhanging eaves, exposed rafters/structural members, mortise-and-tenon joinery, original windows, and partial-width covered front porch. The Craftsman tradition's "back-to-nature" organic expression is particularly achieved in the home's wood shingle cladding, painted wood trim, and a prominent use of rough textured clinker brick and basalt rock features that articulate an unusual front-facing tapered chimney and unique battered front porch pier foundation corners. The interior of the Love House is articulated with superior quality quarter-sawn "tiger-striped" oak woodwork finished and burnished to a deep, rich ebony patina. Well-preserved, the Love House retains a high degree of exterior and interior architectural integrity in original location, design, materials, workmanship, and association.

¹ Spokane City Building Permit #3672, May 27, 1912.

CURRENT APPEARANCE & CONDITION

Site

In excellent condition, the Love House is sited on the east one-half of Lot 29 and the west 37.5 feet of Lot 30, Block 23 in the Cannon Hill Park Addition at 436 West 24th Avenue on Spokane's South Hill. Located in the center of the Addition a few blocks south of Cannon Hill Park (a neighborhood focal point and community hub), the Love House is surrounded by a grid work of directionally correct paved streets and architecturally prominent residential homes built between 1907 and 1945. The property measures 62.5 feet wide and 140 feet deep, and has a northward-sloping grade from the street at 24th Avenue. Located in the center of the lot, the front of the Love House faces south onto a paved public sidewalk and West 24th Avenue, and is framed by a manicured lawn and 100-year-old Sycamore Maple trees in the parking strip. A paved driveway extends north along the property's east border to a two-car garage located in the backyard's rear northeast corner.

House Exterior

The Love House has an irregular footprint that measures roughly 34 feet wide and 54 feet deep.² The home is 1.5 stories and has a low-pitched side gable roof with a lower front-facing cross gable roof over a partial-width front porch. Multiple lower cross gables, gabled bays, shed dormers, and small gabled eyebrow dormers articulate the home's roof. The roof has widely overhanging eaves with exposed rafters, supports two clinker brick chimneys, and is covered with composition asphalt shingles. The house is clad with wood shingles and has a basalt foundation covered with a concrete slip. Windows are a combination of original fixed, casement, and double-hung units.

The south façade of the house features the south-facing slope of the low-pitched, side-gable roof and a lower, front-facing cross gable that covers a partial-width front porch. Sited on the home's southeast corner, the front porch wraps around the southeast corner and is a prominent focal point of the home. It is spacious with an irregular shape, and measures about 18 feet wide and 12 feet deep. The porch roof matches the house with widely overhanging eaves and exposed rafters. It is articulated with prominent, deep, extended bargeboards; horizontal roof eave brackets; mortise-and-tenon joinery at outside porch corners, and a massive horizontal support beam that supports the porch and its gable field. Made of wood, scalloped vertical board-and-batten cladding covers the gable field in the front-facing gable porch. The porch is supported by massive, square porch piers made of heavily textured clinker brick. Thrice-fired clinker brick reflect colored shades of terra cotta, deep red, charcoal, and black. Irregularly shaped brick cobbles and a few basalt rock cobbles protrude randomly from clinker brick porch piers. The porch deck is made of poured concrete covered with red ceramic quarry tile (installed in 1994), and is protected by a plain, square-cut wood balustrade. Three quarry tile-clad stair steps descend from the porch deck to a paved, private front walkway. The porch ceiling is made of painted wood planks. An original 1912 Craftsman-style black wrought-iron and amber-colored glass wall sconce hangs from the north wall of the porch. Unusual features

² Spokane County Tax Assessor. Spokane County Courthouse, Spokane, WA.

of the front porch are two-foot-high battered mounds of basalt rock rubblemix located at porch pier foundation corners and porch stairs at the porch entrance. The basalt rock rubblemix foundation mounds appear to anchor the porch piers and steps as a decorative, organic expression from which the clinker brick porch piers appear to have emerged.

Another prominent focal point on the south facade of the house is a tapered chimney. Located next west adjacent to the front porch, the chimney rises from grade and pierces the roof eave. It is made of coarsely textured clinker brick and clinker brick cobbles like the porch piers, and has a foundation made of the same battered basalt rock rubblemix foundation found at the porch. The upper-most 25% of the chimney is clad in molded concrete. A clinker horizontal brick belt course in a gabled shape that mimics the slope of the front-facing gable porch roof separates the clinker brick chimney from the molded concrete cladding in the upper area of the chimney. Two small, narrow, fixed-pane windows flank the chimney and have leaded diamond-shaped lights with amber-stained glass. A tripartite window with multi-paned sidelights is located at the west end of the south façade.

The east elevation of the house features the east end of the side gable roof, especially observed as it extends over the second floor with widely overhanging eaves and plain wood brackets. The roof's gable peak features a row of four multi-paned casement windows, which illuminate a finished attic bedroom. The east elevation features part of the covered front porch at the first floor as it wraps around the southeast corner of the house for a depth of 12 feet. A lower cross gable projects from the center of the east elevation at the first floor. A back porch with a gabled roof is located at the first floor at the northeast rear corner. The east face of the house is clad with a continuation of wood shingle siding. Gable fields are clad with scalloped vertical wood board-and-batten.

Close to the property's west border and adjacent to an historic single-family home, the west elevation of the Love House is difficult to see from the street. It is distinguished by the home's side gable roof, a continuation of widely overhanging eaves, deep bargeboards, and wood shingle siding. A small single-story box bay with a shed roof is located on the southwest corner of the west face and has a small window with leaded-glass diamond-shaped lights located in the center of the bay. A small box bay with a front-facing gable roof is located on the northwest corner of the west elevation, and has two multi-paned windows. A glass block window is located between the two bays at the first floor (installed in the 1980s).

The north rear of the house faces a fenced back yard and a double-car garage in the northeast corner of the property. The north elevation reveals the north slope of the side gable roof, widely overhanging eaves with exposed rafters, a continuation of wood shingle siding, and multiple rows of original multi-paned fixed-sash windows, and 1/1 windows (installed in 1994). A sleeping porch added in 1916 is located in a 10-foot-deep by 12-foot-wide extension on the northwest corner of the north face.³ The sleeping porch

³ Spokane City Building Permit #7258, May 11, 1916.

extension is built three steps below the level of the first floor to accommodate the north roof slope, which extends over the sleeping porch. A 12-foot by 17-foot addition built in 1994 is located on the northeast rear corner of the house. The principal roof extends over the addition. Four skylights illuminate the addition. A clinker brick chimney is located in the center of the roof near the roof crest, and two shed roof dormers with widely overhanging eaves flank the chimney.

House Interior

As recorded in Spokane County Tax Assessor records, the interior of the Love House has 2,189 square feet on the first floor, 420 square feet on the second floor (finished attic), and 1,769 square feet in the basement for a total of 4,378 square feet in the house.⁴ A solid oak front door with six upper-leaf, beveled and leaded-glass divided lights is located on the east wall of the covered front porch. The front door is embellished with an original 1912 brass door handle and door knocker. The front door opens west directly into a large living room, fireplace alcove, and dining room. A 6-foot deep by 12-foot wide alcove with a center fireplace is located on the south wall. Built-in bookcases are located at right angles to the fireplace and are located on the east and west walls in the alcove. Multi-paned casement windows are located above the bookcases. Four feet high, the bookcases have leaded glass doors with geometric stained-glass designs. The fireplace has a brick surround and extends across the entire 12-foot wall with a plain oak mantel that matches the oak front door. Fireplace bricks are both large and small and are laid in an unusual geometric pattern. The hearth is made of the same bricks as the fireplace, and features the same geometric pattern. A large, spacious living room is located between the fireplace alcove and a formal dining room. The dining room features 5-foot-high oak wainscoting/plate rail that rings the perimeter of the room, and a built-in china cupboard in the room's northwest corner. A built-in buffet is located in the center of the dining room's east wall. Two casement windows with diamond-shaped stained and leaded glass lights are located on the wall above the buffet. The buffet features cabinet doors with decorative stained-glass lights and original brass hardware. The living room, fireplace alcove, and dining room have a solid oak floor, 9-foot high ceilings, lathe-and-plaster construction, and boxed beam ceilings with beams laid in a directionally correct grid work design. An oak door that opens west from the dining room to an interior hallway has two vertical recessed panels capped by 9 leaded stained-glass lights in the upper leaf, a common Craftsman-style door design. A prominent feature of the home is the woodwork in the living room, fireplace alcove, and dining room. The woodwork includes floor molding, crown molding, frieze molding, boxed ceiling beams, wainscoting, window and door surrounds, doors, and built-ins. All the woodwork is made of high-grade quarter-sawn "tiger-striped" oak, finished to a deep ebony hue and hand-rubbed to a rich patina. With a pristine Craftsman-style design, the woodwork is plain, square-cut oak with straight edges and plain corners, and has no added embellishment or carving. In addition to the woodwork and floor, another unusual feature of the living room, fireplace alcove, and dining room is perimeter horizontal frieze molding located 7.5 feet above the floor. Crown molding is located next to the

⁴ Spokane County Tax Assessor records.

ceiling, and a 1.5-foot-high frieze is located between the crown molding and the frieze molding. The prominent 1.5-foot-high horizontal frieze follows the perimeter of the living room, fireplace alcove, and dining room, making the room's open floor plan seem large and wide—a significant tenet of the Craftsman style.

In the dining room, the east wall at the exterior of the house was the original east face of the property. Multi-paned French doors located on either side of the dining room's built-in buffet located on the east wall open to a library addition built on the exterior east face of the house in 1994 (when the house was built in 1912, the French doors opened to the outside exterior east elevation of the house—today they open into the library addition). The library floor is heated ceramic tile, the walls and ceiling are painted drywall, and a row of multi-paned windows are located in a beveled bay on the east wall in the library. The room has built-in mahogany cupboards on the east and north walls as well as a north-wall bookcase above built-in cupboards with multi-paned glass doors.

The dining room opens to a kitchen in the rear north center and northeast corner of the house. The kitchen was remodeled in the 1970s-1980s with built-in cupboards, cabinets, counters, and spaces occupied by a refrigerator, stove, and dishwasher. The kitchen floor is made of solid maple. A door on the kitchen's west wall opens to a small TV room, which may have been originally designed and built as a breakfast room, a butler's pantry, or a small bedroom. The room's floor is solid oak, and the north wall has two multi-paned casement windows. The kitchen opens east through an arched entry way into a small back door vestibule. The vestibule retains a pair of original multi-paned casement windows on the east wall and the original back door on the north wall. The back door has three horizontal panels capped by four divided lights.

The back door opens to an extended, enclosed back porch. The remodeled (1994) back porch has a heated ceramic tile floor and built-in storage cupboards on the west wall. At the north end of the enclosed back porch are steps that descend to a 1994 sunroom addition at the rear northeast corner of the house. The 12-foot by 17-foot addition has a cathedral ceiling with four skylights, a heated slate floor, and is ringed at the perimeter by rows of 1/1 wood-sash windows.

A door in the dining room on the west wall opens to an interior hallway that runs north and south. The hallway leads to two bedrooms, a full bathroom, and a sleeping porch. The larger bedroom is located in the southwest corner of the first floor, and has a built-in dressing table and storage closets. A prominent leaded-glass casement window with diamond-shaped lights is located above the recessed dressing table. The smaller bedroom is located along the west wall towards the northwest corner. A built-in linen closet and a full bathroom are located between the bedrooms. In 1916, a screened sleeping porch was built onto the back of house at the northwest corner.⁵ To accommodate the low-pitched slope of the home's original roof and widely overhanging eaves, the floor of the sleeping porch was built three steps below the level of the home's first floor. The screened

⁵ Spokane City Building Permit #7258, May 11, 1916.

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE

sleeping porch was enclosed in the circa 1930s with horizontal rows of fixed multi-paned windows on the east, west, and north walls of the room. Original 1916 wood-framed window screens cover the windows on the exterior. Interior window screens pull up from interior window sills to cover the inside of the windows. The unusual window screen arrangement allows for removal of the original exterior window screens and circa 1930s interior windows so the circa 1930s interior window screens can be used to provide fresh air ventilation.

A door on the east wall of the interior hallway opens to an interior stairway that leads to a finished attic on the second floor with one large bedroom that extends the 34-foot-width/east-west axis of the house. The bedroom has a built-in linen closet, under-eave clothes closets, a small bathroom, lathe-and-plaster walls and ceiling, painted woodwork, and rows of four multi-paned casement windows each on the east and west walls. The bedroom's oak hardwood floor is covered with wall-to-wall carpet.

All of the woodwork in the hallway, first- and second-story bedrooms, bathroom, sleeping porch, and kitchen is made of painted pine. The floor in the first-floor bathroom is covered with linoleum, the hallway and bedroom floors are covered with a continuation of hardwood oak floors in the living room and dining room, and the sleeping porch floor is finished fir-plank floor. Ceiling heights in the first-floor hallway, bathroom, and bedrooms are between 8 and 9 feet. Ceiling height in the second-floor attic bedroom is 7 feet and lower under roof eaves. Two original light fixtures exist as ceiling pendants on the first floor: a polished brass ceiling pendant with four arms and white milk-glass shades, and a polished brass ceiling fixture with four chained pendants and square frosted-glass shades.

A door on the west wall of the kitchen opens to an interior staircase that descends to a partially finished basement. A multi-purpose room is located in the northwest corner of the basement, a bedroom and adjoining bathroom are located in the basement's southwest corner, an unfinished laundry room occupies the southeast corner, and an unfinished shop/mechanical room occupies the northeast corner. A finished storage room is located between the bedroom and shop/mechanical room in the center of the basement. A door located on the basement's north wall in the multi-purpose room opens below grade to concrete steps that ascend to the back yard. Heating in the house is gas-fired hot water radiant heat.

Garage

A single-story, oversized single-car garage, 18 feet wide and 20 feet deep, was built in 1912 along with the house, and was sited behind the house in the northeast corner of the property. In 1916, the garage was slightly widened to accommodate two cars.⁶ Matching the horizontal emphasis, designs, and materials used for the Love House, the garage was built with a low-pitched front gable roof, widely overhanging eaves with extended rafters, plain roof brackets under a deep bargeboard, wood shingle siding,

⁶ Spokane City Building Permit #7258, May 11, 1916.

**Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE**

scalloped board-and-batten cladding in the gable peak, and fixed multi-paned windows. The south façade of the garage retains original wood cross-buck carriage house doors with multi-paned fixed windows. An adjoining pedestrian door is located on the south facade at the southeast corner of the garage next to the carriage house doors. Considered a contributing historic resource of the property, the *garage is nominated* to the Spokane Register of Historic Places.

ORIGINAL APPEARANCE & SUBSEQUENT MODIFICATIONS

Remarkably intact, the Love House retains most of its original 1912 design, materials, and workmanship. A 1910 Sanborn Fire Insurance footprint map, revised in 1912 when the house was built, pictured a footprint of the house and garage. In 1916, a sleeping porch addition was built onto the rear northwest corner of the house, and the single-car garage was enlarged to a double-car garage. Modifications to the home include:

1916 A sleeping porch was built on the rear northwest corner of the house, and the garage was widened to accommodate two cars (Spokane City Building Permit #7258).

1950s The house was re-roofed with composition asphalt shingles.

1970s-1980s The kitchen was remodeled with built-in cupboards, cabinets, and counters. The first-floor bathroom was enlarged by reducing the size of the adjoining southwest bedroom closet. A small bathroom was installed off the second-floor bedroom.

1994-95 A library addition was built on the east elevation of the house. A redwood deck was removed at the rear of the house and replaced by a sunroom addition. The back porch was extended and enclosed at the rear northeast corner of the house. The front porch and porch steps were clad with red ceramic quarry tile. The porch balustrade was rebuilt, secured, and repainted. The exterior of the garage was repaired and repainted. The exterior of the house was repaired and repainted. The roof on the house and garage was replaced with composition asphalt shingles. Portions of the interior of the house from the basement to the second floor were repaired, renovated, rehabilitated, and repainted as needed. The second-floor bedroom floor was covered with wall-to-wall carpet. The basement was remodeled in the multi-purpose room, bedroom, bathroom, and center storage area. A sewer pipe was replaced in the laundry room floor. A gas-fired hot water radiant heating system with multiple heating stations and iron radiators was installed throughout the house (replacing baseboard electric heat).

SECTION 8: STATEMENT OF SIGNIFICANCE

<i>Areas of Significance</i>	<i>Architecture</i>
<i>Period of Significance</i>	<i>1912</i>
<i>Built Date</i>	<i>1912</i>
<i>Builder</i>	<i>Harry E. Brokaw</i>

Summary Statement

Architecturally significant, the Love House is eligible for listing on the Spokane Register of Historic Places under Category C. The period of significance for the Love House is defined by its 1912 built date, and the area of significance for the property is “architecture.” The Love House is a quintessential example of the Craftsman style and is a product of professional Spokane building contractor, Harry H. Brokaw. The house is further significant for high artistic values especially expressed in massive, cobbled clinker brick front porch piers, and an unusual clinker brick and molded concrete tapered chimney. Unique mounded, battered, basalt rock rubblemix foundation porch corners render the low-slung Love House an organic expression of the ground on which it is built, and illustrate additional artistic values of the property. Interior architectural significance is revealed in the home’s superior grade quarter-sawn “tiger-striped” oak woodwork and built-ins, finished to a hand-rubbed deep ebony hue. Named in honor of the first homeowners to buy the property, the Love House was purchased by Henry H. & Frances Hite Love in January 1913. A prominent Spokane businessman, Henry Love was the founder, owner, and president/treasurer of the H. E. Love Real Estate Company and secretary/treasurer of the Provident Loan Corporation, both in Spokane. The Love House retains a high level of exterior and interior integrity in original location, design, materials, workmanship, and association.

HISTORICAL CONTEXT

Cannon Hill Park Neighborhood

Before it was platted in 1887,⁷ the area known as the Cannon Hill Park neighborhood was a heavily forested, north-facing rocky hillside on Spokane’s South Hill. Seizing their chance for speculative success, the Arthur D. Jones Company, a prominent Spokane real estate development firm, purchased the land around Cannon Hill Park from roughly West Sixteenth Avenue to Twenty-Ninth Avenue, and from South Monroe to Bernard Street. The area was platted with 50-foot wide lots, a blend of curvilinear, diagonal, and straight streets, and was called the Cannon Hill Park Addition.

Beginning in 1909, the Arthur D. Jones Company (doing business in the area as the Cannon Hill Park Company) expended more than \$1.25 million dollars for much-needed infrastructure in order to develop the area and entice prospective buyers.⁸ A large promotional ad in the *Spokesman-Review* appeared on April 4, 1909, listing the amenities provided by the development company and extolling the new Cannon Hill Park neighborhood’s many virtues:

⁷ Spokane County tax assessor records and plat books. Spokane County Courthouse, Spokane, WA.

⁸ “In Cannon Hill Park: On the Crest of the Upper Cannon Hill.” *Spokesman-Review*, 4 April 1909.

*“CANNON HILL PARK”
“On the Crest of the Upper Cannon Hill”*

*Street grade, cement sidewalk, wide parking, cement curb,
steel water mains, and sewer furnished for every lot.
Uniform shade trees planted in the street parking throughout the addition.
14 acres of park with large lake to be developed under the direction of
Olmsted Brothers of Boston.
100-foot boulevard through the center of the addition.
A distinctly high-grade residence district.
Building restrictions prohibit the erection of dwellings costing less than
\$3,000 to \$4,000, and prohibit stores or apartments.
Every house must sit back 30 feet from the street.
The property is yet in a raw state, but contracts for improvements are now being let.⁹*

The company's commitment to prolific newspaper advertisements and the implementation of necessary infrastructure paid off. Lot sales and construction of homes were steady if not robust. A June 11, 1911 progress report in the *Spokesman-Review* made the following announcement:

*“Cannon Hill Park, with its building restrictions and uniform improvements,
is becoming one of the most picturesque residence sections of the city.”¹⁰*

In 1912, when the Love House was built, a newspaper article reported that “what was only a big tract of undeveloped woodland only three years ago...has been developed... [around] Cannon Hill Park” and is “one of the prettiest and most picturesque residence sections of the city, with already more than five miles of paved streets, a 15-acre park, and a parkway boulevard that cuts through the center of the addition connecting the two [public street] car lines.” It continued to say that “with more than 60 substantial modern residences having a collective value of more than \$400,000, and with plans in preparation for many more attractive new dwellings, midsummer will see Cannon Hill Park [Addition] improved with...more...homes, aggregating to value approximately \$600,000.”¹¹

By 1940, nearly all of the planned residential construction in the Cannon Hill Park Addition was completed. Over eight miles of shade trees, like the Sycamore Maples in

⁹ Ibid.

¹⁰“Some High-Class Improvements Which So-Called ‘Real Estate Promotion’ Made in Cannon Hill Park.” *Spokesman-Review*, 11 June 1911.

¹¹“\$600,000 in New Homes in Cannon Hill Park Addition in Two Years: New Residences to Cost \$200,000 Under Way in Cannon Hill Park.” *Spokesman-Review*, 24 March 1912.

**Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE**

front of the Love House, were planted between sidewalks and streets, around the park, and along the boulevard that divides the center of Twenty-First Avenue.¹²

Spokane contractor, Harry H. Brokaw, who built the Love House, followed the 1908 subdivision regulations/neighborhood covenants tied to warranty deeds for property in the Cannon Hill Park Addition. The subdivision regulations and covenants were a form of early land use controls created by the neighborhood's real estate developer, Arthur D. Jones, to instill appropriate, compatible, and quality residential architecture throughout the subdivision. The covenants and conditions were set to "run with the land" and included the following:

- 1) Required 25- and 30-foot setbacks from the street
- 2) Homes must face the main street on which it they are built, not side streets
- 3) Apartments, stores, or businesses not allowed
- 4) Dwellings must cost at least \$3,000
- 5) At least two coats of paint/stain required for homes and buildings¹³

Single-family homes were built according to the neighborhood's restrictive design covenants and subdivision regulations. Since its beginnings in 1908, the Cannon Hill Park neighborhood has become regarded as one of the most desirable and coveted residential areas in Spokane. More than 80 years after development began, a real estate agent in 1990 described amenities of the Cannon Hill Park neighborhood:

*People who buy here have traditional values; they like the vintage charm.
They like living in a neighborhood where all the houses are unique.
They are really excited about living in an area with so much
visual beauty... There's a real community feeling among the people.*¹⁴

Henry & Frances Love

In 1909, the Cannon Hill Company purchased the east half of Lot 29 and the west 37.5 feet of Lot 30 on Block 23 in the Cannon Hill Park Addition at 436 W. 24th Avenue. In 1912, successful Spokane building contractor, Harry H. Brokaw, purchased the property from the Arthur D. Jones Real Estate Company (doing business as the Cannon Hill Company). Brokaw invested in speculative risk to build the nominated house and chose a design similar to low-slung, Craftsman-style homes popular in Pasadena, California, the birthplace of the American Craftsman style. By the end of 1912, Brokaw had completed construction of the property and sold it to prospective homebuyers, Henry H. & Frances Hite Love. Henry Love was employed as secretary/treasurer of the Provident Loan Corporation in Spokane, and founded, owned, and managed the Henry H. Love Real Estate Company with offices in the Peyton Building in downtown Spokane. The final

¹² "Over Eight Miles of Shade Trees Will Be Planted Along the Streets of Cannon Hill Park." *Spokesman-Review*, 15 August 1909.

¹³ Spokane County public records.

¹⁴ "Cannon Hill Boasts Great Visual Beauty and Vintage Charm." *Spokesman-Review*, 11 March 1990.

**Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE**

cost paid by Henry Love to buy the Love House was \$7,000¹⁵—nearly twice the reported estimated \$4,000 cost of construction noted on a 1912 Spokane building permit¹⁶ and more than double the \$3,000 minimum construction cost required by neighborhood covenants and building restrictions.¹⁷

Subsequent Property Owners

Henry H. Love and his wife, Frances Hite Love, resided in the Love House for more than four years, selling the home at the end of 1917 to Sidney & Gertrude Gradwohl. The Gradwohls were owners of the United Clothes Shop Incorporated in downtown Spokane at Main Avenue and Washington Street. Bold typeface advertisements in city directories listed the clothing store's specialization in "men's and young men's suits, overcoats, raincoats, etc."

