

**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, AUGUST 14, 2017

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 BRIEFING CENTER
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 Council Briefing Center 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.) through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or jjackson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources 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 Briefing Center Lower Level of City Hall)
(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION

Roll Call of Council

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | |
|--|----------------|---------------|
| 1. Purchase of miscellaneous routers, toughpads, mobile docks and adapters from Datec Inc. (Seattle, WA) to be used for electronic care reporting and response system—\$80,630.06 (incl. tax).
Brian Schaeffer | Approve | OPR 2017-0548 |
| 2. Purchases by the Fleet Department of: | Approve
All | |
| a. one 2017 Caterpillar 325 Excavator from Western States CAT (Spokane, WA) as a replacement unit for the Water Department—\$270,378.34 (incl. tax). | | OPR 2017-0549 |
| b. one Vac-Con Catch Basin Cleaner from Atlantic Machinery (Silver Spring, MD) through local vendor Solid Waste Systems as a replacement unit for the Wastewater Department—\$440,059.15 (incl. tax). | | OPR 2017-0550 |
| c. two Pothole Trailers from Falcon Asphalt Repair Equipment (Midland, MI) for the Street Department—\$84,391.20 (incl. tax). | | OPR 2017-0551 |

- d. three Ford F250's and two Ford Escapes from Columbia Ford (Longview, WA) as a replacement unit for the Water Department—\$150,033.09 (incl. tax).

OPR 2017-0552

Steve Riggs

3. Value Blanket Orders for the Fleet Department with:

Approve
All

- a. Western Peterbilt (Spokane, WA) for miscellaneous air brake parts—Estimated Annual Expenditure \$100,000 (incl. tax).

OPR 2017-0553
BID 4367-17

- b. Wingfoot Tires Inc. (Spokane Valley, WA) for miscellaneous retread tires to be ordered on an as-needed basis for a three-year period—Estimated Annual Expenditure \$200,000 (incl. tax).

OPR 2017-0554

Steve Riggs

4. Low Bids of:

Approve
All

- a. EcoGrind Site Solutions LLC (Chewelah, WA) for Northside Landfill Erosion Repair—\$163,000 (plus tax). An administrative reserve of \$16,300 (plus tax), which is 10% of the contract price (plus tax), will be set aside.

PRO 2017-0026
ENG 2017122

Chris Peterschmidt

- b. Cameron-Reilly, LLC (Spokane, WA) for CD Sidewalk Project, 9th & Altamont Realignment and Lighthouse Pedestrian Crossing—\$305,865. An administrative reserve of \$30,586.50, which is 10% of the contract price, will be set aside. (Multiple Neighborhoods)

PRO 2017-0027
ENG 2017041
ENG 2016080
ENG 2017103

Dan Buller

5. Amendment No. 4 to the AIA A133-2009 Agreement, as per the GC/CM Alternate Delivery Agreement, establishing the final price for the CSO Basin 26 Control Facility scope—increase of \$6,561,723.56. Total Contract Amount: \$30,206,339 (incl. tax). An administrative reserve of \$3,020,633.90, which is 10% of the total contract cost, will be set aside. (Riverside Neighborhood)

Approve

PRO 2016-0015
ENG 2010088

Kyle Twohig

6. Amendment No. 1 to the Memorandum of Agreement between the City and Spokane County regarding wastewater treatment charges and payments—\$202,596.61 Revenue per year.

Approve

OPR 2013-0051

Mike Coster

- | | | |
|---|------------------------------------|---------------|
| 7. Report of the Mayor of pending: | Approve &
Authorize
Payments | |
| a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2017, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | | CPR 2017-0002 |
| b. Payroll claims of previously approved obligations through _____, 2017: \$_____. | | CPR 2017-0003 |
| 8. City Council Meeting Minutes: July 24, 2017 and _____, 2017. | Approve
All | CPR 2017-0013 |

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 Briefing Center)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

NO BOARDS AND COMMISSIONS APPOINTMENTS

ADMINISTRATIVE REPORT

COUNCIL COMMITTEE REPORTS

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

OPEN FORUM

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

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

LEGISLATIVE AGENDA

NO SPECIAL BUDGET ORDINANCES

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2017-0069 Regarding the appointment of pro and con committees and the preparation of fiscal impact statements concerning Proposition Nos. 1 and 2, to appear on the November 7, 2017 General Election ballot, and approving the procedures therefor.
Council President Stuckart
- RES 2017-0070 Declaring First Watch Solutions (Carlsbad, CA) a sole source for
OPR 2017-0559 FirstWatch which is the real-time situational awareness, dash boarding, data analysis/visualization, biosurveillance (and automated alerting) software system; and authorizing the purchase of said software system and annual support and maintenance—\$197,154 (plus tax if applicable).
Brian Schaeffer
- RES 2017-0071 Amending the City Council rules of procedure's standing committee provisions.
Council Member Waldref
- ORD C35532 Relating to the humane treatment of dogs adding a new section to Chapter 10.24A. and amending SMC 1.05.210.
Jonathan Mallahan

ORD C35534 Relating to imprest accounts, amending SMC sections 7.03.150 and 7.03.200.

Kim Bustos

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

ORD C35535 Relating to expansion of the area shown in Spokane Municipal Code Map 17C.370-M1, into additional areas in residential zones, where existing neighborhood commercial structures may restore a discontinued or other approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030.

Nathan Gwin

ORD C35536 Adopting a threshold docketing process for deciding when comprehensive plan amendment proposals will be added to the City's annual comprehensive plan amendment work program or alternatively to an ongoing work program or periodic update; amending sections 17G.020.010, 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, 17G.020.060, 17G.020.070, 17G.025.010 and 8.02.010; adopting new sections 17G.020.25 and 17G.020.26 to Chapter 17G.020 of the Spokane Municipal Code.

Tirrell Black

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

HEARING

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

RECOMMENDATION

H1.	Hearing on Ordinance C35513 relating to regulations for state-licensed marijuana producers, processors, retailers, and research facilities; amending section 17C.347.030 of the Spokane Municipal Code.	Council Decision	ORD C35513
	Council Member Fagan		

Motion to Approve Advance Agenda for August 14, 2017
(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 at the meeting.

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

ADJOURNMENT

The August 14, 2017, Regular Legislative Session of the City Council is adjourned to August 21, 2017.

NOTES

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

08/14/2017

Date Rec'd

7/25/2017

Clerk's File #

OPR 2017-0548

Renews #**Cross Ref #****Submitting Dept**

FIRE

Contact Name/Phone

BRIAN SCHAEFFER 625-7002

Project #**Contact E-Mail**

BSCHAEFFER@SPOKANECITY.ORG

Bid #WA/NASPO STATE
CONTRACT**Agenda Item Type**

Purchase w/o Contract

Requisition #

RE #18625

Agenda Item Name

0440 - FIRE PURCHASE OF PANASONIC TOUGHPAD AND ACCESSORIES

Agenda Wording

Purchase of miscellaneous routers, toughpads, mobile docks and adapters from Datec Inc. (Seattle, WA) to be used for electronic care reporting and response system - \$80,630.06 including sales tax

Summary (Background)

As a member of the Washington State Cooperative, state contract pricing is available to the City. This pricing is accessing Wa State/NASPO Value Point Contract #05815. These tablets are critical for Fire/EMS and dollars have already been budgeted in the SIP program starting in September.

Fiscal Impact**Budget Account**

Expense \$ 80,630.06

5901-79125-94000-56409

Select \$

#

Select \$

#

Select \$

#

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

SCHAEFFER, BRIAN

Study Session**Division Director**

SCHAEFFER, BRIAN

Other

PSC via e-mail 7/20/17

Finance

ORLOB, KIMBERLY

Distribution List**Legal**

WHALEY, HUNT

tprince

For the Mayor

DUNIVANT, TIMOTHY

bschaeffer

Additional Approvals

taxes & licenses

Purchasing

PRINCE, THEA

ESO, MDC, and Others Project Hardware

Overview

A few projects have converged together out of timeline and necessity. All of these projects in one form another affect the computer equipment installed in the Fire Department's frontline apparatus and Chief Staff vehicles. These projects are:

- ESO Patient Care and Fire Reporting
- Mobile Data Computer Refresh
- Standardized Unit AVL Tracking and Broadband Consolidation

The devices affected by this refresh are:

- Mobile Data Computer
- Electronic Patient Care Reporting Computer

The addition of the proposed hardware (see quote) will replace old out of warranty hardware and provide a cost efficient and stable base to grow the technology presence within each of our Frontline Apparatus and Chief Staff vehicles. Linking Fire Fighters to resources they need seamlessly and efficiently.

ESO Patient Care and Fire Reporting

The current device (FZ-G1) utilized for electronic patient care reporting are still under warranty and have held up to the rigorous work performed. The consensus is to continue utilizing these devices to track patient care, but with ESO being the patient care reporting software solution. This will decrease training time of Fire Staff, eliminate ship time of new hardware, and will utilize the original funds more efficiently.

Mobile Data Computer Refresh

The current devices (CF-31) were purchased 5+ years ago and have served us well. These devices are now out of warranty and some have started to fail. The consensus is to utilize the existing spare electronic patient care device (FZ-G1) as the new MDC. We don't have enough FZ-G1 devices to cover all of our units so we will be purchasing 4 additional devices. Along with these 4 additional units, new docking stations will need to be purchased to mount these devices in each apparatus. The mounted FZ-G1 device will serve two purposes; (1) as a mobile data computer and (2) as a backup patient care reporting device in case the primary patient care reporting device fails.

Standardized Unit AVL Tracking and Broadband Consolidation

Currently the AVL is being sent from the mobile data computer. Also both the mobile data computer and electronic patient care reporting device have their own cellular broadband connection. These two items limit hardware options and solutions to the Fire Fighters. The placement of the suggested CradlePoint IBR900 will provide increased reliability to Dispatch and provide a platform to build from in regards to Information Technology innovation. It removes the requirement to have a broadband connection per device in the Frontline Apparatus.

From: [Schaeffer, Brian](#)
To: [City Council Members](#)
Cc: [Prince, Thea](#)
Subject: Concurrence Quote Request
Date: Thursday, July 20, 2017 9:53:04 AM
Attachments: [Project Hardware Whitepaper.docx](#)

PSC/Council,

Our IT Group forwarded me this white paper after the PSC meeting and it did not get onto the agenda in time. We need to expedite this purchase to meet our timeline, however, the delay between the meetings will cause a hardship for our fire/EMS system. The purchase is for our tablets that are critical for electronic care reporting and response. The dollars have already been budgeted in the SIP program and our new program starts in September (so we need to make the purchases immediately to be successful).

I apologize for late entry, but after speaking with Thea in Purchasing and Lori, an electronic briefing will suffice as long as I am able to answer any questions that you may have. Please reach out by phone or email if I can answer anything.

Thanks in advance.

Yes...thanks...if people have questions about this then they can ask you.
Lori

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Schaeffer, Brian" <bschaeffer@spokanecity.org>
Date: 7/20/17 8:55 AM (GMT-08:00)
To: "Kinnear, Lori" <lkinnear@spokanecity.org>
Subject: FW: Quote Request

Lori, if I sent an email with explanation of this project would you be OK with that for the briefing? We need to order the equipment, and the new IT person didn't know that he had to have the info into us.

From: Prince, Thea
Sent: Thursday, July 20, 2017 7:43 AM
To: Schaeffer, Brian
Subject: RE: Quote Request

Good Morning Brian - Unfortunately at \$80K there is no way to push this forward without committee and city council approval. I know Bobby used to get e-mail approval from the

PSC on some things that needed to be expedited but fell between meetings. Is this a possibility for this? If you can get an e-mail approval, I will go ahead and get this entered into OnBase for the City Council Agenda.



Thea Prince
Senior Buyer
City of Spokane
(509) 625-6403
tprince@spokanecity.org

From: Schaeffer, Brian
Sent: Wednesday, July 19, 2017 8:23 PM
To: Prince, Thea
Subject: FW: Quote Request

Hey Thea, it's going to be another month before we get a PSC meeting. Is there any other option to push this forward? We have to have them online soon in order to continue with patient charting. Our current vendor (SafetyPad) is shutting off our service and they are going out of business.

From: Dilg, Bradley
Sent: Wednesday, July 19, 2017 12:35 PM
To: Schaeffer, Brian
Cc: SFD IT
Subject: RE: Quote Request

Brian,

Here is a write-up on why this hardware.

Let me know if you need anything else or more details.

Bradley Dilg

From: Ripley, Karen
Sent: Tuesday, July 18, 2017 14:00
To: Dilg, Bradley <bdilg@spokanecity.org>; Schaeffer, Brian <bschaeffer@spokanecity.org>
Cc: SFD IT <SFDIT@spokanecity.org>; Orlob, Kimberly <korlob@spokanecity.org>
Subject: RE: Quote Request

Per Thea, it has to be briefed at Public Safety, prior to going to City Council for approval.

From: Dilg, Bradley

Sent: Tuesday, July 18, 2017 1:57 PM
To: Schaeffer, Brian
Cc: SFD IT; Orlob, Kimberly; Ripley, Karen
Subject: RE: Quote Request

Brian,

Karen called me and asked if this has been presented to the Public Safety Committee for approval. I wasn't sure if it had or not.

Can you confirm if it has or hasn't? If it hasn't, it sounds like it might have to approval by the Committee before I can order it.

Thanks,

Bradley Dilg

From: Ripley, Karen
Sent: Tuesday, July 18, 2017 1:34 PM
To: Dilg, Bradley <bdilg@spokanecity.org>
Cc: SFD IT <SFDIT@spokanecity.org>; Orlob, Kimberly <korlob@spokanecity.org>; Schaeffer, Brian <bschaeffer@spokanecity.org>
Subject: RE: Quote Request

Even though this is has contract pricing, it is \$80k & may need to go through Thea. I will forward this to her to verify.

From: Dilg, Bradley
Sent: Tuesday, July 18, 2017 1:29 PM
To: Ripley, Karen
Cc: SFD IT; Orlob, Kimberly; Schaeffer, Brian
Subject: FW: Quote Request

Karen,

Please generate a PO for this quote. These funds will be coming out of SIP Funds. (MDC Replacement)

Thanks,

Bradley Dilg

From: Bob Stein [<mailto:Bob.Stein@datecinc.net>]
Sent: Tuesday, July 18, 2017 12:43 PM
To: Dilg, Bradley <bdilg@spokanecity.org>
Subject: RE: Quote Request

Hi Bradley,

Attached is a revised Cradlepoint quote with the Panasonic/GJ items you requested. I also included the Lind Adapter and special Lind cable you have requested in the past since you asked for mobile docks. If you do not want those in the quote, feel free to modify the quantity and re-save the file or send me an email and I will make the change and send it back to you.

On the warranty order, Panasonic is logging the info into their system. I know they had to come up with a "process" to add the coverages, so you should be receiving the certs anytime soon now.

I am sure the order will get "finalized" by Panasonic this month. If you have any units that need service, let me know the SN# and I can check for you to see if it is logged into the system yet.

Please let me know if you have any questions.

Thanks!

Bob Stein

From: Dilg, Bradley [<mailto:bdilg@spokanecity.org>]

Sent: Tuesday, July 18, 2017 11:14 AM

To: Bob Stein

Subject: Quote Request

Bob,

Can I get a revised quote with the following devices:

37 – CradlePoint Device

4 - FZ-G1 Panasonic Tablet

Include: Corners, handle, and 5 year Protection Plus warranty

21 – FZ-G1 Mobile Dock (Non-Pass through)

How is the processing of the Panasonic Warranty PO?

Thanks,


Bradley Dilg



Spokane Fire Department | Information Analyst

D: (509) 625-7073 | C: (509) 435-7073 | bdilg@spokanecity.org

We enhance your quality of life, always earning your trust, by saving lives, preventing harm and protecting property with compassion and integrity.

		<u>Quote Prepared For:</u> Bradley Dilg City of Spokane
Contact:	Bob Stein 364 Upland Drive, Seattle, WA 98188 206/909-5272 cell: 206/575-1470 Office Fed TAX ID 91-0930538	
Email Po To:	bstein@datecinc.net	
Fax PO To:	206-575-1475	
Quote#	17G18427	
Date:	07/18/17	
Terms:	Net 30 Days	
Validity:	30 Days	

Part Number	Description	Qty	Unit Price	Ext. Price
Cradlepoint Routers				
IBR900LPE-VZ-NPS	IBR900 W/ 4G LTE 3G EVDO HSPA+ NO PWR SUP OR ANT	37	\$699.00	\$ 25,863.00
170654-001	LOW PROFILE 5-IN-1 MIMO LTE MIMO WRLS 2.4/5GHZ AND GPS SCREW	37	\$335.94	\$ 12,429.78
ECM-CC3YR-CAT2	3YR ENTERPRISE CLOUD MNGR STD + CRADLECARE SUP CAT2 PROI	37	\$176.54	\$ 6,531.98
Panasonic FZ-G1 TOUGHPAD				
FZ-G1P2121KM	Win7 (Win10 Pro COA), vPro, Intel Core i5-6300U 2.40GHz, 10.1" WUXGA 10-pt Gloved Multi Touch+Digitizer, 256GB SSD, 8GB, Intel WiFi a/b/g/n/ac, TPM, Bluetooth, Dual Pass (Ch1:WWAN/Ch2:GPS), 4G LTE Multi Carrier (EM7355), Webcam, 8MP Cam, 2D Bar LED (EA11), Rotating Hand Strap, Tall Corner Guards, Toughbook Preferred	4	\$3,146.70	\$ 12,586.80
FZ-SVCTPNF5Y	5 Years protection Plus Coverage	4	\$725.00	\$ 2,900.00
Gamber Johnson Mobile Dock / Lind DC Adapter				
7160-0486-00	FZ-G1 Mobile Dock (Non-Pass through)	21	\$495.00	\$ 10,395.00
CF-LNDDC120	Lind 120 Watt 12-32 Volt Input Car Charger	21	\$125.00	\$ 2,625.00
CBLOP-F01205	Cable for Lind adapter straight (no 90 degree)	21	\$24.95	\$ 523.95
MS SHIP	Shipping / Freight	1	\$253.00	\$ 253.00
WA State / NASPO Value Point Contract # 05815			Sub Total	\$74,108.51
			8.8% Sales Tax	\$ 6,521.55
			Total	<u>\$80,630.06</u>



Agenda Sheet for City Council Meeting of: 08/14/2017

Date Rec'd	7/25/2017
Clerk's File #	OPR 2017-0549
Renews #	
Cross Ref #	
Project #	
Bid #	NJPA CONTRACT
Requisition #	RE #18613

Submitting Dept	FLEET OPERATIONS
Contact Name/Phone	STEVE RIGGS 625-7706
Contact E-Mail	SRIGGS@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	5100 - FLEET PURCHASE OF ONE (1) CATERPILLAR EXCAVATOR

Agenda Wording

Purchase of one (1) 2017 Caterpillar 325 Excavator from Western States CAT (Spokane, WA)- \$270,378.34 including tax

Summary (Background)

Using an Interlocal Agreement (OPR 2014-0371) with National Joint Powers Alliance (NJPA) to purchase one (2) 2017 Caterpillar 325 Excavator - NJPA Contract #032515-CAT. This excavator is for the Water Department and will replace a similar unit that has reached the end of its economic life.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 270,378.34	#	4100-42490-94000-56404
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	RIGGS, STEVEN	<u>Study Session</u>	
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	PWC 7/24/17
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	TPRINCE	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	SRIGGS	
<u>Additional Approvals</u>		TAXES & LICENSES	
<u>Purchasing</u>	PRINCE, THEA		

BRIEFING PAPER
Public Works Committee
Fleet Services
July 24th, 2017

Subject

Purchase of one Excavator.

Background

Purchase of one excavator from Western States in Spokane, WA off of the NJPA contract for the Water Department for \$270,378.34.

Impact

This excavator will replace a similar unit that has reached the end of its economic life.

Action

Recommend approval.

Funding

Funds are available in Water Department's budget.



Agenda Sheet for City Council Meeting of:
08/14/2017

Date Rec'd	7/25/2017
Clerk's File #	OPR 2017-0550
Renews #	

Submitting Dept	FLEET OPERATIONS	Cross Ref #	
Contact Name/Phone	STEVE RIGGS 625-7706	Project #	
Contact E-Mail	SRIGGS@SPOKANECITY.ORG	Bid #	NJPA CONTRACT
Agenda Item Type	Purchase w/o Contract	Requisition #	RE #18617
Agenda Item Name	5100 - FLEET SERVICES PURCHASE OF VAC-CON CATCH BASIN CLEANER		

Agenda Wording

Purchase of one (1) Vac-Con Catch Basin Cleaner from Atlantic Machinery (Silver Spring, MD) through local vendor Solid Waste Systems - \$440,059.15 including tax

Summary (Background)

Using an Interlocal Agreement (OPR 2014-0371) with National Joint Powers Alliance (NJPA) to purchase one (1) Vac-Con Catch Basin Cleaner - NJPA Contract #022014-AMI. This Catch Basin Cleaner is for the Wastewater Department and replaces one that has reached the end of it's economic life.

Fiscal Impact		Budget Account	
Expense	\$ 440,059.15	#	4310-43100-94000-56404
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	RIGGS, STEVEN	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PWC 7/24/17
Finance	HUGHES, MICHELLE	Distribution List	
Legal	WHALEY, HUNT	TPRINCE	
For the Mayor	DUNIVANT, TIMOTHY	SRIGGS	
Additional Approvals		TAXES & LICENSES	
Purchasing	PRINCE, THEA		

BRIEFING PAPER
Public Works Committee
Fleet Services
July 24th, 2017

Subject

Purchase of one VAC-CON Catch Basin Cleaner for the Wastewater Department for a total of \$440,059.15 incl tax.

Background

The purchase of this catch basin cleaner is through the NJPA contract which provides us a deeper discount than local bids due to it being nationally bid.

Impact

This catch basin cleaner will replace one that has reached the end of its economic life.

Action

Recommend approval.

Funding

Funds are available in Wastewater's budget.



Agenda Sheet for City Council Meeting of:
08/14/2017

Date Rec'd	7/25/2017
Clerk's File #	OPR 2017-0551
Renews #	

Submitting Dept	FLEET OPERATIONS	Cross Ref #	
Contact Name/Phone	STEVE RIGGS 625-7706	Project #	
Contact E-Mail	SRIGGS@SPOKANCITY.ORG	Bid #	NJPA CONTRACT
Agenda Item Type	Purchase w/o Contract	Requisition #	RE #18618
Agenda Item Name	5100 - FLEET SERVICES PURCHASE OF POTHOLE TRAILERS		

Agenda Wording

Purchase of Two (2) Pothole Trailers from Falcon Asphalt Repair Equipment (Midland, MI) \$84,391.20 including taxes.

Summary (Background)

Using an Interlocal Agreement (OPR 2014-0371) with National Joint Powers Alliance (NJPA) to purchase two (2) Falcon 4 Ton Pothole Trailers - NJPA Contract #113012-FRM. These pothole trailers will be new to the fleet and will allow the Street Department the ability to double the amount of potholes that they can fill within the City.

Fiscal Impact		Budget Account	
Expense	\$ 84,391.20	#	5110-71700-94000-56413
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
<u>Dept Head</u>	RIGGS, STEVEN	<u>Study Session</u>	
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	PWC 7/24/17
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	TPRINCE	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	SRIGGS	
<u>Additional Approvals</u>		TAXES & LICENSES	
<u>Purchasing</u>	PRINCE, THEA		

BRIEFING PAPER
Public Works Committee
Fleet Services
July 24th, 2017

Subject

Purchase of two pothole trailers for the Street Department for a total of \$84,391.20 incl. tax.

Background

The purchase of these two Pothole trailers is through the NJPA contract which provides us a deeper discount than local bids due to it being nationally bid.

Impact

These pothole trailers will be new to the fleet and will allow the Street Department the ability to double the amount of potholes that they can fill within the City.

Action

Recommend approval.

Funding

Funds are available in the Street Department replacement fund.



Agenda Sheet for City Council Meeting of:
08/14/2017

Date Rec'd	7/25/2017
Clerk's File #	OPR 2017-0552
Renews #	

Submitting Dept	FLEET OPERATIONS	Cross Ref #	
Contact Name/Phone	STEVE RIGGS 625-7706	Project #	
Contact E-Mail	SRIGGS@SPOKANECITY.ORG	Bid #	WA STATE
Agenda Item Type	Purchase w/o Contract	Requisition #	RE #18614 &
Agenda Item Name	5100 - FLEET PURCHASE OF THREE (3) FORD F250 AND TWO (2) FORD ESCAPES		

Agenda Wording

Purchase of three (3) Ford F250's and two (2) Ford Escapes from Columbia Ford (Longview, WA) - \$150,033.09 including tax

Summary (Background)

As a member of the Washington State Cooperative, State contract pricing is available to the City. The State of Washington Contract represents the best pricing available to us because the State contract is allowed deeper discounts from the manufacturer. These vehicles are for the Water Department and are replacing vehicles that have reached the end of their economic life.

Fiscal Impact		Budget Account	
Expense	\$ 52,112.49	#	4100-42430-94000-56404
Expense	\$ 32,640.20	#	4100-42420-94000-56404
Expense	\$ 32,640.20	#	4100-42426-94000-56404
Expense	\$ 32,640.20	#	4100-42450-94000-56404
Approvals		Council Notifications	
Dept Head	RIGGS, STEVEN	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PWC 7/24/17
Finance	HUGHES, MICHELLE	Distribution List	
Legal	WHALEY, HUNT	TPRINCE	
For the Mayor	DUNIVANT, TIMOTHY	SRIGGS	
Additional Approvals		TAXES & LICENSES	
Purchasing	PRINCE, THEA		

BRIEFING PAPER
Public Works Committee
Fleet Services
July 24th, 2017

Subject

Purchase of three Ford F250s and two Ford Escapes.

Background

This purchase of three Ford F250s and two Ford Escapes for the Water Department is through the Washington State Contract #05916 totaling \$150,033.09. This purchase is in-line with Spokane Municipal Code 7.06.175, Procurement of Fuel Efficient Vehicles.

Impact

This purchase will replace five trucks that have reached the end of their economic life.

Action

Recommend approval.

Funding

Funds are available in Water Department's budget.



Agenda Sheet for City Council Meeting of:
08/14/2017

Date Rec'd	7/25/2017
Clerk's File #	OPR 2017-0553
Renews #	

Submitting Dept	FLEET OPERATIONS	Cross Ref #	
Contact Name/Phone	STEVE RIGGS 625-7006	Project #	
Contact E-Mail	SRIGGS@SPOKANECITY.ORG	Bid #	BID #4367-17
Agenda Item Type	Purchase w/o Contract	Requisition #	VALUE BLANKET
Agenda Item Name	5100 - FLEET ANNUAL VB FOR AIR BRAKE PARTS		

Agenda Wording

Value Blanket Order with Western Peterbilt (Spokane, WA) for miscellaneous air brake parts - Estimated Annual Expenditure - \$100,000.00 including tax

Summary (Background)

Sealed Bids were opened on June 19, 2017 for miscellaneous air brake parts for the Fleet Services Department. Seven (7) responses were received with Western Peterbilt being the lowest responsive bidder. This VB will be utilized to procure air brake parts for all of the City's vehicles and equipment.

This VB will be utilized to procure air brake parts for all of the City's vehicles and equipment.

Fiscal Impact		Budget Account	
Expense	\$ 1000,000.00	#	various
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
<u>Dept Head</u>	RIGGS, STEVEN	<u>Study Session</u>	
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	Approved by Scott S
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	TPRINCE	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	SRIGGS	
<u>Additional Approvals</u>		JSKOWITZ	
<u>Purchasing</u>	PRINCE, THEA	TAXES & LICENSES	

BRIEFING PAPER
Public Works Committee
Fleet Services
July 24th, 2017

Subject

Approve Value Blanket (VB) for the purchase of air brake parts for the City's heavy equipment fleet on an "as needed" basis from Western Peterbilt (Spokane, WA) as the most economical choice (Bid #4367-17). The estimated annual expenditure is \$100,000.

Background

This VB was put out to bid (#4367-17) with Western Peterbilt being the lowest responsive bid of the seven that were submitted.

Impact

This VB will be utilized to procure air brake parts for all of the City's vehicles and equipment.

Action

Approve the annual blanket with Western Peterbilt's first response for the supply of air brake parts for the City's vehicle and equipment fleet.

Funding

The expenditure is included in the 2017 Fleet Services Department budget.

BID #4367-17 AIR BRAKE PARTS (RE-BID)			TNT TRUCK PARTS 7321 E TRENT AVE SPOKANE VALLEY WA 99212 Ken Eikum (509) 315-4091 ken@tnttruck.net		WESTERN PETERBILT 23501 E KNOX AVE LIBERTY LAKE WA 99019 Matt Henry (509) 535-4241 mhenry@westernpeterbilt.com #1 mgm Brake Can Option		WESTERN PETERBILT 23501 E KNOX AVE LIBERTY LAKE WA 99019 Matt Henry (509) 535-4241 mhenry@westernpeterbilt.com #2 Haldex Brake Can Option		O'REILLY AUTO PARTS PO BOX 1156 SPRINGFIELD MO 65801 (417) 829-5879 probirds@oreillyauto.com	
ITEM	QTY	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1		BRAKE PARTS	MFG: EKU		WEBB		WEBB		KIC	
	4	Webb Part 651528 (Low Usage)	\$ 135.00	\$ 540.00	\$ 130.25	\$ 521.00	\$ 130.25	\$ 521.00	\$ 150.17	\$ 600.68
	2	Webb Part #65162F (Low Usage)	\$ 135.00	\$ 270.00	\$ 195.48	\$ 390.96	\$ 195.48	\$ 390.96	\$ -	\$ -
	26	Webb Part #668268	\$ 175.00	\$ 4,550.00	\$ 212.20	\$ 5,517.20	\$ 212.20	\$ 5,517.20	\$ -	\$ -
	50	Webb Part #66884F or 77864W	\$ 130.00	\$ 6,500.00	\$ 96.24	\$ 4,812.00	\$ 96.24	\$ 4,812.00	\$ 111.54	\$ 5,577.00
	10	Webb Part #66864F (For Lighter Duty)	\$ 89.50	\$ 895.00	\$ 72.33	\$ 723.30	\$ 72.33	\$ 723.30	\$ 111.54	\$ 1,115.40
	4	Webb Part #77800BW (Low Usage)	\$ -	\$ -	\$ 168.75	\$ 675.00	\$ 168.75	\$ 675.00	\$ -	\$ -
	2	Webb Part #61528B (Low Usage)	\$ 96.00	\$ 192.00	\$ 76.75	\$ 153.50	\$ 76.75	\$ 153.50	\$ 145.71	\$ 291.42
	25	Webb Part #66854B	\$ 135.00	\$ 3,375.00	\$ 182.20	\$ 4,555.00	\$ 182.20	\$ 4,555.00	\$ -	\$ -
2		BRAKE SHOES	MFG: MARATHON		HALDEX		HALDEX		BRAKE BEST HD	
	80	#4707Q	\$ 14.75	\$ 1,180.00	\$ 17.36	\$ 1,388.80	\$ 17.36	\$ 1,388.80	\$ 71.17	\$ 5,693.60
	8	#4707QHM (Low Usage)	\$ 27.50	\$ 220.00	\$ 17.36	\$ 138.88	\$ 17.36	\$ 138.88	\$ 60.32	\$ 482.56
	44	#4709E2	\$ 15.25	\$ 671.00	\$ 18.72	\$ 823.68	\$ 18.72	\$ 823.68	\$ 80.49	\$ 3,541.56
	4	#4702Q (Low Usage)	\$ 19.75	\$ 79.00	\$ 15.98	\$ 63.92	\$ 15.98	\$ 63.92	\$ 60.72	\$ 242.88
	20	#4715R	\$ 19.75	\$ 395.00	\$ 18.08	\$ 361.60	\$ 18.08	\$ 361.60	\$ 78.86	\$ 1,597.20
	4	#4720R (Low Usage)	\$ 22.50	\$ 90.00	\$ 23.08	\$ 92.32	\$ 23.08	\$ 92.32	\$ -	\$ -
	8	#4718Q (Low Usage)	\$ 21.75	\$ 174.00	\$ 22.70	\$ 181.60	\$ 22.70	\$ 181.60	\$ 98.63	\$ 789.04
	32	#4711R	\$ 35.25	\$ 1,128.00	\$ 18.40	\$ 588.80	\$ 18.40	\$ 588.80	\$ 96.42	\$ 3,085.44
	60	#4726E	\$ 29.50	\$ 1,770.00	\$ 22.55	\$ 1,353.00	\$ 22.55	\$ 1,353.00	\$ 98.80	\$ 5,928.00
3a		HARDWARE & BUSHING KITS	DAYTON PARTS		EUCLID		EUCLID		WORLD AMERICA HD	
	1	Euclid #E-11973 (Low Usage)	\$ 7.25	\$ 7.25	\$ 9.60	\$ 9.60	\$ 9.60	\$ 9.60	\$ -	\$ -
	1	Euclid #E3869 (Low Usage)	\$ 12.25	\$ 12.25	\$ 14.73	\$ 14.73	\$ 14.73	\$ 14.73	\$ 9.84	\$ 9.84
	24	Euclid #E-10760	\$ 8.50	\$ 204.00	\$ 8.86	\$ 212.64	\$ 8.86	\$ 212.64	\$ -	\$ -
	90	Euclid #E-2769SHD	\$ 5.25	\$ 472.50	\$ 7.87	\$ 708.30	\$ 7.87	\$ 708.30	\$ 6.71	\$ 603.90
	36	Euclid #E10244S	\$ 4.25	\$ 153.00	\$ 12.48	\$ 449.28	\$ 12.48	\$ 449.28	\$ 7.84	\$ 282.24
	1	Euclid #E-9064 (Low Usage)	\$ 7.50	\$ 7.50	\$ 7.27	\$ 7.27	\$ 7.27	\$ 7.27	\$ 29.21	\$ 29.21
	2	Euclid #E9052 (Low Usage)	\$ 22.50	\$ 45.00	\$ 32.96	\$ 65.92	\$ 32.96	\$ 65.92	\$ -	\$ -
	1	Euclid #E-9644 (Low Usage)	\$ 11.50	\$ 11.50	\$ 13.04	\$ 13.04	\$ 13.04	\$ 13.04	\$ 11.05	\$ 11.05
3b		S-CAM KITS	DAYTON		EUCLID		EUCLID		WORLD AMERICA HD	
	1	Euclid #E-10897 (Low Usage)	\$ 13.75	\$ 13.75	\$ 15.17	\$ 15.17	\$ 15.17	\$ 15.17	\$ -	\$ -
	1	Euclid #E2086B (Low Usage)	\$ 8.50	\$ 8.50	\$ 6.24	\$ 6.24	\$ 6.24	\$ 6.24	\$ 6.72	\$ 6.72
	1	Euclid #E2125 (Low Usage)	\$ 7.25	\$ 7.25	\$ 4.86	\$ 4.86	\$ 4.86	\$ 4.86	\$ 6.43	\$ 6.43
	16	Euclid #E3993B	\$ 8.25	\$ 132.00	\$ 6.09	\$ 97.44	\$ 6.09	\$ 97.44	\$ 7.10	\$ 113.60
	6	Euclid #E-5501	\$ 11.00	\$ 66.00	\$ 9.98	\$ 59.88	\$ 9.98	\$ 59.88	\$ 10.51	\$ 63.06
4		AIR DRYER CARTRIDGES AND	TORQUE		BENDIX/WABCO		BENDIX/WABCO		BBH	
	45	Wabco 1200 Cartridge #5008414	\$ 14.50	\$ 652.50	\$ 55.06	\$ 2,477.70	\$ 55.06	\$ 2,477.70	\$ 25.20	\$ 1,134.00
	2	Wabco 1200 Turbo Valve #R950013	\$ 36.50	\$ 73.00	\$ 32.72	\$ 65.44	\$ 32.72	\$ 65.44	\$ 37.56	\$ 75.12
	18	Wabco 1200 Purge Valve Kit #R950014	\$ 42.50	\$ 765.00	\$ 44.90	\$ 808.20	\$ 44.90	\$ 808.20	\$ 49.03	\$ 882.54
	2	Wabco 1200 Heater Kit #R950015	\$ 43.75	\$ 87.50	\$ 68.84	\$ 137.68	\$ 68.84	\$ 137.68	\$ 50.42	\$ 100.84
	25	AD-9 Cartridge #107796X	\$ 19.75	\$ 493.75	\$ 23.30	\$ 582.50	\$ 23.30	\$ 582.50	\$ 28.77	\$ 719.25
	18	AD-9 Housing w/heater #5004341X	\$ 142.50	\$ 2,565.00	\$ 50.56	\$ 910.08	\$ 50.56	\$ 910.08	\$ 73.35	\$ 1,320.30
	2	AD-9 Purge Valve Kit #5005037	\$ 36.50	\$ 73.00	\$ 25.20	\$ 50.40	\$ 25.20	\$ 50.40	\$ 48.86	\$ 97.72
	65	AD-IP Cartridge #109493X	\$ 51.50	\$ 3,347.50	\$ 65.04	\$ 4,227.60	\$ 65.04	\$ 4,227.60	\$ 72.17	\$ 4,691.05
	2	AD-IP Check Valve Kit #109494	\$ 8.25	\$ 16.50	\$ 8.64	\$ 17.28	\$ 8.64	\$ 17.28	\$ 16.58	\$ 33.16
	2	AD-IP Heater Kit #109495	\$ 37.50	\$ 75.00	\$ 58.15	\$ 116.30	\$ 58.15	\$ 116.30	\$ 86.74	\$ 173.48
	2	AD-IP Bolt Kit #109498	\$ -	\$ -	\$ 54.22	\$ 108.44	\$ 54.22	\$ 108.44	\$ -	\$ -
	90	AD-IP Purge Kit #K022105	\$ 42.50	\$ 3,825.00	\$ 77.83	\$ 7,004.70	\$ 77.83	\$ 7,004.70	\$ 72.44	\$ 6,519.60
5		BRAKE CHAMBERS	SORL		MGM		HALDEX		BBH	
	2	Type 20 MGM Part #1420001	\$ 28.50	\$ 57.00	\$ 39.55	\$ 79.10	\$ 27.50	\$ 55.00	\$ 27.46	\$ 54.92
	2	Type 24 MGM Part #1640001	\$ 27.50	\$ 55.00	\$ 44.43	\$ 88.86	\$ 29.44	\$ 58.88	\$ 27.46	\$ 54.92
	5	Type 30 MGM Part #1430001	\$ 22.50	\$ 112.50	\$ 39.02	\$ 195.10	\$ 27.92	\$ 139.60	\$ 27.46	\$ 137.30
	35	3030 MGM #3430051	\$ 38.50	\$ 1,347.50	\$ 62.12	\$ 2,174.20	\$ 56.11	\$ 1,963.85	\$ 46.76	\$ 1,636.60
	17	3030LS MGM #3230951	\$ 49.75	\$ 845.75	\$ 76.30	\$ 1,297.10	\$ 66.33	\$ 1,127.61	\$ 67.39	\$ 1,145.63
	8	3036 mgm #3433051	\$ 113.50	\$ 908.00	\$ 121.52	\$ 972.16	\$ 101.77	\$ 814.16	\$ 153.72	\$ 1,229.76
6		SLACK ADJUSTERS	DAYTON		HALDEX/BENDIX/MERITOR		HALDEX		BBH	
	6	Part #40010140	\$ -	\$ -	\$ 74.25	\$ 445.50	\$ 74.25	\$ 445.50	\$ -	\$ -
	4	Part #40010141	\$ 68.50	\$ 274.00	\$ 74.25	\$ 297.00	\$ 74.25	\$ 297.00	\$ 59.35	\$ 237.40
	15	Part #40010143	\$ 74.50	\$ 1,117.50	\$ 74.25	\$ 1,113.75	\$ 74.25	\$ 1,113.75	\$ 59.35	\$ 890.25
	2	Part #40010144	\$ 62.50	\$ 125.00	\$ 74.25	\$ 148.50	\$ 74.25	\$ 148.50	\$ 59.35	\$ 118.70
	35	Part #K043197	\$ 62.50	\$ 2,187.50	\$ 63.35	\$ 2,217.25	\$ 63.35	\$ 2,217.25	\$ 66.55	\$ 2,329.25
	8	Part #K041877	\$ 62.50	\$ 500.00	\$ 63.35	\$ 506.80	\$ 63.35	\$ 506.80	\$ 59.35	\$ 474.80
	1	Part #R803054 + #R803055	\$ 53.75	\$ 53.75	\$ 58.42	\$ 58.42	\$ 58.42	\$ 58.42	\$ -	\$ -
SUB TOTAL				\$ 42,726.75		\$ 50,104.99		\$ 49,457.57		\$ 54,127.42
SALES TAX - 8.8%				\$ 3,759.95		\$ 4,409.24		\$ 4,352.27		\$ 4,763.21
GRAND TOTAL				\$ 46,486.70		\$ 54,514.23		\$ 53,809.84		\$ 58,890.63
ADDITIONAL ITEMS			YES		YES		YES		YES - 12 MONTHS	
EXCEPTIONS									Cannot guarantee US Steel or US made linings Deleted #1 in Section IV	



Agenda Sheet for City Council Meeting of:
08/14/2017

Date Rec'd	7/25/2017
Clerk's File #	OPR 2017-0554
Renews #	

Submitting Dept	FLEET OPERATIONS	Cross Ref #	
Contact Name/Phone	STEVE RIGGS 625-7706	Project #	
Contact E-Mail	SRIGGS@SPOKANECITY.ORG	Bid #	WA STATE
Agenda Item Type	Purchase w/o Contract	Requisition #	VALUE BLANKET
Agenda Item Name	5100 - FLEET SERVICES ANNUAL RETREAD TIRE VALUE BLANKET ORDER		

Agenda Wording

Value Blanket Order for miscellaneous retread tires from Wingfoot Tires Inc. (Spokane Valley, WA) to be ordered on an "as needed" basis for a three year period - estimated annual expenditure - \$200,000.00 including tax

Summary (Background)

As a member of the Washington State Purchasing Cooperative, State contract pricing is available to the City through Wingfoot Tires, Inc. through March 2021. The state contract represents the best pricing available to the City as the State Contractor is allowed a deeper discount through the manufacturers.

Fiscal Impact		Budget Account	
Expense	\$ 200,000.00	#	various
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
<u>Dept Head</u>	RIGGS, STEVEN	<u>Study Session</u>	
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	PWC 7/24/17
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	TPRINCE	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	SRIGGS	
<u>Additional Approvals</u>		TAXES & LICENSES	
<u>Purchasing</u>	PRINCE, THEA		

BRIEFING PAPER
Public Works Committee
Fleet Services
July 24th, 2017

Subject

The renewal of the Value Blanket (VB) for a three year period with Wingfoot Tires Inc. (Spokane Valley, WA) for miscellaneous retread tires to be purchased on an “as needed” basis by the Fleet Services Department using Washington State contract #0113. The estimated annual expenditure is \$200,000 including tax.

Background

As a member of the Washington State Purchasing Cooperative, State contract pricing is available to the city through Wingfoot Tires Inc. through March 2021. The state contract represents the best price available to the city as the State Contractor is allowed a deeper discount through the manufacturers.

Impact

This VB is used to procure retread truck tires required to maintain the City’s equipment fleet.

Action

Approve the renewal of the VB for a three year period with Wingfoot Inc. for the supply of miscellaneous retread tires.

Funding

The estimated annual expenditure was included in the 2017 Fleet Services Department budget.



Agenda Sheet for City Council Meeting of: 08/14/2017

Date Rec'd	7/26/2017
Clerk's File #	PRO 2017-0026
Renews #	

Submitting Dept	SOLID WASTE DISPOSAL	Cross Ref #	
Contact Name/Phone	CHRIS 625-4618	Project #	2017122
Contact E-Mail	CPETERSCHMIDT@SPOKANECITY.OR	Bid #	
Agenda Item Type	Contract Item	Requisition #	BT
Agenda Item Name	4490 - LOW BID AWARD - ECOGRIND SITE SOLUTIONS LLC		

Agenda Wording

Low Bid of EcoGrind Site Solutions LLC (Chewelah, WA) for Northside Landfill Erosion Repair - \$163,000.00 plus tax. An administrative reserve of \$16,300.00 plus tax, which is 10% of the contract price plus tax, will be set aside.

Summary (Background)

On July 24, 2017 bids were opened for the above project. The low bid was from EcoGrind Site Solutions LLC in the amount of \$163,000.00, which is \$34,825.00 or 17.6% under the Engineer's Estimate; No other bids were received.

Fiscal Impact		Budget Account	
Expense	\$ 195,078.40	#	4490 44850 53748 54201 99999
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	FLEIGER, NATHAN	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	Public Works 7/24/17
Finance	HUGHES, MICHELLE	Distribution List	
Legal	WHALEY, HUNT	ttauscher@spokanecity.org	
For the Mayor	DUNIVANT, TIMOTHY	jsalstrom@spokanecity.org	
Additional Approvals		tprince@spokanecity.org	
Purchasing		kkeck@spokanecity.org	
		Engineering Admin	
		cpeterschmidt@spokanecity.org	

BRIEFING PAPER
Public Works Committee
Engineering Services
July 24, 2017

Subject

Northside Landfill Erosion Repair (2017122)

Background

This project will repair the hillside above the Northside Landfill that was washed out due to a storm in 2016 and replace the stormwater channel that was swept away.

On May 21, 2016, a very sharply focused and intense rain event hit the neighborhood just above the landfill on the northwest border. The intensity of the storm generated enough runoff to overwhelm the stormwater system and the excess traveled overland until it reached an existing channel in the landfill's bank. The volume and speed of the water allowed it to go beyond the limits of the channel, undermine the armoring and eroded the hillside around and below the riprap. The resulting gully was quickly carved out of the steep and sandy hillside.

The hillside is part of the closed portion of the landfill and needs to be repaired to stay in compliance with the EPA permit. This project will contract out the refilling of the gully with compacted material and the installation of an improved armored drainage way. The channel alignment will be improved to align the route any future runoff will take and the ends and sides will be armored, anchored, and to protect against similar undermining should flows be excessive again.

Impact

The project location is on site at the Northside Landfill and will occur on City owned property. Waste material from the project will be handled on site and no work will be done in the right-of-way. Quiet hours will be observed and dust control, to not impact neighboring properties, is part of the contract.

Action

This project is on ad now. We plan to put this project on council agenda in early August.

Funding

This project is funded with Solid Waste Disposal funds.

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

Project Number: 2017122

Project Description Northside Landfill Erosion Repair

Original Date 6/28/2017 10:34:56 AM

Funding Source Local

Update Date 7/24/2017 3:56:18 PM

Preparer Rashel Richard

Addendum

Project Number: 2017122			Engineer's Estimate		EcoGrind Site Solutions LLC					
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description

Tax Classification

Schedule 01

Sales tax shall NOT be included in unit prices

101	MOBILIZATION	1 LS	*****	19,000.00	*****	15,000.00	*****	0.00	*****	0.00
102	SPCC PLAN	1 LS	*****	1,000.00	*****	5,000.00	*****	0.00	*****	0.00
103	CHANNEL EXCAVATION INCLUDING HAUL	1 LS	*****	65,000.00	*****	25,000.00	*****	0.00	*****	0.00
104	RELOCATE EXISTING EROSION DEPOSIT PILES	1 LS	*****	4,000.00	*****	25,000.00	*****	0.00	*****	0.00
105	CONSTRUCTION GEOTEXTILE FOR PERMANENT EROSION CONTROL	1050 SY	10.00	10,500.00	10.00	10,500.00	0.00	0.00	0.00	0.00
106	CONSTRUCTION CELLULAR CONFINEMENT SYSTEM FOR CHANNEL LINING	860 SY	80.00	68,800.00	60.00	51,600.00	0.00	0.00	0.00	0.00
107	TOPSOIL TYPE C	350 SY	10.00	3,500.00	15.00	5,250.00	0.00	0.00	0.00	0.00
108	SEEDING, FERTILIZING AND MULCHING	3250 SY	1.50	4,875.00	3.00	9,750.00	0.00	0.00	0.00	0.00
109	BIODEGRADABLE EROSION CONTROL BLANKET	350 SY	25.00	8,750.00	10.00	3,500.00	0.00	0.00	0.00	0.00
110	SILT FENCE	340 LF	10.00	3,400.00	10.00	3,400.00	0.00	0.00	0.00	0.00
111	QUARRY SPALLS	90 CY	100.00	9,000.00	100.00	9,000.00	0.00	0.00	0.00	0.00
Schedule Totals				197,825.00		163,000.00		0.00		0.00

Project Number *2017122* *Northside Landfill Erosion Repair*

	<i>SCHEDULE SUMMARY</i>								
	<i>Sched 1</i>	<i>Sched 2</i>	<i>Sched 3</i>	<i>Sched 4</i>	<i>Sched 5</i>	<i>Sched 6</i>	<i>Sched 7</i>	<i>Sched 8</i>	<i>Total</i>
<i>Engineer's Est</i>	197,825.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	197,825.00
EcoGrind Site Solution	163,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	163,000.00

Low Bid Contractor: EcoGrind Site Solutions LLC

	<i>Contractor's Bid</i>	<i>Engineer's Estimate</i>	<i>% Variance</i>	
<i>Schedule 01</i>	\$177,344.00	\$215,233.60	17.60	% Under Estimate
<i>Bid Totals</i>	\$177,344.00	\$215,233.60	17.60	% Under Estimate



Agenda Sheet for City Council Meeting of:
08/14/2017

Date Rec'd	7/26/2017
Clerk's File #	PRO 2017-0027
Renews #	
Cross Ref #	
Project #	2017041,
Bid #	
Requisition #	CR 18349

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 - LOW BID AWARD - CAMERON-REILLY, LLC

Agenda Wording

Low bid of Cameron-Reilly, LLC (Spokane, WA) for CD Sidewalk Project, 9th & Altamont Realignment and Lighthouse Pedestrian Crossing - \$305,865.00. An administrative reserve of \$30,586.50, which is 10% of the contract price will be set aside. (Multiple Neighborhood Councils)

Summary (Background)

On July 24, 2017 bids were opened for the above project. The low bid was from Cameron-Reilly, LLC in the amount of \$305,865.00, which is \$88,793.00 or 44.15% over the Engineer's Estimate. Two other bids were received as follows: DW Excavating, Inc. - \$340,000.00 and William Winkler Company - \$393,648.80.

Fiscal Impact		Budget Account	
Expense	\$ 174,762.99	#	3200 95114 95300 56501 72931
Expense	\$ 122,354.33	#	1380 24102 95300 56501 72932
Expense	\$ 39,334.18	#	3200 95114 95300 56501 72933
Select	\$	#	
Approvals		Council Notifications	
Dept Head	TWOHIG, KYLE	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	Public Works 7/26/17
Finance	HUGHES, MICHELLE	Distribution List	
Legal	WHALEY, HUNT	Engineering Admin	
For the Mayor	DUNIVANT, TIMOTHY	kgoodman@spokanecity.org	
Additional Approvals		kbustos@spokanecity.org	
Purchasing		publicworksaccounting@spokanecity.org	
		mhughes@spokanecity.org	
		dbuller@spokanecity.org	
		htrautman@spokanecity.org	

BRIEFING PAPER
Public Works Committee
Engineering Services
July 10, 2017

Subject

2017 Community Development Sidewalk Projects (2017041/2016080/2017103)

Background

The Community Development Sidewalk Project is a project that occurs each year with CDBG funding although there was no project in 2016 due to a change in the funding cycle. Each neighborhood that chooses to participate provides a list of sidewalk work (repairs, infill, curb ramps) that they would like to include in the project with the highest priority work at the top of the list.

Work locations for this project are as follows:

Location	Work to be Done
Wellesley near Regal	Sidewalk replacement
Altamont/Illinois	Curb ramps
Stone near Dalke	Sidewalk replacement
Ermina near Addison	Sidewalk replacement
Cincinnati near Glass	New sidewalk (infill)
Arthur near 26th	Curb ramps
College near Chestnut	Sidewalk replacement
Ivory near 9th	Sidewalk replacement
Adams/12th	Curb ramps and sidewalk replacement
Altamont near 5th	Sidewalk replacement
5th near Napa	Sidewalk replacement

A CD funded pedestrian crossing project located on Addison Street south of Lyons Avenue is being packaged with this project. Improvements include a pedestrian refuge island, curb ramps and a crosswalk near the Lighthouse for the Blind.

Furthermore, a traffic calming project near the 9th Avenue and Altamont Street intersection that includes curb revisions and roadway realignment is funded with both CD and Photo Red funds and is included with this project.

Public involvement included:

- Coordination with adjacent property owners impacted by construction at the 9th/Altamont project site.
- Coordination with the Lighthouse for the Blind (the entity requesting the project) for the Addison Street pedestrian crossing.
- A project walk through with each Community Development Sidewalk Neighborhood Representatives prior to construction
- Door to door delivery of construction notices one to two weeks prior to the start of work to all properties where sidewalks will be installed and/or repaired

BRIEFING PAPER
Public Works Committee
Engineering Services
July 10, 2017

Public Impact:

The work with this project will involve lane closures but no detours.

Action

This background information is provided for council consideration. This project will advertise in early July with bid opening in late July. We plan to put these projects on council advanced agenda shortly after bid opening.

Funding

This project is funded by Community Development Block Grant funds for income eligible locations and Photo Red – Traffic Calming funds.