In 1922, the Gradwohl family sold the Love House to Arthur & Florence Betts for \$9,500. A licensed physician, Dr. Betts began a practice in the Paulsen Medical & Dental Building, 407-421 W. Riverside Avenue, in downtown Spokane. Listed in city directories as "Ward & Betts Physicians," Drs. Ward and Betts advertised their specialty in "X-ray diagnosis and treatments, and radium therapy." After more than 14 years of resident ownership, Dr. & Mrs. Betts sold the Love House to Spokane chiropractor, Dr. Harley Caster, and his wife, Edwina Caster, for \$6,051.

In 1962, Frank W. & Jean E. Wright purchased the Love House for \$14,000. Herbert & Betty Peterson bought the property in 1965. The property changed hands several times until May 1994 when the property was purchased by Spokane attorney, Douglas Lambarth. Currently residing in the Love House are Douglas Lambarth, who retired as a trial attorney after 47 years of practice, and his wife, Janet Kiser Lambarth, retired after 37 years as director of WSU/Pend Oreille County Extension office.

ARCHITECTURAL SIGNIFICANCE

Category C of the Spokane Register of Historic Places applies to "properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork."¹⁸ To be eligible for historic register listing under Category C, "a property must meet at least one of the following requirements:"¹⁹

- 1. Embody distinctive characteristics of a type, period, or method of construction.*
- 2. Represent the work of a master.*
- 3. Possess high artistic value.*

¹⁵ Spokane County Warranty Deed #513020, January 2, 1913.

¹⁶ Spokane Building Permit #3672, May 27, 1912.

¹⁷ Spokane public records.

¹⁸ *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. Page 17.

¹⁹ *Ibid*, p. 17

4. *Represent a significant and distinguishable entity whose components may lack individual distinction.*²⁰

The Henry & Frances Love House is nominated under Category C in the area of significance, “architecture,” because the home “embodies distinctive characteristics of a type, period, or method of construction” and “refers to the way” in which the “property was conceived, designed, or fabricated by a people or culture in past periods of history.”²¹ “Distinctive characteristics are the physical features or traits that commonly recur in individual types, periods, or methods of construction. To be eligible, a property must clearly contain enough of those characteristics to be considered a true representative of a particular type, period, or method of construction.”²² The Love House is a fine example of the Craftsman style because it retains and displays multiple stylistic elements and architectural features of the Craftsman tradition. The home possesses high artistic values, which are particularly evident in the well-preserved quality, craftsmanship, and architectural integrity of the home’s original and unique organic expressions of the Craftsman style.

The Bungalow House Form and the Craftsman Style

Derived from the East Indian word *bungali*, which means “covered porch,” the horizontally oriented bungalow emerged as an independent movement in American architecture and became popular as an affordable home in reaction to the more elaborate, vertical Victorian styles that preceded it.

The bungalow house form was embellished in many different ways, resulting in various stylistic treatments that illustrated Mediterranean, Prairie, Colonial Revival, Swiss Chalet, and Craftsman traditions. Heavily influenced by the 19th-century English Arts & Crafts Movement, which rejected the mass reproduction and mediocre design associated with the Industrial Revolution, bungalows built particularly in the *Craftsman style* were designed to harmonize with nature and the environment. Traditional handcraftsmanship and “natural” building materials such as native field stone or basalt rock, irregular clinker brick, coarsely textured stucco, hand-split wood shingles, and smooth-finish hand-rubbed natural woodwork were revered and used. Identifying features of the Craftsman style included a broad house form with a strong horizontal design emphasis achieved by a low-pitched roof, widely overhanging eaves, horizontal bands that separated different wall claddings, a deep front porch, decorative eave brackets, exposed rafter tails or purlins, and massive square or tapered porch piers, posts, and columns. The Craftsman style quickly spread throughout the United States by builder’s pattern books, pre-cut house packages, and home design magazines, especially Gustav Stickley’s magazine called *The Craftsman* (1901-1916). Thousands of Craftsman-style bungalows were built in American cities from 1905 to 1930. The architectural style became one of the most

²⁰ Ibid, p. 17

²¹ Ibid, p. 17

²² Ibid, p. 18

popular and fashionable small house designs in America, but by 1930 its popularity had faded.²³

Craftsman-style Elements and Artistic Features of the Love House

The Love House is a strong expression of the above-described Craftsman tradition. Craftsman-style features and elements found on the Love House include the following:

- 1912 built date, between 1905-1930, the most-prevalent time period in which the Craftsman style was built
- Horizontally oriented low-slung house form
- Partial-width covered front porch
- Widely overhanging eaves
- Exposed structural members (exposed roof rafters and beams)
- Mortise-and-tenon joinery
- Coarsely textured clinker brick in vibrant, variegated colors with protruding irregular cobbles made of irregular rock or brick, constructed in exterior walls, porch piers, and chimneys
- Wavy black and darkened grout lines between bricks
- Square-cut exterior wood shingles
- Basalt stone rubblemix porch corner supports
- Natural building materials (brick, rock, wood, iron, brass)
- Square bays that project forward from the planar wall surface of the house (in contrast, beveled bays reflect late 1890s Queen Anne styling)
- Casement windows with wood sashes, in pairs and in horizontal rows
- Wide, wood door and window surrounds, exterior and interior
- Open interior floor plan
- Woodwork finished in deep, ebony hues
- Interior woodwork and exterior wood trim milled with unadorned square corners and edges
- Built-ins (buffet, hutch, linen closets, linen drawers, bookcases, storage closets)
- Wainscot with battens, panels, and plate rails
- Hardwood floors
- Original brass hardware
- Original wrought iron and glass light fixtures
- Matte-finish brick hearth and fireplace surround

Horizontal Emphasis

The Love House strongly showcases many of the above-referenced features from the Craftsman style. For instance, the Love House is horizontally emphasized with features that strengthen the Craftsman-style idiom. The Love House appears to be especially low-slung—a tenet of the Craftsman style and in stark contrast to former tall, narrow, vertical house forms. Calculated design elements combine to render strong horizontality,

²³ McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Knopf Publishing, 1989.

including a low-pitched house roof and low-pitched front porch roof with widely overhanging eaves. The widely overhanging eaves cast horizontal shadows across planar wall surfaces of the home. Exposed rafters tails and structural members under roof eaves, and prominent bargeboards with tapered ends highlight the home's low-pitched roof and help extend the appearance of horizontality. A mixture of nearly flat shed-roof dormers and low-pitched gable peaks located on eyebrow dormers and lower cross-gables help render a horizontal emphasis. In addition, a horizontal tripartite window on the home's south façade, and horizontal rows of windows, especially those in the home's gable peaks and sleeping porch, emphasize horizontal designs. Straight-cut wood shingle siding emphasizes horizontal shingle cuts, forming a horizontal shadow under each shingle.

Clinker Brick

One of the strongest materials to achieve horizontal emphasis on the Love House is the use of clinker brick. Clinker brick is defined by “clinkers”—“incombustible residue fused into an irregular lump,”²⁴ and “a very hard-burnt brick whose shape is distorted, owing to nearly complete vitrification.”²⁵ Simulating irregularities of handcrafted bricks, distorted bricks (sometimes thrice-fired) and discarded clinkers and pieces of broken bricks fused to whole bricks were saved in the early 1900s and used for wall claddings, chimneys, fireplaces, and porch piers and columns. The irregular shapes and variegated colors of the clinker bricks are similar to and mimic a wall made of irregular rocks or natural stone, emphasizing the Craftsman-style aesthetic that celebrates the mantra, “back to nature.” At the Love House, irregularly shaped and vibrantly colored clinker bricks are used to form a prominent front-facing, tapered chimney at the home's south façade. From a distance, the coloration of the clinker bricks forms a low-pitched, gable peak-shaped horizontal line of demarcation between lighter bricks at the bottom of the chimney and darker bricks in the middle of the chimney. The middle darker bricks are capped by a protruding brick belt course that parallels and emphasizes the low-pitched, gable peak-shaped horizontal line formed by the demarcation between the lighter and darker bricks. The clinker brick chimney extends from the belt course up to another low-pitched, gable peak-shaped, brick belt course. The two brick belt courses on the chimney are distinguished with the same low pitch as the prominent low-pitched front-facing roof over the front porch. The low pitch of the porch roof is strongly emphasized by deep bargeboards and a flat horizontal beam that rests on the porch piers and supports the gable field of the porch roof. An eyebrow dormer with the same low pitch of the porch roof, the house roof, and the two brick belt courses is located behind the chimney—rendering a total of four design features calculated to produce a strong horizontal emphasis at the front face of the Love House.

Organic Aesthetics

A final architecturally significant Craftsman-style aesthetic of the Love House is its ability to impart ground-hugging organic expressions that give the impression of the home emerging from the ground on which it is built. The strongest design element to impart the above-referenced impression of organic creation is found in irregular mounds

²⁴ Webster's II New Riverside Dictionary, 1984.

²⁵ Dictionary of Architecture & Construction, 2000.

**Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE**

of battered basalt rock front porch foundation corners. The man-made mounds appear to be natural basalt rock extrusions to which clinker brick porch piers are anchored. The mounds were carefully made and positioned at porch pier corners and also at the base of the front-facing prominent chimney on the front face of the house. The design is used sporadically in high-style Craftsman-style homes and buildings, and promotes the Craftsman aesthetic that celebrates “nature.”

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"Cannon Hill Boasts Great Visual Beauty and Vintage Charm." *Spokesman-Review*, 11 March 1990

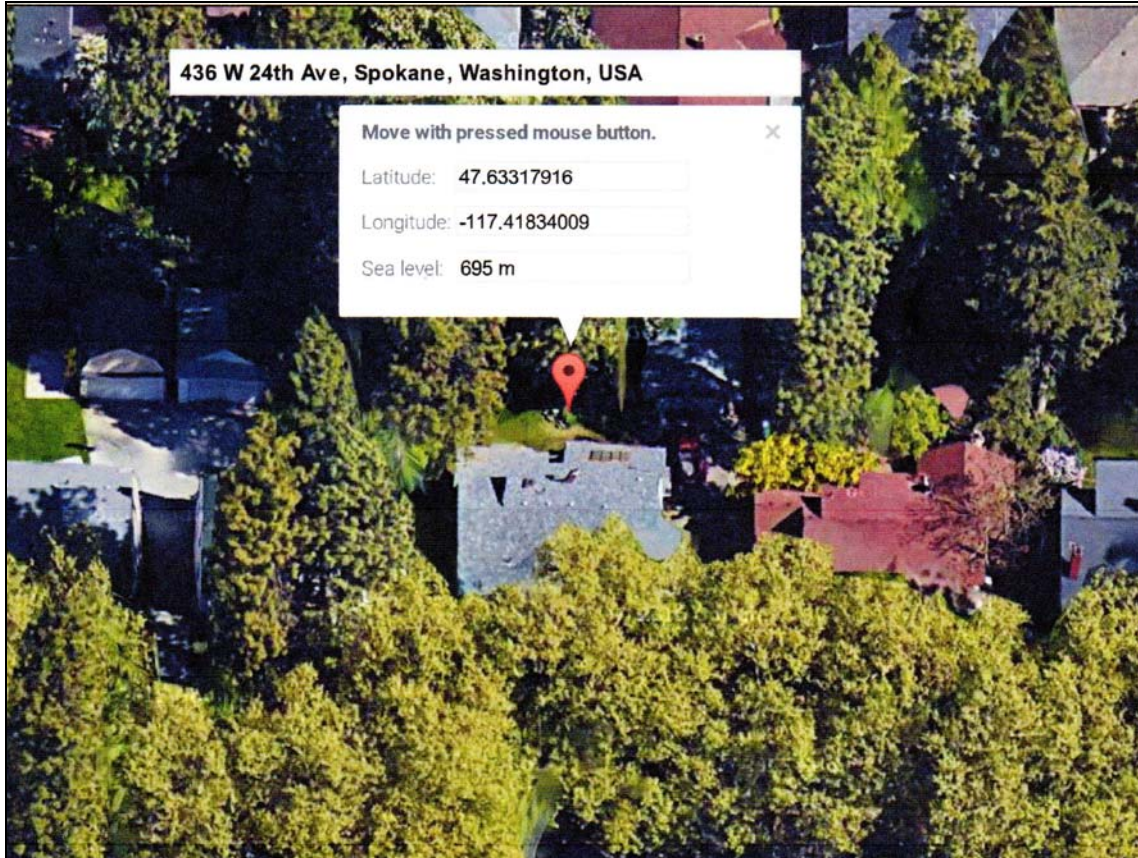
"Cannon Hill Park: On the Crest of the Upper Cannon Hill." *Spokesman-Review*, 4 April 1909

"Over Eight Miles of Shade Trees Will Be Planted Along the Streets of Cannon Hill Park." *Spokesman-Review*, 15 August 1909

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"\$600,000 in New Homes in Cannon Hill Park Addition in Two Years: New Residences to Cost \$200,000 Under Way in Cannon Hill Park." *Spokesman-Review*, 24 March 1912

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



2016 photo

Love House
436 W. 24th Avenue, Spokane, WA

Source: Google Earth 2016



Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



2016 photo

Love House
436 W. 24th Avenue, Spokane, WA

Source: Spokane County Tax Assessor

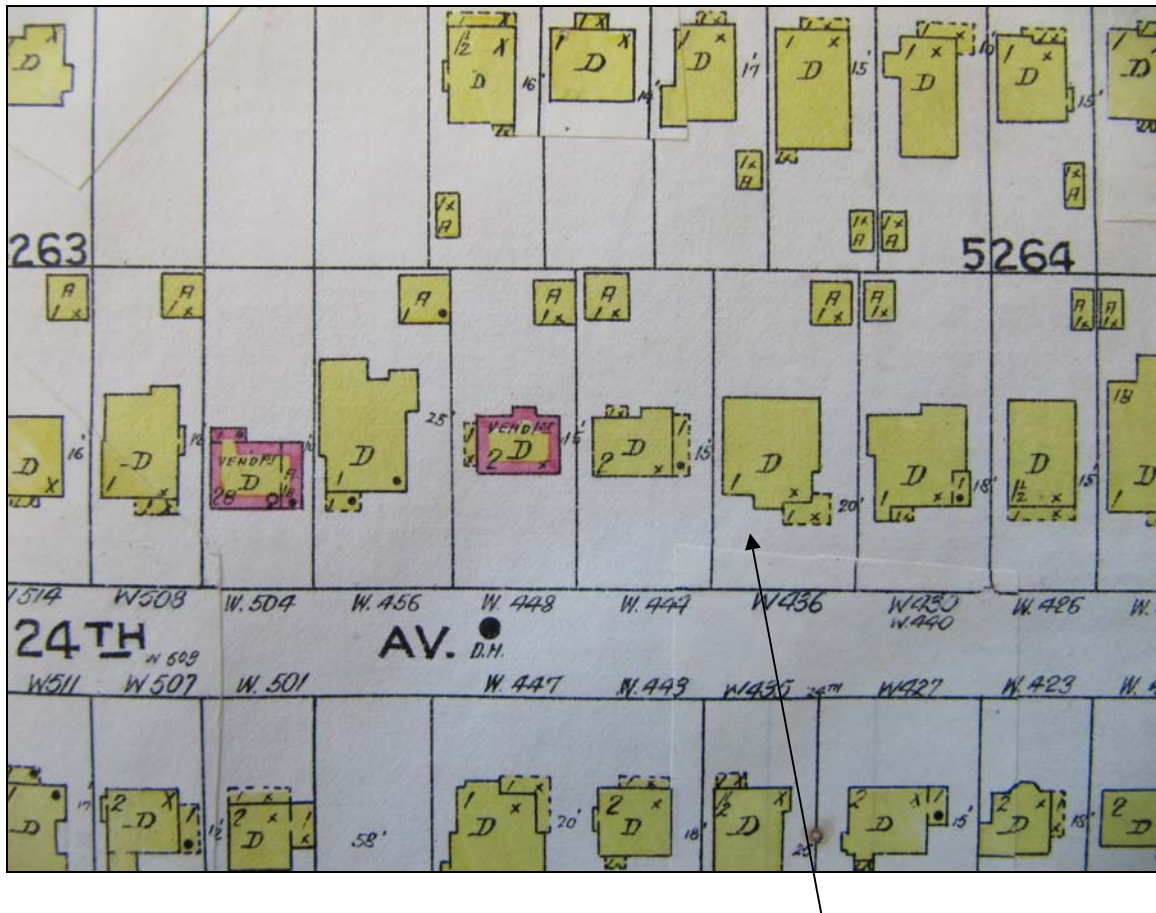




436 W. 24th Avenue
Spokane, WA

North 

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



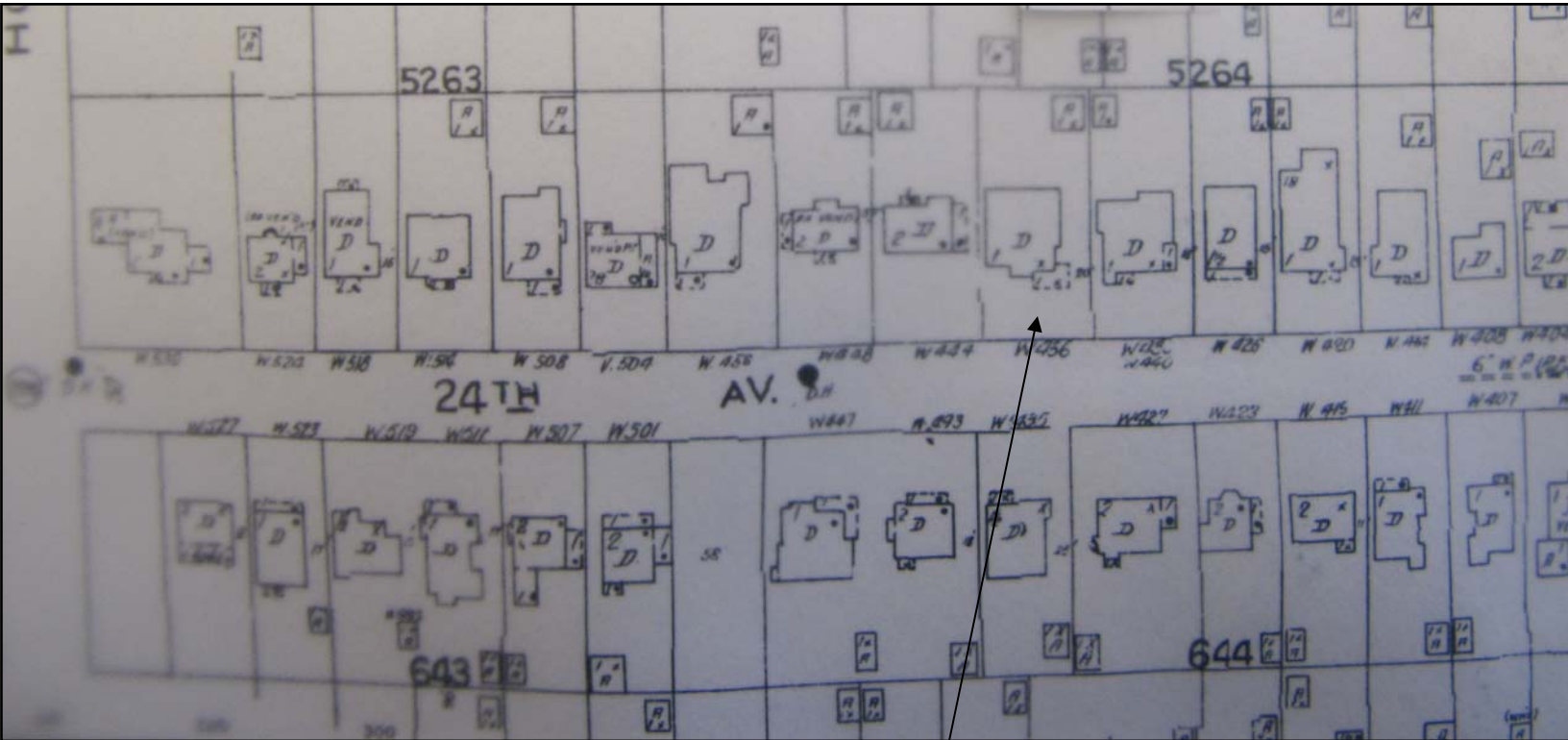
1913 (revised from 1910) footprint drawing of Love House

*436 W. 24th Avenue
Spokane, WA*

Source: 1910 Sanborn Fire Insurance Map



Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



1952 footprint drawing of Love House

*436 W. 24th Avenue
Spokane, WA*

Source: 1952 Sanborn Fire Insurance Map



[illegible]

436 W. 24th Avenue
Spokane, WA

North

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



*1959 photo
436 W. 24th Avenue*

Source: Spokane County Assessor

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



South façade of Love House, 436 W. 24th Avenue, in 2016, looking north



South façade in 2016

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



West elevation in 2016



Southeast corner of south façade in 2016

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



Front porch, southeast corner of south façade in 2016



Front steps in 2016

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



East elevation in 2016, looking southwest



East elevation in 2016, looking southwest

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



North rear elevation in 2016



South façade of garage in 2016

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



Living room in 2016, looking southeast



Living room and dining room in 2016, looking southwest

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



Living room fireplace in 2016, looking south



Built-in bookcase by fireplace in 2016

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



Living room looking northwest into dining room in 2016



Dining room in 2016

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



Stained-glass door and built-in buffet in dining room in 2016

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



SW corner bedroom with built-in dressing table in 2016



Original c. 1913 light fixture

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



Built-in linen closet/drawers in 2016



Original light fixture

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



NW sleeping porch in 2016



Original back door in kitchen

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



Second-floor bedroom, looking east in 2016



Basement recreation room in 2016

Spokane City/County Register of Historic Places Nomination
HENRY & FRANCES LOVE HOUSE



SW corner bedroom in basement in 2016



Basement bathroom

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

06/06/2016

Date Rec'd

5/25/2016

Clerk's File #

OPR 2016-0449

Renews #**Submitting Dept**

POLICE

Cross Ref #**Contact Name/Phone**

JUSTIN 509-835-4527

Project #**Contact E-Mail**

JLUNDGREN@SPOKANEPOLICE.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #**Agenda Item Name**

0680-JAG FY2016 JOINT APPLICATION MOU

Agenda Wording

MOU between the City of Spokane and Spokane County to apply for the Edward Byrne Memorial Justice Program JAG FY2016 grant funds - CFDA # 16.738. Total Funding - \$154,903.00. City Share - \$69,707.00.

Summary (Background)

The Edward Byrne Memorial Justice Grant Program (JAG) is the primary provider of federal criminal justice funding to state and local jurisdictions and supports all components of the criminal justice system. The primary concept of the grant is to enhance officer safety via equipment, technology and training. The MOU assigns Spokane County the role of Fiscal Agent for the term of the grant and the allocation of funding. Spokane Police will use its share of funding to buy equipment for SWAT and TAC.

Fiscal Impact**Budget Account**

Expense \$ 69,707.00

1620-*****

Revenue \$ 69,707.00

1620-*****

Select \$

#

Select \$

#

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

LYNDS, SARAH

Study Session

Finance - 06/06/16

Division Director

LYNDS, SARAH

Other**Finance**

KECK, KATHLEEN

Distribution List**Legal**

DALTON, PAT

achirowamangu

For the Mayor

WHITNEY, TYLER

ewade

Additional Approvals

slynds

Purchasing

Contract Accounting

Grants

**Briefing Paper
City of Spokane
Spokane Police Department
Justice Assistance Grant (JAG) Program FY2016
Finance Meeting – June 6, 2016**

Subject

JAG 2016-MOU with County to apply for funding.

Background

The Spokane County Sheriff's Office in collaboration with the City of Spokane Police Department wishes to submit a request for funding for a joint proposal under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. An award will be requested for \$154,903.00 which will be split as follows: City - \$69,707.00 and County - \$85,196.00.

The City would like to use the \$69,707.00 allocation for law enforcement programs, for the purpose of equipping local criminal justice authorities with the necessary tools and support to ensure that the safety of the Spokane community. The funding will include the purchase of equipment to support the Spokane Police Department's SWAT and TAC Team.