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

Project Number: 2017041

Project Description 2017 CD Sidewalk Project

Funding Source Local

Preparer Sam McKee

Original Date 6/21/2017 10:43:29 AM

Update Date 7/24/2017 2:17:03 PM

Addendum

Project Number: 2017041			Engineer's Estimate		Cameron-Reilly LLC		DW Excavating, Inc_		William Winkler Company	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description

Tax Classification

Schedule 01

Sales tax shall be included in unit prices

1	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
2	SPCC PLAN	1 LS	*****	1,200.00	*****	750.00	*****	140.00	*****	917.00
3	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,500.00	*****	4,000.00	*****	1,400.00	*****	1,783.00
4	ESC LEAD	1 LS	*****	1,000.00	*****	750.00	*****	700.00	*****	1,260.00
5	MOBILIZATION	1 LS	*****	16,000.00	*****	27,530.00	*****	31,850.00	*****	54,372.00
6	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	15,000.00	*****	14,000.00	*****	48,750.00	*****	33,960.00
7	CLEARING AND GRUBBING	1 LS	*****	2,500.00	*****	10,000.00	*****	1,100.00	*****	10,696.00
8	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	1,000.00	*****	2,500.00	*****	3,500.00	*****	1.30
Schedule Totals				38,201.00		59,531.00		87,441.00		102,990.30

<i>Project Number:</i> 2017041			<i>Engineer's Estimate</i>		Cameron-Reilly LLC		DW Excavating, Inc_		William Winkler Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> Community Development Sidewalk					Sales tax shall be included in unit prices					
201	REFERENCE AND REESTABLISH SURVEY MONUMENT	1 EA	491.00	491.00	550.00	550.00	750.00	750.00	621.00	621.00
202	AIR OR HYDRO EVACUATION	15 EA	550.00	8,250.00	650.00	9,750.00	800.00	12,000.00	643.50	9,652.50
203	TREE PROTECTION ZONE	2 EA	300.00	600.00	500.00	1,000.00	520.00	1,040.00	419.50	839.00
204	REMOVE TREE, CLASS I	1 EA	310.00	310.00	500.00	500.00	400.00	400.00	324.50	324.50
205	TREE PRUNING	2 EA	400.00	800.00	500.00	1,000.00	380.00	760.00	307.50	615.00
206	REMOVE EXISTING CURB	200 LF	11.00	2,200.00	12.00	2,400.00	4.17	834.00	10.00	2,000.00
207	REMOVE EXISTING CURB AND GUTTER	160 LF	15.00	2,400.00	14.00	2,240.00	4.50	720.00	10.30	1,648.00
208	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	942 SY	17.00	16,014.00	14.00	13,188.00	8.50	8,007.00	33.00	31,086.00
209	SAWCUTTING CURB	18 EA	50.00	900.00	50.00	900.00	40.50	729.00	28.00	504.00
210	SAWCUTTING RIGID PAVEMENT	460 LFI	1.50	690.00	1.00	460.00	1.50	690.00	4.05	1,863.00
211	CONTROLLED DENSITY FILL	1 CY	300.00	300.00	200.00	200.00	400.00	400.00	339.50	339.50
212	CSTC FOR SIDEWALK AND DRIVEWAYS	54 CY	80.00	4,320.00	100.00	5,400.00	180.00	9,720.00	116.50	6,291.00
213	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-28 3 INCH THICK	81 SY	45.00	3,645.00	65.00	5,265.00	70.00	5,670.00	56.50	4,576.50
214	PAVEMENT REPAIR EXCAVATION INCL. HAUL	81 SY	30.00	2,430.00	55.00	4,455.00	46.00	3,726.00	22.50	1,822.50
215	INLET PROTECTION	15 EA	100.00	1,500.00	100.00	1,500.00	80.00	1,200.00	103.50	1,552.50
216	TOPSOIL TYPE A, 6 INCH THICK	150 SY	15.00	2,250.00	20.00	3,000.00	28.00	4,200.00	17.90	2,685.00
217	SOD INSTALLATION	150 SY	17.00	2,550.00	12.00	1,800.00	22.50	3,375.00	10.60	1,590.00
218	CEMENT CONCRETE CURB	200 LF	26.00	5,200.00	30.00	6,000.00	21.37	4,274.00	36.80	7,360.00
219	CEMENT CONC. CURB AND GUTTER	160 LF	30.00	4,800.00	35.00	5,600.00	31.50	5,040.00	54.90	8,784.00

<i>Project Number:</i> 2017041			<i>Engineer's Estimate</i>		Cameron-Reilly LLC		DW Excavating, Inc_		William Winkler Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i>	Community Development Sidewalk				Sales tax shall be included in unit prices					
220	CEMENT CONC. SIDEWALK	927 SY	45.00	41,715.00	65.00	60,255.00	56.20	52,097.40	93.20	86,396.40
221	RAMP DETECTABLE WARNING	72 SF	25.00	1,800.00	20.00	1,440.00	28.50	2,052.00	19.60	1,411.20
222	SIGNING, PERMANENT	1 LS	*****	1,500.00	*****	6,000.00	*****	6,950.00	*****	6,024.00
<i>Schedule Totals</i>				104,665.00		132,903.00		124,634.40		177,985.60

<i>Project Number:</i> 2017041			<i>Engineer's Estimate</i>		Cameron-Reilly LLC		DW Excavating, Inc_		William Winkler Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 03</i> 9th & Altamont Traffic Rev.					Sales tax shall be included in unit prices					
301	AIR OR HYDRO EVACUATION	1 EA	550.00	550.00	650.00	650.00	800.60	800.60	643.50	643.50
302	REMOVE EXISTING CURB	203 LF	11.00	2,233.00	14.00	2,842.00	4.00	812.00	10.00	2,030.00
303	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	53 SY	17.00	901.00	20.00	1,060.00	9.00	477.00	31.30	1,658.90
304	SAWCUTTING CURB	6 EA	50.00	300.00	75.00	450.00	40.50	243.00	28.00	168.00
305	SAWCUTTING RIGID PAVEMENT	80 LFI	1.50	120.00	4.00	320.00	1.00	80.00	4.05	324.00
306	SAWCUTTING FLEXIBLE PAVEMENT	2424 LFI	0.75	1,818.00	1.00	2,424.00	0.50	1,212.00	1.20	2,908.80
307	ROADWAY EXCAVATION INCL. HAUL	49 CY	40.00	1,960.00	100.00	4,900.00	59.00	2,891.00	43.20	2,116.80
308	TRENCH EXCAVATION FOR WATER SERVICE	22 LF	28.00	616.00	75.00	1,650.00	31.00	682.00	1.30	28.60
309	CSTC FOR SIDEWALK AND DRIVEWAYS	4 CY	80.00	320.00	200.00	800.00	180.00	720.00	116.50	466.00
310	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28 , 6 INCH THICK	86 SY	85.00	7,310.00	65.00	5,590.00	140.00	12,040.00	112.00	9,632.00
311	PAVEMENT REPAIR EXCAVATION INCL. HAUL	86 SY	30.00	2,580.00	55.00	4,730.00	45.00	3,870.00	22.50	1,935.00
312	CLEANING EXISTING DRAINAGE STRUCTURE	8 EA	400.00	3,200.00	400.00	3,200.00	275.00	2,200.00	280.50	2,244.00
313	INLET PROTECTION	8 EA	100.00	800.00	100.00	800.00	80.00	640.00	103.50	828.00
314	TOPSOIL TYPE A, 6 INCH THICK	81 SY	15.00	1,215.00	20.00	1,620.00	27.00	2,187.00	17.90	1,449.90
315	SOD INSTALLATION	81 SY	17.00	1,377.00	15.00	1,215.00	22.00	1,782.00	10.60	858.60
316	LANDSCAPING	1 LS	*****	5,000.00	*****	15,000.00	*****	26,250.00	*****	14,544.00
317	IRRIGATION SYSTEM	1 LS	*****	4,000.00	*****	15,500.00	*****	26,750.00	*****	15,662.00
318	3 IN. PVC IRRIGATION SLEEVE	10 LF	12.00	120.00	15.00	150.00	20.00	200.00	14.50	145.00
319	CEMENT CONCRETE CURB	379 LF	26.00	9,854.00	27.00	10,233.00	21.00	7,959.00	45.30	17,168.70

Project Number: 2017041			Engineer's Estimate		Cameron-Reilly LLC		DW Excavating, Inc_		William Winkler Company	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description					Tax Classification					
Schedule 03 9th & Altamont Traffic Rev.					Sales tax shall be included in unit prices					
320	CEMENT CONCRETE DRIVEWAY	26 SY	52.00	1,352.00	100.00	2,600.00	68.00	1,768.00	75.80	1,970.80
321	CEMENT CONC. SIDEWALK	19 SY	45.00	855.00	100.00	1,900.00	67.00	1,273.00	157.50	2,992.50
322	RAMP DETECTABLE WARNING	8 SF	25.00	200.00	20.00	160.00	28.50	228.00	19.60	156.80
323	SIGNING, PERMANENT	1 LS	*****	1,500.00	*****	3,500.00	*****	3,500.00	*****	3,306.00
324	REMOVAL OF EXISTING PAVEMENT MARKINGS	228 SF	9.00	2,052.00	13.00	2,964.00	17.00	3,876.00	10.40	2,371.20
325	PAVEMENT MARKING - DURABLE HEAT APPLIED	258 SF	12.00	3,096.00	15.00	3,870.00	17.00	4,386.00	14.50	3,741.00
Schedule Totals				53,329.00		88,128.00		106,826.60		89,350.10

<i>Project Number:</i> 2017041			<i>Engineer's Estimate</i>		Cameron-Reilly LLC		DW Excavating, Inc_		William Winkler Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i> Lighthouse Pedestrian Crossing					Sales tax shall be included in unit prices					
401	REMOVE EXISTING CURB	37 LF	11.00	407.00	20.00	740.00	4.00	148.00	10.00	370.00
402	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	29 SY	17.00	493.00	20.00	580.00	9.00	261.00	31.30	907.70
403	SAWCUTTING CURB	4 EA	50.00	200.00	75.00	300.00	40.00	160.00	28.00	112.00
404	SAWCUTTING RIGID PAVEMENT	160 LFI	1.50	240.00	1.00	160.00	1.00	160.00	4.05	648.00
405	SAWCUTTING FLEXIBLE PAVEMENT	564 LFI	0.75	423.00	1.00	564.00	0.50	282.00	1.20	676.80
406	ROADWAY EXCAVATION INCL. HAUL	2 CY	40.00	80.00	500.00	1,000.00	59.00	118.00	43.20	86.40
407	CSTC FOR SIDEWALK AND DRIVEWAYS	3 CY	80.00	240.00	100.00	300.00	180.00	540.00	116.50	349.50
408	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28, 6 INCH THICK	8 SY	85.00	680.00	100.00	800.00	290.00	2,320.00	235.00	1,880.00
409	PAVEMENT REPAIR EXCAVATION INCL. HAUL	8 SY	30.00	240.00	100.00	800.00	45.50	364.00	22.50	180.00
410	CLEANING DRAINAGE STRUGTURES	3 EA	400.00	1,200.00	400.00	1,200.00	278.00	834.00	280.50	841.50
411	INLET PROTECTION	4 EA	100.00	400.00	100.00	400.00	80.00	320.00	103.50	414.00
412	CEMENT CONCRETE CURB	37 LF	26.00	962.00	50.00	1,850.00	21.00	777.00	26.70	987.90
413	REINFORCED DOWELED CURB	64 LF	15.00	960.00	50.00	3,200.00	31.00	1,984.00	22.40	1,433.60
414	CEMENT CONC. SIDEWALK	44 SY	45.00	1,980.00	65.00	2,860.00	57.00	2,508.00	93.20	4,100.80
415	RAMP DETECTABLE WARNING	48 SF	25.00	1,200.00	20.00	960.00	28.00	1,344.00	19.60	940.80
416	SIGNING, PERMANENT	1 LS	*****	2,500.00	*****	4,500.00	*****	3,448.00	*****	4,262.00
417	REMOVAL OF EXISTING PAVEMENT MARKINGS	92 SF	9.00	828.00	12.00	1,104.00	17.00	1,564.00	10.40	956.80
418	PAVEMENT MARKING - DURABLE HEAT APPLIED	179 SF	12.00	2,148.00	15.00	2,685.00	17.00	3,043.00	14.50	2,595.50
419	TRAFFIC ISLAND CONCRETE	13 SY	62.00	806.00	100.00	1,300.00	71.00	923.00	121.50	1,579.50

<i>Project Number:</i> 2017041			<i>Engineer's Estimate</i>		Cameron-Reilly LLC		DW Excavating, Inc_		William Winkler Company	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>

<i>Schedule Description</i>					<i>Tax Classification</i>				
<i>Schedule</i> <i>04</i>	Lighthouse Pedestrian Crossing				Sales tax shall be included in unit prices				
	<i>Schedule Totals</i>				15,987.00	25,303.00	21,098.00	23,322.80	

Project Number *2017041* *2017 CD Sidewalk Project*

	<i>SCHEDULE SUMMARY</i>								
	<i>Sched 1</i>	<i>Sched 2</i>	<i>Sched 3</i>	<i>Sched 4</i>	<i>Sched 5</i>	<i>Sched 6</i>	<i>Sched 7</i>	<i>Sched 8</i>	<i>Total</i>
<i>Engineer's Est</i>	38,201.00	104,665.00	53,329.00	15,987.00	0.00	0.00	0.00	0.00	212,182.00
Cameron-Reilly LLC	59,531.00	132,903.00	88,128.00	25,303.00	0.00	0.00	0.00	0.00	305,865.00
DW Excavating, Inc.	87,441.00	124,634.40	106,826.60	21,098.00	0.00	0.00	0.00	0.00	340,000.00
William Winkler Compa	102,990.30	177,985.60	89,350.10	23,322.80	0.00	0.00	0.00	0.00	393,648.80

Low Bid Contractor: Cameron-Reilly LLC

	<i>Contractor's Bid</i>	<i>Engineer's Estimate</i>	<i>% Variance</i>	
<i>Schedule 01</i>	\$59,531.00	\$38,201.00	55.84	% Over Estimate
<i>Schedule 02</i>	\$132,903.00	\$104,665.00	26.98	% Over Estimate
<i>Schedule 03</i>	\$88,128.00	\$53,329.00	65.25	% Over Estimate
<i>Schedule 04</i>	\$25,303.00	\$15,987.00	58.27	% Over Estimate
<i>Bid Totals</i>	\$305,865.00	\$212,182.00	44.15	% Over Estimate



Agenda Sheet for City Council Meeting of:
08/14/2017

Date Rec'd	8/1/2017
Clerk's File #	PRO 2016-0015
Renews #	
Cross Ref #	
Project #	2010088
Bid #	
Requisition #	CR18356

Submitting Dept	ENGINEERING SERVICES
Contact Name/Phone	KYLE TWOHIG 625-6152
Contact E-Mail	KTWOHIG@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0370 - CSO BASIN 26 - GARCO CONSTRUCTION

Agenda Wording

Amendment 4 of the AIA A133-2009 Agreement as per the GC/CM Alternate Delivery Agreement establishes the final price for the CSO Basin 26 Control Facility scope. The total contract cost is \$30,206,339.00 including tax. An administrative reserve of

Summary (Background)

On April 11, 2016, Council approved the contract with Garco Construction, Inc. for construction of the Spokane Falls Boulevard CSO 26 Control Facility. This amendment consists of the remainder of the project scope to construct a 2.1 million gallon storage facility with associated restoration, including plaza amenities. This phase, negotiated with Garco Construction, is a cost reimbursable format, with a Guaranteed Maximum Price not to exceed \$23,553,845.59 including tax.

Fiscal Impact		Budget Account	
Expense	\$ 6,561,723.56	#	4340 43416 94000 56501 10026
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	TWOHIG, KYLE	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	Public Works 8/14/17
Finance	KECK, KATHLEEN	Distribution List	
Legal	WHALEY, HUNT	Engineering Admin	
For the Mayor	DUNIVANT, TIMOTHY	publicworksaccounting@spokanecity.org	
Additional Approvals		kbustos@spokanecity.org	
Purchasing		mhughes@spokanecity.org	
		ktwohig@spokanecity.org	
		htrautman@spokanecity.org	
		gbrown@oacsvcs.com	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

\$3,020,633.90, which is 10% of the total contract cost will be set aside. (Riverside Neighborhood Council)

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

BRIEFING PAPER
Engineering Services
August 14, 2017

Subject:

Project No. 2010088 - CSO Basin 26 Control Facility (Spokane Falls Blvd.) – Amendment #4 Control Facility Construction (Guaranteed Maximum Price)

Background:

CSO 26 is one of two downtown tanks (CSO 24 being the other) both of which are being constructed by the GC/CM delivery method. This delivery method involved multiple bid packages being let early as opposed to the more conventional method where the entire project is bid in a single bid package. With design completed and the bulk of the project bought out, the final guaranteed maximum price has now been established.

Project Description:

Phase 4: Control Facility Construction is the final contract phase for the construction of CSO 26 and consists of the remaining work for the completion of the tank facility, flow control facility, road and library restoration, and plaza construction.

Previously, early packages have been awarded to accelerate the project construction by procuring long lead time steel shoring materials, relocating utilities, and beginning shoring and excavation activities. This package consists of the remainder of the project scope to construct a 2.1 million gallon storage facility with associated restoration, including plaza amenities.

This phase was negotiated with the general contractor/construction manager, Garco. The work is performed in a cost reimbursable format, with a Guaranteed Maximum Price not to exceed \$23,553,845.59 including tax.

This amendment establishes the final price for the project scope. The total contract cost is \$30,206,339.00 including sales tax.

Public Impact:

Traffic control for the majority of this work is currently in place. Spokane Falls Boulevard is intended to remain closed until November of 2018. Once lanes of travel have reopened on Spokane Falls Boulevard; Lincoln Street between the Library and Riverpark Square will be closed for construction of the flow control facility.

Action:

For council consideration. The contract amendment will be forwarded for council approval.

Funding:

This CSO tank project will be paid for with Water-Wastewater capital funds, including the Green Bonds the City sold in 2014.

BRIEFING PAPER
Engineering Services
August 14, 2017

SPOKANE FALLS BOULEVARD CSO 26 CONTROL FACILITY



Prepared for:
CITY OF SPOKANE
DESIGNED BY:
STEWART & KELLER
Design Build Team:
AECOM
GARCO
COFFMAN ENGINEERS

CITY OF SPOKANE
Engineering Department
SPOKANE FALLS BOULEVARD CSO #26 CONTROL FACILITY
GCCM SERVICES

AMENDMENT #4 TO THE AGREEMENT
BETWEEN OWNER AND CONSTRUCTION MANAGER
Approval of Amendment #4 – Control Facility Construction

Pursuant to Section 2.3.1 of the AIA A133-2009 Agreement, dated March 30, 2016, between the City of Spokane (Owner) and Garco Construction, Inc. (Construction Manager), for the Spokane Falls CSO 26 Control Facility (the Project), the Owner and the Construction Manager establish a Price and Contract time for the GC/CM Control Facility Construction Package as set forth below.

ARTICLE I: PRICE

The price of the work is in the amount of Twenty-Three Million Five Hundred Fifty-Three Thousand Eight Hundred Forty-Five and 59/100 dollars (\$23,553,845.59). See attached EXHIBITS A – J for a breakdown for development of Price:

ARTICLE II: CONTRACT TIME

A NOTICE TO PROCEED shall be issued for this Bid Package #4 Control Facility Construction no later than August 4, 2017. The contract completion date for the project is established at August 23, 2019.

ARTICLE III: GUARANTEED MAXIMUM PRICE AND OTHER PROVISIONS

The Price and Price Components for the work established above, the scope of this work and the Contract Time for this work shall be incorporated into the GMP Agreement and executed in a subsequent Amendment to the Contract.

Other Provisions Negotiated: See Article 11.5.3.1 INCENTIVE AWARD.

The following incentive periods of the original executed contract is mutually agreed to be changed in this GMP Amendment to reflect the following:

Original Period	Revised Period	Amount
February 1 - April 30, 2017	Start - June 30, 2017	\$10,000
May 1, 2017 - July 31, 2017	July 1, 2017 - September 30, 2017	\$10,000
August 1, 2017 - October 31, 2017	October 1, 2017 - December 31, 2017	\$10,000
November 1, 2017 - January 31, 2018	January 1, 2018 - March 31, 2018	\$10,000
February 1, 2018 - April 30, 2018	April 1, 2018 - June 30, 2018	\$10,000
May 1, 2018 - July 31, 2018	July 1, 2018 - Sept 30, 2018	\$10,000
August 1, 2018 - October 31, 2018	October 1, 2018 - Project Closeout	\$10,000

All other wording to Article 11.5.3.1 remains unchanged.

**ACCEPTED BY CONSTRUCTION
MANAGER:**



Signature Name of GC/CM

7/25/17

DATE


ATTEST

ACCEPTED BY OWNER:

Signature Name of Owner

DATE

ATTEST

- EXHIBIT A - Itemized Statement of Price
- EXHIBIT B - Bid Package Tabulation for the following Bid Package
- EXHIBIT C - Drawing List
- EXHIBIT D - Specifications List
- EXHIBIT E - Addenda issued - NA
- EXHIBIT F - Allowance items
- EXHIBIT G - Assumptions, Clarifications and Deviations Made in Preparing the
Guaranteed Maximum Price
- EXHIBIT H - Schedule
- EXHIBIT I - Alternate Prices - NA
- EXHIBIT J - Unit Prices - NA

EXHIBIT A Itemized Statement of Price. Table of Control Facility Construction
Pricing to GMP AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN OWNER AND
CONSTRUCTION MANAGER

SCOPE OF WORK:

All remaining work to complete the subject project not included in previous amendments to the agreement is intended to be included in Amendment 4. Due to the potential for value engineering which cannot be fully pursued prior to execution of the GMP due to time constraints, the following items have been included as allowances:

1. Waterproofing of Control Facility and Flow Control Chamber Walls
2. Waterproofing of Control Facility and Flow Control Chamber Roof
3. Steel Walkway Grating for the Pedestrian Trail
4. Plaza and Surrounding Site Improvements, including hardscaping, landscaping, boulder retaining walls, sculptured shotcrete, etc.

Pursuant to Sections 1.0.25, 2.2, 5.2 and Article 6 of the Agreement, the tables below and the following page reflects the City's approved and executed GMP amendments to date in the contract and GMP Amendment NO. 3b itemized statement of price and enclosed record of negotiations.

Spokane Falls Boulevard CSO #26 Contract GMP Amendment Summary Table			
	Date Executed	Amount	Notes
Amendment No. 1	2/1/2017	\$170,646.41	1 st Phase of Shoring (NSP) – Soldier Pile Procurement
Amendment No. 2	3/1/2017	\$375,929.00	2 nd Phase of Shoring (NSP) – Soldier Pile Fabrication
Amendment No. 3a	3/22/2017	\$2,994,374.00	3 rd Phase of Shoring (NSP) – Temporary & Permanent Shoring
Amendment No. 3b	4/20/2017	\$3,111,544.00	Site Preparation & Excavation (NSP)
Amendment No. 4		\$23,553,845.59	Control Facility Construction
Total Project GMP		\$30,206,339.00	

The final GMP negotiations were completed on 6/28/2017.

GMP AMENDMENT NO. 4 ITEMIZED STATEMENT OF PRICE			
GMP AMENDMENT NO. 4 SUMMARY	%	PRICE	NOTES:
Cost of Work Subcontracted		\$ 12,545,937.19	
Cost of the Work Negotiated Self Performed		\$ 2,112,509.00	
Negotiated Support Services		\$ 2,256,365.00	
Allowances		\$ 2,825,000.00	
Prorated Specified General Conditions		\$ 814,568.00	
Subtotal Cost of the Work		\$ 20,554,379.19	
Markup on NSP Work and Allowances per 1.0.28	2.00%	\$ 98,750.18	Per AIA paragraph 1.0.28
Subtotal to apply GC/CM Fee @ 4.875%		\$ 20,653,129.37	
GC/CM Fee	4.875%	\$ 1,006,840.06	Per AIA paragraph
GC/CM Contingency at 4% of Cost of the Work	4.00%	\$ 822,175.17	
CSO 26 TOTAL GMP AMENDMENT NO 1		\$ 22,482,144.59	Less sales tax
Washington State Sales Tax (WSST) at 8.80%	8.80%	\$ 1,071,701.00	Tax estimated from percentages of work within/outside ROW per COS
GMP and WSST Total		\$23,553,845.59	

A reconciliation accounting of this GMP Amendment will be conducted and change orders will be issued to account for variances as to reconciled allowances, costs and/or actual price.

APPLICATION OF SALES AND USE TAX

When the original contract was written, the City had not yet determined the correct method of applying tax to this project. To prevent delays the original contract was executed with the assumption that the entire project would be taxable under WAC 458-20-170 (Tax Rule 170). Upon further review, the City of Spokane made the determination that portions of the project are taxable under WAC 458-20-171 (Use Tax Rule 171) and portions remain taxable under Tax Rule 170.

This amendment revises the contract to allow the City to define which portions of the project and associated costs of the work are applicable to Washington State Sales Tax (WSST) - Tax Rule 170 and which portions of the project and associated costs of the work are applicable to Use Tax – Use Tax Rule 171. The City of Spokane will identify and coordinate with the General Contractor/Construction Manager (GC/CM) on all scopes of work that are applicable to Use Tax (Rule 171) and Washington State Sales Tax (Rule 170). The GC/CM is responsible for coordinating and incorporating into the bid documents, instruction to bidders, pre-bid meetings and forms of bids on the determination of Use and Sale Tax.

The Contractor is responsible for paying all appropriate use taxes directly to the State (Use Tax Rule 171). The City will pay to the Contractor full Washington State Sales tax on the work identified as taxable under Rule 170. The City acknowledges that they retain tax liability for incorrect tax classification of the work.

Upon completion of each GMP Amendment scope of work, a final, joint reconciliation of all costs for each GMP Amendment will be conducted to determine if the GMP price(s) will need to be adjusted or re-negotiated to account for applicable use tax within the GMP. Washington state sales tax will be adjusted accordingly and tracked for budget purposes and application for payments submitted by the Contractor.

ENCLOSURE Record of Negotiations for GMP Amendment No. 4

- May 11, 2017 – Garco submitted pricing for review and reconciliation with City's estimate.
- May 12, 2017 – City provided their estimate for review. Reconciliation efforts by both parties occurred independently for several days.
- May 23, 2017 – A meeting was held between the City, Garco, and OAC to compare pricing items and the scope of the work. In this meeting, agreement was made on the following items:
 - Agreed that anticipated duration for sewer bypass pumping of the existing 66" trunk sewer to tie in the new Flow Control Chamber (FCC) to the existing system should only require 14 days of pumping. This is predicated on the following conditions:
 - 2 weeks maximum construction duration, only anticipated to include the inlet and outlet tie-ins of the FCC to the 66" sewer.
 - Tie-in will only be conducted during periods where dry weather flows are anticipated.
 - The FCC can be physically constructed over the top of the existing 66" sewer pipe, without opening up or damaging the pipe.
 - Further review of Negotiated Support Services estimated costs is required. Garco provided additional breakdown.
 - Further review of estimated costs for piping items is required. Garco to review estimate and provide additional justification.
 - Further review of estimated costs for plaza features and electrical is required. Current discrepancy of \$570,000 between estimates provided by BWA and subcontractors. Both Garco and the City to review.
- June 12, 2017 – A meeting was held between Garco and the City to discuss application of Specified General Conditions (SGC) given the increased project duration. At this meeting, it was discussed that although the current schedule shows an overall duration of 29 months, opportunity exists for some time periods to require less supervisory effort by Garco. In particular, the winter/spring of 2019 may allow for reduced onsite presence. Based on this discussion, it was agreed that 26 months of SGC at the monthly rate indicated by the proposal (\$40,476.19) would be incorporated in the GMP, with the rate for the remaining 3 months to be negotiated when the project has progressed to the point that it can be better determined.
- June 12, 2017 – Garco provided project baseline schedule, updated through June 9, 2017.
- June 28, 2017 – A meeting was held between the City, Garco, and OAC for pricing reconciliation. After discussions, agreement was reached on the following items:

- Approved allowance items were established on the basis of total estimated cost for each allowance. A reconciliation of actual costs will be completed when each allowance item is completed, and the GMP adjusted accordingly in either direction.
- Language was incorporated in this Amendment regarding the application of sales and use tax to the project. This verbiage is incorporated in Exhibit A. NSS and SGC's will follow the overall taxation percentage provided.
- The project warranty period is intended to extend for 2 years after substantial completion. This may be an issue as some of the equipment could be installed several months prior to substantial completion. Garco will incorporate verbiage in the subcontract bid packages that clearly indicates this requirement and ensure that subcontractors and suppliers will comply with warranty period.
- By adding the allowance items, the Garco and City estimates were within about \$370,000. One major discrepancy appeared to be in the quantity being used for structural concrete for the main control facility structure. Garco to provide estimated quantity breakdown for review by the City.
- Revised time periods for the application of incentive awards were agreed based on project actual start date.
- June 30, 2017 – City provided concurrence that Garco's quantity estimate for structural concrete for the main control facility appeared to be reasonable, and agreed to use that quantity at the agreed bid item price for the GMP.
- July 5, 2017 – Garco provided final pricing conformance of the two estimates for review.

City of Spokane, Engineering Department
Spokane Falls Boulevard CSO #26 GC/CM Services Project

**EXHIBIT B Bid Package Pricing Components for the Cost of the Work for GMP
AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN OWNER AND CONSTRUCTION
MANAGER:**

No bid packages were issued in conjunction with this amendment.

Enclosures

- Amendment 04 Price Breakdown Spreadsheet

CSO 26 - Spokane Falls Control Facility

Final Construction Estimate - Version 4 post-June 28 negotiation meeting

GC/CM Method of Amendment breakdown

SM Hansen Consulting

5/23/2017

TRL Reconciliation with Cost Type

7/5/2017

			FINAL CONFORMED PRICING			COST TYPE
ITEM NO.	ITEM	UNIT	UNIT PRICE	QTY	AMOUNT	
177	Waterproofing (Walls) - ALLOWANCE	SF	2.10	26200	55,000.00	ALLOW
178	Waterproofing (Lid) - ALLOWANCE	SF	7.99	21275	170,000.00	ALLOW
254	Trail Grating - ALLOWANCE	SF	95.00	4200	399,000.00	ALLOW
255	Plaza and Surrounding Site Improvements - ALLOWANCE	LS	2,201,000.00	1	2,201,000.00	ALLOW
161	Cement Conc. Pavement 8 In. Thick	SY	88.89	360	32,000.00	BID
162	Concrete Structure, Cast in Place CSO Tank	CY	691.65	6960	4,813,899.00	BID
163	12 In Hollow core with topping - CSO Tank	SF	15.79	17650	278,777.00	BID
164	18 GA Deck with Conc topping slab	SF	10.87	11775	127,989.00	BID
165	Concrete Structure, Cast in Place FCC	CY	723.48	372	269,136.00	BID
167	Control Facility Steel	TON	4,238.16	128	542,484.00	BID
168	Service Level Partition Walls and Doors	LS	54,932.00	1	54,932.00	BID
169	Access Manholes - Tank	EA	1,221.64	14	17,103.00	BID
170	Lockable Access Hatches-Tank	EA	10,314.00	25	257,850.00	BID
171	Control Facility Stairways	LS	26,257.50	2	52,515.00	BID
179	Retaining Wall(s) - ALL CIP	VSF	45.10	1115	50,291.00	BID
181	Retaining Wall - Outfall Bypass Line - SP	VSF	109.17	1205	131,553.00	BID
253	Steel Framing - Structural Section	TON	9,484.90	30	284,547.00	BID
142	Common Borrow -Tank	CY	35.00	6000	210,000.00	NSP
143	Common Borrow - FCC	CY	50.00	560	28,000.00	NSP
145	Hillside Rough and Final Grading	SY	2.25	11000	24,750.00	NSP
150	Structure Excavation Class A Incl. Haul	CY	35.98	1300	46,776.00	NSP
151	Extra Excavation Class A Incl. Haul (FCC)	VSF	65.07	3500	227,760.00	NSP
166	Concrete Structure, Cast in Place Bypass Chamber	CY	750.00	115	86,250.00	NSP
182	Dewatering Control Facility Perimeter - Temporary and Permanent	LS	47,765.00	1	47,765.00	NSP
184	Manhole Type I-48	EA	4,033.33	6	24,200.00	NSP
186	Manhole Type II- 60 & 72	EA	16,125.00	2	32,250.00	NSP
187	Manhole Type II-96, Basic Price	EA	12,000.00	2	24,000.00	NSP
192	Catch Basin, Type 1	EA	2,997.67	3	8,993.00	NSP
193	Catch Basin, Type 1 (Special)	EA	4,849.00	1	4,849.00	NSP
203	Bypass Pumping	Day	150,000.00	1	150,000.00	NSP
204	Trench Safety System	LS	121,880.00	1	121,880.00	NSP
205	Catch Basin Ductile Iron Sewer Pipe 8 In. Diam.	LF	78.89	270	21,300.00	NSP
206	Ductile Iron Pipe for Water Main 6 In. Diam.	LF	101.90	140	14,266.00	NSP
210	Water Service (RPG, Vault, Hydrant, and Pipe to Tank)	LS	143,842.00	1	143,842.00	NSP
212	Sanitary Sewer Pipe 10 In. Diam. Incl. Structural Excavation Class B	LF	73.79	100	7,379.00	NSP

			FINAL CONFORMED PRICING			COST TYPE
ITEM NO.	ITEM	UNIT	UNIT PRICE	QTY	AMOUNT	
213	Sanitary Sewer Pipe 12 In. Diam. Incl. Structural Excavation Class B	LF	97.57	125	12,196.00	NSP
214	Sanitary Sewer Pipe 27 In. Diam. Incl. Structural Excavation Class B	LF	431.78	50	21,589.00	NSP
215	Misc Pipe Install - Bedding, Encasement, Adj Utility Support	LS	28,870.00	1	28,870.00	NSP
216	Sanitary Sewer Pipe 48 In. Diam. Incl. Structural Excavation Class B	LF	1,147.77	70	80,344.00	NSP
217	Reinforced Concrete Sewer Pipe 66 In. Diam. Incl. Structural Excavation Class B	LF	1,881.90	30	56,457.00	NSP
218	Avista Natural Gas Line Relocation	LS	10,000.00	1	10,000.00	NSP
219	HDPE Pipe 36 In. Diam. Incl. Structural Excavation Class B (Bypass pipe)	LF	412.74	400	165,094.00	NSP
220	ByPass Outfall Connection	LS	187,568.00	1	187,568.00	NSP
221	Ductile Iron Sewer Pipe 6 In. Diam. Incl. Structural Excavation Class B (Force Main)	LF	81.59	325	26,516.00	NSP
222	Ductile Iron Sewer Pipe 10 In. Diam. Incl. Structural Excavation Class B (Force Main)	LF	101.79	325	33,083.00	NSP
223	Ductile Iron Sewer Pipe 60 In. Diam. Incl. Structural Excavation Class B (24 feet deep)	LF	1,938.34	95	184,142.00	NSP
224	Misc MH Costs - Inverts, Adjustments, Plugging Pipe, Connections	LS	57,390.00	1	57,390.00	NSP
233	Clean Water Slide Gate and Components	LS	25,000.00	1	25,000.00	NSP
101	Record Drawings	LS	5,000.00	1	5,000.00	NSS
111	Project Surveying (General)	LS	45,000.00	1	45,000.00	NSS
112	Mobilization	LS	222,545.00	1	222,545.00	NSS
113	Project Temporary Traffic Control	LS	250,896.00	1	250,896.00	NSS
234	Slope Stabilization/Erosion Control During Construction (BMP Implementation)	SF	37,496.00	1	37,496.00	NSS
238	Street Cleaning	HR	200.00	135	27,000.00	NSS
252	Const. to Accommodate Art Features	EST	28,393.00	1	28,393.00	NSS
252	Additional NSS	LS	1,640,035.00	1	1,640,035.00	NSS
138	Roadway Exc/Grading	LS	13,000.00	1	13,000.00	SUB
152	Controlled Density Fill	CY	120.00	540	64,800.00	SUB
154	Crushed Surfacing Base Course	CY	60.00	275	16,500.00	SUB
155	Crushed Surfacing Top Course	CY	52.00	275	14,300.00	SUB
156	CSTC for Sidewalk and Driveways	CY	95.00	50	4,750.00	SUB
157	CSTC for Tank Foundation	CY	52.00	1125	58,500.00	SUB
159	HMA CI 1/2 In., PG 70-28, 8 In. Thick	SY	66.00	2620	172,920.00	SUB
172	CSO Tank Micro-Piles	EA	7,000.00	230	1,610,000.00	SUB
226	Pumping System Including Tank Piping components	LS	357,419.00	1	357,419.00	SUB
227	Flushing System Components	LS	320,000.00	1	320,000.00	SUB

			FINAL CONFORMED PRICING			COST TYPE
ITEM NO.	ITEM	UNIT	UNIT PRICE	QTY	AMOUNT	
228	Mechanical Components (Venting System and Misc Appurtenances)	LS	1,234,516.00	1	1,234,516.00	SUB
229	Electrical Components and Misc. Appurtenances, excluding Generator	LS	1,611,830.00	1	1,611,830.00	SUB
232	Regulator Weirs (FCC and Main Tank)	LS	35,535.00	1	35,535.00	SUB
239	Curb, Gutter & Sidewalk	LS	52.93	1350	71,450.00	SUB
244	Signing & Striping	LS	42,341.00	1	42,341.00	SUB
251	Install Concrete Traffic Island	LS	5,000.00	1	5,000.00	SUB
	TOTAL				19,739,811.00	

*NOTE - "BID" TYPE ARE SUBCONTRACTING PACKAGES THAT THE GC INTENDS TO BID ON

ESTIMATED TAX ON WORK = \$979,997

BREAKDOWN BY COST TYPE

%	AMOUNT	TYPE
14.3%	2,825,000.00	ALLOW
35.0%	6,913,076.00	BID
10.7%	2,112,509.00	NSP
11.4%	2,256,365.00	NSS
28.5%	5,632,861.00	SUB
100.00%	19,739,811.00	TOTAL

City of Spokane, Engineering Department
Spokane Falls Boulevard CSO #26 GC/CM Services Project

**EXHIBIT C Drawing List (Drawings on which this Price is based) to GMP
AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN OWNER AND CONSTRUCTION
MANAGER**

1. Project Plans, 100% Design Submittal - Issued 4/07/17

**EXHIBIT D Specifications List (Specifications on which this Price is based) to GMP
AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN OWNER AND CONSTRUCTION
MANAGER**

Specification No.	Description	Date
	2016 Washington State Department of Transportation Standard Specification for Road, Bridge, and Municipal Construction	01/03/2017
	CSO 26 Control Facility Contract Provisions – 100% Design Submittal	04/7/2017

City of Spokane, Engineering Department
Spokane Falls Boulevard CSO #26 GC/CM Services Project

**EXHIBIT E ADDENDA ISSUED to GMP AMENDMENT NO. 4 TO THE AGREEMENT
BETWEEN OWNER AND CONSTRUCTION MANAGER**

The enclosed addendums were issued as part of this GMP Amendment:

NONE

**EXHIBIT F Allowance items to GMP AMENDMENT NO. 4 TO THE AGREEMENT
BETWEEN OWNER AND CONSTRUCTION MANAGER**

The following allowances are part of this GMP Amendment.

NO.	DESCRIPTION	AMOUNT
05	Waterproofing Walls of Control Facility and FCC	\$55,000.00
06	Waterproofing Roof of Control Facility and FCC	\$170,000.00
07	Steel Walkway Grating for Pedestrian Trail	\$399,000.00
08	Plaza and Surrounding Site Improvements	\$2,201,000.00
	TOTAL ALLOWANCES	\$ 2,825,000.00

**EXHIBIT G Assumptions, Clarifications and Deviations to GMP AMENDMENT NO. 4
TO THE AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER**

- The anticipated duration for sewer bypass pumping of the existing 66" trunk sewer to tie in the new Flow Control Chamber (FCC) to the existing system should only require 14 days of pumping. This is predicated on the following conditions:
 - 2 weeks maximum construction duration, only anticipated to include the inlet and outlet tie-ins of the FCC to the 66" sewer.
 - Tie-in will only be conducted during periods where dry weather flows are anticipated.
 - The FCC can be physically constructed over the top of the existing 66" sewer pipe, without opening up or damaging the pipe.
 - If actual conditions preclude the construction of the FCC and tie-in as noted above, a change order will be issued to reflect the differing conditions.
- Twenty-six (26) months of Specified General Conditions at the monthly rate indicated by the proposal (\$40,476.19) are incorporated in the GMP, with the rate for the remaining 3 months (or actual duration) to be negotiated when the project has progressed to the point that it can be better determined. The monthly rate was determined using the original project duration of 21 months with a proposed SGC amount of \$850,000. The 26 month duration is based on an overall contract period from March 1, 2017 to August 31, 2019, less 3 months of potential shutdown due to weather in the winter/spring of 2018-2019.

**EXHIBIT H Procurement Schedule to GMP AMENDMENT NO. 4 TO THE
AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER**

See attached baseline project schedule, dated June 12, 2017.

An interim goal of November 1, 2018 has been set for the reestablishment of two lanes of public traffic on Spokane Falls Boulevard. While this activity is currently shown with a completion date of November 21, 2018, both parties are in agreement that it is desirable to work toward an earlier completion date in case of bad weather or paving conflicts.

City of Spokane, Engineering Department
Spokane Falls Boulevard CSO #26 GC/CM Services Project

**EXHIBIT I Alternate Prices to GMP AMENDMENT NO. 4 TO THE AGREEMENT
BETWEEN OWNER AND CONSTRUCTION MANAGER**

The following alternate(s) is selected by the City and is part of this GMP
Amendment.

ALTERNATES

NONE

City of Spokane, Engineering Department
Spokane Falls Boulevard CSO #26 GC/CM Services Project

**EXHIBIT J Unit Prices to GMP AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN
OWNER AND CONSTRUCTION MANAGER**

The following unit price(s) are part of this GMP Amendment.

UNIT PRICES

NONE

[illegible]

[illegible]

[illegible]

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

08/14/2017

Date Rec'd

7/19/2017

Clerk's File #

OPR 2013-0051

Renews #**Submitting Dept**

WASTEWATER MANAGEMENT

Contact Name/Phone

MIKE COSTER 625-4640

Contact E-Mail

MCOSTER@SPOKANECITY.ORG

Agenda Item Type

Contract

Agenda Item Name

4250 AMENDMENT #1 CITY AND COUNTY MOA - TREATMENT RATES

Cross Ref #

2013-0051

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

Amendment No. 1 to City and County Memorandum of Agreement for wastewater treatment charges and payments.

Summary (Background)

This is Amendment No. 1 to the Memorandum of Agreement between the City of Spokane and Spokane County (OPR # 2013-0051) for 2013-2015 wastewater charges and payments. This Amendment No. 1 addresses 2016-2020. The annual cost to operate and maintain Riverside Park Water Reclamation Facility (RPWRF) is relatively steady. On a "per-million-gallons" basis, however, the treatment cost can vary significantly between wet and dry years, and can only be determined after year-end.

Fiscal Impact

Revenue \$ 202,596.61

Select \$

Select \$

Select \$

Budget Account

4320-43200-35052-34355

#

#

#

Approvals**Dept Head**

CONKLIN, CHUCK

Division Director

SIMMONS, SCOTT M.

Finance

CLINE, ANGELA

Legal

DALTON, PAT

For the Mayor

DUNIVANT, TIMOTHY

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

PW 7/24/17

Distribution List

kbustos@spokanecity.org

Tax & Licenses

Additional Approvals**Purchasing**

hbarnhart@spokanecity.org

kkeck@spokanecity.org

lhendron@spokanecity.org

mcoster@spokanecity.org

eschoedel@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Under Amendment No. 1, during any given year, the County will pay the City for treatment based on the actual cost per million gallons (Unit Cost) determined for the prior year. The City and County will reconcile any difference during the first quarter of the subsequent year when the Unit Cost for the given year is determined, The City invoiced the County \$1,048,501.65 in 2016 based on the 2015 Unit Cost. Now that the Unit Cost for 2016 has been determined, the City will invoice the County for an additional \$202,596.61 for treatment in 2016. The County will pay the 2016 Unit Cost for treatment during 2017, subject to reconciliation in 2018.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

BRIEFING PAPER
Public Works Committee
Wastewater Management
July 24,
2017

Subject

Resolution to amend City and County Memorandum of Agreement for wastewater treatment charges and payments.

Background

This is Amendment No. 1 to the Memorandum of Agreement between the City of Spokane and Spokane County (OPR # 2013-0051) for 2013-2015 wastewater charges and payments. This Amendment No. 1 addresses 2016-2020.

The annual cost to operate and maintain Riverside Park Water Reclamation Facility (RPWRF) is relatively steady. On a “per-million-gallons” basis, however, the treatment cost can vary significantly between wet and dry years, and can only be determined after year-end. Under Amendment No. 1, during any given year, the County will pay the City for treatment based on the actual cost per million gallons (Unit Cost) determined for the prior year. The City and County will reconcile any difference during the first quarter of the subsequent year when the Unit Cost for the given year is determined.

The City invoiced the County \$1,048,501.65 in 2016 based on the 2015 Unit Cost. Now that the Unit Cost for 2016 has been determined, the City will invoice the County for an additional \$202,596.61 for treatment in 2016. The County will pay the 2016 Unit Cost for treatment during 2017, subject to reconciliation in 2018.

Impact

Amendment No. 1 ensures the City is equitably and timely reimbursed for its costs to treat County wastewater and both simplifies and clarifies the accounting process.

Action

Recommend approval.

Funding

Revenue from Spokane County for wastewater treatment is included in the Wastewater Management Budget.

AMENDMENT NUMBER 1
MEMORANDUM OF AGREEMENT BETWEEN
THE CITY OF SPOKANE AND SPOKANE COUNTY
REGARDING WASTEWATER TREATMENT CHARGES AND PAYMENTS

This AMENDMENT Number 1 to the MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF SPOKANE AND SPOKANE COUNTY REGARDING WASTEWATER TREATMENT CHARGES AND PAYMENTS, made and entered into between the CITY OF SPOKANE, a Washington State municipal corporation, having offices for the transaction of business at Riverside Park Water Reclamation Facility, 4401 N. Aubrey L. White Parkway, Spokane, Washington 99205, hereinafter referred to as the “CITY”, and SPOKANE COUNTY, a political subdivision of the State of Washington, having offices for the transaction of business at Environmental Services Department, 1026 West Broadway Avenue, Spokane, Washington 99260, hereinafter referred to as the “COUNTY”, jointly hereinafter referred to as the “PARTIES”.

WITNESSETH:

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners has the care of COUNTY property and management of COUNTY funds and business; and

WHEREAS, pursuant to the provisions of chapter 36.94 RCW, the COUNTY may construct, operate, and maintain a sewerage system as that term is defined in RCW 36.94.010(1); and

WHEREAS, pursuant to the provisions of chapter 35.92 RCW, the CITY may construct, operate, and maintain a sewerage system as defined within the chapter; and

WHEREAS, pursuant to the provisions of chapter 39.34 RCW, two or more public entities may jointly cooperate between each other to perform functions which each entity may individually perform; and

WHEREAS, the CITY and COUNTY have a “City and County Wastewater Management Agreement, dated December 22, 1980, which contains seven (7) amendments

thereto, hereinafter collectively referred to as the “Wastewater Management Agreement” (City OPR Number: 1981-1053; County Resolution Number: 1980-1555); and

WHEREAS, the Wastewater Management Agreement provides that the cost of operation and maintenance of that portion of the CITY system providing service to the COUNTY Wastewater Utility Service Area (WWUSA) shall include all labor, materials, administrative, legal, engineering, and other necessary operational expense of the sewer utility; and

WHEREAS, the CITY and COUNTY executed a Memorandum of Agreement (MOA) on January 29, 2013 (City: OPR 2013-0051; County: 2013-0113) establishing a methodology for the determination of the COUNTY’s user charge rate for wastewater treatment at the Riverside Park Water Reclamation Facility (RPWRF), and that MOA stipulated the calculation approach for the user charge rate through 2015; and

WHEREAS, the terms of that MOA have now expired, and it is reasonable that the PARTIES reset the COUNTY’s user charge rate based on recent actual operational costs; and

WHEREAS, the CITY and COUNTY desire to establish a mutually agreeable approach for establishing the annual wastewater user charge rate for wastewater treatment billing purposes, effective retroactively to December 16, 2015 and extending to December 19, 2020;

NOW THEREFORE, for and in consideration of the mutual promises set forth hereinafter, the CITY and COUNTY do hereby agree as follows:

1. **PURPOSE:** The purpose of this Amendment is for the PARTIES to set forth a mutually agreeable approach for calculating the annual wastewater user charge rate during the term of this Agreement for wastewater treatment billing purposes.
2. **PILT:** The COUNTY will continue to make annual Payments In Lieu of Taxes (PILT) to the CITY, consistent with provisions in the Wastewater Management Agreement, Amendment No. 5 (City: OPR 1981-1053; County: 2007-0373).
3. **CALCULATION:** All flow meters are typically read by the COUNTY on the third Wednesday of each month for the purposes of the CITY’s calculation and preparation of monthly bills for wastewater treatment at the RPWRF. Commencing December 16, 2015 (the beginning of the first monthly billing period that was billed by the CITY in calendar year 2016) the following process and approach will be employed:
 - a. The CITY has computed the actual average cost of wastewater treatment at the RPWRF during calendar year 2016, and has determined that cost to be \$1,717.55 per million gallons. The computational approach is presented in Exhibit A, attached hereto.

- b. Within thirty (30) calendar days of the execution of this Amendment, the COUNTY shall make a reconciling payment to the CITY for the period beginning December 16, 2015 and ending December 21, 2016. The first component of the reconciling payment shall be in the amount of \$202,596.12. This amount represents the difference between the calculated actual cost of treatment (\$1,251,097.77) and the total amount previously paid by the COUNTY (\$1,048,501.65) for wastewater flows sent to the RPWRF by the COUNTY during said period. The second component of the reconciling payment for said period shall be an additional 10.0 percent PILT amount of \$20,259.61. This results in a total reconciling payment of \$222,855.73 for 2016.
 - c. Following the execution of this Amendment, the Parties agree that the COUNTY shall make monthly payments based on the rate of \$1,717.55 per million gallons for flows sent to the RPWRF until the next annual rate computation in the first quarter of 2018.
 - d. During the first quarter of each year, starting in 2018, the CITY shall compute the actual cost of treating wastewater at the RPWRF during the previous calendar year, as a rate per million gallons, using the computational approach presented in Exhibit A.
 - e. The rate computed in “3.d.” above shall then be used as the basis for the following:
 - i. the determination of a reconciling payment by the COUNTY, or credit by the CITY, considering the total amount previously paid for flows sent to the RPWRF during the twelve monthly metering periods ending on the third Wednesday in December of the previous calendar year, and
 - ii. the CITY’s calculation of the monthly bills to the COUNTY for those billing periods ending after the annual rate computation, and continuing to the next annual rate computation.
 - f. Reconciling payments to be made by the COUNTY pursuant to “3.e.i.” above shall be included in the CITY’s next monthly billing following the annual rate computation. Similarly, credits due to the COUNTY shall be applied and shown in the CITY’s monthly billing(s) following the annual rate computation. The reconciling payment, or credit, will also include the applicable portion of PILT.
4. ADMINISTRATION: The CITY hereby designates the City’s Wastewater Treatment Facility Director, as its representative for the purposes of administering the provisions of this Amendment. The COUNTY hereby designates the County’s Environmental Services

Director, as its representative for the purposes of administering the provisions of this Amendment.

5. TERMINATION: Neither Party may terminate this Amendment without the express written consent of the other Party, prior to the termination date provided herein. Any personal or real property acquired or used by either Party in meeting its responsibilities under the terms of this Amendment shall remain under the ownership of the acquiring Party upon termination of this Amendment.
6. REQUIRED TERMS: In accordance with the INTERLOCAL COOPERATION ACT, pursuant to RCW 39.34.030 (3) and (4), the PARTIES further agree:
 - a. Effective Date and Duration: This Amendment shall commence and be effective upon signature of both PARTIES and shall terminate December 19, 2020, unless mutually extended in writing by both PARTIES.
 - b. Precise Organization of any separate entity created: No separate entity is created. Each Party shall continue to administer its own affairs subject to this Amendment as to any specific terms.
 - c. Purpose: Purpose of this Amendment is specified in Item 1, above.
 - d. Financing: Financing related to the Amendment is the responsibility of each individual Party.
 - e. Termination/Disposal of Property: Termination of this Amendment and disposal of property are specified in Item 5, above.
7. FILING: This Amendment shall be filed with the COUNTY Auditor in accordance with RCW 39.34.040.

Dated: _____

Board of County Commissioners of Spokane County, WA

Al French, Chair

ATTEST:

Josh Kerns, Vice-Chair

Clerk of the Board

Shelly O'Quinn, Commissioner

Dated: _____

City of Spokane, WA

By: _____

Mayor

Attest: _____

City Clerk

Approved as to form:

Assistant City Attorney

Exhibit A

Computation of Spokane County Treatment Rate and Total Reconciled Costs at RPWRF for 2016
--

City Overall Expenses By Program	<u>2016</u>
30210 ADM OH	\$ 3,705,780.18
43106 ODORABATMT	31,827.49
43200 RPWRFACIL	12,529,777.23
43201 INSTMTDATA	1,706,501.34
43210 PLANT OPER	6,207,108.74
43220 SLUDGPROCS	1,355,517.52
43230 PLANTMAINT	2,369,363.89
43240 PUMPINGSTN	711,801.00
43250 HETVNTAIR	1,155,271.66
43260 LABORATORY	1,166,597.21
43270 INDMONPRTM	605,207.36
49552 GIS	
<hr/>	
City Overall Expenses By Function	<u>2016</u>
35141 ADMIN-GEN	\$ 2,579,544.96
35143 DEPR/AMORT	9,880,456.27
35145 MAINT	4,767,463.74
35147 OPER-CUST	298,007.51
35148 OPER-GEN	12,202,418.63
35152 PROP/B&O	1,290,585.89
94000 CAP OUTLAY	512,476.10
97109 OT OTHER	13,800.52
97180 OT TO IT	
Total Overall Expenses	<hr/> \$ 31,544,753.62
 Spokane County Adjustments	
Total Overall Expenses	\$ 31,544,753.62
Less Depreciation and Amortization	(9,880,456.27)
Less IG Services (Taxes)	(1,290,585.89)
Less Industrial Monitoring and Pretreatment Costs	(605,207.36)
Less Non Cash Pension Charge	(1,078,459.00)
Less Revenue Adjustment	(3,459.26)
Total Adjusted Expenses	<hr/> \$ 18,686,585.84
 Total Million Gallons Treated at RPWRF in 2016	 11,043.00
Sub-Total Cost Per Million Gallons (MG)	\$ 1,692.17
Total Tax (1.50%)	25.38
Total Treatment Cost at RPWRF per MG	\$ 1,717.55
 Million Gallons of Spokane County Flow in 2016	 728.42
Total Calculated Cost for Spokane County in 2016	\$ 1,251,097.77
Actual Amount Paid during 2016 by Spokane County	1,048,501.65
Sub-Total Amount Due from Spokane County	\$ 202,596.12
PILT (@10.00% for 2016)	20,259.61
Reconciled Amount Due from Spokane County	\$ 222,855.73



Agenda Sheet for City Council Meeting of:
08/14/2017

Date Rec'd	8/1/2017
Clerk's File #	RES 2017-0069
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY COUNCIL
Contact Name/Phone	BEN STUCKART 6258
Contact E-Mail	BSTUCKART@SPOKANECITY.ORG
Agenda Item Type	Resolutions
Agenda Item Name	0320 - PRO AND CON STATEMENTS AND FISCAL IMPACT FOR PROPOSITIONS 1

Agenda Wording

A resolution concerning the pro and con statements and fiscal impact statements for Propositions No. 1 and 2.

Summary (Background)

Pursuant to the Spokane Municipal Code, the City Council shall designate both pro and con committees for each ballot measure, and will see that fiscal impact statements are prepared for each ballot measure. These statements will appear in the City's online voter's guide for the November 7, 2017 general election.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	STUCKART, BEN	Study Session	
Division Director		Other	7-31-2017 Council
Finance	ORLOB, KIMBERLY	Distribution List	
Legal	PICCOLO, MIKE	mpiccolo@spokanecity.org	
For the Mayor	DUNIVANT, TIMOTHY		
Additional Approvals			
Purchasing			

RESOLUTION NO. 2017-0069

A Resolution regarding the appointment of pro and con committees and the preparation of fiscal impact statements concerning Proposition Nos. 1 and 2, to appear on the November 7, 2017 General Election ballot, and approving the procedures therefor.

WHEREAS, the City Council approved Resolution No. 2016-0008 on February 22, 2016, regarding the immigration status information measure, and Resolution No. 2017-0061 on July 24, 2017, regarding the oil and coal train measure, titled Proposition Nos. 1 and 2, respectively, for the November 7, 2017 ballot; and

WHEREAS, the resolutions call for the Spokane County Auditor to place the propositions on the November 7, 2017 General Election ballot; and

WHEREAS, pursuant to SMC 01.07.010, the City Council shall appoint committees to prepare statements both in favor of, and in opposition to, each ballot measure; and

WHEREAS, pursuant to SMC 02.02.175, the City Council, in conjunction with City finance department staff, shall prepare fiscal impact statements for each ballot measure, to be completed no later than thirty (30) days after the approval of the resolution calling for the measure to be placed on the ballot.

NOW, THEREFORE, BE IT RESOLVED that the City Council appoints separate committees to prepare arguments in favor of and in opposition to Proposition Nos. 1 and 2, consistent with SMC 01.07.010, to be voted on the November 7, 2017 General Election.

BE IT ALSO RESOLVED that the City Council hereby requests that City's financial services division staff, in conjunction with City Council staff, complete fiscal impact statements for Proposition Nos. 1 and 2 by no later than August 23, 2017.

BE IT FURTHER RESOLVED that the City Council appoints the following individuals to the following "pro and con" committees:

Proposition No. 1

"The City Council adopted Ordinance Nos. C-35164 and C-35167, regarding biased-free policing and immigration status information respectively, prohibiting the inquiry of an individual's immigration status by city officers or employees unless required by law or court order. This proposition would remove from the Spokane Municipal Code words added by the ordinances which prohibit city employees from acquiring or ascertaining immigration status information in the course of lawful duties. Should this proposition be enacted into law?"

Committee preparing statement advocating approval:

- 1.
- 2.
- 3.

Committee preparing statement advocating rejection:

- 1.
- 2.
- 3.

Proposition No. 2

“Shall the Spokane Municipal Code be amended to make it a class 1 civil infraction for any person or entity to allow a rail car that it owns to ship uncontained coal and some types of oil by rail through the downtown Spokane core, or within 2,000 feet of a school, hospital, or the Spokane River?”

Committee preparing statement advocating approval:

- 1.
- 2.
- 3.

Committee preparing statement advocating rejection:

- 1.
- 2.
- 3.

BE IT FINALLY RESOLVED that the City Council adopts the attached Rules for Ballot Measure Statement Committee Members to govern the preparation of statements advocating voters’ approval or rejection of Proposition Nos. 1 and 2.

ADOPTED by the City Council _____, 2017.

City Clerk

Approved as to form:

Assistant City Attorney



Rules for Ballot Measure Statement Committee Members

The City Council enacted SMC 1.07.010 regarding the appointment of committees to prepare arguments advocating both voters' approval and rejection of ballot measures. On February 22, 2016, the City Council approved Resolution No. 2016-0008, regarding the immigration status information measure. On July 24, 2017, the City Council approved Resolution No. 2017-0061, regarding the oil and coal train measure. The two measures are respectively listed as Proposition Nos. 1 and 2. The resolutions call for the propositions to be placed on the November 7, 2017 General Election. The City Council has established the separate committees to prepare arguments advocating voters' approval or rejection of Propositions Nos. 1 and 2, consistent with SMC 1.07.010. The following rules and timeline shall apply to the preparation of the pro/con statements and rebuttal statements.

Deadline for completion and submittal of statements to City Council Office:

Friday, September 8, 2017 at 3:00 p.m. Deliver respective pro/con statement in person, mail c/o City Council, 808 W. Spokane Falls Blvd, Spokane 99201, or email to Adam McDaniel at amcdaniel@spokanecity.org.

Rebuttal statements must be submitted by Friday, September 15, 2017 at 3:00 p.m., in the same manner as set forth above.

Each committee shall have no more than three members; however, a committee may seek the advice of any other person.