Impact

The purchases will help officers to complete their duties better with better tools and be more efficient in their specialty teams.

Action

Authorization to apply for JAG FY 2016 Funds

Funding

Department of Justice grant funds.

MEMORANDUM OF UNDERSTANDING BETWEEN
SPOKANE COUNTY AND THE CITY OF SPOKANE

2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is between SPOKANE COUNTY ("COUNTY") a political subdivision of the State of Washington having offices for the transaction of business at 1116 West Broadway Avenue, Spokane, Washington 99260 and the CITY OF SPOKANE ("CITY") a municipal corporation of the State of Washington, having offices for the transaction of business at 808 West Spokane Falls Boulevard, Spokane, Washington 99201, jointly referred to as the PARTIES.

WITNESSETH:

WHEREAS, the PARTIES are making a joint application for the 2016 Edward Byrne Memorial Justice Grant (JAG) Program hereinafter referred to as the "Grant"; and

WHEREAS, the PARTIES are required in conjunction with the grant application process to sign a Memorandum of Understanding indicating who will serve as the applicant/fiscal agent for the grant as well as to allocate among themselves the grant funds and identify the purposes for which the funds will be used; and

WHEREAS, pursuant to the requirements of the Grant, the PARTIES are desirous of reducing to writing their understanding as to who will serve as the applicant/fiscal agent for the Grant as well as the distribution to each of the PARTIES and the purposes for which the funds will be used; and

WHEREAS, each of the PARTIES finds that the performance of this MEMORANDUM OF UNDERSTANDING is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this MOU.

NOW THEREFORE, the PARTIES agree as follows:

SECTION NO. 1: DESIGNATION OF APPLICANT/FISCAL AGENT

The PARTIES hereby agree that the COUNTY shall be the designated applicant/fiscal agent in conjunction with the Grant.

SECTION NO. 2: ALLOCATION OF GRANT MONEYS

The PARTIES agree that the Grant amount of ONE HUNDRED FIFTY FOUR THOUSAND NINE HUNDRED AND THREE DOLLARS (\$154,903) shall be split among the PARTIES as follows and in accordance with COUNTY Resolution No. 2011-0572:

Spokane County	\$85,196 (including 10% administrative costs)
City of Spokane	\$69,707

SECTION NO. 3: USE OF GRANT FUNDS BY THE PARTIES

The CITY agrees to use the \$69,707 for law enforcement programs, for the purpose of equipping local criminal justice authorities with the necessary tools and support to ensure the safety of the Spokane community. The funding will include the purchase of equipment to support the Spokane Police Department's SWAT and TAC Team.

The COUNTY agrees to use \$34,853 of the grant funding for the prosecution and court programs purpose areas of the grant. Funding will be used to fill a support staff position in the prosecution of property and drug crimes for an approximate 9 month time frame during the award period. The Spokane County Sheriff's Office will use \$34,853 of the grant funding for the law enforcement purpose area of the grant. The purchase of equipment will be used to ensure the safety of the Spokane Community. The COUNTY will also use \$15,490 for administrative costs related to the Grant.

SECTION NO. 4: LIABILITY FOR CLAIMS

Each PARTY to this MOU shall be responsible for its own actions in providing services under this MOU and shall not be liable for any civil liability that may arise from the furnishing of the services by any other party.

SECTION NO. 5: THIRD PARTY RIGHTS

The PARTIES to this MOU do not intend for any third party to obtain a right by virtue of this MOU. This Memorandum shall not create any rights in any PARTY not a signatory hereto.

SECTION NO. 6: ENTIRE UNDERSTANDING

This MOU contains the entire understanding of the PARTIES. No representations, promises, or agreements not expressed herein have been made to induce any party to sign this MOU.

SECTION NO. 7: AGREEMENT

Upon award of the Grant, the PARTIES shall enter into an Agreement setting forth the final terms and conditions of the Grant allocation and management.

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

ADOPTED by the Board of County Commissioners of Spokane County, Washington this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

Shelly O'Quinn, Chair

ATTEST:

Al French, Vice-Chair

Ginna Vasquez
Clerk of the Board

Nancy McLaughlin, Commissioner

Dated: _____

SPOKANE COUNTY SHERIFF

By: _____
Spokane County Sheriff

Dated: _____

SPOKANE COUNTY PROSECUTOR

By: _____
Spokane County Prosecutor

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

06/06/2016

Date Rec'd

5/24/2016

Clerk's File #

PRO 2016-0025

Renews #**Submitting Dept**

INTEGRATED CAPITAL

Contact Name/Phone

BRANDON 625-6419

Contact E-Mail

BBLANKENAGEL@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Agenda Item Name

4250 - SIX YEAR COMPREHENSIVE STREET PROGRAM

Cross Ref #

RES 2016-0053

Project #

2016015

Bid #**Requisition #****Agenda Wording**

Set Hearing for June 20, 2016 on Resolution 2016-0053, relating to the 2017-2022 Six-Year Comprehensive Street Program (Various Neighborhood Councils)

Summary (Background)

RCW 35.77 provides that pursuant to a public hearing process, each City shall update its Six-Year Transportation Improvement Program annually prior to July 1st and file a copy of the adopted program with the Secretary of Transportation no later than July 31st of that same year. The Plan Commission held a workshop on April 13, 2016. A hearing was held on May 25, 2016 which provided a recommendation of approval.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

MILLER, KATHERINE E

Study Session**Division Director**

GIMPEL, KEN

Other

PW 1/11/16, 4/25/16,

Finance

KECK, KATHLEEN

Distribution List**Legal**

WHALEY, HUNT

eraea@spokanecity.org

For the Mayor

WHITNEY, TYLER

bblankenagel@spokanecity.org

Additional Approvals

kmiller@spokanecity.org

Purchasing

kkeck@spokanecity.org

mhughes@spokanecity.org

The full Six Year Comprehensive Street Program can be found at the following link:

<https://static.spokanecity.org/documents/projects/capitalprograms/six-year-street-program-2017-2022-draft-2016-05-26.pdf>



Agenda Sheet for City Council Meeting of:
06/06/2016

Date Rec'd	5/25/2016
Clerk's File #	CPR 2016-0003
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	ACCOUNTING
Contact Name/Phone	KIM BUSTOS 6034
Contact E-Mail	KBUSTOS@SPOKANECITY.ORG
Agenda Item Type	Claim Item
Agenda Item Name	5600-ACCOUNTING-PAYROLL

Agenda Wording

Report of the Mayor of pending payroll claims of previously approved obligations through: May 21, 2016.
Payroll check #538092 through check #538330 \$6,337,760.90

Summary (Background)

N/A

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 6,337,760.90	#	N/A
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	BUSTOS, KIM	<u>Study Session</u>	
<u>Division Director</u>	DUNIVANT, TIMOTHY	<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>			

PAYROLL RECAP BY FUND
PAY PERIOD ENDING MAY 21, 2016

FUND	FUND NAME	TOTAL
0100	GENERAL FUND	
0030	POLICE OMBUDSMAN	5,566.40
0070	ADMINISTRATIVESERVICES	0.00
0140	ARTS	0.00
0230	CIVIL SERVICE	23,834.91
0260	CITY CLERK	13,842.41
0300	HUMAN SERVICES	0.00
0320	COUNCIL	29,505.72
0330	PUBLIC AFFAIRS / COMMUNICATIONS	21,610.05
0350	COMMUNITY CENTERS	0.00
0370	ENGINEERING SERVICES	161,016.64
0380	ENTERTAINMENT FACILITIES	0.00
0410	FINANCE	31,733.61
0430	GRANTS MNGMT & FINANCIAL ASSIST	3,968.00
0440	FIRE	0.00
0450	CD/HS DIVISION	6,869.60
0460	MY SPOKANE	12,220.01
0470	HISTORIC PRESERVATION	4,795.60
0500	LEGAL	109,926.30
0520	MAYOR	25,976.80
0550	NEIGHBORHOOD SERVICES	8,414.10
05601	MUNICIPAL COURT	86,230.33
05602	PARKING VIOLATIONS	0.00
0570	OFFICE OF HEARING EXAMINER	6,140.80
0580	OFFICE OF YOUTH	0.00
0620	HUMAN RESOURCES	26,477.01
0650	PLANNING SERVICES	43,161.99
0680	POLICE	1,445,650.15
0690	PROBATION SERVICES	28,115.22
0700	PUBLIC DEFENDERS	75,134.75
0750	ECONOMIC DEVELOPMENT	11,146.80
0770	REAL ESTATE & FACILITIES	0.00
0780	BUSINESS & DEVELOPMENT SERVICES	0.00
0860	TREASURER	0.00
0890	WEIGHTS & MEASURES	0.00

FUND	FUND NAME	TOTAL
	TOTAL GENERAL FUND	2,181,337.20
1100	STREET	250,608.32
1200	CODE ENFORCEMENT	35,012.56
1300	LIBRARY	176,053.55
1390	URBAN FORESTRY FUND	0.00
1400	PARKS AND RECREATION	298,725.41
1460	PARKING METER	27,917.77
1510	LAW ENFORCEMENT INFO SYSTEM FUND	20,977.00
1530	LAW ENFORCEMENT BLOCK GRANT FUND	0.00
1540	HUMAN SERVICES GRANTS	0.00
1620	PUBLIC SAFETY & JUDICIAL GRANT	22,199.92
1630	COMBINED COMMUNICATIONS CENTER	61,345.68
1650	COMMUNITY & ECONOMIC DEVELOPMENT	0.00
1680	CD/HS	34,332.00
1820	WIA DISLOCATED WORKERS FUND	0.00
1830	WIA GOVERNORS GRANT FUND	0.00
1840	WIA ADMINISTRATIVE COST POOL	0.00
1970	EMS FUND	1,264,405.59
4100	WATER	379,812.17
4250	INTEGRATED CAPITAL FUND	37,320.42
4300	SEWER	434,128.16
4480	REFUSE	252,121.56
4490	SOLID WASTE	211,034.73
4600	GOLF	49,299.96
4700	GENERAL SERVICES FUND	126,470.87
5100	FLEET SERVICE	85,276.55
5200	PUBLIC WORKS & UTILITY FUND	44,639.88
5300	MIS	140,618.68
5400	REPROGRAPHICS	7,712.80
5600	ACCOUNTING SERVICES	106,278.87
5800	RISK MANAGEMENT	0.00
5810	WORKER'S COMPENSATION	13,349.00
5830	SELF-FUNDED MEDICAL/DENTAL	7,938.40
5900	ASSET MANAGEMENT	27,587.34
6060	CITY RETIREMENT	9,785.80
6750	REGIONAL PLAN	31,470.71
6780	EMS PROGRAM DIRECTOR	0.00
	TOTAL	6,337,760.90



Agenda Sheet for City Council Meeting of:
06/06/2016

<u>Date Rec'd</u>	5/18/2016
<u>Clerk's File #</u>	CPR 1993-0069
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	MAYOR
<u>Contact Name/Phone</u>	BRANDY COTE 625-6774
<u>Contact E-Mail</u>	BCOTE@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Boards and Commissions Appointments
<u>Agenda Item Name</u>	0520 APPOINTMENT OF ANNE HANENBURG TO THE DESIGN REVIEW BOARD

Agenda Wording

Appointment of Anne Hanenburg to serve in the Landscape Architect position on the Design Review Board, for a term three years, expiring on December 31, 2018.

Summary (Background)

Appointment of Anne Hanenburg to serve in the Landscape Architect position on the Design Review Board, for a term three years, expiring on December 31, 2018.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	COTE, BRANDY	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>		<u>Distribution List</u>	
<u>Legal</u>		bcote@spokanecity.org	
<u>For the Mayor</u>	WHITNEY, TYLER	jneff@spokanecity.org	
<u>Additional Approvals</u>			
<u>Purchasing</u>			



Agenda Sheet for City Council Meeting of:
06/06/2016

<u>Date Rec'd</u>	5/18/2016
<u>Clerk's File #</u>	CPR 1981-0402
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	MAYOR
<u>Contact Name/Phone</u>	BRANDY COTE 625-6774
<u>Contact E-Mail</u>	BCOTE@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Boards and Commissions Appointments
<u>Agenda Item Name</u>	0520 REAPPOINTMENT OF LAUREN PENDERGRAFT TO THE SPOKANE PARK BOARD

Agenda Wording

Reappointment of Lauren Pendergraft to the Spokane Park Board, for a term of five years from February 2016 - February 2021.

Summary (Background)

Reappointment of Lauren Pendergraft to the Spokane Park Board, for a term of five years from February 2016 - February 2021. Lauren previously filled an unexpired term for a vacated seat on the board. This will be her first full term on the board.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	COTE, BRANDY	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>		<u>Distribution List</u>	
<u>Legal</u>		bcote@spokanecity.org	
<u>For the Mayor</u>	WHITNEY, TYLER	leadie@spokanecity.org	
<u>Additional Approvals</u>			
<u>Purchasing</u>			



Agenda Sheet for City Council Meeting of:
06/06/2016

<u>Date Rec'd</u>	5/18/2016
<u>Clerk's File #</u>	CPR 1981-0402
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	MAYOR
<u>Contact Name/Phone</u>	BRANDY COTE 625-6774
<u>Contact E-Mail</u>	BCOTE@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Boards and Commissions Appointments
<u>Agenda Item Name</u>	0520 REAPPOINTMENT OF SAM SELINGER TO THE SPOKANE PARK BOARD

Agenda Wording

Reappointment of Dr. Sam Selinger for his second term to the Spokane Park Board, for a term of five years from February 2016 - February 2021.

Summary (Background)

Reappointment of Dr. Sam Selinger for his second term to the Spokane Park Board, for a term of five years from February 2016 - February 2021.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	COTE, BRANDY	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>		<u>Distribution List</u>	
<u>Legal</u>		bcote@spokanecity.org	
<u>For the Mayor</u>	WHITNEY, TYLER	leadie@spokanecity.org	
<u>Additional Approvals</u>			
<u>Purchasing</u>			

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

06/06/2016

Date Rec'd

5/18/2016

Clerk's File #

CPR 2006-0042

Renews #**Submitting Dept**

MAYOR

Cross Ref #**Contact Name/Phone**

BRANDY COTE 625-6774

Project #**Contact E-Mail**

BCOTE@SPOKANECITY.ORG

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

0520 APPOINTMENT OF AMINA FIELDS TO THE ETHICS COMMISSION

Agenda Wording

Appointment of Amina Fields to the Ethics Commission, for a term of three years, from Jan. 1, 2016 to Dec. 31, 2018.

Summary (Background)

Appointment of Amina Fields to the Ethics Commission, for a term of three years, from Jan. 1, 2016 to Dec. 31, 2018.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

COTE, BRANDY

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

bcote@spokanecity.org

For the Mayor

WHITNEY, TYLER

mpiccolo@spokanecity.org

Additional Approvals

rriedinger@spokanecity.org

Purchasing

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

06/06/2016

Date Rec'd

5/4/2016

Clerk's File #

ORD C35395

Renews #**Submitting Dept**

PARKS - FINANCE/BUDGET

Cross Ref #**Contact Name/Phone**

SARI LUCIANO 625-6544

Project #**Contact E-Mail**

SLUCIANO@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Emergency Budget Ordinance

Requisition #**Agenda Item Name**1400 EBO FOR CAPITAL FUND DRIVE FEASIBILITY STUDY FOR RFP
REDEVELOPMENT**Agenda Wording**

EBO for \$64,000 to provide funding for the Collins Group to assist the Parks & Recreation Division in managing/conducting a Capital Fund Drive Feasibility Study for RFP Redevelopment.

Summary (Background)

2015 encumbrance was missed on the 2016 rollover per budget.

Fiscal Impact**Budget Account**

Expense \$ 64,000

1400-99999-99999

Revenue \$ 64,000

1400-30210-76100-54203

Select \$

#

Select \$

#

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

LUCIANO, SARI

Study Session**Division Director**

CONLEY, JASON K.

Other**Finance**

KECK, KATHLEEN

Distribution List**Legal**

WHALEY, HUNT

PARKSACCOUNTING@SPOKANECITY.ORG

For the Mayor

WHITNEY, TYLER

Additional Approvals**Purchasing**

ORDINANCE NO C35395

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 Park and Recreation 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 Park and Recreation Fund, and the budget annexed thereto with reference to the Park and Recreation Fund, the following changes be made:

From:	1400-99999 Parks Fund	
	99999- Unappropriated Reserves	<u>\$ 64,000</u>
To:	1400-30210 Parks Fund	
	76150-54203 Surveys/Studies	<u>\$ 64,000</u>

Section 4. 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 funding for the Collins Group to assist the Parks and Recreation Division, City of Spokane, in managing and conducting a Capital Fund Drive Feasibility Study for the Riverfront Park Redevelopment. This was previously approved however the 2015 encumbrance was not rolled forward during the year end process, 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:**

06/06/2016

Date Rec'd

5/4/2016

Clerk's File #

ORD C35396

Renews #**Submitting Dept**

PARKS - FINANCE/BUDGET

Cross Ref #**Contact Name/Phone**

SARI LUCIANO 625-6544

Project #**Contact E-Mail**

SLUCIANO@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Emergency Budget Ordinance

Requisition #**Agenda Item Name**

1400 EBO FOR PROFESSIONAL SEVICES PROVIDED BY MY SPOKANE

Agenda Wording

EBO for \$60,000 to provide funding for professional services provided by My Spokane for the Parks Division.

Summary (Background)

My Spokane has been instrumental with their work involving Parks & Recreation and that it had been agreed upon with Jonathan Mallahan that Parks & Recreation would only pay the amount equaled to a Clerk II with benefits.

Fiscal Impact**Budget Account**

Expense \$ 60,000

1400-99999-99999

Revenue \$ 60,000

1400-30210-76150-54141

Select \$

#

Select \$

#

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

LUCIANO, SARI

Study Session**Division Director**

CONLEY, JASON K.

Other**Finance**

KECK, KATHLEEN

Distribution List**Legal**

WHALEY, HUNT

PARKSACCOUNTING@SPOKANECITY.ORG

For the Mayor

WHITNEY, TYLER

Additional Approvals**Purchasing**

ORDINANCE NO C35396

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 Park and Recreation 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 Park and Recreation Fund, and the budget annexed thereto with reference to the Park and Recreation Fund, the following changes be made:

From:	1400-99999 Parks Fund	
	99999- Unappropriated Reserves	<u>\$ 60,000</u>
To:	1400-30210 Parks Fund	
	76100-54101 Professional Services	<u>\$ 60,000</u>

Section 4. 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 funding for professional services provided by My Spokane for the Parks Division not anticipated during the 2016 budget process, 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:**

06/06/2016

Date Rec'd

5/4/2016

Clerk's File #

ORD C35397

Renews #**Submitting Dept**

PARKS - FINANCE/BUDGET

Cross Ref #**Contact Name/Phone**

SARI LUCIANO 625-6544

Project #**Contact E-Mail**

SLUCIANO@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Emergency Budget Ordinance

Requisition #**Agenda Item Name**

1400 EBO FOR SKY PRAIRIE

Agenda Wording

EBO for \$47,800 to provide funding for Sky Prairie (Impact Fees) Park Capital Improvements.

Summary (Background)

Impact Fees to be used for Capital Improvements for Sky Prairie.

Fiscal Impact**Budget Account**

Expense \$ 47,800

1950-99999-99999

Revenue \$ 47,800

1950-54920-94000-56701

Select \$

#

Select \$

#

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

LUCIANO, SARI

Study Session**Division Director**

CONLEY, JASON K.

Other**Finance**

KECK, KATHLEEN

Distribution List**Legal**

DALTON, PAT

PARKSACCOUNTING@SPOKANECITY.ORG

For the Mayor

WHITNEY, TYLER

Additional Approvals**Purchasing**

ORDINANCE NO C35397

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 Parks Cumulative Reserve 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 Park and Recreation Fund, and the budget annexed thereto with reference to the Park and Recreation Fund, the following changes be made:

From:	1950-99999 Parks Cumulative Reserve Fund	
	99999- Designated Reserves	<u>\$ 47,800</u>
To:	1950-54920 Parks Cumulative Reserve Fund	
	94000-56701 Reserve for Capital Outlay	<u>\$ 47,800</u>

Section 4. 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 funding for Sky Prairie (Impact Fees) Park Capital Improvements not anticipated during the 2016 budget process, 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:
06/06/2016

Date Rec'd	5/10/2016
Clerk's File #	ORD C35398
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PARKS - FINANCE/BUDGET
Contact Name/Phone	SARI LUCIANO 625-6544
Contact E-Mail	SLUCIANO@SPOKANECITY.ORG
Agenda Item Type	Emergency Budget Ordinance
Agenda Item Name	1400 EBO TO PROVIDE FUNDING FOR STRATEGIC INVESTMENT

Agenda Wording

EBO for \$490,000 from Unappropriated Reserves fund to various Park and Golf funds for the purpose of strategic investments.

Summary (Background)

Strategic investments are made from prior year excess funds. Upon annual settlement, strategic investments are decided based on available amounts that are unknown when the current year budget (2016) is created/adopted during the prior year.

<u>Fiscal Impact</u>	<u>Budget Account</u>
Expense \$ 490,000	# 1400 99999 99999
Revenue \$ 490,000	# Various Park/Golf Funds
Select \$	#
Select \$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	LUCIANO, SARI	<u>Study Session</u>	
<u>Division Director</u>	CONLEY, JASON K.	<u>Other</u>	
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	slucian@spokanecity.org	
<u>For the Mayor</u>	WHITNEY, TYLER	leadie@spokanecity.org	
<u>Additional Approvals</u>		Parksaccounting@spokanecity.org	
<u>Purchasing</u>			

ORDINANCE NO C35398

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 Park and Recreation 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 Park and Recreation Fund, and the budget annexed thereto with reference to the Park and Recreation Fund, the following changes be made:

From:	1400-99999 Parks Fund	
	99999- Unappropriated Reserves	<u>\$ 490,000</u>
To:	1400-54100 Parks Fund	
	94000-56301 Other Improvements	<u>\$30,000</u>
	1400-54100 Parks Fund	
	94000-56104 Misc Improvements – Non Bldg	<u>\$60,000</u>
	1400-54500 Parks Fund	
	94000-56314 Landscape/Irrigation	<u>\$50,000</u>
	1400-95610 Parks Fund	
	94000-56501 Construction of Fixed Assets	<u>\$45,000</u>
	1400-54500 Parks Fund	
	94000-56104 Misc Improvements – Non Bldg	<u>\$40,000</u>
	1400-30210 Parks Fund	
	94000-56701 Reserve Capital Outlay	<u>\$200,000</u>
	1400-54300 Parks Fund	
	94000-56401 Machinery/Equipment	<u>\$18,000</u>
	1400-54300 Parks Fund	
	94000-56401 Machinery/Equipment	<u>\$12,000</u>
	4600-55400 Golf Fund	
	94000-56301 Other Improvements	<u>\$35,000</u>

Section 4. 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 funding for strategic investment from the Parks Division Excess Fund Balance. As these funds are identified and purposed post the creation/adoption of the 2016 Budget, 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:**

06/06/2016

Date Rec'd

5/23/2016

Clerk's File #

RES 2016-0050

Renews #**Submitting Dept**

NEIGHBORHOOD SERVICES & CODE

Contact Name/Phone

HEATHER 625-6854

Contact E-Mail

HTRAUTMAN@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Agenda Item Name

A RESOLUTION PROVIDING FOR THE SURPLUS OF CITY PROPERTY

Agenda Wording

Surplus vacant lots purchased from Spokane County in order to recover a larger portion of the City's costs resulting from demolition of unfit buildings under SMC 17F.070

Summary (Background)

To surplus five vacant lots purchased by Code Enforcement from Spokane County that were Tax Title property. The sale is proposed in order to recover a larger portion of the City's costs than would be received through a County auction. These buildings were eligible for purchase to due liens resulting from demolition of buildings that have been determined to be Unfit as part of the Building Official process under Spokane Municipal Code 17F.070 and that the owner failed to complete.

Fiscal Impact

Select \$

Select \$

Select \$

Select \$

Budget Account

#

#

#

#

Approvals**Dept Head**

TRAUTMAN, HEATHER

Division Director

MALLAHAN, JONATHAN

Finance

KECK, KATHLEEN

Legal

RICHTMAN, JAMES

For the Mayor

WHITNEY, TYLER

Council Notifications**Study Session**

CHE 11/2/2015

Other**Distribution List**

jrichman@spokanecity.org

tszambelan@spokanecity.org

htrautman@spokanecity.org

Additional Approvals**Purchasing**

RESOLUTION 2015-0050

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS CITY PROPERTY.

WHEREAS, THE City of Spokane is the owner of certain property located in the City of Spokane, County of Spokane, State of Washington, and more particularly described in Exhibit "A" attached hereto ("Property"); and

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

WHEREAS, RCW 35.22.280(3) authorizes the City of Spokane to dispose of surplus property upon commercially reasonable means; and

WHEREAS, the City of Spokane is required to seek fair market value for the Property.

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

1. The Property is hereby declared to be surplus property no longer needed for the present and foreseeable public uses of the City of Spokane.
2. The City of Spokane shall determine the fair market value of the Property using commercially reasonable means.
3. The Office of Neighborhood Services and Code Enforcement is authorized to seek qualified buyer(s) for the Properties and to negotiate the terms of purchase with said buyer(s), and the Mayor or Mayor's designee is authorized to approve such purchase and execute such documents necessary to consummate said sales.

ADOPTED by the City Council _____, 2015

City Clerk

Approved as to form:

Assistant City Attorney

Exhibit "A"

Vacant Lots

Property Address: 1723 W. Maxwell
Tax Parcel Number 25131.2802

Property Address: 1927 E. Dalton
Tax Parcel Number: 35043.0130

Property Address: 227 S. Ralph
Tax Parcel Number: 35222.1907

Property Address: 1924 E. 1st Ave
Tax Parcel Number: 35212.0904

Property Address: 2726 E. 3rd Ave
Tax Parcel Number 35211.3105

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

06/06/2016

Date Rec'd

5/23/2016

Clerk's File #

RES 2016-0051

Renews #**Submitting Dept**

ASSET MANAGEMENT

Cross Ref #**Contact Name/Phone**

DAVE STEELE 625-6064

Project #**Contact E-Mail**

DSTEELE@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

5900 - SALE OF SURPLUS CITY PROPERTY

Agenda Wording

A resolution providing for the sale of surplus City property. (Latah/Hangman Valley and West Central

Summary (Background)

As part of the acquisition of property for Temporary Fire Station 5, the City acquired a larger parcel than necessary. The unneeded property included in the acquisition (roughly 10.5 acres) has been adjusted to allow for sale. This property will be sold with the intent of recovering as much of the initial temporary fire station capital investment as possible as quickly as possible.

Fiscal Impact

Neutral \$

Select \$

Select \$

Select \$

Budget Account

#

#

#

#

Approvals**Dept Head**

LUKAS, ED

Division Director

DUNIVANT, TIMOTHY

Finance

KECK, KATHLEEN

Legal

RICHTMAN, JAMES

For the Mayor

WHITNEY, TYLER

Council Notifications**Study Session****Other**

PED 5/16/16

Distribution List

eraea@spokanecity.org

htrautman@spokanecity.org

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jlargent@spokanecity.org

kkeck@spokanecity.org

Additional Approvals**Purchasing**

RESOLUTION 2016-0051

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS CITY PROPERTY.

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

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

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

WHEREAS, the City of Spokane is required to seek fair market value for the Property.

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

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

2. The City of Spokane, through its Asset Management Department shall determine the fair market value of the Property using commercially reasonable means.

3. The Asset Management Department is authorized to seek a qualified buyer or buyers for the Property and to negotiate the terms of a purchase and sale agreement with said buyer(s), subject to final approval by the Mayor.

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

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT "A"

ASSESSORS TAX PARCEL: 35183.0072

LEGALLY DESCRIBED AS: VACATED JENKINS STREET FROM 136.5FT WEST
OF MONROE STREET TO MONROE STREET IN
18-25-43

ASSESSORS TAX PARCEL: NA

LEGALLY DESCRIBED AS: SITUATE IN THE SE 1/4 OF THE SE 1/4 OF
SECTION 6, T.24N., R.43E., WILLAMETTE
MERIDIAN, SPOKANE COUNTY, WA.;

THE EAST 440 FEET OF THE SE 1/4 OF THE SE
1/4, EXCEPT THE EAST 400 FEET OF THE NORTH
315 FEET AND EXCEPT THE NORTH 65 FEET
THEREOF.

CONTAINING 10.47 AC (456117.5 S.F.) MORE OR
LESS

BRIEFING PAPER
Asset Management Group
Monday May 16, 2016

Subject:

Declaration of surplus of the unneeded portion of property associated with Temporary Fire Station #5.

Background:

After an extensive site search over the last seven years, the City of Spokane identified this property as a suitable site for the development of a temporary fire station. The structure needed virtually no modifications to function as a temporary station and the location provides sufficient response times to meet the needs of the area while the City completes the construction of a permanent fire station at the Cheney Spokane Road off ramp. The current location will likely be in service for a minimum of five years.

The unneeded property included (roughly 12.5 acres) in the acquisition has been adjusted to allow for sale. This property will sell with the intent of recovering as much of the initial capital investment as possible as quickly as possible.

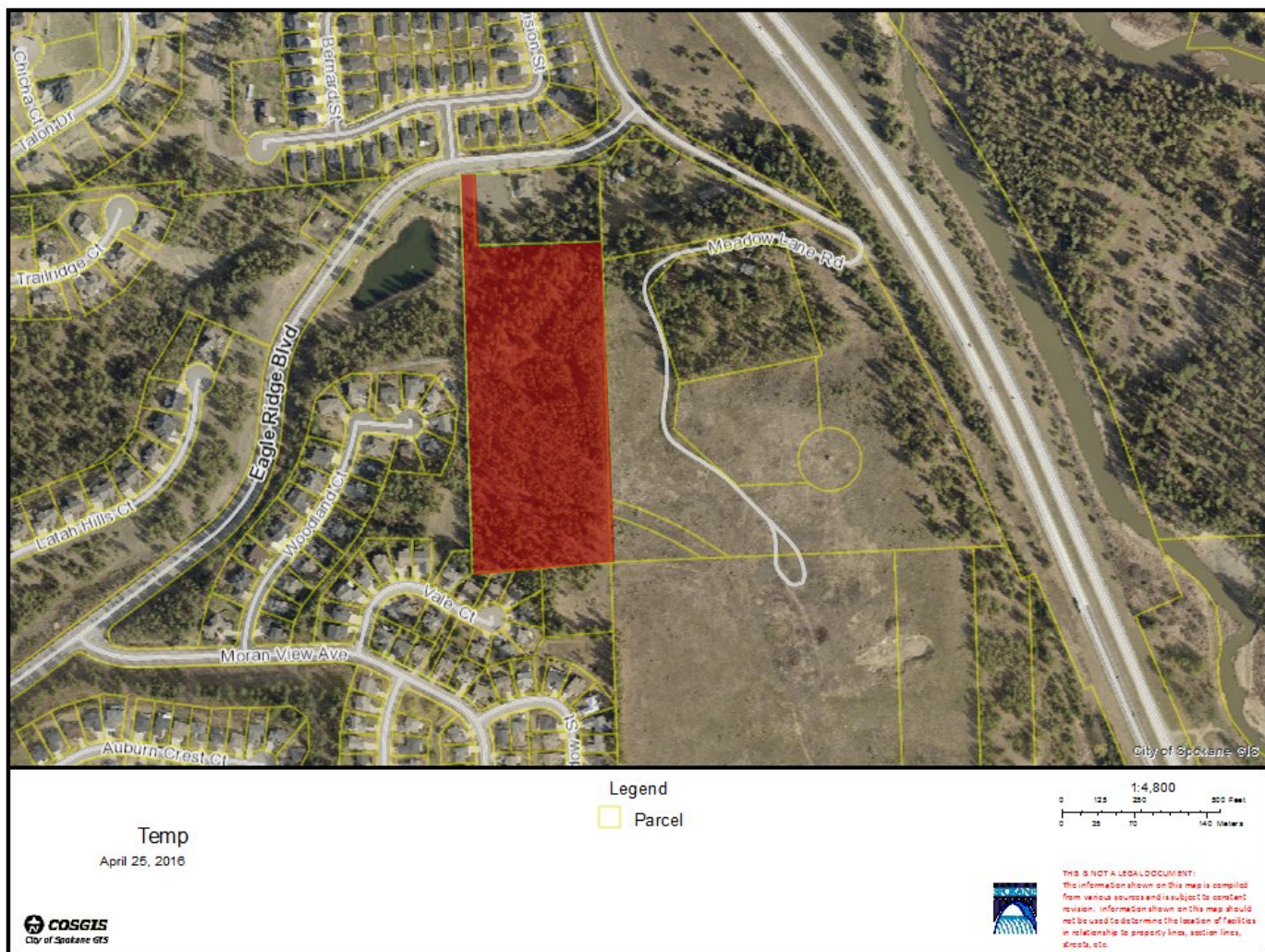
Listing will occur once the surplus process is complete.

Impact:

The surplus of this property completes the planned cost recovery associated with purchasing the temporary site and will recoup much of the revenue utilized to acquire the permanent fire station.

Action:

Approval of the surplus agenda item



BRIEFING PAPER
Asset Management Group
Monday May 16, 2016

Subject:

Surplus property resolution for parcel number 35183.0072, a general fund property located at approximately 601 North Monroe Street (there is no official address).

Background:

This property is a small piece of vacated right-of-way that was then purchased by the City of Spokane. It has sat vacant since the vacation and subsequent purchase by the City.

Research has provided no reason or purpose for retaining the property since the vacation and there are no short term or long term plans for the property.

Currently the parcel is bounded on three sides by property owned by North Gorge Properties. This developer has expressed interest in the property.

Impact:

This property has no short or long term value for the City but completes the assemblage of property for the adjacent property owner and removes this small obstacle to redevelopment of the property.

Action:

Approval of the Surplus Resolution



Legend
 Parcel

1:2,400
 0 80 160 320 Feet
 0 20 40 80 Meters

Monroe
 April 21, 2016

 **COSGIS**
 City of Spokane GIS



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

For further information on this subject contact David Steele, Asset Management, 625-6064.

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

06/06/2016

Date Rec'd

5/25/2016

Clerk's File #

RES 2016-0052

Renews #**Submitting Dept**

ASSET MANAGEMENT

Contact Name/Phone

ED LUKAS 625-6286

Contact E-Mail

RLUKAS@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Cross Ref #**Project #****Bid #****Requisition #****Agenda Item Name**

5900 - SALE OF SURPLUS PROPERTY - NORMANDIE COMPLEX

Agenda Wording

A resolution providing for the sale of surplus City property. (Emerson/Garfield Neighborhood Council)

Summary (Background)

The completion of the Spokane Central Services Center in 2015 enabled several City departments to move out of the aging, functionally obsolete Normandie Complex into superior and newer facilities. All City departments have vacated or are in the process of vacating the site. The Normandie Complex is bounded by Mission Avenue, Sinto Avenue, Calispel Street and Atlantic Street. The property is improved with approximately 12 buildings of various construction types dating from 1910 to 1950's.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

LUKAS, ED

Study Session**Division Director**

DUNIVANT, TIMOTHY

Other

Finance Committee

Finance

KECK, KATHLEEN

Distribution List**Legal**

WHALEY, HUNT

eraea@spokanecity.org

For the Mayor

WHITNEY, TYLER

rlukas@spokanecity.org

Additional Approvals

kkeck@spokanecity.org

Purchasing

jahensley@spokanecity.org

jlargent@spokanecity.org

htrautman@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

The site consists of two contiguous city blocks bisected by Normandie Street, is approximately 5.37 acres and zoned OR-150.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

BRIEFING PAPER

Finance Committee

May 2, 2016

Subject:

Declare the Normandie Complex as surplus property of the City of Spokane.

Background:

The City of Spokane originally acquired the Normandie Complex site, bounded by Mission Avenue, Sinto Avenue, Calispel Street, and Atlantic Street in 1899 from JJ Browne and his wife, Anna, for \$1.00. Normandie Street divides the parcel in the center, hence the name "Normandie Complex."

In August 2015, the completion of the Spokane Central Services Center initiated the move of City departments out of Normandie into superior and newer facilities. Fleet completed their move first, followed by Street Operations and Field Engineering. Today, the property is fully vacated with the exception of two field engineering employees who operate a lab onsite. Field engineering also stores equipment in one of the building basements. A new lab is under construction at the Foothills water location. The two engineering employees are scheduled to vacate the property by August.

To mitigate vandalism and vagrancy at the site, asset management installed a security fence across Normandie Street which completes the perimeter security. In addition, we have actively worked with SPD to conduct K-9 exercises on the property, SWAT exercises, and storage of police assets. The above activities and the open fuel island help to maintain a good police presence at an otherwise empty site. Other interim uses are being explored.

///
///
///

Summary of Property Data

Address: Multiple. 1410 N. Normandie Street is the largest building on site.

Size: 5.37 acres (size subject verification by survey and status of Normandie Street as ROW or vacation). The dimensions of the property (including Normandie St) is approximately 350' x 667' = 233,450 square feet.

Tax Parcel: 35181.0201

Neighborhood: Emerson/Garfield. Council District #3

Zoning: OR-150. Office / Retail with 150' height restriction.

Topography of Site: Using Normandie Street as a divider... Western half is flat; eastern half has a steep grade.

Tax Assessors' Value (2016): Total = \$2,826,300. Land = \$1,870,400.
Government exemption in place.

Asset Management's Estimated Market Value: Land comparables directly across Sinto Ave are listed at \$10/sf. If same applies to Normandie, then market value is \$2,334,500.

However, significant factors may impact value...

Positive:

- Two entire city blocks and a potential street vacation between them is a large consolidation of urban land (assemblage premium)
- Frontage along Mission Avenue, an arterial connecting to Division St just one block east.

Negative:

- Demolition of functionally obsolete buildings
- Environmental conditions

///

///

///

Impact:

Once the Normandie Complex has been declared surplus property, asset management can begin disposition efforts pursuant to RCW 35.22.280 (3) which allows the City to dispose of surplus property.

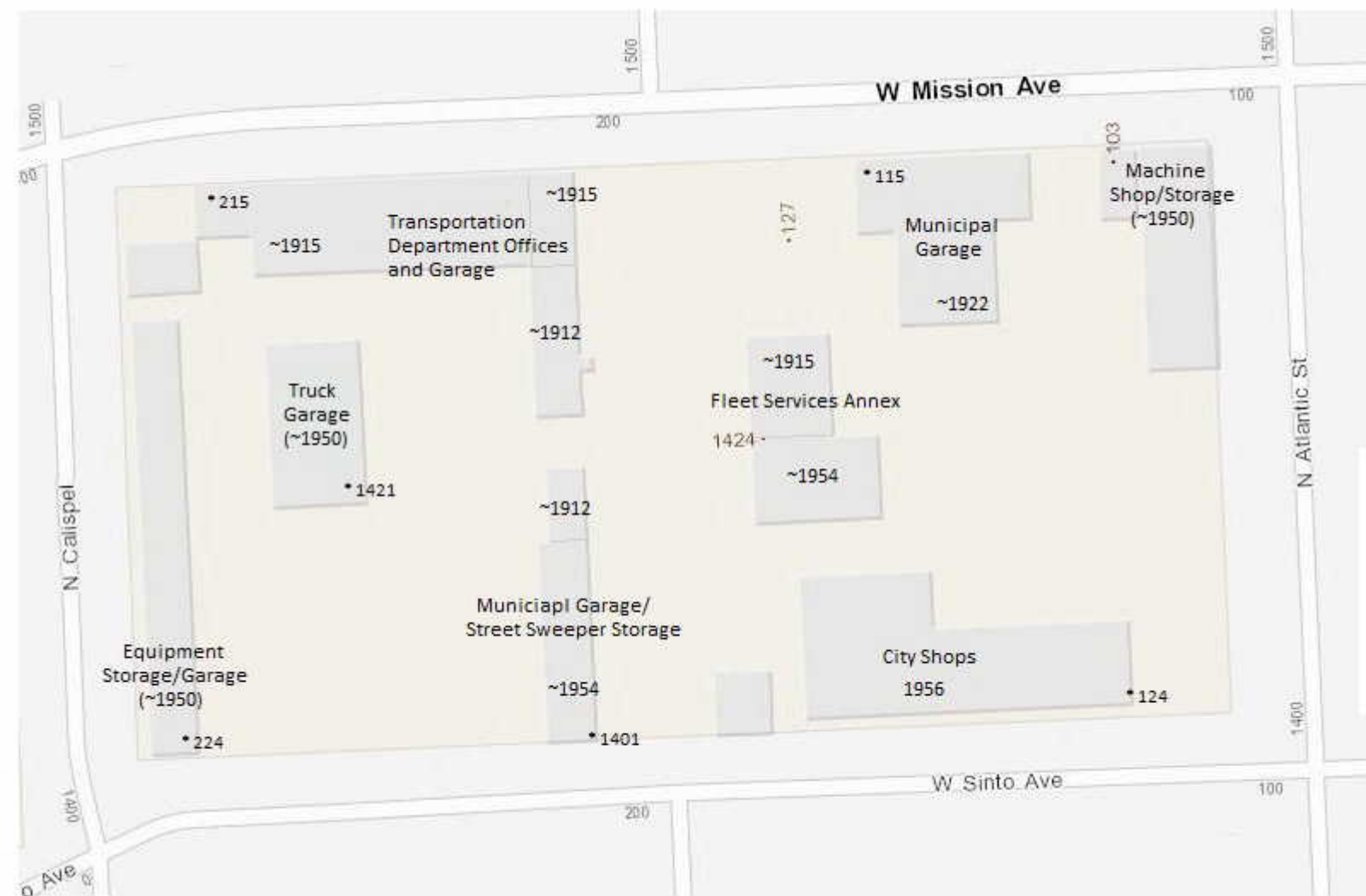
The disposition process anticipates an RFP or commercial broker listing. The process will adhere to guidelines established by City Council and the Administration Staff. Council Member Amber Waldref, Dr. Debra Robole, Dave Steele, and Ed Lukas are completing a disposition process that provides transparency on all disposition actions, large and small. The process will involve a scoring mechanism to objectively evaluate key areas beyond simply the purchase price.

Objectives of disposition include finding a suitable owner who can...

1. Create jobs
2. Build the tax base
3. Offer the highest purchase price
4. Demonstrate experience and credibility
5. Add to neighborhood vibrancy
6. Offer an aggressive timeline for completion of all of the above

Action:

Declare Normandie Complex as surplus property by City Council resolution.



Aerial Photo of Normandie Complex



RESOLUTION 2015-0052

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS CITY PROPERTY.

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

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

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

WHEREAS, the City of Spokane is required to seek fair market value for the Property.

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

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

2. The City of Spokane, through its Asset Management Department shall determine the fair market value of the Property using commercially reasonable means.

3. The Asset Management Department is authorized to seek a qualified buyer or buyers for the Property and to negotiate the terms of a purchase and sale agreement with said buyer(s), subject to final approval by City Council and the Mayor.

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

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT "A"

ASSESSORS TAX PARCEL: 35181.0201

LEGALLY DESCRIBED AS: CENTRAL ADD L1 TO 14 B57 L1TO14 B58 INC VAC
100FT ST BET

SITE ADDRESS: 127 W MISSION AVE



Agenda Sheet for City Council Meeting of:
06/06/2016

Date Rec'd	5/18/2016
Clerk's File #	RES 2016-0054
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY COUNCIL
Contact Name/Phone	LORI KINNEAR 509-625-6261
Contact E-Mail	LKINNEAR@SPOKANECITY.ORG
Agenda Item Type	Resolutions
Agenda Item Name	0320 PROPERTY CRIME RESOLUTION

Agenda Wording

A Resolution concerning the City's high property crime rate.

Summary (Background)

This resolution recommends that the City of Spokane prioritize property crime prevention in the 2017 budget, and that the city increase the amount of pretrial supervision of individuals in municipal court (released from jail) and superior court (accused of property crimes) conditioned on evidence based assessments (including increasing the use of electronic home monitoring).

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	STUCKART, BEN	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	Public Safety Committee, 5/16/16
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	lkinnear@spokanecity.org	
<u>For the Mayor</u>	WHITNEY, TYLER	gclay@spokanecity.org	
<u>Additional Approvals</u>		mfolsom@spokanecity.org	
<u>Purchasing</u>		kknox@spokanecity.org	
		hdelaney@spokanecity.org	
		jmcdevitt@spokanepolice.org	

Resolution No. 2016-0054

A Resolution concerning the City's high property crime rate.

WHEREAS, Washington is currently the only state in the nation that does not provide post-conviction supervision for those convicted of property crimes; and

WHEREAS, according to the FBI's 2014 report, Washington state has an estimated 1 officer for every 682 citizens, and the next highest ratio is the state of Oregon with 1 officer for every 606 citizens; and

WHEREAS, the City of Spokane is consistent with the state's ratio at 1 officer for every 683 citizens,

WHEREAS, the clearance rate (the rate at which someone is arrested, charged, and turned over to the court for prosecution) for property crime in Spokane, as determined by the FBI, is only 13.5%; and

WHEREAS, according to the Spokane Regional Law and Justice Commission, the average length of detention in the Spokane County Jail, for offenders of all races, is 16 days; and

WHEREAS, due to previous lack of responsiveness and limited holding time, citizens may be apprehensive to report crimes, which may lead to an undercount of the actual amount of property crime in Spokane; and

WHEREAS, while the incidents of property crimes shows a diminishing trend, there were nearly 15,000 reported instances in Spokane in 2015; and

WHEREAS, Spokane City Police have limited resources to fully address the problem; and

WHEREAS, the Spokane Police Department has requested an increase in pre-trial supervision, including electronic home monitoring, of individuals who have been released from jail;

WHEREAS, robust pre-trial supervision conditioned on evidence based assessments, including electronic home monitoring, for individuals accused of property crimes who have been released from jail will likely reduce property crime;

WHEREAS, Spokane Citizens have identified this as a major concern for the health, safety, and well-being of our community; and

NOW THEREFORE, BE IT RESOLVED, by the Spokane City Council that:

- 1) The City's 2017 budget should include prioritization of property crime prevention and investigation by the police department with increased staffing and resources;
- 2) The City should increase the amount of pretrial supervision of individuals in municipal court released from jail conditioned on evidence based assessments, including increasing the use of electronic home monitoring; and,
- 3) The City and its Police Department should encourage Spokane County to increase the amount of pretrial supervision of individuals accused of property crimes in Superior Court conditioned on evidence based assessments, including increasing the use of electronic home monitoring.

ADOPTED by the City Council this ____ day of June, 2016.

City Clerk

Approved as to form:

Assistant City Attorney

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

06/06/2016

Date Rec'd

5/24/2016

Clerk's File #

RES 2016-0055

Renews #**Submitting Dept**

SOLID WASTE DISPOSAL

Cross Ref #

OPR 2016-0450

Contact Name/Phone

CHUCK 625-6524

Project #**Contact E-Mail**

CCONKLIN@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #

CR 16895

Agenda Item Name

4490 SOLE SOURCE RESOLUTION FOR NERC/FERC RELIABILITY STANDARDS

Agenda Wording

Sole Source Resolution and contract with McCoy Power Consultants (MPC) Genoa, NV, to maintain compliance of National Electric Reliability Corporation/Federal Energy Regulatory Commission (NERC/FERC) Reliability Standards for the WTE.

Summary (Background)

The WTE must be in compliance with the numerous NERC Reliability Standards. Non-compliance with these Reliability Standards can lead to fines in the tens or hundreds of thousands of dollars. The City does not have the internal experience to develop, implement, and maintain the program necessary for compliance with these Reliability Standards. McCoy Power Consultants created and operates the program and procedures that are currently in use at the WTE.

Fiscal Impact**Budget Account**

Expense \$ 90,000.00

4490-44200-37148-54201

Select \$

#

Select \$

#

Select \$

#

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

CHILDS, BRANDON

Study Session

PWC 5/23/16

Division Director

GIMPEL, KEN

Other**Finance**

KECK, KATHLEEN

Distribution List**Legal**

WHALEY, HUNT

ttauscher@spokanecity.org

For the Mayor

WHITNEY, TYLER

jsalstrom@spokanecity.org

Additional Approvals**Purchasing**



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

The cost of contracting for June 18, 2016 through June 17, 2017 is estimated at \$90,000.00.