The Committee shall elect from its members a chairperson, who shall notify the City Council Office of the names, addresses and telephone numbers of the persons on the Committee.

All statements placed in the Voters' Guide shall contain the name, address and telephone number of the chairperson of the committee submitting the statement, as well as the names of other committee members.

Arguments for and against measures shall not exceed 250 words not counting a maximum of four headings used to summarize and identify major arguments or portions of the statements for the convenience of the readers.

Rebuttals to arguments for and against measures shall not exceed 75 words and must address issues raised in the opposing argument without injecting issues not previously



discussed by either the argument for or against the measure. Headings are not permitted in connection with rebuttal statements.

Statements shall not contain obscene, libelous, or defamatory language.

The Voters' Guide shall contain the text of the ballot propositions and an explanatory statement prepared by the City Attorney's Office, in addition to the pro/con statements and the respective rebuttal statements prepared by the committees. The City Attorney's Office may make formatting changes and corrections to the statements related to spelling, grammar, and punctuation to ensure that the Voters' Guide is accurate as to form and syntax. Corrections may not alter the meaning and substance of the statements.

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

08/14/2017

Date Rec'd

8/2/2017

Clerk's File #RES 2017-0070
OPR 2017-0559**Renews #****Submitting Dept**

FIRE

Cross Ref #**Contact Name/Phone**

BRIAN 625-7002

Project #**Contact E-Mail**

BSCHAEFFER@SPOKANECITY.ORG

Bid #

SOLE SOURCE

Agenda Item Type

Resolutions

Requisition #

CR 18357

Agenda Item Name

0440 -FIRE CONTRACT WITH FIRSTWATCH

Agenda Wording

A Resolution declaring First Watch Solutions (Carlsbad, CA) sole source for the FirstWatch which is a real-time situational awareness, dash boarding, data analysis/visualization software system and authorizing entering into a contract for the

Summary (Background)

First Watch Solutions will connect all fifteen (15) user agencies in the Combined Communications Center (CCC) and resource deployment, quality improvement and epidemiological analytics are critical tools required in a professional emergency services delivery system. The CCC Board, Fire Department Physician Advisor and Integrated Medical Manager recommend integrating FirstWatch into the CCC system for increased capability for analysis, quality improvement and decision-making.

Fiscal Impact**Budget Account**

Expense \$ 197,154.00

1630-35210-94280-56403

Select \$

#

Select \$

#

Select \$

#

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

SCHAEFFER, BRIAN

Study Session**Division Director**

SCHAEFFER, BRIAN

Other

PSC -7/17/17

Finance

ORLOB, KIMBERLY

Distribution List**Legal**

WHALEY, HUNT

BSCHAEFFER

For the Mayor

DUNIVANT, TIMOTHY

TPRINCE

Additional Approvals

tfitch@firstwatch.net

Purchasing

PRINCE, THEA

fireaccounting.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

software, support and maintenance of FirstWatch. Estimated expenditure for the first year is \$197,154.00 plus tax if applicable

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

RESOLUTION

A Sole Source resolution declaring FIRST WATCH SOLUTIONS a sole source for First Watch which is the real-time situational awareness, dash boarding, data analysis/visualization, biosurveillance (and automated alerting) software system; and authorizing the purchase of said software system and annual support and maintenance for \$197,154.00 plus tax if applicable.

WHEREAS, First Watch Solutions will connect all fifteen (15) user agencies in the Combined Communications Center (CCC); and

WHEREAS, resource deployment, quality improvement and epidemiological analytics are critical tools required in a professional emergency services delivery system; and

WHEREAS, the FirstWatch series of products are interoperable with existing and future technologies and easily institutionalized within the Fire Service's communication and electronic patient records' system. FirstWatch's services safeguard and provide secure encrypted transmission of health and deployment data between hospitals, computer aided dispatch and records management systems. Other programs and similar solutions have much different systems that are not interoperable, which will cause delays in analysis, silo'ed perspectives and inability to immediately improve patient care; and

WHEREAS, the Combined Communication Center Board, Fire Department Physician Advisor and Integrated Medical Manager recommend integrating FirstWatch into the Combined Communication Center System for increased capability for analysis, quality improvement and decision-making; and

WHEREAS, the cost of this software, installation and support/maintenance exceeds the 2017 public bid limit of \$49,000 -- Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that it hereby declares FIRST WATCH SOLUTIONS as sole source for First Watch software, installation support/maintenance; and without further Council action authorizes the purchase of said software, installation support & maintenance for \$197,154.00 plus tax if applicable.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:



Assistant City Attorney



Every Record. In Real Time. Automatically.

06/30/17

Brian Schaeffer
Fire Chief
Spokane Fire Department
44 West Riverside
Spokane, WA 99201

Dear Chief Schaeffer,

We are pleased and honored that you have chosen to deploy the FirstWatch® Early Event Detection System at the Spokane Fire. You are joining a growing number of communities, large and small, who recognize the value of real-time syndromic surveillance, situational awareness, operational analysis and alerting ability found in FirstWatch.

Please accept the following documents; starting with a short 3-page license agreement along with other documentation to assist with the acquisition and installation of your FirstWatch System.

- **Software License Agreement:**
- **Schedule A:** Project Services, pricing, payment schedule, contact information and technical specification
- **Schedule B:** HIPAA Business Associate Compliance. This is our standard agreement which we offer for your consideration, however if your agency uses it's own standard HIPAA agreement we would gladly consider it as a replacement to this version
- **Schedule C:** Acceptance Test Plan. This document can be used to validate the FirstWatch system is operating to specifications

Please review these documents and feel free to contact FirstWatch if you have any questions or comments.

Best Regards,

Jay Bechelli

Jay Bechelli
Project Manager
760.943.9123 x206
jbechelli@FirstWatch.net

www.FirstWatch.net

1930 Palomar Point Way, Suite 101 • Carlsbad, CA 92008 • Phone 760.943.9123 • Fax 760-942-8329



Every Record. In Real Time. Automatically.

FIRSTWATCH SOLUTIONS, INC. SOFTWARE LICENSE AGREEMENT

1. *Parties; Effective Date.* This Software License Agreement ("Agreement") is between FirstWatch Solutions, Inc., 1930 Palomar Point Way., Suite 101, Encinitas, California 92008 ("FirstWatch") and the undersigned software user ("Client"). This Agreement is effective on the date last signed ("Effective Date").

2. *Purpose of Agreement.* FirstWatch is a provider of data monitoring and biosurveillance software and related services to organizations and agencies in the fields of public health and public safety. Client desires a license to use the FirstWatch software identified on Schedule A ("Software") according to the terms of this Agreement.

3. *Grant of License.* FirstWatch grants Client a license to load and execute the Software on a computer located at the Site identified on Schedule A for use by its employees and staff in connection with its syndromic surveillance system. Client may make backup and archival copies of the Software.

4. *License Term; Maintenance Services.* The term of the Software license is perpetual. However, Client shall be entitled to Software updates, upgrades, enhancements, new versions, bug fixes, other improvements to the Software and access to the FirstWatch Subscriber Site, and to technical assistance relating to the Software, for the term(s) described in Schedule A of this Software License Agreement and with payment in full for the maintenance portion of the agreement. The term of Software Maintenance and Support commences upon the date of Software Acceptance.

5. *FirstWatch Intellectual Property Rights.* The license is nontransferable and nonassignable without the prior, written permission of FirstWatch. Client may not modify, enhance, or create derivative works, decompile, disassemble, or reverse engineer the Software, or make copies other than as authorized in Section 3. All rights not licensed are reserved to FirstWatch and no rights may be implied. FirstWatch retains all intellectual property rights in the Software, and Client agrees to implement software protection measures designed to prevent unauthorized use and copying of the Software.

6. *Delivery, Installation, and Testing.* Client is responsible for acquiring all hardware, equipment, and other software; for preparing the site (including physical and electrical requirements); for properly configuring the computing environment on which the Software will reside, and for installing the Software in accordance

with Schedule A and any other requirements provided by FirstWatch in writing. Client shall test the Software within ten (10) days after FirstWatch has enabled Client's access to the Software.

7. *Acceptance.* The Software is Accepted upon the earlier of when (a) Client determines that the Software performs in accordance with the criteria set forth in the Acceptance Test Plan ("ATP"), set forth in Schedule C, or (b) the Software has been installed for thirty (30) days and Client has not advised FirstWatch that the Software fails to materially conform to the ATP. If the Software does not so perform for reasons inherent in the Software (and not, for example, third party hardware, software, equipment, or system configuration), FirstWatch will promptly replace the Software with materially conforming Software. Client shall test the revised Software and, unless the parties agree otherwise, Client may either (1) Accept the Software as conforming, (2) Accept the Software AS IS, or (3) reject the Software. If Client rejects the Software it shall delete the Software from its computing system, shall certify in writing such deletion, and FirstWatch shall refund all Software license fees paid by Client. Client shall have thirty (30) days after initial delivery to finally Accept or reject the Software. The foregoing is the sole remedy available in the event of nonconforming Software.

8. *Client Satisfaction.* FirstWatch desires that Client is fully satisfied with the Software and Services. If, within ninety (90) days after acceptance, for any reason, Client is not satisfied with the Software, Client may elect to return the Software and receive a full refund of all Software license fees paid to FirstWatch.

9. *Fees and Payments.* Client shall pay all fees according to the terms of Schedule A, and to pay a late fee of one and a half percent (1.5%) interest per month on all overdue amounts for any fees due and payable under the Agreement. Client shall pay for all travel-related expenses (e.g., ground transportation, accommodations, food) incurred by FirstWatch at the request of Client and approved by Client in writing, for Software-related services such as on-site installation, training, customization, integration, support, and maintenance. Such additional services will be pursuant to a separate written agreement. Client is responsible for payment of all sales and/or use taxes arising out of its use of the Software.

10. *Limited Warranties; Exclusions.*

FirstWatch warrants that during the Acceptance testing period, and while Client is receiving covered Maintenance Services per section 4 of this Agreement, the Software will perform in substantial conformance with the ATP, provided that the Software has been used as specified by FirstWatch. FirstWatch will use its best efforts to correct any material nonconformance within ten (10) business days after receipt of written notice of such nonconformance and Client's provision of any data, output, or other documentation or description of the nonconformance.

The limited software warranty applies only to Software used in accordance with the Agreement and does not apply if the Software media or Software code has been subject to accident, misuse, or modification by a party other than FirstWatch or as authorized by FirstWatch. FirstWatch does not warrant that the functions contained in the Software will meet Client's specific needs, industry requirements, be error-free, or operate without interruption. The remedies in this Section 10 are the sole and exclusive remedies provided by FirstWatch relating to the Software.

THESE LIMITED WARRANTIES ARE IN LIEU OF, AND CLIENT HEREBY WAIVES, ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

11. *Limitation of Liability.* Neither party shall be liable for indirect, incidental, consequential, special, punitive or exemplary damages, or for lost profits or business interruption losses, in connection with the Software or this Agreement, regardless of whether it has been made aware of their possibility. Other than amounts due to a party pursuant to Sections 9 or 13, or the breach of Sections 4, 5, or 14, in no event shall either party be liable to the other, under any theory of recovery, including contract, negligence, strict liability, warranty or products liability, in an amount in excess of the amount Client paid to FirstWatch for products and services. Any claims relating to this Agreement shall be brought within two (2) years after the occurrence of the event giving rise to the cause of action.

12. *Termination.* Either party may terminate this Agreement if there is a material breach by either party that is not cured within thirty (30) days after receipt of written notice of such breach. Upon termination of this Agreement, Client shall promptly discontinue using the Software and return to FirstWatch, or certify in writing, the destruction of all Software, Documentation, and FirstWatch training materials.

13. *Indemnification.*

FirstWatch agrees to defend, and hereby indemnifies, Client, from all damages, losses, fees, and expenses awarded by a court of competent jurisdiction, or reached through a settlement, arising out of Client's use of the Software or Documentation when such claim is based upon a third party claim that the Software infringes a U.S. patent, trademark, copyright or trade

secret; provided that (a) Client promptly notifies FirstWatch in writing of such claim; (b) FirstWatch has sole control over the investigation, litigation and negotiation of such claim; (c) Client is current in its payments and in compliance with its obligations under this Agreement; and (d) Client reasonably cooperate, at the expense of FirstWatch, in the defense or settlement of such claim. This indemnification applies only to the Software delivered by FirstWatch and shall not apply if the Software has been modified by party other than FirstWatch, or if the Software has been combined with (or used in connection with) other products and used as a part of an infringing process or method which, but for the combination, would not infringe the intellectual property rights of such third party.

If the Software becomes, or in the opinion of FirstWatch is likely to become, the subject of such a claim, then FirstWatch may either (a) procure (at its expense) Client's right to continue using the Software, or (b) replace or modify the Software to avoid the claim of infringement. If neither of the foregoing alternatives is reasonably available to FirstWatch, then FirstWatch may terminate this licensee and refund to Client the license fees paid for the Software on a straight line three-year depreciation basis. This states the entire liability of FirstWatch with respect to third party claims of intellectual property infringement.

14. *Confidentiality.*

FirstWatch and Client may have access to information that the other considers to be confidential, private, or a trade secret. This information may include, but is not limited to, patient or other data, the Software, technical know-how, technical specifications, software code, manners of conducting business and operations, strategic business plans, systems, results of testing, financial information, and third-party information ("Information").

Each party shall use the other's Information only to perform its obligations under, and for the purposes of, the Agreement. Neither party shall use the Information of the other for the benefit of a third party. Each party shall maintain the confidentiality of all Information in the same manner in which it protects its own information of like kind, but in no event shall either party take less than reasonable precautions to prevent the unauthorized disclosure or use of the Information.

Upon termination of the Agreement, or upon a party's request, each party shall return to the other all Information of the other in its possession. All provisions of the Agreement relating to confidentiality, ownership, and limitations of liability shall survive the termination of the Agreement.

15. *Ownership of Data.* The parties acknowledge and agree that all Client data ("Data"), is and shall remain the exclusive property of Client. FirstWatch acknowledges that in performing its obligations under the Agreement it may have access to Client networks and Data. FirstWatch will use and access such Data

only as necessary for the purpose of providing the services and supporting the Software as agreed.

16. *HIPAA.* With respect to any protected health information ("PHI") and to the extent FirstWatch is subject to the provisions of the Health Insurance Portability and Accountability Act as a Business Associate, FirstWatch shall (a) not use or disclose PHI other than as permitted or required by any agreement between FirstWatch and Client, or as required by law, (b) use appropriate safeguards to prevent use or disclosure of the PHI, (c) report to Client any unauthorized use or disclosure of the PHI of which it becomes aware, (d) ensure that any agent or subcontractor that accesses PHI in order to assist FirstWatch in providing the Services will be bound by the provisions of this Section, (e) reasonably cooperate with Client to make its internal practices, books, and records, including policies and procedures relating to the use and disclosure of PHI available to a governmental agency in the event a governmental agency requests such information, (f) document all its disclosures of PHI and information related to such disclosures, and notify Client of such disclosures, (g) return or destroy all PHI upon termination of the Services under this Agreement. If the parties enter into a separate agreement regarding the use of protected health information, the terms of that separate agreement shall take precedence and control over the terms of this Section 16.

17. *Cooperative Purchasing.* If agreed to by Client and FirstWatch, another public body may utilize this contract. FirstWatch shall deal directly with any public body authorized to use the contract. Client, its officials and staff are not responsible for placement of orders, invoicing, payments, contractual disputes, or any other transactions between FirstWatch and any other public bodies, and in no event shall Client, its officials or staff be responsible for any costs, damages or injury resulting to any party from use of a Client Contract. Client assumes no responsibility for any notification of the availability of the contract for use by other public bodies, but FirstWatch may conduct such notification.

18. *General.*

All required communications shall be in writing and addressed to the recipient party at its address set forth in this Agreement, addressed to the person who signed the Agreement on behalf of such party, or to such address and person as may be designated by such party in writing. All communications are deemed given when hand-delivered; or if mailed, by registered mail with verification of receipt, upon date of mailing; or if by electronic mail or facsimile, when received (with verification of transmission sent promptly to the receiving party along with a hard copy of the communication).

Any part of the Agreement held to be invalid or unenforceable, shall be revised so as to make it valid and enforceable, consistent with the intent of the parties expressed in that provision. All other

provisions of the Agreement will remain in full force and effect. The remedies accorded FirstWatch are cumulative and in addition to those provided by law.

The Agreement, all Schedules (A-C), and any amendments thereto constitute the entire understanding of the parties with respect to the subject matter of the Agreement and replaces all prior and contemporaneous written and oral communications, promises, or understandings. The Agreement shall be governed by the laws of the State of Washington and may be amended only by a writing signed on behalf of both parties. Electronic mail shall not be deemed to constitute a signed writing for purposes of this modification provision unless expressly identified as an amendment. No waiver of any right or remedy will be effective unless given in writing and signed on behalf of the party making such waiver. No purchase order or other administrative document will amend the Agreement unless signed by an representative of both parties and identified as an amendment to the Agreement, even if accepted by the receiving party without objection.

The Parties may not assign any rights or delegate any duties under the Agreement without the prior, written consent of the other Party, which will not be unreasonably withheld, and any attempt to do so without consent will be void. However, no consent shall be required in the case of a Party's transfer of all or substantially all of its business or assets by merger, asset sale, or other similar transaction. The Agreement is binding upon the parties' successors and permitted assigns.

AGREED AND ACCEPTED:

FirstWatch Solutions, Inc.

Date: _____

By: _____

Name: *Signature*
Todd Stout, President

Client Name and Address:

Date: _____

By: _____
Signature

Name: _____

Title: _____

Approved as to form:

State Attorney

Assistant City Attorney



Schedule A: Project Services, Pricing & Payment Schedule, Contact Information & Technical Specifications

Project Services:

- Single license of FirstWatch Thin-Client (Remote Data Gathering) Software installed on Licensee's dedicated FirstWatch PC/Server
 - All data integration with Spokane Fire Depts.' Infor Computer-Aided Dispatch (CAD) System integrated via:
 - Connectivity to a data source via ODBC or similar means;
 - or Text or XML *file* output for each incident from a Licensee-provided process (one or more files for each incident) that provides files on the dedicated FirstWatch PC/Server;
 - or client provided web services interface allowing FirstWatch to securely access, query and receive necessary data via a non-dedicated internet connection. Client provided web services interface will include the ability to encrypt and decrypt data and options to query live and historical data.
 - Data Shuttle, remote connectivity and other software and processes on Licensee's dedicated FirstWatch PC which work together to reliably and securely transmit data to the FirstWatch Data Center, and allow for remote support, using Licensee-provided, always-on Internet connectivity.
 - Linking of data sources requires, at a minimum, a unique key that exists within each data source in a useable format.
- Modify centrally located FirstWatch server-based processes, software and database as necessary to receive Licensee's data, import into FirstWatch database, and monitor for statistically-significant increases in volume or geographic clusters of calls which meet user-defined criteria.
- Provide up to fifty (50) Licensee-specific user login(s) and password(s) to allow up to fifty (50) simultaneous users on the FirstWatch subscriber Internet site. (Access by additional users may be purchased, and access via FirstWatch to other, 3rd-party services or tools, may be licensed separately.)
- Provide the ability for the Licensee to define all system included and client purchased "trigger sets" for monitoring by FirstWatch.
- Provide the ability for the Licensee to define up to fifty (50) alert recipients for each trigger, via a combination of email, text messaging, fax, or compatible paging system.
- Provide a default "All Events" trigger with monitoring and alerts to demonstrate complete functionality of system.

Pricing and Payment Schedule:

Spokane Fire Department FirstWatch Pricing				
Line #	Description	Qty.	Unit	Extended
1	System License* (DS1-Infor CAD)	1	\$34,404	\$34,404
2	Annual Support & Maintenance* (DS1)	1	\$7,569	\$7,569
3	Data Source Integration (DS1)	1	\$7,500	\$7,500
4	Installation / Configuration	1	\$2,500	\$2,500
5	Training/Trigger Consultation/Project Mgmt.	1	\$6,500	\$6,500
6	System License* (DS2- ESO ePCR)	1	\$24,083	\$24,083
7	Annual Support & Maintenance* (DS2)	1	\$5,298	\$5,298
8	Data Source Integration (DS2)	1	\$7,500	\$0
9	System Triggers (included)	40	\$24,000	\$0
10	System Triggers, Additional (each, annually)	50	\$400	\$20,000
11	Standard FirstWatch Triggers Annual Support & Maintenance	50	\$200	\$10,000
12	Performance Plus Module	2	\$2,500	\$5,000
13	Performance Plus Module Annual Support & Maintenance	2	\$550	\$1,100
14	Online Compliance Utility Module	1	\$30,000	\$30,000
15	Online Compliance Utility Module Annual Support & Maintenance	1	\$6,600	\$6,600
16	FirstPass Module w/Protocol & Reporting Bundle (Requires ePCR data source)	1	\$30,000	\$30,000
17	FirstPass Module Annual Support & Maintenance		\$6,600	\$6,600
18	Total Price			\$197,154

* License and Maintenance costs are for monitoring Client's EMS, Fire and ePCR Calls. Assumptions based on 40,000 annual incidents, and include a 'buffer' of plus or minus (\pm) 20% of the call volume.

Spokane Fire Department FirstWatch Payment Schedule	
Project Initiation Payment: 10% >Invoiced for at Contract Execution and Technical Call Completion	\$19,715.40
FirstWatch Base License System (DS1) Payment: 20% >Invoiced for at Base System Acceptance via Acceptance Test Plan (ATP)	\$39,430.80
FirstWatch License System (DS2) Payment: 20% >Invoiced for at Base System Installation and All Calls Trigger	\$39,430.80
FirstPass Module Payment: 20% >Invoiced for at 1 st Protocol Delivery	\$39,430.80
OCU Module Payment: 10% >Invoiced for at time CAD data populates OCU	\$19,715.40
Trigger Payment: 10% Invoiced for at time All Calls trigger for Fire Agencies	\$19,715.40
Performance Plus Modules: 10% >Invoiced for at time of Spokane Fire Turn Out Time delivery	\$19,715.40

Maintenance fees beyond the Term of this Agreement (1 Year) will recur and reflect then-current FirstWatch maintenance and support rates unless otherwise agreed on by both parties. Annual Support Fee increase is projected (for budget purposes) at 3% per year.

Switching Data Sources to a “LIVE” OCU and/or FirstPass Module(s) Developments: Timing and Financial Considerations

At least a 90 day notice of a proposed data source change for the FirstWatch OCU and FirstPass Modules and Customized Reports is *highly recommended* as it will allow both parties an opportunity to better prepare to be ready. Should less notice be given, FirstWatch will do its best to manage the required changes, but that may mean it may not be ready when needed.

***OCU Module**

When customer has FirstWatch OCU enhancement module LIVE and switches to new CAD system; A Data Source Re-Configuration Fee of up to \$12,000 will be required to modify and validate OCU compliance tests and automated queue-based processes as well as OCU reports against customers new CAD system data. This is in addition to a \$7,500 new Data Source Interface fee for the base FirstWatch system (for total of \$19,500). When customer has OCU live under one response time compliance contract, and their response time compliance contract requirements are changed such that the OCU must be changed, there will be a Contract Re-Configuration Fee of up to \$6,000.

***FirstPass Module**

When customer has FirstWatch FirstPass enhancement module LIVE and switches to new ePCR system; a FirstPass Re-Configuration Fee of up to \$12,000 will be required to modify and validate FirstPass protocol tests and automated queue-based processes and FirstPass reports against customers new ePCR system data. This is in addition to a \$7,500 new Data Source Interface fee (for total of \$19,500).

Contact Information:

Licensors Contact Tax I.D. No. 05-0544884	Todd Stout, President FirstWatch® 1930 Palomar Point Way, Suite 101 Carlsbad, California, 92008	Phone: 760-943-9123 Fax: 760-942-8329 Email: tstout@firstwatch.net
Licensee Contact	Brian Schaeffer Fire Chief Spokane Fire Department 44 West Rivrside Spokane, WA 99201	Phone : 509.625.7001 Email : bschaeffer@spokanefire.gov

FW Software/Hardware Requirements

FirstWatch Hardware Requirements:	
Minimum (only if using existing equipment)	Preferred (required/minimum if new equipment)
Dedicated PC or Virtual Machine used exclusively for FirstWatch purposes	Dedicated Server or Virtual Machine used exclusively for FirstWatch purposes
Pentium IV Compatible 2.0GHz or better as long as it meets the minimum requirements for installed OS	Core Duo 2.4GHz or better
1GB RAM or better	4GB RAM or better
250GB Hard Drive or larger (two partitions 20GB (OS), balance as data)	500GB Hard Drive or larger (two partitions 20GB (OS), balance as data)
10/100mb Ethernet Card	100mb / 1GB Ethernet Card
16/32bit color video, capable of displaying 1024 x 768 in 'High' or 'True' color	16/32bit color video, capable of displaying 1024 x 768 in 'High' or 'True' color
Keyboard / mouse / monitor or via KVM	Keyboard / mouse / monitor or via KVM
CD-R/CD R-RW drive or better	CD-RW/DVD drive or better
FirstWatch Software Requirements:	
Minimum	Preferred
Microsoft Windows 2003/2008/XP/Vista/7 Professional including all the latest updates and patches loaded	Microsoft Windows Server 2008 (64bit) Standard Edition including all the latest updates.
Complete (run all from my hard drive) installation of Microsoft Access 2007 or later including all the latest updates and patches loaded. If the database to be monitored is MS SQL Server, SQL Server Management Studio can be installed instead of MS Access.	Complete (run all from my hard drive) installation of Microsoft Access 2007 or later including all the latest updates and patches loaded. If the database to be monitored is MS SQL Server, SQL Server Management Studio can be installed instead of MS Access.
Note: If Priority Alert was purchased, preferred specifications are required.	NOTE: The FirstWatch Priority Alert Module Requires MS SQL Server 2008 R2 Express Edition download for free at: http://www.microsoft.com/express/database
ODBC driver or other licensed and approved connectivity to underlying database	ODBC driver or other licensed and approved connectivity to underlying database
Virus Protection Software of customer's choosing	Virus Protection Software of customer's choosing
WinZip or compatible software - Not Required if functionality included in Windows OS	WinZip or compatible software - Not Required if functionality included in Windows OS
Microsoft .NET Framework Version 3.5. (installed with local FirstWatch Thin Client Software)	Microsoft .NET Framework Version 3.5 (installed with local FirstWatch Thin Client Software)
Automated Time synchronization software or process of clients choosing. MS Windows OS feature is fine.	Automated Time synchronization software or process of clients choosing. MS Windows OS feature is fine.

Category / Firewall & Environment
Always-on high speed broadband Internet connectivity under customer specified and controlled security settings; Recommend static IP address with hardware firewall.
Read-only Network access to database(s) being monitored (ODBC connection)
Outbound access for HTTP (port 80) and HTTPS (port 443) with access to *.firstwatch.net.
For agencies using FirstWatch provided WebEx Remote Access service for installation and support, it may be necessary to create an exception list for WebEx sites on the firewall or proxy to properly use WebEx services. In most cases, the IP Range that can be used to add an exception for the firewall or proxy is 64.68.96.0-64.68.127.255.
SMTP account and access through client controlled server (preferred, not required) or SMTP access to mail.stoutsolutions.com and mail.firstwatch.net. SMTP will be required for Priority Alerting Module if it was purchased.
Local (not network) server administrator account with access to specifications above.
To maximize system availability FirstWatch recommends remote-client hardware be located with other critical systems and when possible include UPS, back-up generator, monitored data circuit(s) and HVAC controlled secure environment.
Minimum
Allow FirstWatch access to the dedicated machine via WebEx Remote Access client services (or authorized substitute, including VPN). WebEx Remote Access client software provided with FirstWatch under maintenance and service agreement. If VPN or other connection requires additional hardware or software on client or support side, it will be the responsibility of the customer to supply it.

<p>Disclaimer: Although FirstWatch requires a dedicated machine for our applications, some clients have requested running the FirstWatch applications on a server that is shared with other applications or in a virtual server environment. We have successfully deployed in a combination of these configurations and are willing to attempt an install in this environment if the client understands that there is risk involved. The risk is that if another process or application on the same machine renders the machine unresponsive, it could potentially stop the processing of the FirstWatch applications. Conversely the FirstWatch applications may affect the other applications. Therefore, if the client decides to move forward in this manner and results in ongoing problems with our application, we will respectfully request that our system be transferred to a dedicated machine for the purpose of running the FirstWatch applications. FirstWatch staff will be happy to assist the client with reconfiguring the FirstWatch system on a new machine.</p>

Schedule B:

FirstWatch Solutions, Inc. Business Associate Agreement Between FirstWatch Solutions, Inc. and Spokane Fire Department

This Business Associate Agreement ("Agreement") between FirstWatch Solutions, Inc. (Business Associate) and Spokane Fire Department (Covered Entity) is executed to ensure that Business Associate will appropriately safeguard protected health information ("PHI") that is created, received, maintained, or transmitted on behalf of Covered Entity in compliance with the applicable provisions of Public Law 104-191 of August 21, 1996, known as the Health Insurance Portability and Accountability Act of 1996, Subtitle F – Administrative Simplification, Sections 261, *et seq.*, as amended ("HIPAA"), and with Public Law 111-5 of February 17, 2009, known as the American Recovery and Reinvestment Act of 2009, Title XII, Subtitle D – Privacy, Sections 13400, *et seq.*, the Health Information Technology and Clinical Health Act, as amended (the "HITECH Act").

A. General Provisions

1. **Meaning of Terms.** The terms used in this Agreement shall have the same meaning as those terms defined in HIPAA.
2. **Regulatory References.** Any reference in this Agreement to a regulatory section means the section currently in effect or as amended.
3. **Interpretation.** Any ambiguity in this Agreement shall be interpreted to permit compliance with HIPAA.

B. Obligations of Business Associate

Business Associate will:

1. Not use or further disclose PHI other than as permitted or required by this Agreement or as required by law;
2. Use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule with respect to electronic protected health information ("e-PHI") and implement appropriate physical, technical and administrative safeguards to prevent use or disclosure of PHI other than as provided for by this Agreement;
3. Report to Covered Entity any use or disclosure of PHI not provided for by this Agreement of which it becomes aware, including any security incident (as defined in the HIPAA Security Rule) and any breaches of unsecured PHI as required by 45 CFR

- §164.410. Breaches of unsecured PHI shall be reported to Covered Entity without unreasonable delay but in no case later than 60 days after discovery of the breach;
4. In accordance with 45 CFR 164.502(e)(1)(ii) and 164.308(b)(2), ensure that any subcontractors that create, receive, maintain, or transmit PHI on behalf of Business Associate agree to the same restrictions, conditions, and requirements that apply to Business Associate with respect to such information;
 5. Make PHI in a designated record set available to Covered Entity and to an individual who has a right of access in a manner that satisfies Covered Entity's obligations to provide access to PHI in accordance with 45 CFR §164.524 within 30 days of a request;
 6. Make any amendment(s) to PHI in a designated record set as directed by Covered Entity, or take other measures necessary to satisfy Covered Entity's obligations under 45 CFR §164.526;
 7. Maintain and make available information required to provide an accounting of disclosures to Covered Entity or an individual who has a right to an accounting within 60 days and as necessary to satisfy Covered Entity's obligations under 45 CFR §164.528;
 8. To the extent that Business Associate is to carry out any of Covered Entity's obligations under the HIPAA Privacy Rule, Business Associate shall comply with the requirements of the Privacy Rule that apply to Covered Entity when it carries out that obligation;
 9. Make its internal practices, books, and records relating to the use and disclosure of PHI received from, or created or received by Business Associate on behalf of Covered Entity, available to the Secretary of the Department of Health and Human Services for purposes of determining Business Associate's compliance with HIPAA and the HITECH Act;
 10. Restrict the use or disclosure of PHI if Covered Entity notifies Business Associate of any restriction on the use or disclosure of PHI that Covered Entity has agreed to or is required to abide by under 45 CFR §164.522; and
 11. If Covered Entity is subject to the Red Flags Rule (found at 16 CFR §681.1 *et seq.*), Business Associate agrees to assist Covered Entity in complying with its Red Flags Rule obligations by: (a) implementing policies and procedures to detect relevant Red Flags (as defined under 16 C.F.R. §681.2); (b) taking all steps necessary to comply with the policies and procedures of Covered Entity's Identity Theft Prevention Program; (c) ensuring that any agent or third party who performs services on its behalf in connection with covered accounts of Covered Entity agrees to implement

reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft; and (d) alerting Covered Entity of any Red Flag incident (as defined by the Red Flag Rules) of which it becomes aware, the steps it has taken to mitigate any potential harm that may have occurred, and provide a report to Covered Entity of any threat of identity theft as a result of the incident.

C. Permitted Uses and Disclosures by Business Associate

The specific uses and disclosures of PHI that may be made by Business Associate on behalf of Covered Entity include uses or disclosures of PHI as permitted by HIPAA necessary to perform the services that Business Associate has been engaged to perform on behalf of Covered Entity.

D. Termination

1. Covered Entity may terminate this Agreement if Covered Entity determines that Business Associate has violated a material term of the Agreement.
2. If either party knows of a pattern of activity or practice of the other party that constitutes a material breach or violation of the other party's obligations under this Agreement, that party shall take reasonable steps to cure the breach or end the violation, as applicable, and, if such steps are unsuccessful, terminate the Agreement if feasible.
3. Upon termination of this Agreement for any reason, Business Associate shall return to Covered Entity or destroy all PHI received from Covered Entity, or created, maintained, or received by Business Associate on behalf of Covered Entity that Business Associate still maintains in any form. Business Associate shall retain no copies of the PHI. If return or destruction is infeasible, the protections of this Agreement will extend to such PHI.

Agreed to this _____ day of _____, 2017.

FirstWatch Solutions, Inc.

Spokane Fire Department

Signature: _____

Signature: _____

Title: _____

Title: _____

Date: _____

Date: _____

Schedule C: Acceptance Test Plan

Introduction

The purpose of the Acceptance Test Plan is to provide the customer with a tool to guide them through the verification process resulting in system acceptance. This document will walk through the most commonly used functionality of the product and provide an expected result for each "test" executed.

These tests assume that the data made available to FirstWatch contains the information necessary to provide the functionality to test. (An example would be if the underlying data available to FirstWatch does NOT contain patient destination for an ambulance call, then FirstWatch can not make it available for the user to view or test.

No.	Test	Expected Result	Pass = Y No Pass = N	Comments
1	Navigate to the FirstWatch Subscriber Site subscriber.firstwatch.net	FirstWatch Subscriber Site displays		
2	Enter a Username and Password provided to you by FirstWatch.	Successfully log into Status Page showing a quick-view of one or more triggers		
3	Launch your <u>All Calls Trigger</u>	New window opens showing the GraphIt Summary Page		
4	Check the Hide Min/Max Events box above the Actual Events Graph.	Shaded area (if present) along Actual Events line will disappear.		
5	Check the Hide Hourly Events box above the Actual Events Graph.	Bars along bottom axis will disappear		
6	Set Refresh Rate to 1 minute.	Page will reload every 1 minute. Prior to reloading a green "Reloading" bar will appear near the top left section of the page. Reset Refresh Rate to 20 minutes after page reloads so reloads to not interfere with ATP.		
7	Click <u>View Alert Configuration</u> link from the top right of the page.	Separate windows displays criteria for which this trigger will alert, or "This trigger is currently not configured for any alerts."		
8	Click the <u>Event List</u> link in the top of the page.	Page displays a line listing of events.		

9	Click a hyperlink field from one of the events in the line listing.	Page displays a drill-down of data related to incident/event selected.		
10	Click the <u>MapShot</u> link from the top of the page. MapShot link is only present for data sets that include geo-data.	Page displays a map with icons representing location of incidents/events. Thematic maps display shaded areas for data sets which include non-geo-specific data elements.		
11	Click the <u>Destination</u> link from the top of the page. (Only present for data sets which include patient transport destination data)	Page displays a line listing of events separated by transport destination.		
12	Click the <u>Analysis Tool</u> link from the top of the page.	Page displays interactive tool for retrospective analysis.		
13	Specify a Start Date/Time and Stop Date/Time of the last 7 to 10 days. (Default date range will include the last 7 days). Click GraphIt link.	After calculations are complete, trigger will display GraphIt summary for date/time range selected. (calculation time will increase as date/time range increases)		
14	Click <u>Event List</u> link	Page displays line listing of all events for date/time range selected.		
15	Click <u>MapShot</u> link	Page displays MapShot of all activity for date/time range selected.		
16	Click the <u>Go-Back to real-time</u> link.	Page returns to Event list view.		
17	Press the Log Out button on the top right corner of this trigger.	User will be logged out and redirected to FirstWatch Subscriber site.		
18	Press the Log Out button on the top right corner of the Trigger Status Page (1st page displayed after login)	User will be logged out and redirected to FirstWatch Subscriber site.		

Client Name	
Client Signature	
Acceptance	[]
Conditional Acceptance	[]
Rejected	[]
If Conditional or Rejected please specify reason(s) in detail:	

When completed, please fax this form to FirstWatch at 760-942-8329.

Briefing on Fire Department Items for Public Safety Committee Meeting

July 17, 2017

Upcoming Council Agenda Items

Sole Source and Purchase of FirstWatch Program

The Combined Communication Center (CCC) Board has approved and directed the purchase of a software solution for integrating a myriad number of different data sources (Computer Aided Dispatch [CAD], Records Management Systems [RMS], Phones, Electronic Patient Care Records [ePCR], and live Dispatch Data) to measure outcomes, performance, and clinical key performance indicators in real time. This project is also designed to develop a seamless connection to our and the 14 other fire agencies' electronic patient care record systems to monitor and improve emergency medical dispatching quality and resulting patient outcomes. The cost for the entire system, components and installation is expected to be \$205,000 and will be paid for through already budgeted capital funding of the Combined Communications Center.

Informational Items

Ride to Care Program

Update Attached

Drone

The Fire Department has officially launched its drone program. We have been awarded a Certificate of Authority (COA) issued by the Federal Aviation Administration (FAA) that allows us as government agency to operate unmanned aerial systems. We have ten pilots that have been through the FAA Part 107 pilot training which allows them to pilot the devices in a multitude of situations and airspace. The SFD owns three small Mavic Pro Drones (pictured below) that have a 4K Camera that transmits a live feed to an incident commander and pilot. These devices and the pilot's equipment are carried with the pilot on his or her fire apparatus when on-duty.



We are currently out to bid for the purchase of a Matrice 310 commercial drone that has the capability for thermal imaging, collision avoidance, and a much larger payload for delivering floatation devices or hazardous materials monitors. This device is being purchased primarily for the Special Operations Teams (Water/HazMat/Tech Rescue) and will be carried on a Battalion Chief vehicle as daily equipment.



The Drone Program has been utilized most recently on the Rutter Parkway wildland fire, a cause/origin investigation of a second alarm fire on Sprague, and on training incidents where overhead monitoring proved its value. You can see some of the footage by linking to the URLs here: <https://goo.gl/csuiN7>

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

08/14/2017

Date Rec'd

8/2/2017

Clerk's File #

RES 2017-0071

Renews #**Cross Ref #****Project #****Bid #****Requisition #****Submitting Dept**

CITY COUNCIL

Contact Name/Phone

AMBER WALDREF 6275

Contact E-Mail

AWALDREF@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Agenda Item Name

0320 - COUNCIL RULES AMENDMENT CONCERNING STANDING COMMITTEES

Agenda Wording

A resolution amending the City Council rules of procedure to amend the Council's standing committees.

Summary (Background)

As a result of the City's strategic planning process, the Council's standing committees are to be re-configured so that they are in alignment with the resulting strategic plan.

Fiscal Impact

Neutral \$

Select \$

Select \$

Select \$

Budget Account

#

#

#

#

Approvals**Dept Head**

MCDANIEL, ADAM

Division Director**Finance**

ORLOB, KIMBERLY

Legal

PICCOLO, MIKE

For the Mayor

DUNIVANT, TIMOTHY

Additional Approvals**Purchasing****Council Notifications****Study Session**

various re: strategic plan

Other**Distribution List**

RESOLUTION NO. 2017-0071

A Resolution amending the City Council rules of procedure's standing committee provisions.

WHEREAS, the City Council's Rules of Procedure establishes standing committees, which are reconfigured from time to time; and

WHEREAS, the City Council and Administration have established a strategic plan; and

WHEREAS, the City Council desires to amend its Rules of Procedure so that the Council's standing committees' areas of focus are in alignment with the focus areas established in the strategic plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council amends Rule 9 of its Rules of Procedure as follows to amend the standing committees for the conduct of efficient and effective Council business:

RULE 9 – COMMITTEES

Rule 9.1 STANDING COMMITTEES

9.1.1 There shall be four (4) standing committees, as follows:

- A. Public Safety and Community Health;
- B. Finance and Administration;
- C. Planning, Placemaking and Urban Development;
- E. Public Infrastructure, Environment and Sustainability.

9.1.2 Committee membership shall be comprised of a minimum of one (1) council member from each council district, and additional members as desired. Standing committees composed of more than three (3) Council members shall be noticed as meetings of the Council where no legislative action shall occur.

9.1.3 The Council President may chair a maximum of two (2) standing committees, as determined in his or her sole discretion. All other committees shall select by majority vote the chair and vice-chair for each committee. No council member shall chair more than two (2) standing committees at one time.

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

Rule 9.2 AD HOC COMMITTEES

Ad hoc committees with specified functions may be established for a designated term by motion of the Council. Unless already determined by the Council, such matters as appointment process, the qualification for membership, the number of members, and time for report of a committee shall be determined by the committee.

Rule 9.3 ORIGIN AND REFERRAL

9.3.1 Each ordinance or formal resolution must be presented in the committee designated by the sponsor of the item under Rule 7.1.3 (Committee of Origin) before it may be filed for first reading.

9.3.2 By declaration of the Chair (subject to appeal) or by motion of the Council, any matter before the Council may be referred to a committee, except that no committee shall investigate the facts of, nor shall any member or members of the Council take independent action on, any pending or contemplated adjudicated matters.

Rule 9.4 REPORT

9.4.1 A committee shall advise the Council that it is ready to report by making such announcement at a briefing session, at which time the Council may decide on what agenda the matter shall be placed, or by filing the report with the Clerk for placement on an agenda in coordination with the Council President and Mayor as any other agenda item.

9.4.2 A report of a committee recommending that the Council take specific action shall be in writing and, except in emergencies, in the manner of a formal resolution. Such pre-filing may substitute for full reading. Any committee member disagreeing with any part of the committee's report shall be given the opportunity to express his or her disagreement, orally or in writing, prior to Council action on the matter. If it be moved and seconded that the minority report be adopted, that motion shall be voted on before a motion to adopt the committee report.

Rule 9.5 INTER-GOVERNMENTAL COMMITTEES AND BOARDS

Unless governed by other regulations, statutes, or ordinances, appointment of full slate of Council members to inter-governmental committees or boards shall be made by the Council President to be confirmed by a majority of the City Council. All appointments shall be made consistent with the governmental documents creating the inter-governmental committee.

Rule 9.6 STANDING COMMITTEE MEETINGS

One of the functions of standing committee meetings is to provide the city administration and city staff an opportunity to update members of the committee regarding department programs, plans, and other administrative activities and future City Council administrative and legislative agenda items. Another function of the standing committees is to dedicate time to discussing strategic initiatives with the city administration and measuring progress of these initiatives.

All standing committees shall be open to the public except when the committee adjourns into executive session. No public testimony will be taken during standing committee meetings. Participation in a standing committee meeting shall be limited to standing committee members, appropriate staff and other individuals recognized by the committee. Participation by Council Members, including deliberation and voting, shall be open to all Council members when the standing committee is meeting as a committee of the whole and as a special Council meeting. Participation by Council members in a standing committee that is not a committee of the whole shall be limited to just the appointed Council members.

Upon motion of the City Council, a standing committee meeting may be conducted as a meeting of the full City Council, in which case, a special meeting notice shall be issued and the meeting shall be conducted in a study session format.

Adopted by the City Council this ____ day of _____, 2017.

City Clerk

Approved as to form:

Assistant City Attorney



Agenda Sheet for City Council Meeting of:
07/31/2017

<u>Date Rec'd</u>	7/18/2017
<u>Clerk's File #</u>	ORD C35532
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	NEIGHBORHOOD & BUSINESS SERVICES
<u>Contact Name/Phone</u>	JONATHAN 625-6734 MALLAHAN
<u>Contact E-Mail</u>	JMALLAHAN@SPOKANECITY.ORG
<u>Agenda Item Type</u>	First Reading Ordinance
<u>Agenda Item Name</u>	ORDINANCE ADOPTING SSB 5356 INTO SMC 01.05.210 FOR HUMANE TREATMENT OF DOGS

Agenda Wording

An ordinance relating to the humane treatment of dogs adding a new section to Chapter 10.24A and amending SMC 01.05.210.

Summary (Background)

The Washington State Legislature earlier this year passed Substitute Senate Bill 5356 which pertains to the humane treatment of dogs. SSB 5356 sets forth safety requirements for tethering dogs. If an individual is found to be in violation of the requirements a correctional warning is issued to the dog owner. A second violation is a class 2 civil infraction and a third or subsequent violation is a class on1 civil infraction. SCRAPS would like the City to adopt the requirements set forth in SSB 5356 into the Spokane Municipal Code.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	CORTRIGHT, CARLY	<u>Study Session</u>	
<u>Division Director</u>	MALLAHAN, JONATHAN	<u>Other</u>	Public Safety - 7/17/17
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	nhill@spokanecounty.org	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	tszambelan@spokanecity.org	
<u>Additional Approvals</u>		jmallahan@spokanecity.org	
<u>Purchasing</u>			

ORDINANCE NO. C35532

An ordinance relating to the humane treatment of dogs adding a new section to Chapter 10.24A.and amending SMC 01.05.210.

WHEREAS, the proper tethering of dogs will help ensure the safety and treatment of dogs.

The City of Spokane does ordain:

Section 1. That there is adopted a new section to SMC 10.24A.150 Dog Tether Safety Standards to read as follows:

- A. Any dog that is restrained outside by a tether must only be restrained for a period of time that is not reckless and in compliance with this section.
 - 1. The dog shall not be tethered in a manner that results, or could reasonably result, in the dog becoming frequently entangled on the restraint or another object.
 - 2. If there are multiple dogs tethered, each dog must be on a separate tether and not secured to the same fixed point.
 - 3. The tether must allow the dog to sit, lie down, and stand comfortably without the restraint becoming taut and allow the dog a range of movement.
 - 4. A dog shall not be tethered if it is ill, suffering from a debilitating disease, injured, in distress, in the advanced stages of pregnancy, or under six months of age.

5. A tethered dog must have access to clean water and necessary shelter that is safe and protective while tethered. The shelter and water vessel must be constructed or attached in such a way that the dog cannot knock over the shelter or water vessel.
 6. A dog shall not be tethered in a manner that results in the dog being left in unsafe or unsanitary conditions or that forces the dog to stand, sit, or lie down in its own excrement or urine.
 7. A dog shall not be tethered by means of a choke, pinch, slip, halter, or prong-type collar, or by any means other than with a properly fitted buckle-type collar or harness that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing.
 8. The weight of the tether shall not unreasonably inhibit the free movement of the dog within the area allowed by the length of the tether.
 9. The dog shall not be tethered in a manner that causes the dog injury or pain.
- B. The provisions of subsection (A)(1) through (4) of this section do not apply to a dog that is:
1. Tethered while it is receiving medical care or treatment under the supervision of a licensed veterinarian or is being groomed;
 2. Participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined
 3. Being kept temporarily at a camping or recreation area;
 4. Being cared for temporarily after having been picked up as a stray or as part of a rescue operation;

5. Being transported in a motor vehicle or temporarily restrained or tied after being unloaded from a motor vehicle;
 6. Being trained or used by a federal, state, or local law enforcement agency or military or national guard unit; or
 7. In the physical presence of the person who owns, keeps, or controls the dog.
- C. Each incident involving a violation of this section is a separate offense. A person who violates this section is subject to the following penalties:
1. A first offense shall result in a correction warning being issued requiring the offense to be corrected by the person who owns, keeps, or controls the dog within seven days after the date of the warning being issued in lieu of an infraction unless the offense poses an imminent risk to the health or safety of the dog or the dog has been injured as a result of the offense.
 2. A second offense is a class 2 civil infraction.
 3. A third or subsequent offense is a class 1 civil infraction.

Section 2. That SMC 01.05.210 is amended to read as follows:

SMC 1.05.210		
Penalty Schedule - Personal Conduct		
Infraction	Violation Class	
IFC 307.1	Open Burning	1
SMC 10.03.100	Offenses Relating to Safety and Sanitation	4
SMC 10.03.110	Allow Animal in Riverfront Park or Special Permitted Event Area when Banned	3
SMC 10.08.010	Deposit of Tobacco Product Capable of Being Lit	\$500
SMC 10.08.010	Littering, Unlawful Disposal of Rubbish	1

SMC 10.08D.080		
SMC 10.08D.090(C)		
SMC 10.08D.120 – First violation within a one year period	Noise Control	2
SMC 10.08.055	Purchase, Possession of Tobacco by Minor	3
SMC 10.08.100		
SMC 10.08.120	Homeless Encampment	1
SMC 10.08.140(B-D)		
SMC 10.08.246	Liquor Purchase by Apparently Intoxicated Person	\$500
SMC 10.08A.040(D)	Failure to Respond – Chronic Nuisance	1
SMC 10.10.040		
SMC 12.06.050 – SMC 12.06.080	Offending Peace and Order in Public Park	1
SMC 10.11.042	Not Having or Displaying Concealed Pistol License	1
SMC 10.15.115	Selling or Giving Drug Paraphernalia	1
SMC 10.15.220	Open Possession/Consumption of Marijuana, Usable Marijuana or Marijuana-Infused Products	3
SMC 10.17.030	Helmet Safety – Failure to Wear Approved Helmet	4
SMC 10.17.040	Helmet Safety – Failure to Require Wearing of Approved Helmets at Special Events	4
SMC 10.17.050	Helmet Safety – Failure to Rent, Lease, or Loan Approved Helmet	4
SMC 10.17.060	Helmet Safety – Failure to Sell or Offer to Sell Approved Helmet	4
SMC 10.24.060	Property Damage by Animal	3
SMC 10.24A140	Animal Safety – Animal Left in Vehicle or Enclosed Space	2
<u>SMC 10.24A.150</u>	<u>Dog Tether Safety</u>	<u>2</u>
SMC 10.33A.055	Sell, Use, Discharge Fireworks	1
SMC 12.02.910	No Tree Permit; Destroy, Injure Street Tree, or Other	1
SMC 12.02.914	Violations	
SMC 17F.100.050	Disposal of Liquid Waste in Unapproved Place or Manner	1
SMC 17G.050.050	Ex Parte Contact with Adjudicative Officer	2
SMC 18.01.040	Reprisal or Retaliation	1
Ch. 18.02	Nondiscrimination in Employment Practices	1
Ch. 18.03	Nondiscrimination in Housing Practices	1

PASSED by the City Council on _____.

Council President

Attest:

City Clerk

Mayor

Approved as to form:

Assistant City Attorney

Date

Effective Date



Agenda Sheet for City Council Meeting of:
07/31/2017

Date Rec'd	7/18/2017
Clerk's File #	ORD C35534
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	ACCOUNTING
Contact Name/Phone	KIM BUSTOS X6034
Contact E-Mail	KBUSTOS@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	5600-PETTY CASH ORDINANCE

Agenda Wording

An ordinance relating to petty cash/imprest accounts, amending SMC sections 07.03.150 and 07.03.200.

Summary (Background)

A proposed increase of \$9,000 for the Accounting Department NSF Check bank account and an increase of \$5,000 for the Police Department Advance Travel bank account as follows: NSF Checks. Checks written to the City by various customers are often returned unpaid. Additional funds are needed to ensure there are enough monies to process all unpaid amounts. Advance Travel. The Police Dept processes numerous payments to employees for per diem so additional funds are needed.

<u>Fiscal Impact</u>	<u>Budget Account</u>
Neutral \$ \$9,000	# 5600-99999-99999-11450-99999
Neutral \$ \$5,000	# 0100-99999-99999-11320-99999
Select \$	#
Select \$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	BUSTOS, KIM	<u>Study Session</u>	07/17/17 Finance
<u>Division Director</u>	DUNIVANT, TIMOTHY	<u>Other</u>	
<u>Finance</u>	DAVIS, LEONARD	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT		
<u>For the Mayor</u>	DUNIVANT, TIMOTHY		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

BRIEFING PAPER
Finance Committee
Petty Cash Ordinance
July 17, 2017

Subject

Proposed change to SMC 07.03 imprest funds.

Background

The proposed housekeeping change will raise the limit for processing checks returned for nonsufficient funds from \$11,000 to \$20,000. During 2017, there have been 155 returned checks averaging \$379.64. However, several departments have returned checks averaging \$2,000-\$4,000, often with several checks in process at the same time.

Row Labels	Count of Amount	Average of Amount	Sum of Amount
BID	1	\$988.07	\$988.07
BUILDING	7	\$2,334.78	\$16,343.44
CHHS	1	\$100.00	\$100.00
GOLF	1	\$3,400.00	\$3,400.00
MUNI COURT	15	\$42.80	\$642.00
PARKING VIOLATIONS	2	\$37.50	\$75.00
PLANNING	1	\$4,131.00	\$4,131.00
SOLID WASTE	1	\$42.28	\$42.28
SOLID WASTE DISPOSAL	2	\$86.48	\$172.95
TAXES & LICENSES	1	\$744.70	\$744.70
UTILITIES	123	\$261.82	\$32,204.47
Grand Total	155	\$379.64	\$58,843.91

The advanced travel account for the Police Department necessitates an increase of \$5,000 to \$20,000.

Impact

The increase to these petty cash accounts does not have a financial impact on the city.

Action

Approval of ordinance is recommended.

Funding

There is no funding impact.

ORDINANCE NO. C35534

An ordinance relating to imprest accounts, amending SMC sections 07.03.150 and 07.03.200.

The City of Spokane does ordain:

Section That SMC section 07.03.150 is amended to read as follows:

07.03.150 Police Department - Administration

- A. There is established in the police department an administration imprest fund in an amount not to exceed one thousand five hundred dollars.
- B. There is established in the police department a travel expense cash advance fund in the amount of ((fifteen)) twenty thousand dollars to be used for making cash advance payments for travel expenses of police officers and employees on official business. The fund is kept on deposit in a local bank.

Section That SMC section 07.03.200 is amended to read as follows:

07.03.200 Accounting Department

- A. There is established in the accounting department an imprest cash fund in an amount not to exceed one thousand dollars for use in making small cash purchases and other small miscellaneous payments.
- B. There is established in the accounting department an imprest fund in an amount not to exceed ((eleven)) twenty thousand dollars for use in the processing of nonsufficient funds checks returned to the City.
- C. There is established in the accounting department an imprest fund in an amount not to exceed seven thousand dollars to be used for advance payments of travel expenses for City officers and employees on official business (excluding Police/Fire).

Passed by the City Council on _____.

Council President

Attest:

City Clerk

Mayor

Approved as to form:

Assistant City Attorney

Date

Effective Date

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

08/14/2017

Date Rec'd

8/1/2017

Clerk's File #

ORD C35535

Renews #**Submitting Dept**

PLANNING

Cross Ref #**Contact Name/Phone**

NATHAN GWIN 625-6893

Project #**Contact E-Mail**

NGWINN@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0650 - ORDINANCE - COMMERCIAL STRUCTURES

Agenda Wording

An ordinance relating to expansion of the area in residential zones where existing neighborhood structures may establish an approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020 and 17C.370.030.

Summary (Background)

The proposal would expand an area where existing neighborhood commercial structures may be reused for low-impact neighborhood scale and neighborhood serving businesses and multi-family uses and include new procedures and specifications for buildings. An existing pilot code limits this option to locations in West Central Spokane (Spokane Municipal Code Chapter 17C.370).

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

KEY, LISA

Study Session

7/27/17

Division Director

KEY, LISA

Other**Finance**

HUGHES, MICHELLE

Distribution List**Legal**

RICHMAN, JAMES

Engineering Admin

For the Mayor

DUNIVANT, TIMOTHY

sbishop@spokanecity.org

Additional Approvals

tblack@spokanecity.org

Purchasing

sharshman@spokanecity.org

kfreibott@spokanecity.org

lmeuler@spokanecity.org

tpalmquist@spokanecity.org

COVER SHEET
ORDINANCE DRAFT VERSION 1

**DRAFT ORDINANCE RECOMMENDED BY CITY PLAN COMMISSION,
AS AMENDED AFTER PUBLIC HEARING 6-14-2017**

Development Code Amendment to Spokane Municipal Code Chapter 17C.370,
Existing Neighborhood Commercial Structures in Residential Zones

ORDINANCE NO. _____

AN ORDINANCE relating to expansion of the area shown in Spokane Municipal Code Map 17C.370-M1, into additional areas in residential zones, where existing neighborhood commercial structures may restore a discontinued or other approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030.