Summary (Background)

This program has been very successful in assuring the WTE passed several audits, spot checks, and annual self-certification with no compliance violations ever being found. Developing an entirely new program and procedures would involve several months' work at great cost. It could also cause potential interruption of compliance that could result in compliance violations that could cost tens to hundreds of thousands of dollars. With this contract the WTE facility will remain in compliance with the NERC/FERC Reliability Standards.

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

BRIEFING PAPER
Public Works Committee
Solid Waste Disposal
May 23, 2016

Subject

Sole Source Resolution and contract with McCoy Power Consultants (MPC) Genoa, Nevada, to maintain compliance of National Electric Reliability Corporation/Federal Energy Regulatory Commission (NERC/FERC) Reliability Standards for the WTE.

Background

The WTE must be in compliance with the numerous NERC Reliability Standards. Non-compliance with these Reliability Standards can lead to fines in the tens or hundreds of thousands of dollars. The City does not have the internal experience to develop, implement, and maintain the program necessary for compliance with these Reliability Standards. McCoy Power Consultants created and operates the program and procedures that are currently in use at the WTE. This program has been very successful in assuring the WTE passed several audits, spot checks, and annual self-certification with no compliance violations ever being found.

Developing an entirely new program and procedures would involve several months' work at great cost. It could also cause potential interruption of compliance that could result in compliance violations that could cost tens to hundreds of thousands of dollars.

Impact

The cost of contracting for June 18, 2016 through June 17, 2017 is estimated at \$90,000.00. With this contract the WTE facility will remain in compliance with the NERC/FERC Reliability Standards.

Action

Recommend approval.

Funding

Funding is included in the 2016 WTE operations budget.

SOLE SOURCE RESOLUTION NO. 2016-0055

A Sole Source Resolution declaring McCoy Power Consultants (MPC) a sole source consultant and thus authorizing the Waste To Energy Facility (WTEF) to directly enter into contract with MPC in lieu of public bidding for maintaining annual compliance with the NERC/FERC Reliability Standards.

WHEREAS, the City has taken over operations and maintenance of the WTE Facility which had been previously operated by Wheelabrator; and

WHEREAS, the City is fairly new to the complexities of operating the WTEF and must without interruption maintain compliance with the many laws, standards and regulations that govern the WTEF; and

WHEREAS, the WTE Facility must be in compliance with numerous National Electric Reliability Corporation (NERC) "Reliability Standards" such as NERC/FERC; and

WHEREAS, non-compliance with these "Reliability Standards" can lead to fines in the tens to hundreds of thousands of dollars; and

WHEREAS, the City does not have the internal experience to develop, implement and maintain the computer program necessary for compliance with these Reliability Standards; and

WHEREAS, The City had originally contracted with another consultant to provide these services, and it became apparent to the WTEF Plant and Operations Managers that the City may not be in compliance with many of the required standards; and

WHEREAS, MPC has unique experience with the application and implementation of the NERC reliability standards; and

WHEREAS, the City hired MPC to conduct a compliance gap analysis, which revealed non-compliance with many of the Reliability Standards, thus the City hired MPC to rewrite the complete compliance program and procedures and bring the City into full compliance; and

WHEREAS, the owner of MPC and other principal consultants at MPC work for and developed the compliance monitoring standards and methods used by the current auditing organization; and

WHEREAS, the current program the WTEF has implemented is based on MPC programs and templates; and

WHEREAS, the WTEF has been very successful using the MPC programs and templates, passing several audits, spot checks and annual self-certification requirements with no compliance violations ever being found; and

WHEREAS, the cost of McCoy Power Consultants exceeds the 2016 procurement threshold of \$48,700; and

-- Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that staff is hereby authorized to contract with McCoy Power Consultants in lieu of public bidding for the proper maintaining of compliance with the NERC/FERC Reliability Standards; and

BE IT FURTHER RESOLVED that staff is authorized to contract with McCoy Power Consultants in lieu of public bidding for maintaining compliance of the NERC/FERC Reliability Standards at the WTEF without further City Council action at an estimated cost of \$90,000.00 each year.

ADOPTED BY THE CITY COUNCIL ON _____

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 #	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 the definition of 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. It is not an offense under this section for a person to engage in expressive conduct on the public right of way using non-permanent, non-toxic means, such as chalk or water-soluble paints, in a manner which does not obstruct or interfere with the public right of way.
- 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 means, such as water-soluble paint or 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	5/11/2016
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		Budget Account
Select	\$	#
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.

~~((C))~~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:**

06/06/2016

Date Rec'd

5/18/2016

Clerk's File #

ORD C35399

Renews #**Submitting Dept**

FIRE

Cross Ref #**Contact Name/Phone**

DAVID KOKOT 625-7056

Project #**Contact E-Mail**

DKOKOT@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

1970 - CRITICAL MATERIALS CODE UPDATE

Agenda Wording

AN ORDINANCE relating to critical materials; See attached for affected sections

Summary (Background)

These sections of the Municipal Code address underground tanks, aboveground tanks, and general critical material storage and maintenance for protection of the aquifer. The Code reviewed on a regular basis and revised to accommodate current acceptable practices regarding the protection of the aquifer. The revisions provide for simplified language, removal of duplicate references, reduces the affected area, and simplifies critical material list submissions.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

WILLIAMS, BOBBY

Study Session

11/5/15

Division Director

WILLIAMS, BOBBY

OtherP&ED 5/16/16, PLAN
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KECK, KATHLEEN

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mmiller@spokanecity.org

ORDINANCE NO. C35399

AN ORDINANCE relating to critical materials; amending SMC sections 17A.020.030, 17A.020.160, 17E.010.010, 17E.010.040, 17E.010.050, 17E.010.060, 17E.010.090, 17E.010.095, 17E.010.120, 17E.010.140, 17E.010.150, 17E.010.190, 17E.010.200, 17E.010.210, 17E.010.220, 17E.010.230, 17E.010.270, 17E.010.290, 17E.010.300, 17E.010.320, 17E.010.340, 17E.010.400, 17E.010.410, 17E.010.420, 17E.010.430, 17E.010.440, 17E.010.470, 17E.010.490, 17E.010.510, 17E.010.530, 17E.010.560, and 17G.010.150; and repealing SMC sections 17E.010.250, 17E.010.310, 17E.010.330, 17E.010.450, 17E.010.500, and 17E.010.520.

The City of Spokane does ordain:

Section 1. That SMC section 17A.020.030 is amended to read as follows:

Section 17A.020.030 “C” Definitions

- A. Candidate Species.
A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.
- B. Carport.
A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.
- C. Cellular Telecommunications Facility.
They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.
- D. Central Business District.
The general phrase “central business district” refers to the area designated on the comprehensive plan as the “downtown” and includes all of the area encompassed by all of the downtown zoning categories combined.
- E. Certificate of Appropriateness.
Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.
- F. Certificate of Capacity.
A document issued by the planning services department indicating the quantity of capacity for each concurrency facility that has been reserved

for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

G. Certified Erosion and Sediment Control Lead (CESCL).
An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:

1. site conditions and construction activities that could impact the quality of stormwater, and
2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.

The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

H. Change of Use.
For purposes of modification of a preliminary plat, “change of use” shall mean a change in the proposed use of lots (e.g., residential to commercial).

I. Channel Migration Zone (CMZ).
A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.

J. Channelization.
The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

K. City.
The City of Spokane, Washington.

L. Clear Street Width.
The width of a street from curb to curb minus the width of on-street parking lanes.

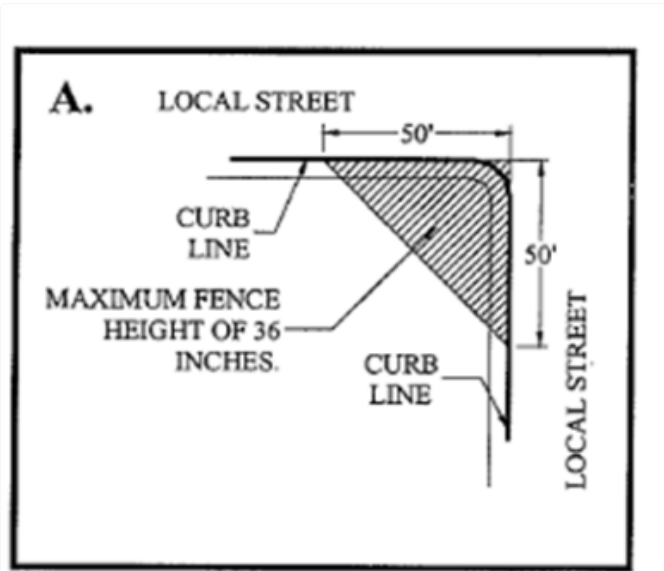
M. Clear Pedestrian Zone
Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.

N.

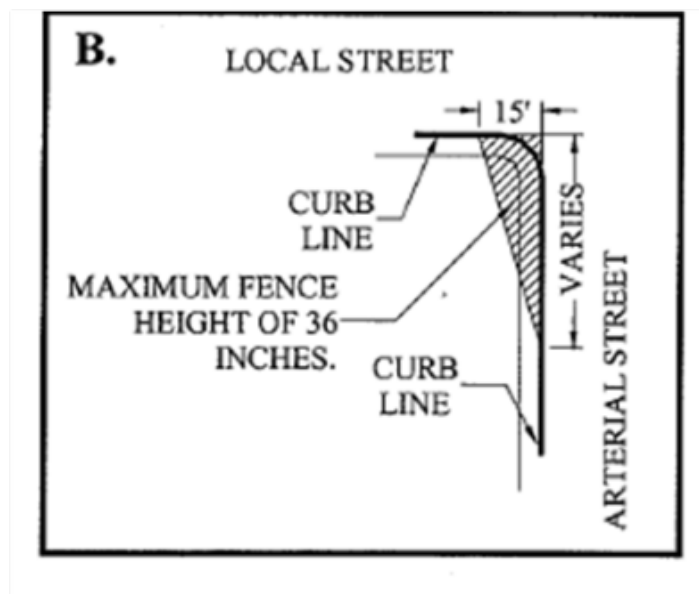
Clear View Triangle

A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

1. A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or

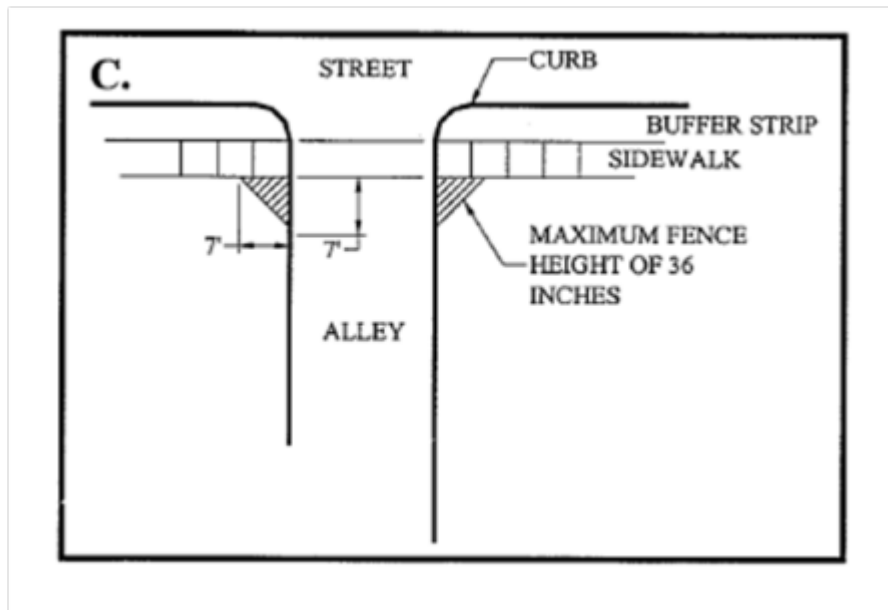


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:

- a. the inside line of the sidewalk; or
- b. if there is no sidewalk, a line seven feet inside the curb line.



- O. Clear Zone.
An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.
- P. Clearing.
The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.
- Q. Cliffs.
 1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
 2. A "cliff" is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the

processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

- R. Closed Record Appeal Hearing.
A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.
- S. Collector Arterial.
A relatively low speed street serving an individual neighborhood.
1. Collector arterials are typically two-lane roads with on-street parking.
 2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.
- T. Co-location.
Is the locating of wireless communications equipment from more than one provider on one structure at one site.
- U. Colony.
A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.
- V. Commercial Driveway.
Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.
- W. Commercial Vehicle.
Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.
- X. Commission – Historic Landmarks.
The City/County historic landmarks commission.
- Y. Community Banner.
A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.

Z. Community Meeting.
An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
2. A community meeting does not constitute an open record hearing.
3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

AA. Compensatory Mitigation.
Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. Restoration.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
2. Re-establishment.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
3. Rehabilitation.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
4. Creation (Establishment).
The manipulations of the physical, chemical, or biological

characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

5. Enhancement.

The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

6. Protection/Maintenance (Preservation).

Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

AB. Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

AC. Conceptual Landscape Plan.

A scale drawing showing the same information as a general site plan plus the location, type, size, and width of landscape areas as required by the provisions of chapter 17C.200 SMC.

1. The type of landscaping, L1, L2, or L3, is required to be labeled.
2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

- AD. Concurrency Certificate.
A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to chapter 17D.010 SMC, Concurrency Certification.
- AE. Concurrency Facilities.
Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:
1. transportation,
 2. public water,
 3. fire protection,
 4. police protection,
 5. parks and recreation,
 6. libraries,
 7. solid waste disposal and recycling,
 8. schools, and
 9. public wastewater (sewer and stormwater).
- AF. Concurrency Test.
The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in SMC 17D.010.020.
- AG. Conditional Use Permit.
A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.
- AH. Condominium.
Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

- AI. Confidential Shelter.
Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.
- AJ. Congregate Residence.
A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.
- AK. Conservancy Environments.
Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.
- AL. Container.
Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.
- AM. Context Areas
Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.
- AN. Conveyance.
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.
- AO. Conveyance System.
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.
- AP. Copy.
Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises

- AQ. Cottage Housing.
1. A grouping of individual structures where each structure contains one dwelling unit.
 2. The land underneath the structures is not divided into separate lots.
 3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.
- AR. Council.
The city council of the City of Spokane.
- AS. County.
Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.
- AT. Covenants, Conditions, and Restrictions (CC&Rs).
A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.
- AU. Creep.
Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.
- AV. Critical Amount.
The quantity component of the definition of critical material.
- AW. Critical Aquifer Recharge Areas (CARA).
Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas.
- ~~((AW))~~AX. Critical Areas.
Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, and chapter 17E.070.SMC.

~~((AX))~~AY. Critical Facility.
A facility for which even a slight chance of flooding might be too great.
Critical facilities include, but are not limited to:

1. schools;
2. nursing homes;
3. hospitals;
4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use, or store hazardous materials or hazardous waste.

~~((AY))~~AZ. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
domestic and industrial water supply,
 - a. domestic and industrial water supply,
 - b. agricultural irrigation,
 - c. stock water, and
 - d. fish propagation.

Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

~~((AZ))~~BA. Critical Material Activity.
A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.

A list of critical materials activities is contained in the Critical Materials Handbook.

~~((BA))~~BB.

Critical Materials Handbook.

The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter.

1. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities, contains:
 - a. a critical materials list,
 - b. a critical materials activities list, and
 - c. other technical specifications and information.
3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

~~((BB))~~BC.

Critical Review.

The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

~~((BG))~~BD.

Critical Review Action.

1. An action by a municipal official or body upon an application as follows:
 - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies (SMC 17G.010.140 and SMC 17G.010.150).
 - b. Application for a shoreline substantial development permit (SMC 17G.060.070(B)(1)).
 - c. Application for a certificate of occupancy (SMC 17G.010.170).

- d. Application for a variance or a certificate of compliance (SMC 17G.060.070(A) or SMC 17G.060.070(B)(1)).
 - e. Application for rezoning (SMC 17G.060.070(A)).
 - f. Application for conditional permit (SMC 17G.060.070(A)).
 - g. Application for a business license (SMC 8.01.120).
 - h. Application for a permit under the Fire Code (SMC 17F.080.060).
 - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).
 - j. Application for connection to the City sewer or water system.
 - k. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).
 - l. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314, and SMC 13.03.0324).
 - m. Application involving a project identified in SMC 17E.010.120.
 - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - o. Application for an underground storage tank permit (SMC 17E.010.210); and
 - p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

~~((BD))~~BE. Critical Review Applicant.
A person or entity seeking a critical review action.

((BE))BF. Critical Review Officer – Authority.

1. The building official or other official designated by the director of public works and utilities.
2. For matters relating to the fire code, the critical review officer is the fire official.
3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.
4. The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.
5. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter

((BF))BG. Critical Review Statement.

A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

((BG))BH. Cumulative Impacts.

The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

((BH))BI. Curb Ramp.

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

((BI))BJ. Cutbank.

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 2. That SMC section 17A.020.160 is amended to read as follows:

Section 17A.020.160 “P” Definitions

- A. Painted Wall Highlights.
Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.
- B. Painted Wall Sign.
A sign applied to a building wall with paint or a thin layer of vinyl, paper, or similar material adhered directly to the building surface and that has no sign structure.
- C. Parcel.
See "Lot" (SMC 17A.020.120).
- D. Parkway.
 - 1. A street serving as a principal, minor, or collector arterial, typically with recreational or scenic opportunities.
 - 2. Parkways will often have landscaped medians.
- E. Party of Record.
Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.
- F. Paved Area.
 - 1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses.
 - 2. Graveled areas are not paved areas.
- G. Pedestrian Buffer Strips (PBS).
A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.
- H. Pedestrian Path
A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use. Minimum requirements for Pedestrian Paths are listed in Section 17C.123.040 of the FBC.
- I. Pedestrian-Scaled Fixtures (lighting)
Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the

HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

- J. Pedestrian-Scaled Signs
Permanent, first-floor, exterior signs designed and placed to address pedestrian traffic; may be mounted flush with or projecting from a column, building wall, awning or transom.
- K. Pedestrian Street.
 - 1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment.
Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.
- L. Performance Guarantee.
A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.
- M. Performance/Warranty Retainer.
A “financial guarantee” both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City’s final inspection and acceptance of the improvements.
- N. Permanent Erosion and Sediment Control Measures.
A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.
- O. Permanent Sign.
Any sign not classified as a temporary sign.
- P. Permanent Stabilization.
See Permanent Erosion and Sediment Control Measures.
- Q. Permeable Sediment.
Sediment permitting the flow of water.
- R. Person.
Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation, or other legal entity.

- S. Pier.
Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce, including, but not limited to, wharves, mono-buoys, quays, ferry terminals, and fish weighing station.
- T. Pitched Roof Sign.
A sign attached to a roof with a pitch of one-to-four or greater and placed parallel to the building wall.
- U. Planned Capacity.
For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).
- V. Planned Capacity for Transportation Facilities.
Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.
1. These strategies may include:
 - a. increased public transportation service,
 - b. ride sharing programs,
 - c. demand management, and
 - d. other transportation systems management strategies.
 2. For transportation facilities, “concurrent with the development” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).
- W. Planned Unit Development (PUD).
1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design.

2. The City may permit a variety of types, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare.

X. Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

Y. Planting Zone

Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

Z. Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AA. Plat – Preliminary.

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

AB. Plaza.

1. Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.
2. Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

AC. Plinth

The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

AD. Pollutant.

Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with

development. Any substance that causes or contributes to violation of air, land, or water quality standards, released or discharged.

- AE. Pollution.
Contamination, or other alteration of the physical, chemical, or biological properties of air, land, water or wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into air, land, water, or wetlands as will or is likely to cause a nuisance or render such air, land, water, or wetlands harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.
- AF. Potential Geologically Hazardous Areas.
Areas designated on maps maintained in the City's planning services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.
- AG. Practicable Alternative.
An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.
- AH. Predevelopment Meetings.
Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process, and procedural submission requirements.
- AI. Principal Buildings
Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site.
- AJ. Primary Building Entry
Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.
- AK. Primary Building Walls.
Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual

tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, SMC 17C.240.130, Primary Building Walls)

- AL. Primary Container.
The container that is in direct contact with the material of concern during the course of normal transport, use, or storage.
- AM. Primary Drainage Basin.
The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:
1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
 2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.
- AN. Primary Structure.
1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
 2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.
- AO. Primary Use.
1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
 2. A site may have more than one primary use.
- AP. Principal Arterials.
A four- to six-lane street serving as a primary facility for access between the central business district, major employment districts, and major shopping centers.

- AQ. **Priority Habitats.**
Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:
1. High wildlife density.
 2. High species diversity.
 3. Important wildlife breeding habitat.
 4. Important wildlife seasonal ranges.
 3. Important movement corridors.
 4. Limited availability.
 5. High vulnerability to habitat alteration.
- AR. **Priority Species.**
A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.
- AS. **Private Street.**
Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.
- AT. **Project Permit or Project Permit Application.**
Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits, or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically identified under RCW 36.70B.140.
- AU. **Projecting Sign.**
A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.
- AV. **Protected Species.**
A general classification of animals by WDFW that includes all those

species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.

- AW. Proximity.
That two or more properties are either adjacent or separated by a street or alley.
- AX. Public Access.
The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers, and other public sites or facilities.
- AY. Public Facilities.
Any City-owned, operated, or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:
1. parks,
 2. recreation facilities,
 3. playgrounds,
 4. streets,
 5. transportation facilities,
 6. open spaces,
 7. fire facilities,
 8. storm water drainage ponds, and
 9. all such appurtenances and improvements.
- AZ. Public Property.
Any City-owned real property, air space, or other interest in real estate, including streets, alleys, or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.
- BA. Public Way.
1. A dedicated "public way" is a tract of land:

- a. conveyed or reserved by deed,
- b. dedicated by plat, or
- c. acquired by decree of court,

which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.

- 2. An "alley" is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

Section 3. That SMC section 17E.010.010 is amended to read as follows:

Section 17E.010.010 Title, Purpose and Applicability

- A. This chapter shall be known and may be cited as the "Aquifer Recharge Area Protection Code."
- B. ~~((This chapter is based on and implements the City of Spokane comprehensive plan and shoreline master program, as amended from time to time.))~~The purpose of this chapter is to protect the public health, safety and welfare by providing protection for environmentally sensitive areas and their functions and values, and by preserving and protecting critical aquifer recharge areas through the regulation of development and other activities in critical aquifer recharge areas, and not to create or otherwise establish or designate any particular person, or class, or group of persons who will or should be especially protected or assisted by the terms or provisions of this chapter. It is expressly the purpose of this ordinance to protect the health, safety and welfare of the general public through protection of local groundwater resources and the public drinking water supply. It is further a general purpose to halt and reverse continued degradation of the Spokane aquifer, to improve the quality of the aquifer, to restrict or prohibit adverse land uses and other practices tending to degrade or negatively affect the purity and quality of the aquifer. It is also directed towards the purposes expressed in SMC 17A.010.020, with special emphasis upon the protection of the Spokane aquifer through implementation of the Spokane Aquifer Water Quality Management Plan.
- C. The requirements of this chapter apply to all activities and development occurring in critical aquifer recharge areas, as defined in this chapter. Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas. All areas within the City meeting the definition of a critical aquifer recharge area, regardless of

any formal identification, are hereby designated critical areas as regards the Spokane Aquifer and are subject to the provisions of this chapter. It is expressly the purpose of this ordinance ~~((to protect the health, safety and welfare of the general public through protection of local groundwater resources and the public drinking water supply. It is further a general purpose to halt and reverse continued degradation of the Spokane aquifer, to improve the quality of the aquifer, to restrict or prohibit adverse land uses and other practices tending to degrade or negatively affect the purity and quality of the aquifer, and))~~ to establish a regulatory program consistent with these purposes set forth above in section B, and the goals and policies of the City of Spokane comprehensive plan and shoreline master program or as amended.

D. This chapter provides for:

1. identification of substances designated “critical materials”, which, in specified amounts, could create a hazard to the Spokane aquifer, and activities associated with them, designated “critical materials activities”;
2. development of standards for the handling, use, storage and transportation of such substances and precautions attendant to such activities; and
3. establishment of appropriate disclosure, monitoring and control procedures;
all as detailed in the Critical Materials Handbook, the Critical Materials List, and the Critical Materials Activities List.

E. It is not a purpose of this chapter to extend specific regulatory protection to any individual person or class of persons, and no duty shall be deemed created or implied to any individual, group or class by virtue of this chapter or any regulation, requirement, order, action or inaction of the City, its employees or agents.

F. Relationship to Other Regulations.

1. This chapter applies as an overlay to other laws, regulations and requirements, including, and in addition, but not limited to, zoning, land use standards, building standards and codes, stormwater management requirements, solid waste management requirements, wastewater management requirements, the shoreline management plan, critical area protection requirements, wellhead protection plans, and other regulations, presently in effect and as now adopted or hereafter amended from time to time.
- 2 Any area constituting a critical aquifer recharge area under this chapter that individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most

protection to the critical areas involved. When the provisions of this chapter vary from or are inconsistent with any other any provisions of the ordinance or any existing regulation, easement, covenant or deed restriction, conflicts with this chapter, the provision that at which provides the most protection to the critical area shall apply.

- 3 This chapter shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted, SMC 17E.050.020. Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination.
- 4 ~~((The administrative procedures followed during the critical area review process shall conform to the standards and requirements of City development regulations. This shall include, but not be limited to, timing, appeals and fees associated with applications covered by this chapter.))~~ The City of Spokane is the authority having jurisdiction for critical material storage within the boundaries of the City. Depending on the circumstances and substances other local, State, and Federal regulations may also apply.

Section 4. That SMC section 17E.010.040 is amended to read as follows:

Section 17E.010.040 Scope and Application

- A. This chapter applies to ~~((all))~~ properties ~~((in the City))~~ and ~~((to all))~~ activities and uses thereon as identified in SMC ~~((17E.050.200))~~ 17E.010.010.C.
- B. This chapter imposes requirements upon critical review applicants, owners, occupants and managing agents, or affected premises, and upon other persons responsible for the presence or use of critical materials or pursuit of critical materials activities at a specific site or premises.
- C. Except where specifically otherwise stated here or ordered by the critical review officer, this chapter does not apply to installations or land uses existing before March of 1987. ~~((It is the intent to develop a regulatory program for required modification, replacement and/or monitoring of such existing installations and/or uses in March of 1987.))~~

Section 5. That SMC section 17E.010.050 is amended to read as follows:

Section 17E.010.050 Critical Review – Requirements

- A. Critical review and compliance with requirements established thereby are

required for all critical review actions. Where applicable and practical, the requirements for compliance can be waived by the critical review officer.

- B. The critical review officer may require such protective measures as are deemed necessary to prevent and/or contain spills, including draw-out pumping, automatic shutdown devices, monitoring and metering equipment and periodic testing or other inspections.
- C. Costs of compliance are the responsibility of the party or entity seeking the installation or remodeling.

Section 6. That SMC section 17E.010.060 is amended to read as follows:

Section 17E.010.060 New Storage Systems – Tanks – Associated Piping

~~((From and after March 10, 1986, n))~~ No new or replacement storage system, tank and/or associated piping for a petrochemical product or other critical material is permitted without a secondary containment system approved by the critical review officer. This provision does not apply to ordinary maintenance or repair activity.

Section 7. That SMC section 17E.010.090 is amended to read as follows:

Section 17E.010.090 Enforcement Action ((Nuisance)) – Procedures

- A. Upon reasonable cause, the critical review officer may give, by mail or other reasonable means, twenty days' written notice to the legal owner, occupant or person responsible for the management or in control of the affected premises, installation or activity thereon of intent to declare the same as a public nuisance hereunder, specifying the basis therefore, any proposed preventative or protective measures which might eliminate the proposed nuisance declaration, and requesting said party or parties to show cause on or before a date certain why a declaration of public nuisance should not be made, and advising of an opportunity to request a hearing on said question, together with a form to request the hearing.
- B. If a hearing is requested, the critical review officer gives notice to the requesting parties, and such other persons the officer deems appropriate, of a specified time, date and place.
- C. Upon hearing, or if none is requested after the expiration of the notice period, the critical review officer may proceed to issue a final order determining whether a public nuisance exists. The order may specify any preventative or protective measures which, if taken, would alleviate the nuisance and time for compliance. The order shall specify an opportunity to appeal the same to a hearings officer and procedures for appeal.

- D. The provisions of this section are not intended to prescribe an exclusive procedure and all procedures and powers in statute and at common law to abate a ~~((public))~~ nuisance are specifically reserved. Time periods and any other provisions herein may ~~((by))~~ be changed by the critical review officer in the interest of the public health and safety, considering the exigent circumstances and public convenience, health and safety.

Section 8. That SMC section 17E.010.095 is amended to read as follows:

Section 17E.010.095 Standards for Uses

- A. When above-ground storage of critical materials is included in the design of any facility within the City boundaries or for the City, that facility shall be designed so that:
1. a secondary containment mechanism that will prevent any leak or spill from leaving the site/building or infiltrating into the ground below the site shall be included in the design.
 - a. Secondary containment shall be provided in areas of the facility where the critical materials are stored, used and along corridors where chemicals are moved within the facility.
 - b. The containment for the facility whether indoor or outdoor shall be capable of the largest of the following:
 - i. One hundred ten percent of the critical material volume.
 - ii. Given a number of small containers of critical materials: Three times the volume of the single largest container or ten percent of the total volume (whichever is greater) ~~((of critical materials where there are a number of small containers))~~.
 - iii. Given a building with fire sprinklers and critical materials: Twenty minutes of fire sprinklers plus the single largest container of critical material liquid or water soluble ~~((critical))~~ material~~((s when the building is provided with fire sprinklers))~~. Where allowed by wastewater management, drainage to building floor drains can be considered with the containment capacity.
 - iv. Outdoor facilities shall make provision as above for containing the required volume of critical material and precipitation that occurs during a storm event equivalent to that required for storm drainage design.
 - ~~((c)). ((Outdoor facilities shall make provision for containing the required volume of spill and precipitation that occurs during a~~

~~—storm event equivalent to that required for storm drainage design.))~~

2. secondary containment facilities should facilitate the proper clean up and disposal of spills or leaks.
 - a. No secondary containment facility shall be connected to any sanitary or storm sewer system, including drywells and swales, without approval from City Engineering services in coordination with wastewater management, and could include approved ((pre)) treatment and removal facilities appropriate to the substances maintained on site installed between the containment facility and the discharge.
 - b. A spill cleanup plan shall be developed to define proper procedures for maintaining and cleaning containment facilities and to identify proper disposal practices for any critical materials removed from the containment facilities.
3. permanent disposal of any waste containing critical materials shall not be allowed within the City of Spokane, except:
 - a. waste disposed of at a site approved as compliant with WAC 173-351 or similar applicable regulatory requirements by the Washington State department of ecology and permitted by the Spokane regional health district; and
 - b. any waste disposed as part of, and consistent with, a federal- or state-approved cleanup plan, where ~~((it also appears that))~~ the division director of public works and utilities has been given meaningful and actual individual ~~((written))~~ notice of the cleanup, proposed remedial action and an opportunity to comment and participate in such action.

Section 9. That SMC section 17E.010.120 is amended to read as follows:

Section 17E.010.120 Other Activity Subject to Critical Review – Compliance with Chapter

- A. Excavations, drillings, mining or other land use activities which expose or enhance exposure of the aquifer to access by surface runoff or spills are subject to such aquifer protection, drainage and dispersion measures as provided by but not limited to chapter 17C.320 SMC. Such regulations shall be reasonably related to the purposes, intents and objectives of this chapter, whether or not related to a specific critical material or critical material activity, so long as the general requirement and objective of aquifer protection is met.

- B. Any project or development affecting surface water drainage where such project involves creation or expansion of pollutant generating impervious surface must comply with the City's stormwater standards and manual as ~~((revised))~~ required.

Section 10. That SMC section 17E.010.140 is amended to read as follows:

Section 17E.010.140 Appeals

- A. Any written final order or decision issued pursuant to this chapter may be appealed to the hearing ~~((officer))~~ examiner by filing a copy of the order and notice of appeal with the hearing ~~((officer))~~ examiner within twenty days of date of mailing or delivery of the order or decision. Failure to reduce a final order or decision to writing does not affect its validity, but the appeal time is tolled until such is in writing and deposited for mailing or delivered.
- B. A final order or decision is:
1. a dispositive determination of the critical review officer with respect to any permit, license or application; or
 2. an order of the critical review officer which deals with affected land or premises.
- C. The effect of any order or decision, and the obligation to comply, is not stayed pending an appeal unless so ordered by the critical review officer or the hearing ~~((officer))~~ examiner, upon such conditions as the order may impose.
- D. These appeals procedures are not intended to replace otherwise applicable procedures for any specific order or action, but govern in the absence of another available method or where deemed appropriate and necessary by the critical review officer.

Section 11. That SMC section 17E.010.150 is amended to read as follows:

Section 17E.010.150 Regulations

- A. The division director of public works and utilities is authorized to adopt and promulgate regulations to enforce the provisions of this chapter in cooperation with the critical review officer(s). ~~((Unless declared immediately effective because of emergent circumstances, regulations are effective thirty days after promulgation.~~
- ~~((B)). ((Except as otherwise provided, promulgation occurs by publication in the~~

~~Official Gazette of the City of Spokane or in the critical materials handbook. Amendments or changes are accomplished in the same way.))~~

Section 12. That SMC section 17E.010.190 is amended to read as follows:

Section 17E.010.190 Purpose and Application

- A. This article addresses specific municipal regulatory requirements applicable to underground storage tanks, the underground portion of in-ground tanks and associated piping and installations. It is supplemental to SMC 17F.080 ~~((the))~~ (Fire Code) and any other requirements of this chapter or applicable local, state or federal requirements.
- B. These provisions are intended to apply to all underground storage tanks and the underground portion of in-ground storage tanks. ~~((The exclusion of existing structures in SMC 17E.010.040(C) is specifically inapplicable.))~~
- C. This article supplements the fire code of the City of Spokane SMC 17F.080.

Section 13. That SMC section 17E.010.200 is amended to read as follows:

Section 17E.010.200 Definitions

See chapter 17A.020 SMC for definitions relating to this article. Where chapter 17A.020 SMC does not provide a definition, the currently adopted International Fire Code published by the International Code Council will be used.

Section 14. That SMC section 17E.010.210 is amended to read as follows:

Section 17E.010.210 Permit Required

- A. No person may own or maintain an underground storage tank (UST) unless the tank is registered with the Spokane Fire Department and approved pursuant to a permit issued under the authority of this article and it otherwise complies with this chapter.
- ~~((B.))~~ ~~((The permit shall be displayed at the site of the tank in a location as approved by the fire department.))~~

Section 15. That SMC section 17E.010.220 is amended to read as follows:

Section 17E.010.220 Permit Issuance – Duration

- A. The fire official issues all permits required ~~((by the fire code))~~ under this article.
- B. Operational permits shall be effective for one year after the date of

issuance. The fire official may adjust the date of issuance and length of a permit to accommodate inspection schedules and administrative convenience.

Section 16. That SMC section 17E.010.230 is amended to read as follows:

Section 17E.010.230 Permit Conditions – Fees – Testing

- A. To obtain an operational UST permit the owner/operator must:
1. pay to the fire official the fees specified in SMC 8.02.034(A);
 2. demonstrate that the UST passes an annual tightness test by using a precision leak test, automatic tank gauge (ATG) test, or other method as approved by the fire official to the fire official's satisfaction. To be considered, leak test results must be less than six months old.
~~((a)).((A leak test must be capable of statistically reliable measurement, down to one-tenth of a gallon per hour, including temperature compensation, in accordance with the latest recommendations of the National Fire Protection Association)).~~
~~((b)).((To be considered, leak test results must be less than six months old.))~~
- B. ~~((In addition to permit and approval fees, t))~~ The fire official has authority to set additional ((inspection)) fees related to enforcement of this article ((and fees for other services, return trips, and additional administrative, personnel, or equipment charges, and to recover expenses related to permit issuance and other enforcement of this article)).
- C. Permit transfer requests are determined in writing by the fire official and may be approved if the transferee ~~((shows a))~~ is willing((ness)) and ((ability)) able to comply with the conditions imposed and accepts the responsibilities of the permit holder.
- D. ~~((For administrative convenience and the public convenience, t))~~ The fire official may establish a list of qualified persons to serve as leak test inspectors ((, approved to certify to the City the results of any leak test or other technical testing required under this chapter)).

Section 17. That SMC section 17E.010.270 is amended to read as follows:

Section 17E.010.270 Reporting Failures, Leaks and Leak Risks

- A. The discovery of a leak or circumstances indicating possibility of a leak of a UST shall immediately be reported to the fire official and the department of ecology. The lead agency for handling the cleanup will be the

department of ecology.

- B. The requirements of WAC 173.360.360 shall apply.
- C. This obligation is not limited to permittees, and shall include product vendors and repair or testing personnel.

Section 18. That SMC section 17E.010.290 is amended to read as follows:

Section 17E.010.290 Single-wall USTs ((Maximum Useful Life))

- A. ~~((All existing single-walled UST installations (tanks and associated piping) without secondary containment are conclusively presumed to have a maximum useful life of forty years unless the tank was properly upgraded in accordance with the federal/state and local requirements.))~~ New single-walled USTs for critical materials are not allowed to be installed.

~~((1. Single-walled USTs are not allowed to be installed.))~~
- B. Permitted ((Any)) single-walled USTs are to be removed or filled with inert solid material in accordance with State law at the established end of their useful life. No repair or upgrade of single walled USTs is permitted. ((that has not been properly upgraded, or has reached its maximum useful life, shall be withdrawn from operation and either physically removed or converted to satisfy abandoned status, according to the fire official's requirements.)) Repair or replacement of cathodic rectifier or anodes will be considered a repair.
- C. Non-permitted single walled USTs for critical materials are required to be removed or filled with inert solid material in accordance with State law.

~~((1. the age of the tank at the date of upgrade plus the length of the installer's warranty on the liner and/or cathodic protection, or
2. forty years.))~~
- ~~((D)). ((A tank may be lined or upgraded once only. The following shall result in the tank being withdrawn from operation and either physically removed or converted to satisfy abandoned status, according to the fire official's requirements:))~~
 - ~~1. ((Failure of the lining at any time.~~
 - ~~2. Expiration of the extended useful life of the tank.~~
 - ~~3. Failure at any time of prior approved upgrades whether federal, state or local.))~~

Section 19. That SMC section 17E.010.300 is amended to read as follows:

Section 17E.010.300 Categories of Use

- A. Active Use UST.
An UST in actual use for receipt, storage, or delivery of substances, as a UST, within any ninety-day period.
- B. Out of Service for Ninety Days UST.
An UST not in active use within any ninety-day period. USTs in this category must be safeguarded as required under ~~((SMC 17E.010.310))~~ IFC 5704.2.13.1.2.
- C. Out of Service for One Year UST.
An UST not in active use within any one-year period or longer. USTs in this category must satisfy the requirements under ~~((SMC 17E.010.330))~~ IFC 5704.2.13.1.3.
- D. Abandoned in Place UST.
An UST permanently prepared for non-use and left in place. USTs in this category must satisfy requirements under ~~((SMC 17E.010.330))~~ IFC 5704.2.13.1.4.
- E. Monitored Out of Service UST.
An UST not in active use, but the leak monitoring (and cathodic protection where applicable) system is still in operation and maintained. The tank will be required to have a permit renewed each year.
- F. For purposes of this article, aggregates of tanks hydraulically connected including the piping are considered as one tank.

Section 20. That SMC section 17E.010.320 is amended to read as follows:

Section 17E.010.320 Change in Use Category – Approval – Exemptions

- A. USTs accrue a use category upon fulfillment of the conditions set forth in SMC 17E.010.300.
- B. A permit is required for USTs where such USTs are approved as “out of service for one year.”
- C. USTs “abandoned in place” ~~((under SMC 17E.010.330))~~ do not require additional permits beyond the decommissioning work, so long as conditions of approval remain satisfied.
- D. Additionally, where approval is required ~~((under SMC 17E.010.330))~~, a

permittee may apply to the fire official for a change in use category.

Section 21. That SMC section 17E.010.340 is amended to read as follows:

Section 17E.010.340 Authority of Fire Official

- A. The fire official of the City of Spokane, as provided in SMC 3.01.031 and SMC 17F.080.040, interprets and enforces this article. Any approval, action, permit or other item accomplished under the authority of this article is subject to modification, or imposition of additional conditions or exemption from conditions, all in the fire official's reasonable discretion, guided by the purpose of this article and chapter.
- B. Fees and expenses of compliance shall be the obligation of the parties required to comply, but in specific circumstances the fire official may designate another responsible party or may apportion expenses and responsibilities among parties determined to be at fault.
- C. Any final written order issued by the fire official under the authority of this article may be appealed under the provisions of SMC 17E.010.140, or as specified by the fire official, who shall have the authority of the critical review officer for purposes of this article.
- D. This article shall not limit any municipal right or remedy pursuant to contract, statute or common law.

Section 22. That SMC section 17E.010.400 is amended to read as follows:

Section 17E.010.400 Purpose and Application

- A. This article addresses specific municipal regulatory requirements applicable to aboveground storage tanks and associated piping and installations used for the storage of critical materials. It is supplemental to SMC 17F.080 ~~((the))~~ Spokane Fire Code and any other requirements of this chapter or applicable local, state or federal requirements.
- B. These provisions apply to aboveground storage tanks with more than sixty gallons of capacity.
- C. This article supplements the fire code of the City of Spokane ~~((fire-code))~~.

Section 23. That SMC section 17E.010.410 is amended to read as follows:

Section 17E.010.410 Aboveground Storage Tank Defined

- A. Fire See chapter 17A.020 SMC for definitions relating to this article. Where

chapter 17A.020 SMC does not provide a definition, the currently adopted International Fire Code published by the International Code Council will be used.

- B. For this article, a bulk tank shall be considered to have a capacity of one hundred thousand gallons or more.

Section 24. That SMC section 17E.010.420 is amended to read as follows:

Section 17E.010.420 Permit Required

- A. No person may own or maintain an aboveground storage tank (AST) containing critical materials unless the tank is registered with the Spokane Fire Department and approved pursuant to a permit issued under the authority of this article and it otherwise complies with this chapter.
- ~~((B)). ((The permit shall be displayed at the site of the tank in a location as approved by the fire department.))~~

Section 25. That SMC section 17E.010.430 is amended to read as follows:

Section 17E.010.430 Permit Issuance – Duration

- A. The fire official issues all permits required ~~((by the fire code))~~ under this article.
- B. Operational permits shall be effective for one year after the date of issuance. The fire official may adjust the date of issuance and length of a permit to accommodate inspection schedules and administrative convenience.

Section 26. That SMC section 17E.010.440 is amended to read as follows:

17E.010.440 Permit Conditions – Fees –Testing

- A. ~~((In addition to permit and approval fees, t))~~ The fire official has authority to set additional ~~((inspection))~~ fees related to enforcement of this article ~~((and fees for other services, return trips, and additional administrative, personnel or equipment charges, and to recover expenses related to permit issuance and other enforcement of this article))~~.
- B. Permit transfer requests are determined in writing by the fire official and may be approved if the transferee ~~((demonstrates))~~ is ~~((a))~~ willing~~((ness))~~ and ~~((ability))~~ able to comply with the conditions imposed and accepts the responsibilities of the permit holder.

Section 27. That SMC section 17E.010.470 is amended to read as follows:

Section 17E.010.470 Reporting Failures, Leaks, and Leak Risks

- A. The discovery of a leak, circumstances indicating possibility of a leak, spills, or overfills that may be harmful to the public or the environment shall immediately be reported to the fire official and the Washington state department of ecology. For leaks and failures, the lead agency will be the Washington state department of ecology.
- B. The requirements of WAC 173.303.145 shall apply.
- C. This obligation is not limited to permittees, and shall include product vendors and repair or testing personnel.

Section 28. That SMC section 17E.010.490 is amended to read as follows:

Section 17E.010.490 Categories of Use

- A. "Active Use" AST.
An AST in actual use for receipt, storage, or delivery of substances, as an AST, within any ninety-day period.
- B. "Out of service for Ninety Days" AST.
 - 1. An AST not in active use within any ninety-day period. ASTs in this category must be safeguarded as required under IFC 5704.2.13.2.2.
 - ~~((2)).((ASTs in this category must be safeguarded as required under SMC 17E.010.500.))~~
- C. "Out of service for one year" AST.
 - 1. An AST not in active use within any one-year period or longer. ASTs in this category must satisfy the requirements under IFC 5704.2.13.2.3.
 - ~~((2)).((ASTs in this category must satisfy the requirements under SMC 17E.010.520.))~~
- D. For purposes of this article, aggregates of tanks hydraulically connected including the piping are considered as one tank.

Section 29. That SMC section 17E.010.530 is amended to read as follows:

Section 17E.010.530 Authority of Fire Official

- A. The fire official of the City of Spokane, as provided in SMC 3.01.031 and SMC 17F.080.040, interprets and enforces this article. Any approval, action, permit or other item accomplished under the authority of this article

is subject to modification, or imposition of additional conditions or exemption from conditions, in the fire official's reasonable discretion, guided by the purpose of this article and chapter.

- B. Fees and expenses of compliance shall be the obligation of the parties required to comply, but in specific circumstances the fire official may designate another responsible party or may apportion expenses and responsibilities among parties determined to be at fault.
- C. Any final written order issued by the fire official under the authority of this article may be appealed under the provisions of SMC 17E.010.140, or as specified by the fire official, who shall have the authority of the critical review officer for purposes of this article.
- D. This article shall not limit any municipal right or remedy pursuant to contract, statute or common law.

Section 30. That SMC section 17E.010.560 is amended to read as follows:

Section 17E.010.560 Aboveground Bulk Storage of Critical Materials

- A. In addition to the containment prescribed in SMC 17E.010.095 and the requirements of WAC 173.180A, new facilities with aboveground tanks having an individual net storage capacity of one hundred thousand gallons or more of critical materials shall include special provisions to insure that the facilities will meet API Standard 2610 for design, construction, operation, maintenance and inspection of terminal and tank facilities and that such facilities shall include provisions for containment for the following:
 - 1. Pipes, pumps and valves associated with carrying critical materials to or from the storage facility. Insofar as possible these facilities will be located aboveground.
 - 2. Areas where critical materials are transferred from conveyances, such as trucks, rail cars and pipelines, to the bulk storage facilities.
 - 3. New aboveground tanks for the storage of critical materials with an individual net storage capacity of one hundred thousand gallons or more shall meet the secondary containment requirements outlined in SMC 17E.010.095 and, where applicable, WAC 173.180((A-080))320. In addition, the following requirements shall apply:
 - a. Any new tank installed to store critical materials shall be equipped with a multiple containment system and leak detection.
 - b. Any new single-bottom tank constructed of steel or similar material

shall have secondary containment, leak detection and cathodic protection installed as an integral part of the tank structure.

- i. "Secondary containment" means a double bottom with interstitial monitoring or an equivalent system of tank liners and leak detection.
- c. Any new tank system installed in compliance with this section shall be within new diked areas totally lined by a multiple containment system composed of material resistant to the chemical stored in the facility having hydraulic conductivity less than 1×10^{-6} centimeters per second at the anticipated hydrostatic loads. Interstitial monitoring shall be provided between the containment layers when appropriate. (Note for interpretation: This means that the secondarily contained tank described in subsection (A)(3)(b) of this section lies within a secondary containment berm creating a multiple containment system.)
- d. Uncovered diked areas shall be constructed to contain one hundred ten percent of the volume of the largest tank within the containment area. Stormwater management for runoff generated within the diked areas shall conform to the department of ecology's state general permit and City of Spokane guidelines for stormwater management prior to disposal.
- e. When used for emergency containment of tank contents, dikes shall be designed and constructed to comply with the requirements of NFPA 30.
- f. For any new tank, a tank leak detection system shall be installed and monitored for leakage by visual, mechanical or electronic leak detection methods.
 - i. Monitoring reports shall be kept on file for a period of five years and shall be available for review at the request of the ((director)) critical review officer or designee.
 - ii. Inspection reports prepared for compliance with ((Chapter)) WAC173.180D ((WAC)) shall be considered adequate for compliance with this section.