The City of Spokane does ordain:

Section 1. That SMC section 17C.370.010 is amended to read as follows:

17C.370.010 Purpose

The purpose of this chapter is to allow existing neighborhood commercial structures that once housed a legal neighborhood commercial use to be reused for low impact neighborhood scale and neighborhood serving businesses. The neighborhood commercial structure must have been in existence at the time of the adoption of this chapter. Several examples exist of structures that once housed neighborhood serving businesses, which are now vacant, underutilized or are in disrepair. When ~~((located on arterial streets, or when listed on the Spokane Register of Historic Places, and when))~~ meeting the code standards of this chapter, these neighborhood commercial structures are allowed to be re-occupied with neighborhood scaled services. This chapter is not intended to provide an alternative review process for conversion of public and semi-public facilities under SMC 17C.320.060.

Section 2. That SMC section 17C.370.020 is amended to read as follows:

17C.370.020 Applicability

The provisions of this chapter apply only to those existing structures where it can be documented that they once contained a legal non-residential use and where these structures are now located in a residential zone ~~((and located on a parcel with frontage on an arterial street as classified on the official City Arterial Street Map))~~. The provisions of this chapter apply only to the ~~((area shown on Map 17C.370-M1))~~ RA, RSF, RTF, RMF, and RHD zones.

Section 3. That SMC section 17C.370.030 is amended to read as follows:

17C.370.030 Procedure

A. Planning Director Administrative or Hearing Examiner Decision.

1. Establishing a ~~((non-residential))~~ use under this chapter in an eligible structure requires following the same application and posting process as a Type II or III Conditional Use Process as provided in chapter 17G.060

SMC. A Type III application is required for projects whose structure size or expansion exceeds a ground floor area of three thousand square feet, including building additions. For projects that do not exceed this threshold, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.

2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.
- B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.
 - C. A predevelopment meeting as provided in SMC 17G.060.040 is required before an application may be submitted.
 - D. Decision criteria ~~((is))~~ are found in SMC 17G.060.170 and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.
 - E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.
 1. Uses Not Allowed.
Sale or leasing of:
 - a. motorized consumer vehicles,
 - b. fire arms,
 - c. weapons,

d. ~~((medical))~~ marijuana.

2. Uses Allowed:

- a. Office uses found in SMC 17C.190.250;
- b. Retail sales and service uses found in SMC 17C.190.270; and
- c. Uses allowed within the RMF zone found in SMC 17C.110.100.

F. Development and operation standards in addition to the base zone:

1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of chapter 17C.190 SMC, which may be converted under SMC 17C.320.060.
2. ~~((The site must have frontage on a designated arterial (principal, minor, or collector) street as shown on SMC 12.08.040 Official Arterial Street Map, or the building must be listed on the Spokane Register of Historic Places at the time of application.))~~ Reserved.
3. The site must be located within ~~((an eligible area as shown on Map 17C.370 M1))~~ the RA, RSF, RTF, RMF, or RHD zones.
4. The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area ~~((at the time of this chapter's date of adoption))~~ existing on July 26, 2012. Any expansion of existing structures is subject to the current applicable development standards.
5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in chapter 17C.230 SMC Parking and Loading, with the following exception: ~~((for a Neighborhood Retail Zone (NR). Exceptions to the required parking and loading include:~~
 - ~~a. On street parking that is immediately adjacent to the frontage(s) of the site shall count toward the minimum parking required.~~
 - ~~b.))~~ The minimum parking required for this section is the amount specified in chapter 17C.230 SMC Parking and Loading minus the first five parking spaces. (Example: If the minimum parking required as determined in chapter 17C.230 SMC Parking and Loading is calculated at five spaces then the required parking is five minus five equals zero.)

6. Business operation hours shall be determined by the hearing examiner or director. Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.
 7. Drive through facilities are prohibited.
 8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.
 9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.
 10. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.
 11. The signage standards for the CC4 zones shall apply. Temporary outdoor signage is prohibited except that one sandwich board sign is permitted. If the sandwich board sign is erected in the public right-of-way it must be consistent with SMC 17C.240.240.
- G. If the hearing examiner or planning director determines that proposed use is appropriate for the site, the hearing examiner or director may attach additional conditions to the decision that may include items such as:
1. Building and property improvements that must be completed prior to issuance of a certificate of occupancy.
 2. Conditions needed to mitigate off-site impacts consistent with SMC 17C.220 Off-Site Impacts.
 3. Specific conditions under which the use may operate.
- H. Appeals ~~((of the Planning Director Administrative Determination))~~.
The decisions of the planning director may be appealed to the hearing examiner as provided for in SMC 17G.060.210 and follow an appeal process consistent with a Type II Conditional Use Permit application. The decisions of the hearing examiner may be appealed to superior court as provided for in SMC 17G.060.210.

Section 2. That Map 17C.370-M1, Neighborhood Commercial Structures in Retail Zones, is deleted.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

COVER SHEET
ORDINANCE DRAFT VERSION 2

PLANNING AND DEVELOPMENT DEPARTMENT STAFF PROPOSED CHANGES

Development Code Amendment to Spokane Municipal Code Chapter 17C.370,
Existing Neighborhood Commercial Structures in Residential Zones

1. Changes to Plan Commission recommendation proposed by staff:

	Reference
<ul style="list-style-type: none">• Change description from restoring a discontinued use to establishing an approved commercial use	Ordinance Title
<ul style="list-style-type: none">• Uses in structures 3,000 square feet or larger require a public hearing and decision by hearing examiner (Type III application)	17C.370.030 (A)(1)
<ul style="list-style-type: none">• No expansions to structures larger than 5,000 square feet	17C.370.030 (F)(4)
<ul style="list-style-type: none">• If expanding or providing additional parking, L2 screening required	17C.370.030 (F)(4)

2. Change to Plan Commission recommendation by Council President Stuckart, who sponsored the proposal:

<ul style="list-style-type: none">• Reinstate the Neighborhood Retail Zone parking minimum, which has no minimum parking requirement for structures less than 3,000 square feet, and reduced parking for structures 5,000 square feet or less, under SMC 17C.230.130 (B)	17C.370.030 (F)(5)
--	--------------------

ORDINANCE NO. _____

AN ORDINANCE relating to expansion of the area shown in Spokane Municipal Code Map 17C.370-M1, into additional areas in residential zones, where existing neighborhood commercial structures may **establish an** approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030.

The City of Spokane does ordain:

Section 1. That SMC section 17C.370.010 is amended to read as follows:

17C.370.010 Purpose

The purpose of this chapter is to allow existing neighborhood commercial structures that once housed a legal neighborhood commercial use to be reused for low impact neighborhood scale and neighborhood serving businesses. The neighborhood commercial structure must have been in existence at the time of the adoption of this chapter. Several examples exist of structures that once housed neighborhood serving businesses, which are now vacant, underutilized or are in disrepair. When ~~((located on arterial streets, or when listed on the Spokane Register of Historic Places, and when))~~ meeting the code standards of this chapter, these neighborhood commercial structures are allowed to be re-occupied with neighborhood scaled services. This chapter is not intended to provide an alternative review process for conversion of public and semi-public facilities under SMC 17C.320.060.

Section 2. That SMC section 17C.370.020 is amended to read as follows:

17C.370.020 Applicability

The provisions of this chapter apply only to those existing structures where it can be documented that they once contained a legal non-residential use and where these structures are now located in a residential zone ~~((and located on a parcel with frontage on an arterial street as classified on the official City Arterial Street Map))~~. The provisions of this chapter apply only to the ~~((area shown on Map 17C.370-M1))~~ RA, RSF, RTE, RMF, and RHD zones.

Section 3. That SMC section 17C.370.030 is amended to read as follows:

17C.370.030 Procedure

A. Planning Director Administrative or Hearing Examiner Decision.

1. Establishing a ~~((non-residential))~~ use under this chapter in an eligible structure requires following the same application and posting process as a Type II or III Conditional Use Process as provided in chapter 17G.060

SMC. A Type III application is required for projects **that have a floor area of three thousand square feet or more**, including building additions. For projects that do not exceed this threshold, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.

2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.
- B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.
- C. A predevelopment meeting as provided in SMC 17G.060.040 is required before an application may be submitted.
- D. Decision criteria ~~((is))~~ are found in SMC 17G.060.170 and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.
- E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.
 1. Uses Not Allowed.
Sale or leasing of:
 - a. motorized consumer vehicles,
 - b. fire arms,
 - c. weapons,

d. ~~((medical))~~ marijuana.

2. Uses Allowed:

- a. Office uses found in SMC 17C.190.250;
- b. Retail sales and service uses found in SMC 17C.190.270; and
- c. Uses allowed within the RMF zone found in SMC 17C.110.100.

F. Development and operation standards in addition to the base zone:

- 1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of chapter 17C.190 SMC, which may be converted under SMC 17C.320.060.
- 2. ~~((The site must have frontage on a designated arterial (principal, minor, or collector) street as shown on SMC 12.08.040 Official Arterial Street Map, or the building must be listed on the Spokane Register of Historic Places at the time of application.))~~ Reserved.
- 3. The site must be located within ~~((an eligible area as shown on Map 17C.370-M1))~~ the RA, RSF, RTF, RMF, or RHD zones.
- 4. The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area ~~((at the time of this chapter's date of adoption))~~ existing on July 26, 2012. Any expansion of existing structures is subject to the current applicable development standards, **except structures larger than five thousand square feet shall not be expanded. A planting of L2 see-through buffer as described by SMC 17C.200.030 shall be required for any structural expansion or provision of additional off-street parking.**
- 5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in chapter 17C.230 SMC Parking and Loading **for a Neighborhood Retail Zone (NR).** ~~((Exceptions to the required parking and loading include:~~
 - a. ~~On-street parking that is immediately adjacent to the frontage(s) of the site shall count toward the minimum parking required.~~
 - b. **The minimum parking required for this section is the amount specified in chapter 17C.230 SMC Parking and Loading minus the first five parking spaces. (Example: If the minimum parking required as determined in chapter 17C.230 SMC Parking and**~~))~~

~~Loading is calculated at five spaces then the required parking is five minus five equals zero.))~~

6. Business operation hours shall be determined by the hearing examiner or director. Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.
 7. Drive through facilities are prohibited.
 8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.
 9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.
 10. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.
 11. The signage standards for the CC4 zones shall apply. Temporary outdoor signage is prohibited except that one sandwich board sign is permitted. If the sandwich board sign is erected in the public right-of-way it must be consistent with SMC 17C.240.240.
- G. If the hearing examiner or planning director determines that proposed use is appropriate for the site, the hearing examiner or director may attach additional conditions to the decision that may include items such as:
1. Building and property improvements that must be completed prior to issuance of a certificate of occupancy.
 2. Conditions needed to mitigate off-site impacts consistent with SMC 17C.220 Off-Site Impacts.
 3. Specific conditions under which the use may operate.
- H. Appeals ~~((of the Planning Director Administrative Determination))~~.
The decisions of the planning director may be appealed to the hearing examiner as provided for in SMC 17G.060.210 and follow an appeal process consistent with a Type II Conditional Use Permit application. The decisions of the hearing examiner may be appealed to superior court as provided for in SMC 17G.060.210.

Section 2. That Map 17C.370-M1, Neighborhood Commercial Structures in Retail Zones, is deleted.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

BRIEFING PAPER

City of Spokane

Planning & Development

August 1, 2017

Subject

This proposal is an ordinance that would expand the area in Spokane where existing neighborhood commercial structures in residential zones may be restored to re-establish a commercial use, or change into a small multi-family building or office.

Background

The City's [Comprehensive Plan](#) encourages regulations that are appropriate for historic neighborhoods and nurture economic activity (DP4.8, ED7). In 2012, the City of Spokane adopted regulations in [SMC chapter 17C.370](#) to allow commercial, office, and multi-family uses to be established in former commercial structures in residential zones within the West Central Neighborhood Council area boundary. The structures must be either registered historic structures or located on a site with frontage on an arterial street.

Proposed changes to regulations could extend potential benefits from renewed maintenance and investment to older, neighborhood-scale buildings and their surroundings outside of the West Central neighborhood. Other changes proposed will require a public hearing and Hearing Examiner approval for structures with a ground floor area of 3,000 square feet or more. City staff identified approximately 94 potentially eligible existing structures citywide (including those currently in commercial use through an existing conditional use permit). 54 of these structures are located on sites with frontage on a designated arterial. Staff initially proposed to maintain the limit on arterial locations, and remove registered historic structures, as a more incremental change than locations citywide, regardless of frontage on an arterial.

Impact

Potentially eligible sites are previously developed commercial structures. At the time an application is made for a project permit under the Development Code, the applicant would provide public notice to neighboring property owners, occupants, and taxpayers, as well as the impacted neighborhood council. The Planning Director or Hearing Examiner would review impacts to public facilities and infrastructure, and potential negative impacts on the residential character of the area, and mitigation of those impacts may be required via the conditions of project approval.

Recommendation

On June 14, 2017, by a vote of 8-0, the Plan Commission recommended approval with the amendment to add sites that do not have frontage on designated arterials citywide. This increased the number of potential sites by approximately 40 known properties.

If the City Council adopts the Plan Commission recommendation, staff recommends the changes summarized on the [cover sheet](#) for version 2 of the draft ordinance, to change the ordinance title description, require a public hearing review for uses in structures 3,000 square feet or larger, limit structural expansions to 5,000 square feet, reinstate the Neighborhood Retail Zone parking standard, and remove the exception to subtract five required parking spaces.

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Text Amendment to Spokane Municipal Code Chapter 17C.370, Existing
Neighborhood Commercial Structures in Residential Zones

A recommendation from the City Plan Commission to the City Council to APPROVE proposed amendments to the Unified Development Code. The proposal amends Spokane Municipal Code (SMC) Title 17C Land Use Standards, by making revisions to Chapter 17C.370, Existing Neighborhood Commercial Structures in Residential Zones.

Findings of Fact:

- A.** The City of Spokane's Comprehensive Plan acknowledges the desirability of neighborhood businesses that provide nearby residents with access to goods and services. The Plan also recognizes that, if sized appropriately, the transportation and parking impacts of neighborhood businesses may be minimized.
- B.** City of Spokane Comprehensive Plan, Urban Design and Historic Preservation Chapter, Goal DP4, Preservation states: *Preserve and protect Spokane's significant historic structures, neighborhoods, and sites.* Policy DP 4.8 Zoning Provisions and Building Regulations states: *Utilize the existing and develop new zoning provisions, building regulations, and design standards that are appropriate for historic properties, sites, districts, and neighborhoods.*
- C.** City of Spokane Comprehensive Plan, Economic Development Chapter, Goal ED7, Regulatory Environment and Tax Structure states: *Create a regulatory environment and tax structure that encourage investment, nurture economic activity, and promote a good business climate.* Policy ED 7.6, Development Standards and Permitting Process states: *Periodically evaluate and improve the City of Spokane's development standards and permitting process to ensure that they are equitable, cost-effective, timely, and meet community needs and goals.*
- D.** City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR2, Transportation Options states: *Provide a variety of transportation options, including walking, bicycling, taking the bus, car pooling, and driving private automobiles, to ensure that all citizens have viable travel options and reduce dependency on automobiles.* Policy TR 2.4, Parking Requirements states: *Develop and maintain parking requirements for vehicles that adequately meet the demand for parking yet discourages dependence on driving.*
- E.** City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR5, Neighborhood Protection states: *Protect neighborhoods from the impacts of the transportation system, including the impacts of increased and faster moving traffic.* Policy TR 5.7, Neighborhood Parking states: *Preserve neighborhood on-street parking for neighborhood residents.*
- F.** In 2012, the City adopted chapter 17C.370 SMC, which allows existing neighborhood commercial structures located within a residential zone to be reused for low-impact

neighborhood scale and neighborhood serving businesses. The provisions of chapter 17C.370 SMC are limited to the West Central neighborhood.

- G. Since its adoption, the City has not received any applications for a change of use under chapter 17C.370 SMC. The City has received interest, however, in expanding application of the chapter to the rest of the City's residential areas.
- H. Public open houses were held May 4, and May 9, 2017, at West Central and East Central community centers, seeking public feedback on the proposal to amend chapter 17C.370 SMC to extend its application beyond the West Central neighborhood to the rest of the City's residential areas. The City provided notice of the open house meetings by advertising on its website and via email notice to neighborhood councils and interested parties. In addition, approximately 2,000 post cards were mailed to property owners, property tax payers, business owners, and residents of real property located within 400 feet of known structures that may be eligible for a change in use under chapter 17C.370 if amended.
- I. Several written public comments received during and following the open houses included various concerns about potential on-street parking impacts to neighbors of existing neighborhood commercial structures in residential zones.
- J. On May 10, 2017, the Spokane City Plan Commission held a workshop to study the proposed amendment to chapter 17C.370 SMC.
- K. On May 12, 2017, pursuant to RCW 36.70A.106, the City notified the Washington State Department of Commerce of its intent to adopt proposed changes to chapter 17C.370 SMC. On May 16, 2017, the City received an acknowledgement letter from the Department of Commerce.
- L. On May 31, 2017, the City caused Notice of the proposed amendments to SMC chapter 17C.370 and announcement of the Plan Commission's June 14, 2017 hearing to be published in the Spokesman Review.
- M. On May 31, 2017, the responsible official issued a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance for the proposed amendments to SMC chapter 17C.370. The public comment period for the SEPA determination ended on June 14, 2017.
- N. On June 14, 2017, the City Plan Commission held a public hearing on the proposed amendments; deliberations followed.
- O. During deliberations, the Plan Commission considered the proposed text amendment using the criteria set forth in SMC 17G.025.010.
- P. The following modifications to the proposed text amendment were considered by the Plan Commission at its hearing on June 14, 2017:
 - 1. 17C.370.030 (A)(1) - Consolidate application process changes in this paragraph.
 - 2. 17C.370.030(F)(4) - Remove application process references and clarify that any structural expansion is limited by the current applicable development standards.

3. 17C.370.030(F)(5) - Remove reference to the parking standards of the Neighborhood Retail zone. Also, reinstate the exception that subtracts the first five parking spaces. This returns back to the original adopted language.
4. 17C.370.020: strike "and located on a parcel with frontage on an arterial as identified on the City's official Arterial Street Map.
5. 17C.370.030: strike paragraph (F)(2)

Q. The Plan Commission incorporated the following revisions to the proposed language of the text amendment in its recommendation to City Council, during deliberations at the June 14, 2017 hearing:

1. 17C.370.020: strike "and located on a parcel with frontage on an arterial as identified on the City's official Arterial Street Map.
2. 17C.370.030: strike paragraph (F)(2)
3. 17C.370.030(F)(5) - Remove reference to the parking standards of the Neighborhood Retail zone. Also, reinstate the exception that subtracts the first five parking spaces. This returns back to the original adopted language.
4. 17C.370.020: strike "and located on a parcel with frontage on an arterial as identified on the City's official Arterial Street Map.
5. 17C.370.030(F)(5) - Remove reference to the parking standards of the Neighborhood Retail zone. Also, reinstate the exception that subtracts the first five parking spaces. This returns back to the original adopted language.

Public Comment:

- A.** Sixteen written comments were received regarding the proposed amendments, 10 in favor, 4 neutral, and two in opposition.
- B.** During the hearing on June 14, the Plan Commission heard testimony from 3 individuals: Shaun Thompson Duffy, Ryan Kelly, and George Thomsen; all expressed support for the proposed amendments.
- C.** No other testimony was heard.

Conclusions:

- A.** Proposed changes to regulations WILL extend potential benefits from renewed maintenance and investment to older, neighborhood-scale buildings and their surroundings in areas of the city outside of the West Central neighborhood.
- B.** The provisions of the Development Code, including the exception to the minimum parking requirement under SMC 17C.370.030(F)(5), which subtracts the first five parking spaces, DO appropriately balance the concerns expressed in the written comments received regarding parking impacts.
- C.** With regard as to whether the proposed amendments meet the approval criteria of SMC 17G.025.010(F) for text amendments to the Development Code, the Plan Commission makes the following findings:
 1. The proposed amendments ARE consistent the applicable goals and policies of the City's Comprehensive Plan.
 2. The proposed amendments DO bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of 8 to 0, the Plan Commission recommends to the City Council the APPROVAL of the proposed amendments to the Unified Development Code, with changes as deliberated.

A handwritten signature in black ink, appearing to read 'D. Dellwo', is written over a horizontal line.

**Dennis Dellwo, President
Spokane Plan Commission
June 14, 2017**

PUBLIC OUTREACH SUMMARY

Development Code Amendment to Spokane Municipal Code Chapter 17C.370, Existing Neighborhood Commercial Structures in Residential Zones

- January 19, 2017 Presentation to Land Use Committee of the Community Assembly
- March 8, 2017 Plan Commission public workshop
- April 20, 2017 Presentation to Land Use Committee of the Community Assembly
- April 21-27, 2017 Postcards mailed to 2,071 neighboring parcel occupants, owners, and taxpayers to announce proposal and advertise open houses
- May 4, 2017 Open house - West Central Community Center
- Attended by 12 people
- May 9, 2017 Open house - East Central Community Center
- Attended by 18 people
- May 10, 2017 Plan Commission public workshop
- May 31, 2017 Newspaper notice of June 14 Plan Commission public hearing, and State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS)
- Notice and DNS to interested parties via email
- June 1, 2017 Presentation to Community Assembly to describe proposal
- June 14, 2017 Plan Commission public hearing
- June 29, 2017 SEPA Responsible Official issued Revised DNS
- Notice of Plan Commission's change to proposal and Revised DNS sent to interested parties via email
- July 6, 2017 Presentation to Community Assembly to describe proposed changes to include sites citywide, not only sites with frontage on arterials
- July 21, 2017 Postcards mailed to 3,140 additional neighboring parcel occupants, owners, and taxpayers not previously notified in April, to announce proposal and advertise August 3 open house
- July 27, 2017 City Council study session
- August 3, 2017 Open house scheduled at West Central Community Center



Existing Neighborhood Commercial Structures in Residential Zones Expansion

Communication Log

Date	Via	Name	Topic	Summary	Details
1/19/2017	Meeting	Community Assembly - Land Use Committee	Proposal	Initial feedback on proposal	The group suggested defining and targeting developers/consumers of former commercial structures. Concerns with potential for continued low investments in sites. Need to address quality and maintenance of properties rehabilitated under the proposal. (NG)
1/19/2017	Meeting	Community Assembly - Land Use Committee	Proposal	Continued feedback on proposal	Members of the committee expressed interest in including some sites that are located apart from arterial streets. A member also suggested a five-year time period for the pilot period, rather than two years, to allow additional time for obtaining financing. (NG)
4/21/2017	Email	Daniel Sanchez	Public Safety	Offenses by homeless population should be a priority	Enforce SMC 10.10 Offenses Against Peace and Order to address proliferation of homeless population before attending to the subject proposal. (NG)
4/25/2017	Phone	Mark Breithaupt	Scope	Question about scope	Asked whether this proposal would apply to this owner's triplex at 1117 W Shannon Ave. I explained the proposal only applied to non-residential structures. (NG)
4/25/2017	Phone	Debbie Rainey	Scope	Question about scope	Wanted to know which structures the proposal applies to and whether it would allow people to build behind homes. (NG)
4/27/2017	Phone	Douglas Horvath (owner of record)	Land Use	Wants rezone to build additional home	Caller said he owned a house at 616 N Cochran St and wanted to know how the proposal impacted him and whether he could build an additional home in the yard on the RSF property. I advised him to speak with a land-use attorney to inquire about rezone. (NG)
4/28/2017	Phone	Barbara Ingham	Scope	General questions	Curious whether there was interest in her neighborhood (Liberty & Nevada). Asked about what buildings the proposal would apply to; stated she was not concerned after learning about proposed limitations and scope. (NG)
5/3/2017	Phone	Jeanette Farrell	Scope	Against community services/group living in neighborhoods	Caller favored commercial uses in former commercial structures but did not think community services or group living facilities should be allowed. I explained that no such project was proposed and further notice to neighbors of any such project and opportunity for comment would occur. (NG)

City of Spokane - Planning Development

Date	Via	Name	Topic	Summary	Details
5/4/2017	Meeting	Open House	Parking Impacts	On-street parking difficulty	On-street parking at the Flying Goat has improved but is problematic with blocking driveways and requiring striping. Residential occupants and guests are forced to park in neighboring driveways or further away. (NG)
5/4/2017	Meeting	Open House	Target audience	Entrepreneurial groups	Target members of entrepreneurial groups and others who might be interested in a corner store location. (NG)
5/4/2017	Meeting	Open House	Land Use	Recreational marijuana	Would recreational marijuana be allowed at a site under the proposal? (No; State-licensed marijuana producers, processors, and retailers are only allowed in locations specified in SMC 17C.347.030). (NG)
5/4/2017	Comment Form	Melissa Mohr	Land Use, Parking	Support of proposal	Supports restoration of a former commercial building in her neighborhood. Parking impact has been minimal. More local businesses support bicycling for some trips. (NG)
5/4/2017	Email	Jim Frank	Scope	Less limits, restrictions	"The pilot program in West Central was far to limited and restrictive and has not worked well. I hope this new plan is more useful and less restrictive."
5/5/2017	Email	Ron Wells	Land Use	Support of proposal	Supports restoring historic neighborhood stores to low impact commercial uses. (NG)
5/8/2017	Email	Dwight Hume	Proposal	Support of proposal	Supports expansion of proposal to former zones and areas of the city. (NG)
5/8/2017	Email	Daniel Sanchez	Public Safety	Enforce Peace and Order ordinances as first priority	To improve the city, first enforce Spokane Municipal Code 10.10 Peace and Order ordinances for individuals who sleep on sidewalks, panhandle, camp under viaducts, etc. (NG)
5/8/2017	Phone	Jim Frank	Scope, Parking	Allow expansions and clarify parking requirements	Expansions should be allowed to neighboring vacant sites to create multiple commercial sites to create sufficient mass to draw neighbors to it and function successfully as retail. Also, no parking requirement for smaller buildings should be stated in this chapter. (NG)
5/9/2017	Comment Form	Diane Belyea	Parking Impacts		Please see written comment form attached.
5/9/2017	Comment Form	Melvin Paddock	Use		Please see written comment form attached.
5/9/2017	Comment Form	Ryan Kelly	Proposal		Please see written comment form attached.

City of Spokane - Planning Development

Date	Via	Name	Topic	Summary	Details
5/9/2017	Comment Form	Bonnie McInnis	Designation, location		Please see written comment form attached.
5/9/2017	Comment Form	Mariah McKay	Use		Please see written comment form attached.
5/9/2017	Comment Form	Lillie Sellers	Use		Please see written comment form attached.
5/9/2017	Comment Form	Helen Blyton	Incentives		Please see written comment form attached.
5/10/2017	Email	Jim Frank	Parking, Development Impacts	New development standards for parking, setbacks, sidewalks	Prohibit parking for smaller buildings, limit location of parking, require setbacks, sidewalks. (NG)
5/12/2017	Email	George Thomsen	Proposal	Support of proposal	Small businesses add value to neighborhoods. (NG)
5/15/2017	Email	Marcella Bennett	Parking Impacts	Parking concerns	Concerned about how parking issues will be addressed. (NG)
6/15/2017	Testimony	(See details)	Proposal	Support of proposal	During the hearing on June 14, the Plan Commission heard testimony from three individuals: Shaun Thomposn Duffy, Ryan Kelly, and George Thomsen; all expressed support for the proposed amendments.
6/30/2017	Email	Robynn Sleep	Sites Off Arterials	Support of proposal	Including sites off arterials would contribute to neighborhood vibrancy and cause less traffic congestion and parking problems. (NG)
7/28/2017	Email	Patricia Hansen	Map	Map should omit occupied commercial structure	The map shows an occupied office building, a former fire station, that should be removed from the map of known potentially eligible sites. (NG)
7/31/2017	Phone	Patricia Hansen	Map	Map key should show fully occupied uses	The map does not distinguish between fully occupied structures and vacant or converted structures. The map should distinguish between the different types of properties. (NG)

Gwinn, Nathan

From: Daniel Sanchez <mootsys406@gmail.com>
Sent: Monday, April 24, 2017 9:40 AM
To: Gwinn, Nathan
Subject: Re: Open Houses May 4 and May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Thanks

On Mon, Apr 24, 2017 at 9:31 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

Good morning Mr. Sanchez,

Thanks for your comment. I will add it to the comment summary and public record for the file.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

[509.625.6893](tel:509.625.6893) | ngwinn@spokanecity.org | www.spokanecity.org

From: Daniel Sanchez [mailto:mootsys406@gmail.com]
Sent: Friday, April 21, 2017 4:19 PM
To: Gwinn, Nathan
Subject: Re: Open Houses May 4 and May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

When we start enforcing existing law in the city, I'll take this role of government more seriously.. As of right now, Spokane Municipal Code 10.10- all facets, aren't worth the paper they're written on..