B. Any individual aboveground tank with a net storage capacity of one hundred thousand gallons or more in bulk storage facilities in existence at the time of adoption of the ordinance codified in this section shall be required to meet the following requirements:

1. Be inspected and repaired as required by API Standard 653; and

2. Meet the compliance schedule as required by the existing United States department of transportation, United States environmental protection agency and Washington department of ecology regulations.
 - a. Tanks inspected and upgraded in compliance prior to the adoption of this regulation shall be re-inspected and upgraded in accordance with this section within ten years of the initial inspection; and
3. Be upgraded, when the tank is emptied for inspection and repair in accordance with the applicable compliance schedule (SMC 17E.010.560 B (1) and (2)), to include a coated, cathodically protected single bottom and undertank leak detection, a double bottom and with interstitial monitoring or an equivalent system of tank bottom lining, leak detection and interstitial monitoring; and
4. When the tank is upgraded, the bermed area around the tank shall also be upgraded.
 - a. The bermed area outside the footprint of the tank shall be equipped with a multiple containment system composed of two or more layers of material with a hydraulic conductivity less than 1×10^{-6} centimeters per second at the anticipated hydrostatic loads.
 - b. The multiple containment layers of the bermed areas shall be sealed to the tank to prevent any spilled or leaked material from migrating under the tank; and
5. Uncovered diked areas shall be constructed to contain one hundred ten percent of the volume of the largest tank within the containment area. Stormwater management for runoff generated within the diked areas shall conform to the department of ecology's state general permit and City of Spokane guidelines for stormwater management prior to disposal; and
6. When upgraded, pumps, pipes and other facilities associated with tanks shall be placed aboveground within bermed containment areas as described in subsection (B)(4) of this section or be replaced with double-walled units with interstitial monitoring at the time the tank containment is upgraded.
 - a. Aboveground facilities shall be protected from impact with vehicles and machinery by protective walls or bollards.
 - b. Pumps, pipes and other facilities not within secondary containment areas shall be pressure tested at least once a year.

- c. Records of pressure testing shall be kept on file for at least five years ((;or)).
- 7. The facility shall be upgraded to multiple containment standards described above if such tank is relocated.
- C. Retrofitting an aboveground tank with an individual net storage capacity of one hundred thousand gallons or more with multiple containments shall require a permit from the fire department.
- D. Annual inspection of aboveground tanks with an individual net storage capacity of one hundred thousand gallons or more shall be conducted to verify that:
 - 1. required secondary containment facilities are maintained,
 - 2. clean-up materials and equipment needed to implement clean-up plans are available, and proper notification of leaks and spills occurs. Inspection reports shall be kept on file for a period of five years and shall be made available for review at the request of the fire department. Inspection reports prepared for compliance with ((chapter)) WAC 173.180((D)).035 ((WAG)) shall be considered adequate for compliance with this section.

Section 31. That SMC section 17G.010.150 is amended to read as follows:

Section 17G.010.150 Special Application Requirements for Commercial Building Permits

- A. General.
An owner, or the owner's architect, engineer or other agent, should consult with the departments of building services, engineering services and planning services prior to submitting an application for a commercial building permit for the purpose of identifying any peculiar considerations and discussing any special requirements. The owner, or the owner's architect, engineer or other agent must submit ten prints of the site plan, and three each of the architectural plan, structural plan, and mechanical plan stamped by an architect or engineer licensed in the State of Washington, to the department of building services. The department of building services transmits copies of the print to other departments and agencies as appropriate. The following information is required for a complete application for a commercial building permit. The information needs to be provided on the site plan or front sheet of plans in the numbered order given. The building official may waive or modify specific submittal requirements determined to be unnecessary for review of an application.

1. Name of project and date of application.
2. Official street address. If an official street address has not been assigned, it must be obtained from the engineering services department.
3. Name, address and phone number of the architect.
4. Name, address and phone number of the owner and agent.
5. Name, address and phone number of the tenant.
6. Name, address and phone number of the engineer(s).
7. Name, address and phone number of the consultant(s).
8. Name, address and phone number of the contractor(s).
9. Name, address and phone number of the contact person.
10. Project type, new, remodel, addition or alteration.
11. Existing use of lot and/or building.
12. Proposed use(s).
13. Number of dwelling units.
14. Occupancy group and division.
15. Construction type required.
16. Building allowable height and area.
17. Building height (both in feet and number of stories).
18. Basement floor area and occupant load.
19. Ground floor area and occupant load.
20. Floor area of each story above ground floor and occupant load (list each story individually).
21. Total floor area, including basements and occupied roofs.
22. Valuation.

- 23. SEPA checklist, if required.
- 24. Critical materials, if involved.
- 25. HMMP plan submitted, if required.
- 26. Floodplain designation, elevation of first habitable floor and certification of flood proofing measures, if applicable.

B. The following zoning information is to be included on plan cover sheet or site plan:

- 1. List dates of hearings during which any of the following were granted:
 - a. Zone change to construct a specific plan including “L” agreements.
 - b. Conditional use permit.
 - c. Variance (list) or certificate of compliance.
 - d. Plans-in-lieu of compliance.
 - e. Planned unit development or manufactured home park; or
 - f. Binding site plan.
- 2. Special Regulations.
Note any of the following permits, approvals or restrictions:
 - a. Design zones.
 - b. Shoreline/Riverfront district.
 - c. Height district.
 - d. Historic district or building on the local, state or national register.
 - e. Any hazard areas (airport, critical area).
 - f. Any previous environmental declarations on project; or
 - g. Design review.
- 3. Use zone of lot(s).

4. Use zones of adjacent lots to the north, south, east and west of the site.
5. Lot area (square feet).
6. Percent of lot covered by building(s).
7. Area of lot covered by hard surfacing of any kind.
8. Parking and loading stalls, number required and number provided, number of barrier-free parking spaces required and provided according to WAC 51-40-005, number of van stalls required and provided.
9. Setbacks and yards: List of required and provided yards for each building shown on plan, and special setbacks required by an approved final plat, binding site plan or zoning agreement.
10. Easements, vacations, agreements related to property.

C. The following information is required on the architectural site plan, even though it may duplicate other site plans.

1. Vicinity map to show area location. Key plan for partial site work.
2. Complete finished grading of entire site and outlines of all structures. Provide topographic lines on sloping sites and affected adjacent sites giving new and existing grades.
3. Lay out all information to standard architectural or engineering scales. Establish north point.
4. Show utility service lines with all mains and branches from streets to each unit or device served. Show sizes and materials on each sewer, water and gas line on plan, and each meter, shut-off, disconnect, connection box or vault, panel, check valve, cleanout and related device to utility services. Locate all required fire hydrants, building pumper connections and standpipe connections at building on street side. Show electric utility and phone line overhead or underground.
5. Relate grade elevations and floor lines to nearest City benchmark. Reference to an established point of elevation may be used on existing buildings.
6. Show on site plan all outline dimensions of building and distance to property lines. Show on site plan location and dimensions and show angles in degrees for the following:

- a. Property lines and adjacent zoning of property (N, S, E, W). Show any changes in zoning along property lines.
 - b. Streets, alleys, curb breaks, adjacent property curb breaks (must be minimum of five feet from property lines), street lights, signs, meters or planting on sidewalk or parking strips, on-site curbing.
 - c. Driveways, paving, curbing, sidewalks and street corner curb ramp (WAC 236-60-060), each City standard catch basin, depressed lawns. Show fire department apparatus access to within one hundred fifty feet of any structure. 1:48 maximum side slope on sidewalks.
 - d. Parking layouts: Parking stalls and number each stall, or number blocks of stalls and give total. Locate off-street loading.
 - e. Front, side and rear yards, and special setbacks for zoning and minimum clearances to property line required for wall openings or construction type.
 - f. Recreation areas, planting strips, lawns.
 - g. Ornamental masonry and lightproof walls, landscaping buffers, and screening of outdoor storage of materials, wastes, equipment or trash receptacles.
 - h. Location of outdoor lighting on building and in yards.
 - i. Identification or outdoor advertising signs. Note size and exact location.
 - j. Indicate rainwater disposal from building and from all property areas, to City-standard catch basins on the property. Give catch basin depths (in feet) and necessary site grading, contours and slopes to insure disposal of water to on-site drains. Paved parking areas require drainage swales. See the department of engineering services for the procedure before completing drainage plan.
 - k. Maximum one hundred fifty foot distance to nearest fire hydrant from building perimeter (all points).
 - l. Additional information necessary for presentation, interpretation, or review of the project may be submitted or required in special cases.
7. The format of the plans shall be as follows:

- a. Plan drawings, elevations, sections and details of architectural, structural, mechanical and electrical plans shall be drawn to standard architectural scales (one-sixteenth inch, one-eighth inch, one-fourth inch, one-half inch, one inch, one and one-half inch, three-inch; please do not use three-eighth-inch or three-quarter-inch scales for code compliance), and standard engineer scales (one inch equals ten feet, twenty feet, thirty feet, forty feet, fifty feet). Plans should be oriented with north at the top of the sheet. Plans must have printing and lettering clear, distinct and suitable for microfilm.
 - b. All plans, elevations, sections and details shall be fully dimensioned so that conformance to codes can be confirmed. Overall dimensions of buildings shall be shown on site plans and floor plans.
 - c. On each sheet, provide the name and official address of project, the Washington State seals of architect and engineers, the date each sheet and each revision was made including flagging of each revision.
 - d. On revisions, date each sheet, provide control number, flag revisions on drawings and in specifications.
 - e. Provide a list of the codes which apply to the project.
8. Detail Plans.
- The following information shall be shown on architectural/engineering drawings or in specifications:
- a. Landscaping plan, including a detailed plan with elevations and slope arrows, lawns, on-site storm sewer (OSSW) and City-standard catch basins, sprinkler system piping, heads, flows and coverages with approved backflow prevention for OSSW swales and zoning landscape areas.
 - b. Foundation plans, including excavation and fill details.
 - c. Floor plans for each level.
 - d. Roof and weather protection details.
 - e. Exterior elevations and opening protection.
 - f. Interior elevations and finishes.

- g. Typical and detailed sections.
- h. Door assemblies.
- i. Windows and glass.
- j. Exits.
- k. Standpipes and sprinklers.
- l. Fire ratings.
- m. Special details.
- n. Barrier free design.
- o. Thermal regulations.
- p. Elevators, dumbwaiters, escalators and moving walks.
- q. Structural details including:
 - i. calculations;
 - ii. clarifying notes;
 - iii. list special inspections and names of special inspectors for: concrete, ductile moment/resisting concrete frame, reinforcing steel and pre-stressing steel, welding, high strength bolting, structural masonry, reinforced gypsum concrete, insulating concrete fill, spray applied fireproofing, piling, drilled piers, caissons, special grading, excavation, filling, NER reports and special cases;
 - iv. layout of framing system including horizontal and vertical members;
 - v. lateral load resisting elements;
 - vi. continuity of system;
 - vii. detail and schedule special connections and conditions;
 - viii. schedule, specify, list or detail on drawings: structural design criteria, concrete, masonry, wood, structural metals.

- r. Mechanical details including layout, size and identification of components on plans and riser diagrams for:
 - i. general;
 - ii. plumbing;
 - iii. heating;
 - iv. cooling;
 - v. refrigeration;
 - vi. ventilation;
 - vii. controls;
 - viii. special equipment;
 - ix. roof overflow drains;
 - x. OSSW area drainage;
 - xi. water;
 - xii. gas;
 - xiii. waste system;
 - xiv. vents;
 - xv. chimneys;
 - xvi. ducts;
 - xvii. boiler and pressure vessel;
 - xviii. special piping;
 - xix. fire lines, special suppression systems, extinguishers.
- s. Electrical details including location, size and identification of components of distribution on plans and riser diagrams for:
 - i. light;

- ii. heat;
- iii. power;
- iv. radio;
- v. television;
- vi. signal;
- vii. alarm systems;
- viii. grounding;
- ix. exit signs;
- x. smoke detectors.

Section 32. That SMC sections 17E.010.250, 17E.010.310, 17E.010.330, 17E.010.450, 17E.010.500 and 17E.010.520 are repealed.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor, David A. Condon

Date

Effective Date: _____

BRIEFING PAPER
City of Spokane
P&ED
5/16/2016

Subject

Revisions to Spokane Municipal Code 17E.010, Critical Aquifer Area – Aquifer Protection

Background

This section of the Municipal Code addresses underground tanks, aboveground tanks, and general critical material storage and maintenance. It is reviewed on a regular basis and revised to accommodate current acceptable practices regarding the protection of the aquifer.

Since the last renovation of the Spokane Municipal Code (SMC) 17E.010 Chapter, several sections are proposed for revision to incorporate the following:

1. Critical Review Officer is allowed to waive submittal of a critical materials list (CML) where the occupancy is not considered a significant critical activity.
2. Outdated and duplicative language has been removed.
3. The affected areas in the City have been better defined.
4. Existing language has been clarified.

Impact

This will reduce the impact of the submission of CMLs on smaller projects. The correction of the impact boundary also follows more scientific findings so that not all areas in the City are affected. The language changes also follow more current business practices.

Action

The Spokane City Council conducted a briefing on this on November 5, 2015. The proposals have been submitted for review and comment to the Plan Commission and State Department of Commerce. To date, there has been limited public comment from the public website that contains the proposal documents. The ordinance is now ready for public hearing during a normal legislative session of City Council.

Attached:

- Proposed text changes to SMC 17E.010

- Plan Commission Findings and Conclusions

City of Spokane

Critical Materials Update – 2016

In section 17A four changes are proposed in the definitions section, 17A.020.030 AV, AW, and AX. A new definition for critical aquifer recharge areas is proposed to be added to 17A.020.030. Two changes are for updating the title of the division director of utilities. There is a change to reflect the critical materials list is a separate document from the critical materials manual. One definition was reworded to have a broader definition of who is responsible for identifying critical material activities. This change was made because the title of the responsible party changes. There are two proposed changes in 17A.020.160 AD and AE for the definitions of pollutant and pollution.

In section 17E, Environmental Standards, there are approximately 80 changes in 17E.010, Critical Aquifer Recharge Areas – Aquifer Protection.

The International Fire Code (IFC) is the basis for most of the regulations. To streamline the code language, sections that are referenced directly from the IFC were deleted. These are sections 250, 310, 330, 450, 500, and 520.

Deletions are also made in several other sections to remove duplicate language and improve readability. These include parts of sections 010, 040, 060, 090, 150, and 190, 210, 230, 290, 320, 420 and 440.

Language in Article IV, Aboveground Storage Tanks was revised to match the language in the corresponding sections of Article III, Underground Storage Tanks.

Job position title changes are made to reflect the current practice in sections 95, 140 and 150.

In several sections language was added or reworded to clarify requirements and references. These include sections 90, 95, 190, 200, 210, 270, 290, 300, 340, 400, 470, 490, 530 and 560.

A sentence is added to section 050 allowing the critical review officer to waive these requirements where practical. This allows flexibility and streamlines permitting for applicable proposals.

In section 95 wording is added to acknowledge that Wastewater Management now allows building floor drains to be connected to the sewer collection system. Language is added to define the process for connecting to the sewer collection system.

In section 17G of the Spokane Municipal Code (SMC) a change is proposed to 17G.101.150 A26, Special Application Requirements for Commercial Building Permits. The section is reworded to clearly state the requirement and to recognize that some projects do not require a critical materials list.

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

06/06/2016

Date Rec'd

5/20/2016

Clerk's File #

ORD C35400

Renews #**Submitting Dept**

DEVELOPER SERVICES CENTER

Contact Name/Phone

ELDON BROWN 625-6305

Contact E-Mail

EBROWN@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Agenda Item Name

4700 - ORDINANCE AMENDING C34924

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

An ordinance vacating Walnut Street from Bridge Avenue to College Avenue, north and south portions of Bridge Avenue from Maple Street to Cedar Street and the alley between Walnut Street and Cedar Street from Bridge Avenue to College Avenue.

Summary (Background)

City Council passed the Vacation Ordinance on October 8, 2012. At that time easements were retained for CenturyLink, Avista and the City of Spokane across the entire vacated area. It has been determined that these easements are no longer needed for the entire vacation area.

Fiscal Impact

Neutral \$

Select \$

Select \$

Select \$

Budget Account

#

#

#

#

Approvals**Dept Head**

BECKER, KRIS

Division Director

MALLAHAN, JONATHAN

Finance

KECK, KATHLEEN

Legal

RICHTMAN, JAMES

For the Mayor

WHITNEY, TYLER

Council Notifications**Study Session****Other**

PED 5/16/16

Distribution List

Engineering Admin (eraea@spokanecity.org)

ebrown@spokanecity.org

ejohnson@spokanecity.org

sbishop@spokanecity.org

kkeck@spokanecity.org

mhughes@spokanecity.org

jahensley@spokanecity.org

Additional Approvals**Purchasing**

City of Spokane
Department of Engineering Services
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6700

ORDINANCE NO. C35400

An ordinance amending ordinance C34924 vacating Walnut Street from Bridge Avenue to College Avenue, North and South portions of Bridge Avenue from Maple Street to Cedar Street and the Alley between Walnut Street and Cedar Street from Bridge Avenue to College Avenue.

WHEREAS, a petition for the vacation of Walnut Street from Bridge Avenue to College Avenue, North and South portions of Bridge Avenue from Maple Street to Cedar Street and the Alley between Walnut Street and Cedar Street from Bridge Avenue to College Avenue has been filed with the City Clerk representing of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

WHEREAS, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That Walnut Street from Bridge Avenue to College Avenue, North and South portions of Bridge Avenue from Maple Street to Cedar Street (more fully described in Exhibit A and the Alley between Walnut Street and Cedar Street from Bridge Avenue to College Avenue is hereby vacated. Parcel number not assigned. SE ¼ of S13 T25 R42

Section 2. An easement is reserved and retained over and through the ~~((entire vacated area))~~ west 15 feet of the north 105 feet of Walnut Street between College Avenue and Bridge Avenue; together with the south 20.25 feet of Bridge Avenue between Cedar Street and Maple Street for the utility services of Avista Utilities, CenturyLink, and the City of Spokane to protect existing and future utilities.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____

EXHIBIT A

Vacation of a Portion of Bridge Avenue Legal Description

Portions of Bridge Avenue as shown in the Final Plat of Chandlers 2nd Addition to Spokane Falls, recorded in Book A of Plats, Page 31, located in the Southeast Quarter of Section 13, Township 25N., Range 42E., W.M. in the City of Spokane, Spokane County, Washington and more particularly described as follows:

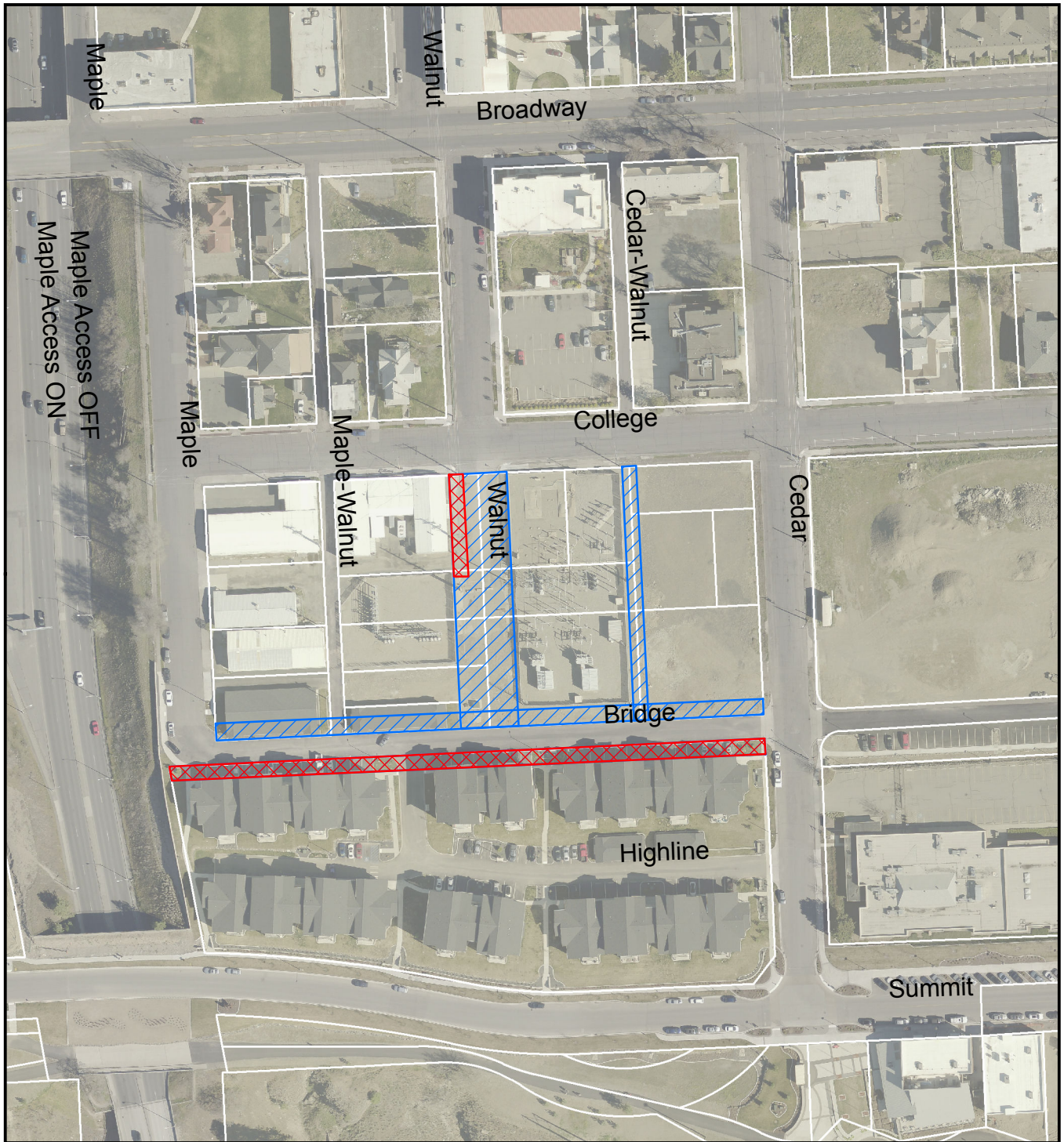
BEGINNING at the Southeast corner of Lot 5, Block 8 of said Final Plat of Chandlers 2nd Addition to Spokane Falls, said point also being on the North Right of Way line Bridge Avenue; thence S89°17'30"W along the North Right of Way line Bridge Avenue a distance of 434.11 feet to the Southwest corner of Lot 5, Block 7 of said Final Plat of Chandlers 2nd Addition to Spokane Falls; thence S 00°42'30"E along the Southerly prolongation of the Westerly line of said Lot 5 a distance of 14.75 feet; thence N89°17'30"E and parallel with the Northerly Right of Way line of Bridge Avenue a distance of 424.12 feet to the beginning of a tangent curve concave to the Northwest and having a radius of 10.00 feet; thence Northerly along said curve through a central angle of 90°02'12" an arc distance of 15.71 feet; thence N00°44'42"W a distance of 4.74 feet to the POINT OF BEGINNING.

TOGETHER with a portion of said Bridge Avenue more particularly described as follows:



BEGINNING at the Southeast corner of Lot 6, Block 7 of said Final Plat of Chandlers 2nd Addition to Spokane Falls said point also being on the Northerly Right of Way line of Bridge Avenue; thence S89°17'30"W along said Northerly Right of Way Line a distance of 120.00 feet to the Southwest corner of said Lot 6; thence S00°44'27"E along the Southerly prolongation of the Westerly line of said Lot 6 a distance of 4.76 feet to the beginning of a tangent curve concave to the Northeast and having a radius of 10.00 feet; thence Southeasterly along said curve through a central angle of 89°58'03" an arc distance of 15.70 feet; thence N89°17'30"E and parallel with the Northerly Right of Way line of Bridge Avenue a distance of 110.00 feet; thence N00°42'30"W a distance of 14.75 feet to the POINT OF BEGINNING.

ALSO TOGETHER with a portion of said Bridge Avenue more particularly described as follows: BEGINNING at the Northeast corner of Lot 1, Block 9 of said Final Plat of Chandlers 2nd Addition to Spokane Falls said point also being on the Southerly Right of Way line of Bridge Avenue; thence S89°17'30"W along said Southerly Right of Way Line a distance of 569.12 feet to the Northwest corner of Lot 10, Block 10 of said Final Plat of Chandlers 2nd Addition to Spokane Falls; thence continuing S89°17'30"W a distance of 45.56 feet; thence N08°32'26"W a distance of 20.44 feet; thence N89°17'30"E and parallel with the Southerly Right of Way line of Bridge Avenue a distance of 607.46 feet to the beginning of a tangent curve concave to the Southwest and having a radius of 10.00 feet; thence Southeasterly along said curve through a central angle of 89°57'48" an arc distance of 15.70 feet; thence S00°44'42"E a distance of 10.26 feet to the POINT OF BEGINNING.

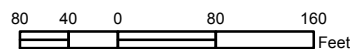
Containing 20,582 square feet more or less



Legend

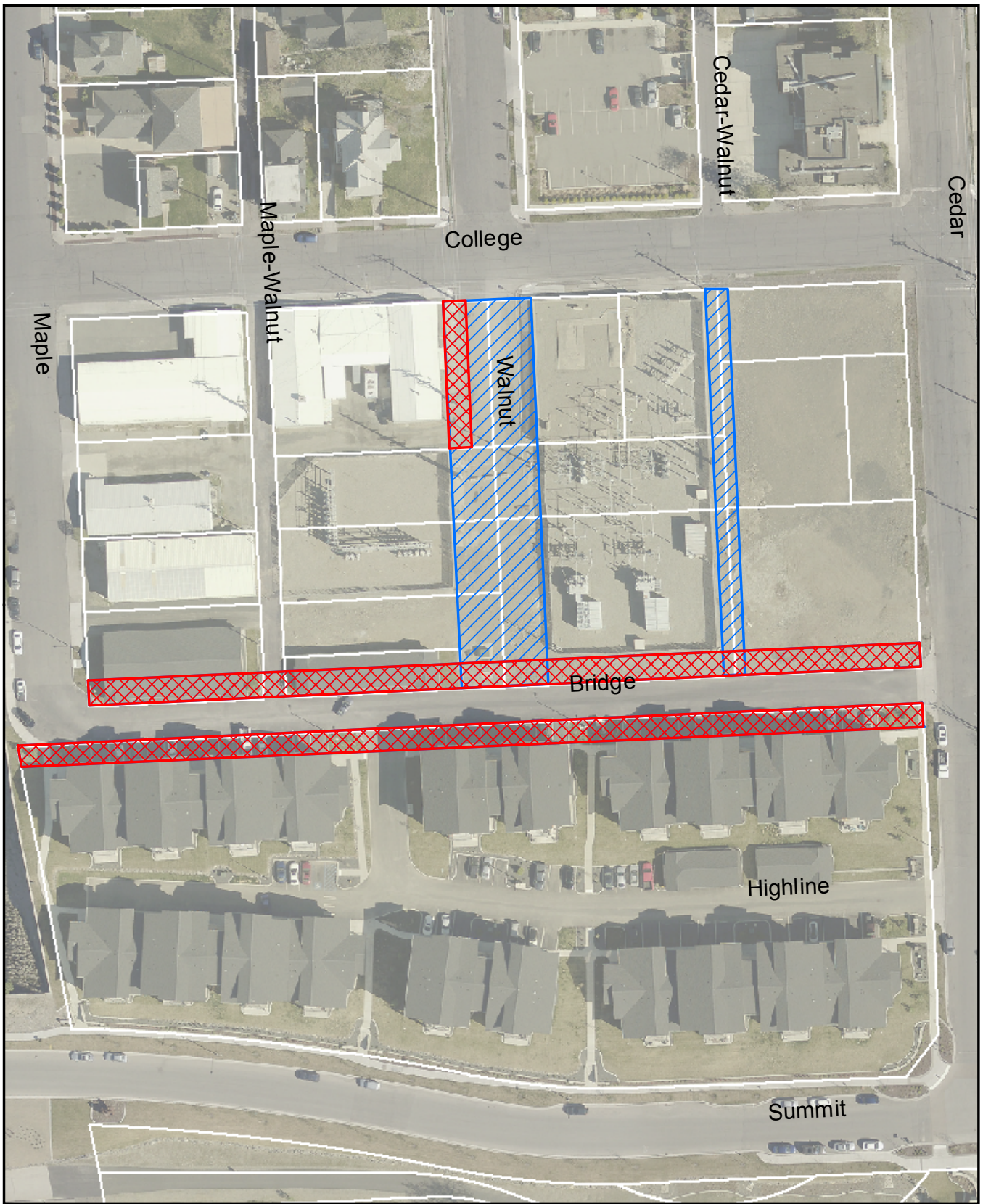
-  Area to retain easements
-  Area for easements to be released

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

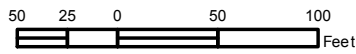


COSGIS
City of Spokane GIS





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



 **COSGIS**
City of Spokane GIS



DISTRIBUTION LIST

VACATION OF Walnut Street from Bridge Avenue to College Avenue,
north and south portions of Bridge Avenue from Maple Street to Cedar
Street and the alley between Walnut Street and Cedar Street from
Bridge Avenue to College Avenue

POLICE DEPARTMENT

ATTN: SGT CHUCK REISENAUER

FIRE DEPARTMENT

ATTN: MEGAN PHILLIPS
MIKE MILLER

CURRENT PLANNING

ATTN: TAMI PALMQUIST
DAVE COMPTON

WATER DEPARTMENT

ATTN: DAN KEGLEY
JAMES SAKAMOTO
ROGER BURCHELL
CHRIS PETERSCHMIDT
HARRY MCLEAN

STREETS

ATTN: MARK SERBOUSEK
DAUN DOUGLAS

TRANSPORTATION OPERATIONS

ATTN: BOB TURNER

PLANNING & DEVELOPMENT

ATTN: ERIK JOHNSON
ELDON BROWN
JOHN SAYWERS

CONSTRUCTION MANAGEMENT

ATTN: KEN BROWN

INTEGRATED CAPITAL MANAGEMENT

ATTN: KATHERINE MILLER

WASTEWATER MANAGEMENT

ATTN: BILL PEACOCK

PARKS & RECREATION DEPARTMENT

ATTN: LEROY EADIE

NEIGHBORHOOD SERVICES

ATTN: JACKIE CARO
JONATHAN MALLAHAN
ROD MINARIK
HEATHER TRAUTMAN

BICYCLE ADVISORY BOARD

ATTN: LOUIS MEULER

SOLID WASTE MANAGEMENT

ATTN: SCOTT WINDSOR

CITY CLERK'S OFFICE

ATTN: JACQUELINE FAUGHT

PUBLIC WORKS

ATTN: SCOTT SIMMONS
MARCIA DAVIS

AVISTA UTILITIES

ATTN: DAVE CHAMBERS
RANDY MYHRE

COMCAST DESIGN & CONSTRUCTION

ATTN: BRYAN RICHARDSON

CENTURY LINK

ATTN: KAREN STODDARD

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

06/06/2016

Date Rec'd

5/25/2016

Clerk's File #

ORD C35401

Renews #**Submitting Dept**

SOLID WASTE COLLECTION

Cross Ref #**Contact Name/Phone**

SCOTT 625-7806

Project #**Contact E-Mail**

SWINDSOR@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

4500 FRANCHISE ORDINANCE WITH WASTE MANAGEMENT

Agenda Wording

Ordinance granting a municipal franchise for the collection of solid waste to Waste Management of Washington, Inc., dba Waste Management of Spokane, (Spokane Valley, WA) for the area generally known as the Spokane Housing Ventures Annexation Area.

Summary (Background)

This franchise is issued pursuant to RCW 35.13.280. Washington State Law requires that cities allow a minimum of seven (7) years of franchise to UTC G-permit holders of annexed lands. This franchise agreement will run April 11, 2016 through April 11, 2024. By granting eight (8) years of franchise, this will be consistent with previous annexations. Waste Management will be responsible for collecting City utility tax and compliance with City of Spokane Municipal Codes. Once this franchise

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

WINDSOR, SCOTT

Study Session

PWC 05-09-2016

Division Director

GIMPEL, KEN

Other**Finance**

KECK, KATHLEEN

Distribution List**Legal**

WHALEY, HUNT

jsalstrom@spokanecity.org

For the Mayor

WHITNEY, TYLER

Tax & Licenses

Additional Approvals

swindsor@spokanecity.org

Purchasing

eschoedel@spokanecity.org

jgranado@wm.com



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

expires, the City of Spokane will assume collection functions for the annexed area.

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

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

Subject

Franchise to Waste Management for collection of solid waste in the Spokane Housing Ventures annexation for a period of eight years

Background

The franchise for the collection of solid waste and service of the Spokane Housing Ventures annexation will be for an eight year period beginning April 11, 2016 through April 11, 2024. State law requires Cities to allow a minimum of 7 years of franchise to UTC G-permit holders of annexed lands. By granting eight years of franchise, it will be consistent with previous annexations.

Impact

Granting of franchise is required by State of Washington Law. The franchise holder is responsible for collection of City utility tax and compliance with City of Spokane ordinances and service levels.

Action

Recommend approval

Funding

No current cost to the City.

SOLID WASTE COLLECTION FRANCHISE

Ordinance No. C35401-_____

AN ORDINANCE granting a municipal franchise for the collection of solid waste to Waste Management, for that area generally known as the Spokane Housing Ventures Annexation Area.

WHEREAS, the City of Spokane annexed areas of the Spokane Housing Ventures Annexation Area on April 11, 2016, at which time Waste Management was providing garbage and refuse collection services;

WHEREAS, RCW 35.13.280 provides that when a city annexes an unincorporated area that a company providing solid waste and refuse collection services within the newly annexed area shall be allowed to continue providing the solid waste and refuse collection services for at least seven years following the exercise of certain steps to terminate those statutory rights;

WHEREAS, the City of Spokane has notified the Washington Utilities and Transportation Commission of intent to terminate the statutory rights and offer a franchise; and

WHEREAS, the City of Spokane desires to grant a franchise to Waste Management, pursuant to RCW 35.13.280, whereby Waste Management, shall be allowed to continue to provide garbage and refuse collection services within the newly annexed Spokane Housing Ventures Annexation Area under the same terms and conditions as has been previously allowed by the Washington Utilities & Transportation Commission.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. GRANT, TERM

- A. Pursuant to RCW 35.13.280, the City of Spokane, a Washington municipal corporation hereby grants to Waste Management, (hereinafter referred to as "Franchisee"), a non exclusive franchise for the collection of solid waste inside the City of Spokane in the Spokane Housing Ventures Annexation Area, as more fully described in Annexation Ordinance Ord C-35370 The legal description and informational map is attached as EXHIBIT "A" and incorporated herein.
- B. The City of Spokane Solid Waste Collection Director administers and interprets this ordinance, considering the public health, safety and convenience.

- C. Notwithstanding any other provision, nothing in this franchise exceeds either the scope of Franchisee's state solid waste certificate in the annexed area at the time of annexation or the City's authority to grant such a privilege. This franchise expires the earlier of eight years from the effective date of this ordinance, or April 11, 2024. At such time, Franchisee agrees to peacefully surrender all routes, customer and other information as required by the Solid Waste Collections Director. In addition, the parties agree that Franchisee may at any time voluntarily elect to surrender the franchised territory or any part thereof by giving sixty days written notice to the Solid Waste Collections Director, under such arrangements as may be convenient to both parties; PROVIDED, the Solid Waste Collection Director shall also approve the surrender under such arrangements as may be mutually convenient to the parties.

Section 2. CONDITIONS

- A. The City reserves full authority to regulate and tax the Franchisee as authorized by law and asserts full jurisdiction over Franchisee's operations as an independent contractor. Franchisee is solely and separately responsible for all its activities and shall never represent that it is an employee or agent of the City of Spokane. Franchisee agrees to dispose of all materials and solid waste collected at designated landfills or other sites designated by the Solid Waste Collection Director, and to pay applicable rates therefore.
- B. The Franchisee agrees to provide safe, reliable public solid waste collection service. Operation shall be in conformance with chapter 13.02 SMC, including SMC 13.02.0204 or equivalent and compliance with the Regional Solid Waste Management Plan is presumed to satisfy this requirement except as ordered by the Solid Waste Collection Director. Franchisee's rates to the public shall be fair and reasonable. Compliance with Washington Transportation & Utilities Commission approved rates for similar service in the area is presumed fair and reasonable, but rates in excess of these rates shall be presumed not to be fair and reasonable, all rates subject to review and approval by the Solid Waste Collection Director, guided by standards applicable to Washington Transportation & Utilities Commission certificated haulers. As to operational matters, City ordinances and Solid Waste Collection Department policies and practices supplant Washington Transportation & Utilities Commission rules.
- C. Franchisee must notify the public at least forty five days prior to any rate increases as provided in RCW 35.21.157. Service levels shall be adequate and sufficient to satisfy all customer needs. Service levels shall be at least at the similar level to that currently provided by the City of Spokane Solid Waste Collection Department. Service not to this level shall be presumed

insufficient. All service is subject to review and approval by the Solid Waste Collection Director.

- D. The Franchisee agrees to indemnify and hold harmless the City of Spokane, its officers, agents and employees from all loss or liability for Franchisee's actions in connection with the enjoyment of franchise privileges. This provision survives expiration or revocation of this franchise. Franchisee's obligation to indemnify and/or hold harmless the City shall not in any way be modified by the grant of immunity to employers under Title 51 RCW, such immunity being waived for purposes of that obligation. **This provision has been mutually negotiated between the parties.

Franchisee Initial _____

- E. All Franchisee records relating to enjoyment of franchise privileges are subject to inspection and copying by the Solid Waste Collection Director. The Franchisee shall provide the Solid Waste Collection Director with a copy of its Annual Report to the Washington Transportation & Utilities Commission relating to its operations, in addition to any other information ordered by the Solid Waste Collection Director.

Section 3. ACCEPTANCE, TAXES, FEES

- A. The City tenders this franchise and Franchisee accepts the same in full satisfaction of any and all claims for measurable damages caused by cancellation of any state certificate whether arising under RCW 35.13.280 or any other source in contract or at law. The Franchisee acknowledges that the City has granted time in excess of the requirements of law, and the time granted is accepted in full settlement and compromise of any additional claims for damage or additional compensation because of the City's take over of annexed territory upon the expiration of this franchise or for any other reason. Pending signature of Franchisee, operations in the franchise area shall be deemed acceptance of all franchise terms.
- B. The Franchisee must pay all municipal taxes, together with any applicable municipal fees, costs, or expenses associated with the municipal administration of this franchise. Franchisee agrees to provide evidence of insurance generally to include CGL and Pollution legal liability coverages of ten million dollars per occurrence or as may be otherwise approved by the City of Spokane Risk Manager as a condition of operation.

Passed the City Council _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

ATTACH: Legal description: EXHIBIT A; may also attach map

Terms accepted by Waste Management:

Dated: _____

WASTE MANAGEMENT

By: _____
Title: _____

EXHIBIT "A"
Spokane Housing Ventures Annexation Area
Legal Description

Approximately 37 acres of land legally described as follows:

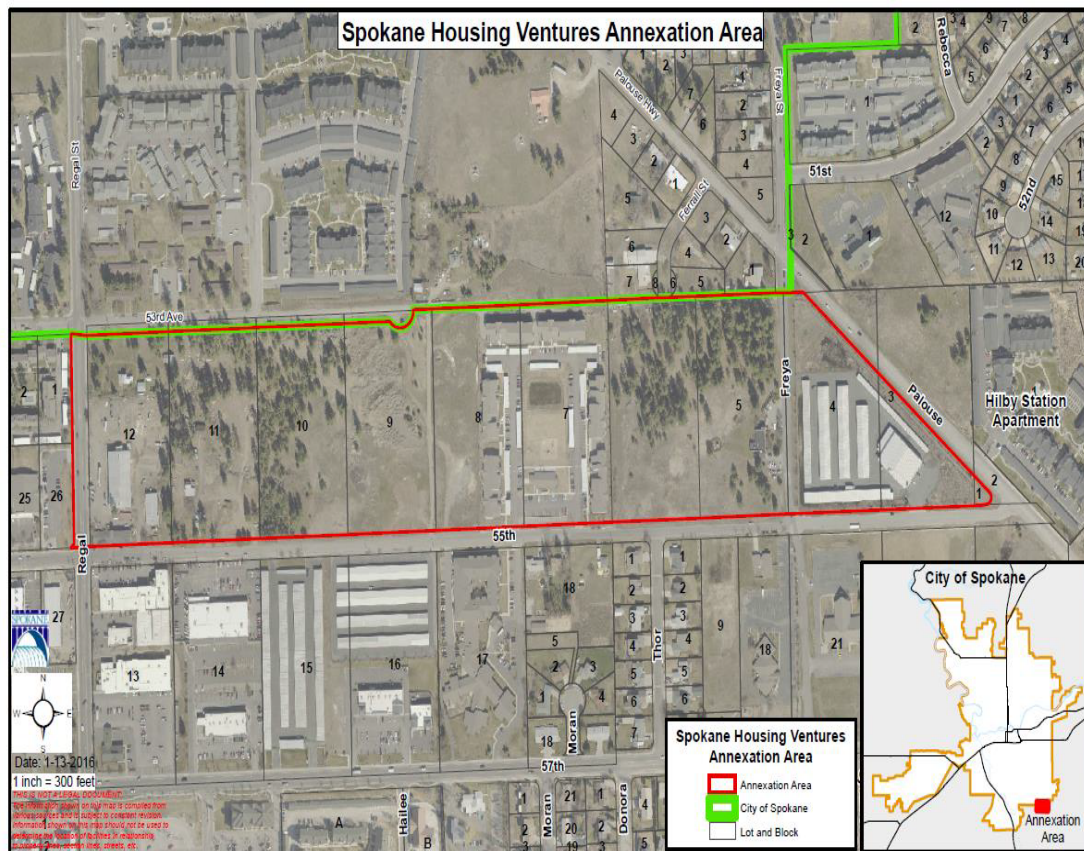
Those portions of the North ½ of Section 3, Township 24 North, Range 43 East W.M. and further described as follows:

All of lots 5-7 and portions of lots 3,4 and 8-12 of, Block 1, of The Amended Plat of South Spokane and Lot 1, Block 2, of the Plat of Hilby Station; which include the following Parcel Numbers: , , 34032.0433, 34032.0405, 34032.0432, 34032.0490, 34032.0489, 34032.0492, 34032.0481, 34032.0480, 34032.0446, 34032.0412, and 34032.0447.

The boundaries are described below:

Beginning (Point of Beginning) at the southwest corner of Lot 12, Block 1, of The Amended Plat of South Spokane, which is also the intersection of the north right-of-way line of 55th Avenue and the east right-of-way line of Regal Street; THENCE west across Regal Street to the intersection of the west right-of-way line of Regal Street and the north right-of-way line of 55th Avenue; THENCE north along said west right-of-way line of Regal Street to the intersection of the south right-of-way line of 53rd Avenue (coincident with the south limit of the City of Spokane) and the west right-of-way line of Regal Street; THENCE east along the south limit of the City of Spokane to the southeast corner of Lot 1 Block 2 of the plat of Russell's subdivision recorded at the Spokane County Auditor on October 11, 1962, said point being on the west right-of-way line of Freya Street; THENCE east across Freya Street to the intersection of the east right-of-way line of Freya Street and the north line of Lot 4 Block 1 of the Amended Plat of South Spokane; THENCE south along the east right-of-way line of Freya Street to the intersection of the north right-of-way of 55th Avenue and the east right-of-way line of Freya Street; THENCE west across Freya Street to the intersection of the north right-of-way line of 55th Avenue and the west right-of-way line of Freya Street; THENCE west along the north right-of-way line of 55th Avenue to the point of beginning.

All properties situate in Spokane County, Washington





Agenda Sheet for City Council Meeting of:
06/06/2016

Date Rec'd	5/18/2016
Clerk's File #	ORD C35402
Renews #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	BEN STUCKART 6258	Project #	
Contact E-Mail	BSTUCKART@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	AN ORDINANCE CONCERNING POLICE DEPARTMENT ORGANIZATION		

Agenda Wording

An ordinance relating to the organization of the Spokane Police Department; amending section 03.01A.370 and 03.01A.375 of the Spokane Municipal Code; repealing sections 03.01A.380, 03.01A.385, and 03.01A.390 of the Spokane Municipal Code.

Summary (Background)

This proposed ordinance would reduce the number of departments within the Police Division to three. This is intended to ensure compliance with state law concerning the maximum number of police employees who may be exempt from civil service. At present, the Police Division is structured to allow thirteen possible job positions which are exempt from civil service - five more than allowed by state law. This ordinance would correct that issue.

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

<u>Approvals</u>	<u>Council Notifications</u>
<u>Dept Head</u>	<u>Study Session</u>
<u>Division Director</u>	<u>Other</u>
<u>Finance</u>	PSC 5/16/2016
<u>Legal</u>	
<u>For the Mayor</u>	

<u>Additional Approvals</u>	
<u>Purchasing</u>	

ORDINANCE NO. C35402

An ordinance relating to the organization of the Spokane Police Department; amending section 03.01A.370 and 03.01A.375 of the Spokane Municipal Code; repealing sections 03.01A.380, 03.01A.385, and 03.01A.390 of the Spokane Municipal Code.

WHEREAS, Washington state law, RCW 41.12.050(2)(b), provides that, in addition to the Police Chief, a city police department having 251-500 personnel may have up to eight employees who are unclassified and exempt from civil service; and

WHEREAS, at present, the Spokane Police Department has six departments, each potentially containing two job positions exempt from civil service, for a total of 13 possible exempt positions in the Police Department, in contradiction of state law; and

WHEREAS, the City Council wishes to streamline the Spokane Police Department and ensure that the number of exempt police job positions is in accordance with state law.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 03.01A.370 of the Spokane Municipal Code is amended to read as follows:

Section 03.01A.370 Police

The police division through various departments is the primary law enforcement agency of the City with investigative, arrest and incidental powers over violations of federal, state and municipal laws, both criminal and traffic. In addition to patrol, surveillance, investigation and crime prevention education, division personnel perform administrative, communications, community relations, planning, records maintenance and training functions. The day-to-day field operations of the police division, including patrol, police service areas (precincts), investigations, and administration, are under the supervision of the assistant chief.

Section 2. That section 03.01A.375 of the Spokane Municipal Code is amended to read as follows:

Section 03.01A.375 Police Business Services

The police business services department is responsible for the administrative budget/finance/accounting, payroll/personnel, and grants/purchasing functions of the police division.

Section 3. That section 03.01A.380 of the Spokane Municipal Code is repealed in its entirety.

Section 4. That section 03.01A.385 of the Spokane Municipal Code is repealed in its entirety.

Section 5. That section 03.01A.390 of the Spokane Municipal Code is repealed in its entirety.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

BRIEFING PAPER
Spokane City Council – Public Safety Committee
Police Division Reconciliation
May 16, 2016

Subject

Under Washington state law, the police departments of first-class cities having populations less than 300,000 may have no more than 8 job positions which are unclassified and exempt from civil service, in addition to the police chief himself/herself. See RCW 41.12.050(2)(b).

Currently, the Spokane Police Department has six departments, each potentially having two exempt positions, for a department-wide total of 13 job positions which are exempt from civil service. See SMC 03.01A.370, 03.01A.375, 03.01A.380, 03.01A.385, 03.01A.390, 03.01A.395, and 03.01A.400.

Action

This ordinance would streamline the Spokane Police Department, by repealing some sections of the Spokane Municipal Code to reduce the number of subsidiary departments to three: Police Business Services, Police Public Information, and Police Strategic Initiatives.



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, LAMBERSON, 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)~~, ONE HUNDRED EIGHTY FIVE THOUSAND AND NO/100 DOLLARS (\$185,000.00) 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: _____