I get it, real estate development and social engineering is fun.. Dealing with the proliferating homeless population isn't.. But its an issue of public safety. You want to improve our city- enforce the existing laws..

On Fri, Apr 21, 2017 at 4:06 PM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

The City of Spokane Planning and Development Department invites you to join us at public open houses on Thursday, May 4, and Tuesday, May 9. The proposal is a text amendment to the Unified Development Code

that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas. Direct notice of the proposal is being sent to residents and property owners near potentially eligible properties. Please share this message with others you believe may be interested!



Activate Existing Neighborhood Commercial Structures Open Houses



Photo: Google Street View

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.	Tuesday, May 9, 5 p.m. – 7 p.m.
West Central Community Center 1603 North Belt Street, Spokane	East Central Community Center 500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org





COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 4, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Melissa Mohr

ADDRESS: 2007 W. Dean Ave.

PHONE NUMBER: (509) 994-7816

E-MAIL CONTACT: melissajmohr@gmail.com

I have a historic neighborhood business on my block,
and I love it! Having an extra car or two park on my
block is not a problem, and I am so glad that the building
is now in good condition and hosting lovely people.
♡ Batch ♡

More local businesses makes it easier for people to start bicycling
for some trips, and gradually work up to longer trips if they
want to.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #509-625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Thursday, May 04, 2017 7:58 PM
To: Stratton, Karen
Cc: 'jfrank@greenstonehomes.com'; Mallahan, Jonathan
Subject: RE: Activating Existing Neighborhood Commercial Structures

Thanks, Karen! Yes, I sent the announcement to the infill contacts, including Jim. We had twelve people sign in and maybe a few more in attendance tonight. Good discussions. I will send a reminder on Tuesday for the other event and include Jim's comment in the record for the file.

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Stratton, Karen
Sent: Thursday, May 04, 2017 4:52 PM
To: Gwinn, Nathan
Subject: FW: Activating Existing Neighborhood Commercial Structures
Importance: High

I am stuck at City Hall. But, I wanted to forward this comment from Jim Frank, Kendall Yards. I tried to forward this information as best as I could to individuals I think could attend --- and I think Jim would be interested in this issue. Not sure he was notified earlier, but at least he commented.

Karen

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Thursday, May 04, 2017 4:44 PM
To: Stratton, Karen
Subject: Re: Activating Existing Neighborhood Commercial Structures

Thanks Karen,

The pilot program in West Central was far to limited and restrictive and has not worked well. I hope this new plan is more useful and less restrictive.

Jim

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

On 4/05/2017, at 4:09 PM, Stratton, Karen <kstratton@spokanecity.org> wrote:

I am not sure who received notice of this meeting, but I thought I would forward in case you are interested in attending. I am sorry for such late notice ---- I just got this today!

Karen

From: Fisher, Jessica
Sent: Thursday, May 04, 2017 10:31 AM
To: Fisher, Jessica
Subject: Activating Existing Neighborhood Commercial Structures

<image002.png>

FOR IMMEDIATE RELEASE

May 4, 2017

Contact: Nathan Gwinn, City Planner
Planning & Development Services
ngwinn@spokanecity.org
(509) 625-6893

ACTIVATING EXISTING NEIGHBORHOOD COMMERCIAL STRUCTURES IN RESIDENTIAL AREAS

CITY WILL HOST OPEN HOUSE EVENTS ON MAY 4 AND MAY 9

Corner stores provide historic residential neighborhoods with character and convenience. But many that were later abandoned, converted, or rezoned, struggle with maintenance and repair as they are now prevented from restoring a former commercial activity.

To assist an investigation into whether such structures might again be permitted to contribute to the community as a reestablished commercial use, or small multifamily building or office, the City Planning & Development Department will conduct open houses Thursday, May 4 and Tuesday, May 9 to engage in community discussion about a proposed revision to the Spokane City Zoning Code.

This initiative would expand an area where pre-existing commercial structures in residential zones may be reused for low-impact neighborhood scale and neighborhood serving businesses. An existing pilot code allowing sites that were historically stores or other commercial uses to reopen as a new commercial use is currently limited to West Central Spokane.

This initiative is meant to increase the diversity of options for small businesses in a manner that has a minimal impact to neighbors, while encouraging active, walkable retail and other commercial uses. Changes to West Central would include new specifications for limited expansions to existing structures.

The City of Spokane will host two open houses to invite citizens to provide input before the proposal is considered by the Plan Commission and eventually the Spokane City Council. The first event will be held on Thursday, May 4, from 4:30 to 6 p.m. at West Central Community Center, 1603 North Belt Street. The second open house will be held on Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street.

[Documents related to the project can be found on the City of Spokane website.](#)

<image003.jpg>

Jessica Fisher | City of Spokane | Public Information Assistant
509.625.6749 | jfisher@spokanecity.org | spokanecity.org

<image004.png> <image005.png> <image006.png>

<Activate Existing Neighborhood Commercial Structures.doc>

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Friday, May 05, 2017 9:55 AM
To: 'Ron Wells'
Subject: RE: Neighborhood stores

Good morning Ron,

Thank you for your message. I will add it to the record for this file.

Yes, as the ordinance is currently drafted for expanding the area outside West Central, it would maintain a required location on arterials, and eliminate the provision for structures elsewhere listed on the Spokane Historic Register. In our research, we did not find very many former commercial structures that are currently listed, and any of those historic structures would have an alternative means of converting the use under a different code section ([SMC 17C.335](#)). My understanding is that is the process that Browne's Tavern and Batch Bakeshop were reviewed under.

There has been discussion about locations farther away from arterials, such as at a specified distance, or whether an arterial location matters at all. With the limitation to arterials, stores may have sufficient foot traffic for viable business, and traffic and parking impacts to the neighborhood may also be less apparent.

However, several former commercial locations from previous thoroughfares and streetcar routes would be excluded. This appears to be the case with the Camp Grande building, which is one block from the nearest designated arterial, Inland Empire Way.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Ron Wells [<mailto:RonWells@ronwellsgroup.com>]
Sent: Friday, May 05, 2017 7:01 AM
To: Gwinn, Nathan
Subject: Neighborhood stores

Nathan. Good morning. I hope all is well with you these days.

I applaud the initiative to restore historic neighborhood stores to low impact commercial uses. Great idea!!! I've struggled for 8 years with what to do with an old vacant store that was with Camp Grande, located at the corner of Coeur d'Alene and 12th Avenue in Vinegar Flats. However as I read the initiative, it's limited to only a designated arterial. I assume Coeur d'Alene does not qualify?

Hope you have a great day!!!

Thank you very much.

Ron Wells
Ron Wells Group LLC
(Formerly Wells and Company LLC)
2310 W. 12th Avenue

Spokane, WA 99224

Mobile (509) 954-6940

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 08, 2017 4:30 PM
To: 'Dwight Hume'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Good afternoon, Dwight:

Thank you for your comment. I will include it in the file for this proposal.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Dwight Hume [<mailto:dhume@spokane-landuse.com>]
Sent: Monday, May 08, 2017 10:33 AM
To: Gwinn, Nathan
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Nathan: I fully support the effort to enable former retail sites to be resurrected such as was done in West Central. There is no reason for isolating this benefit to one sub-area of the city. However, I would like to see the City expand this enablement to other former zones as well and for the same reasons. Thank you for your consideration of these comments.

Regards

Dwight J Hume

Land Use Solutions & Entitlement LLC
9101 N Mt. View Lane
Spokane, WA 99218-2140
509-435-3108

From: Gwinn, Nathan [<mailto:ngwinn@spokanecity.org>]
Sent: Monday, May 08, 2017 10:16 AM
To: Gwinn, Nathan
Subject: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

This message is to remind you about the City of Spokane Planning and Development Department's open house tomorrow evening. Following the first open house last week, this second event will be held Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street. The proposal is a text amendment to the Development Code that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

Input is needed on the draft proposal from all perspectives to identify issues, consider how it helps achieve the City's planning goals, and explore how a change of use to an existing commercial structure might change or impact the neighborhood. Maps and other documents are available on the [project web page](#).



Activate Existing Neighborhood Commercial Structures Open Houses

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

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Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.

West Central Community Center
1603 North Belt Street, Spokane

Tuesday, May 9, 5 p.m. – 7 p.m.

East Central Community Center
500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



FIND US



LIKE US



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Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 08, 2017 4:30 PM
To: 'Daniel Sanchez'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Mr. Sanchez:

Thanks for your comment. I will include it with the other one in the file for this proposal.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Daniel Sanchez [<mailto:mootsys406@gmail.com>]
Sent: Monday, May 08, 2017 1:33 PM
To: Gwinn, Nathan
Subject: Re: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Enforce existing laws..

Spokane Municipal Code 10.10- "Peace and Order"- ordinances are flagrantly ignored.. If you want to improve the city- stop allowing people to sleep on the sidewalks, panhandle at every intersection, camp under the viaducts, etc, etc..

There's nothing to talk about until those laws are enforced.

On Mon, May 8, 2017 at 10:15 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

This message is to remind you about the City of Spokane Planning and Development Department's open house tomorrow evening. Following the first open house last week, this second event will be held Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street. The proposal is a text amendment to the Development Code that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

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Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

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Existing Neighborhood Commercial Structures Open Houses

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500 South Stone Street, Spokane

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For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org





COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Diane Belyea

ADDRESS: 215 E. 19th Ave

PHONE NUMBER: (509) 747-1422

E-MAIL CONTACT: dianebelyea@msn.com

I live on 19th off Grand. This area is zoned for commercial/residential. Rockwood Bakery is a block away. Parking for that business is not a problem for us; however, we did have issues with the medical office on Grand/20th. The employees were parking on our street (both sides) which made it very difficult to ① drive on the street with 2 way traffic ② Turn off Grand onto 19th because parked cars made it a bottle neck just to enter the street and ③ People were taking our parking space in front of our house! I'm all for taking existing structures (commercial) and improving neighborhood services (esp. home values) but parking

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Needs to be addressed.



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Melvin S. Paddock
ADDRESS: 726 S LAURA PHONE NUMBER: 509 217-7793
E-MAIL CONTACT: VALUETINE.TAYLOR@GMAIL.COM
Would like to see 1026 E NEWARK
Become commercial property.
To go along with the Perry Disc.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you... We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Ryan Kelly

ADDRESS:

2516 E North Attamont

PHONE NUMBER:

471-891-3127

E-MAIL CONTACT:

Ryan.Kelly76@gmail.com

Great Plan. I'm All for it.

Big thumbs up.



Please feel free to share your questions, comments or concerns with us!

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Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Bonnie McInnis

ADDRESS:

1523 W. Gardner

PHONE NUMBER:

509.327.0369

E-MAIL CONTACT:

bonnie.mcinis@comcast.net

*Interested in historical designation
code - ? ie Batch Bakery*

*Interest in non-residential locations
becoming viable - ?*

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Mariah McKay

ADDRESS:

1024 W 11th Ave

PHONE NUMBER:

939-0015

E-MAIL CONTACT:

mariah.mckay@gmail.com

I support allowing historically commercial structures to be used again for commercial purposes for the following reasons:

- * reduces travel time to shopping & dining & employment destinations, making walking & biking more possible

- * creates locational advantages for innovative small businesses

- * stimulates upgrades and reinvestment

- * creates more interesting neighborhoods

- * prevents blight & derelict properties

- * increases property values by adding nearby amenities

- * creates potential "3rd Spaces" to increase social cohesion among neighbors & community members

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Lillie Sellers

ADDRESS: 3418 E 23rd Ave Spd 99223 PHONE NUMBER: 509 214 7171

E-MAIL CONTACT: l.seller356@yahoo.com

The rezoning of this property to a small grocery store would be ideal for this neighborhood. It would be a convenience for persons living in the immediate area in New Bryant Arms ~~Appts~~ Apartments which houses low income families (57). There are elderly as well as disabled persons among them.

I would greatly appreciate an update on the progress. Thanks

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Helen Blyton

ADDRESS:

POB 1117 N. Napa

PHONE NUMBER:

509-951-8831

E-MAIL CONTACT:

CLINESAC@MSN.COM

Idea is good BUT if the city would like to have investment in distressed areas - recommended

- 1) Reduce stringent landscaping and stormwater drainage requirements so they are more suitable for area - current regs are very costly making investment low in these areas. We can't have same level as in downtown.

- 2) Recognize differences between income properties and home owned residential properties when evaluating codes. Income properties should have ^{allow for} different (reduced) screening requirements.

- 3) Provide a tax incentive for investors who develop these areas identified.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 15, 2017 8:50 AM
To: 'Jim Frank'
Subject: RE: Draft Ordinance

Jim,

I can add these comments to our record on the ordinance for the existing neighborhood commercial structures. We checked in with the Plan Commission on May 10, discussed the input received during the open houses, and identified the next step of a public hearing on June 14. We will send email notice of the public hearing to the contact list, later this month.

Did you want to follow these comments with additional comments on the draft ordinance?

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Wednesday, May 10, 2017 7:07 AM
To: Gwinn, Nathan; Palmquist, Tami
Subject: Re: Draft Ordinance

Thanks. I actually think parking (other than garage or underground) should be prohibited for uses smaller than 3000 SF. Since most of the uses occur in residential neighborhoods, nothing impacts neighborhood character more than parking lots. At a minimum they should be set back from the street the required street front setback of the underlying zone. Whereas there should be a requirement that the building (existing or expanded) should be street fronting creating a walkable urban form. There should be a minimum sidewalk standard as well. The last thing you want is a building set back from the street with parking in front in a residential neighborhood.

Jim

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

On 9/05/2017, at 9:05 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

Hi Jim,

Yes, here is the attached MS Word version.

Since our conversation, I confirmed that a mixed-use, commercial and residential building would not be required to provide parking if less than 3,000 square feet (under changes made since 2012). There is some discussion related to why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7). However, if any parking is provided off-street (as a choice of the developer), then under the International Building Code, the first space would need to be an accessible one.

I copied Tami above in case she has any clarification to add.

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Tuesday, May 09, 2017 6:14 AM
To: Gwinn, Nathan
Subject: Draft Ordinance

Nathan...is it possible to get the draft ordinance in a word document format? It would make it easier to provide comments and suggestions on the specific code sections.

Thanks, Jim

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/2017-4-21-draft-legacy-commercial-ordinance.pdf>

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

<2017-4-21-draftlegacy-commercial-ordinance.docx>

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 15, 2017 4:27 PM
To: 'George Thomsen'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

George,

It was good to meet you also. I will respond to your questions and include this message in the record for the file.

We did check in with the Plan Commission at its workshop on May 10, where we shared the input received by the project team during the open houses. We are moving ahead with the public hearing at the City Plan Commission on Wednesday, June 14, at 4 p.m. in the Council Chambers in the Lower Level of City Hall. We will send notice by email later this month to the contact list. As an employee of the City, I encourage you and anyone else interested in the outcome of the proposal, including those who have concerns or who might be opposed, to attend the meeting and give your input to the Plan Commissioners as they consider their recommendation to City Council. They will typically deliberate and make the recommendation that day, or they may continue it to an upcoming meeting. Following the recommendation, we will request to go on City Council's agenda to consider adopting the ordinance, which will likely occur in July or August.

The update to the parking requirement is somewhat complex. Basically there were some adjustments to requirements in 2012 and 2015, following the adoption of this overlay to allow commercial uses in existing commercial structures in West Central. The adjustments included allowing available on-street parking spaces next to a building to count toward requirements, as well as changes affecting smaller buildings in the Neighborhood Retail Zone. This ordinance uses those standards for the Neighborhood Retail Zone, so it no longer makes sense to allow the reductions originally written for the existing neighborhood commercial buildings. I provided a more detailed explanation why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7).

Please let me know if you have further questions or need any additional information. The draft ordinance text with the changes shown is fairly short and is posted on the project webpage: [Activate Existing Neighborhood Commercial Structures - City of Spokane, Washington](#)

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: George Thomsen [mailto:georget1000@gmail.com]
Sent: Friday, May 12, 2017 1:24 PM
To: Gwinn, Nathan
Subject: Re: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Nathan,

I was good to meet you at the East Central open house. I think it is clear that I am fully in support of this project moving forward. I truly believe that small businesses in residential neighborhoods add material value to the residents around them.

As the owner of one of the prospective properties, I am looking forward to bringing life back to a building and corner that has been an eyesore for too long. As a resident of the same neighborhood, I would hope that someone else would be doing this project if I was not. Our prospective tenants are also residents of the neighborhood and look forward to being able to walk to their workplace and provide business for the area.

I do have a couple questions....

Were you able to get on the agenda for next month planning meeting? And when will we know the result of that meeting?

I saw a note in the handouts about updated parking requirements, can you explain what those updates are?

Is there anything else I can do at this point to help make sure the process is moving forward?

Thank you,
George Thomsen

On May 8, 2017 10:16 AM, "Gwinn, Nathan" <ngwinn@spokanecity.org> wrote:

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Input is needed on the draft proposal from all perspectives to identify issues, consider how it helps achieve the City's planning goals, and explore how a change of use to an existing commercial structure might change or impact the neighborhood. Maps and other documents are available on the [project web page](#).



Activate Existing Neighborhood Commercial Structures Open Houses

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.

West Central Community Center
1603 North Belt Street, Spokane

Tuesday, May 9, 5 p.m. – 7 p.m.

East Central Community Center
500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



Gwinn, Nathan

From: Gwinn, Nathan
Sent: Tuesday, May 16, 2017 3:07 PM
To: 'Marcella Bennett'
Cc: Key, Lisa; Merle Gilliland; Anna Mae Hogan; 'BETOW, ANNE'; 'HORLACHER, DENNIS'; Erin Jennings; Kathy Miotke; 'MUMM, CANDACE'; jjspring@comcast.net; Pat Lynass; lisacorban76
Subject: RE: Notification of Proposed Changes to Properties Currently Zoned Residential

Good afternoon Marcella,

Thank you for following up on our talk at the open house about the parking requirements. I am grateful for the feedback about the event, and glad you made it. As I mentioned during our discussion May 4, while the parking history at the Flying Goat is informative, we should be certain to distinguish between how that project was approved, and the additional process in the proposal for existing neighborhood commercial structures. I will try to explain how the processes and criteria differ.

Properties zoned for commercial uses such as the Flying Goat (located in a Neighborhood Retail zone) do not require additional land-use approval processes, such as a conditional use permit. Conversely, this proposal would set an applicant on a different track for approval than the Flying Goat, one that requires obtaining a conditional use permit and review under the additional regulations designed to promote compatibility with residential land uses. Since they have a location in a residential zone, the commercial structures under consideration here cannot obtain a building permit until a decision is first reached on the conditional use permit.

Below are some essential distinctions between a project for similar uses on a commercially zoned property and this proposal. In order to allow existing neighborhood commercial structures to be reused for low-impact neighborhood scale and neighborhood serving businesses, a project under this proposal would also be subject to all of the following items unique to existing commercial structures, and not part of the consideration for property zoned for commercial use such as the Flying Goat:

- Under current regulations in [SMC 17C.370.030\(F\)\(2\)](#), the site must have frontage on an arterial street or be listed on the Spokane Register of Historic Places. The proposal would remove the historic exception to the arterial street location, where on-street parking may or may not be provided or allowed. However, where parking is allowed, on-street parking patterns in the vicinity may follow more established patterns (and be closer to transit) than at locations farther away from arterials.
- Under the current regulations in [SMC 17C.370.030\(F\)\(4\)](#), the site size may not be expanded beyond the site area. Under the proposed changes to this paragraph in the draft [ordinance](#) (pp. 3-4), the development of additional off-street motor vehicle parking would require a public hearing and decision by the hearing examiner; *and*
- Whether or not additional off-street parking is proposed, [SMC 17C.370.030\(D\)](#) requires conditional use review procedures and use of decision criteria in [SMC 17G.060.170](#), including Subsection (C)(5):

5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.

This paragraph allows a decision maker to impose conditions that might include developing additional off-street parking if he or she finds it necessary to avoid significant interference with the use of neighboring property or the surrounding area; *and*

- Finding that the use is permitted if the benefits of the proposed use and improvements to the property (such as existing or new off-street parking) would mitigate potential negative impacts on the residential character of the area; [SMC 17C.370.030\(E\)](#) or
- Finding that the use is **not permitted** if the negative impacts on the residential character of the area cannot be mitigated with conditions of approval. [SMC 17C.370.030\(E\)](#)

In addition to these differences, the applicant is required to provide notice under this proposal. However, despite these several additional differences, for structures less than 3,000 square feet, additional parking under this proposal may not be required. Even so, it may be provided by an applicant anyway for the convenience of property owners or users, subject to the standards of [SMC chapter 17C.230](#). One additional parking requirement that is not in the current proposal, but was discussed in the past, is to require any permanent outdoor seating areas for uses such as restaurants to be counted as part of the square footage of the structure.

In a final note about the parking requirements for this proposal, the changes proposed would actually increase the amount of required parking by fixing some outdated exceptions. Parking under the current code is as required for the Neighborhood Retail zone, which has reduced off-street parking requirements for smaller buildings (5,000 square feet or less, which is where the exception is found for buildings less than 3,000 square feet, under [SMC 17C.230.130\(B\)](#)). The existing requirement and outdated exceptions are described in [SMC 17C.370.030\(F\)\(5\)](#). The proposed changes to remove parking exceptions in the existing code would generally require providing more parking than under the current code. To help describe the change, I provided a more detailed explanation why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7).

Regarding the pictures, addresses, and locations of the known existing commercial structures, you may view the open house posters, including the map with this information on page 2, presented at the open houses, by clicking the following link:

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/open-house-posters.pdf>

A public hearing will be scheduled for this proposal at the City Plan Commission on Wednesday, June 14, at 4 p.m. in the Council Chambers in the Lower Level of City Hall. We will send notice by email later this month to the contact list. To view the documents above and for more information, please see the project webpage:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Marcella Bennett [mailto:marcellabennett@hotmail.com]

Sent: Monday, May 15, 2017 7:59 AM

To: Gwinn, Nathan

Cc: Key, Lisa; Merle Gilliland; Anna Mae Hogan; 'BETOW, ANNE'; 'HORLACHER, DENNIS'; Erin Jennings; Kathy Miotke; 'MUMM, CANDACE'; jjspring@comcast.net; Pat Lynass; lisacorb76

Subject: Notification of Proposed Changes to Properties Currently Zoned Residential

Nathan,

The meeting you conducted on May 4th at the West Central Community Center was quite informative. Could you please advise how the parking issues will be addressed should any of the "business opportunities" take place on these properties? The horror story related that evening regarding the parking problems encountered by the residents surrounding the "Flying Goat" would make one believe the city has taken steps to prevent this

from happening in the future. Also, I understand there are pictures, addresses and descriptions of each of the properties which have been targeted on your website. Could you please give a detailed "path" as to how we can locate these on your website?

Your assistance is greatly appreciated.

Marcella Bennett
Citizens for Maintaining Neighborhood Character

Gwinn, Nathan

From: Robynn Sleep <robynnsleep@gmail.com>
Sent: Friday, June 30, 2017 9:49 AM
To: Gwinn, Nathan
Subject: Re: pre-existing commercial structures map?

Thank you, I look forward to your presentation on July 6.

On Fri, Jun 30, 2017 at 9:32 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

FYI, we are also planning to brief the Community Assembly about the changes at its meeting on July 6.

Nathan Gwinn | Assistant Planner | City of Spokane

[509.625.6893](tel:509.625.6893) | ngwinn@spokanecity.org | www.spokanecity.org

From: Gwinn, Nathan
Sent: Friday, June 30, 2017 9:32 AM
To: 'robynnsleep@gmail.com'
Subject: RE: pre-existing commercial structures map?

Hi Robynn,

Thank you for your comment and inquiry. I will add this to the record for the file.

Yes, the map, and list on the next pages, of known potentially eligible sites has been updated and is on the [project webpage](#). Additional sites on arterials are included with Special Use Permits and of a larger size, which are now thought to be eligible. We are preparing to notify the neighbors of any of the sites that were not previously notified. The direct link to that updated map is:

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/2017-6-27-potentially-eligible-properties.pdf>

Best,

Nathan Gwinn | Assistant Planner | City of Spokane

[509.625.6893](tel:509.625.6893) | ngwinn@spokanecity.org | www.spokanecity.org

From: Robynn Sleep [<mailto:robynnsleep@gmail.com>]

Sent: Thursday, June 29, 2017 4:40 PM

To: Gwinn, Nathan

Subject: pre-existing commercial structures map?

Hi Nathan,

Since the number of properties included in this code amendment has increased since you presented to the Community Assembly Land Use Committee, I wondered if you have an updated map of the qualifying properties? Or if it is available online? Or you could send me a GIS shape file if you have that. I think it's a great idea to expand it to all areas of the residential zone, it seems like it will make the entire neighborhood more vibrant and will be far less likely to cause traffic congestion and parking problems.

Thanks!

--

Robynn Sleep

Cliff-Cannon Rep to LUC

--

Robynn Sleep

Gwinn, Nathan

From: Patricia Hansen <patricia@pahansen.com>
Sent: Friday, July 28, 2017 8:09 PM
To: Gwinn, Nathan
Cc: lauraccnc@sisna.com; Seth Knutson; Steve Spickard; Pat Freeman; bsa307@gmail.com; Lulu P; rosemarysmall@gmail.com; Judy Gardner; Nancy MacKerrow; grj@desertpine.com; Philip Small; Robynn Sleep; jessicayocom7@gmail.com
Subject: FW: Open House August 3 to Discuss Additional Locations for Activating Spokane's Existing Neighborhood Commercial Structures
Attachments: 2017-6-14-pc-recommended-draft-ordinance.pdf; 2017-6-27-potentially-eligible-properties.pdf

Nathan,

Thank you for including Cliff Cannon Neighborhood on your email announcement. Our Executive Committee reviewed the information and have a follow up question, which I thought we asked earlier. On the map #43 describes the Old Fire Station which was converted to office spaces on both floors. There are rarely, if ever, vacancies. We asked why this property is still on the list as it doesn't seem to fit the intention of "Activating Spokane's Existing Neighborhood Commercial Structures." This commercial structure has already been "activated". We would like to have it removed from the map. Who should we make our request to?

Sincerely,

Patricia

*Dr. Patricia Hansen
1104 W. 8th Ave.
Spokane, WA 99204
509-838-2722 office
208-755-1925 cell*

From: "Gwinn, Nathan" <ngwinn@spokanecity.org>
Date: Thursday, July 27, 2017 at 5:55 PM
To: "Gwinn, Nathan" <ngwinn@spokanecity.org>
Subject: Open House August 3 to Discuss Additional Locations for Activating Spokane's Existing Neighborhood Commercial Structures

Your input is invited about a change proposed to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or

office. Learn about new changes proposed by the City Plan Commission at a new open house to extend the provisions to sites citywide, rather than restricting sites to arterial streets as originally proposed.

The City of Spokane Planning and Development Department invites you to join a third public open house scheduled on **Thursday, August 3**, at West Central Community Center, 1603 N. Belt. Please drop by at the open house any time **between 4:30 and 6:30 p.m.** The open house is part of outreach to gather input about a proposed change that would add eligible locations to the original proposal. This proposal is a text amendment to the Development Code that would expand an area that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

Please find the **Plan Commission's recommendation and draft ordinance** and **updated map and list of known potential eligible structures** attached and on the project web page at the link below.

Last May, the City of Spokane conducted two open houses about an initiative that would expand the area where pre-existing commercial structures in residential zones may be reused for low-impact neighborhood scale and neighborhood serving businesses. Following these open houses the City Plan Commission recommended expanding the properties eligible for this proposed Development Code text amendment to include sites citywide, not just those with frontage on arterial streets.

After hearing additional public testimony at a legislative meeting agenda, the City Council would consider and decide whether to adopt the Plan Commission's recommendation. The Council's decision has not been scheduled, but will be held after the open house. This list will be notified when the proposal is added to a Council legislative meeting agenda.

Direct notice of the open house was sent to residents and property owners near additional known potentially eligible properties. Please follow the link to the project webpage below for more information and share this message with others you believe may be interested!

Project Webpage:

<https://my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/>

Map and List of Known Potentially Eligible Sites under Expanded Proposal:

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/2017-6-27-potentially-eligible-properties.pdf>



Activate Existing Neighborhood Commercial Structures Open House



Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open House

Thursday, August 3, 4:30 – 6:30 p.m.

West Central Community Center
1603 North Belt Street, Spokane

You are receiving this notice because you either reside or own property or a business near an identified potentially eligible structure and may have an interest in these recommendations. If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Nathan Gwinn | Assistant Planner | Planning & Development
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



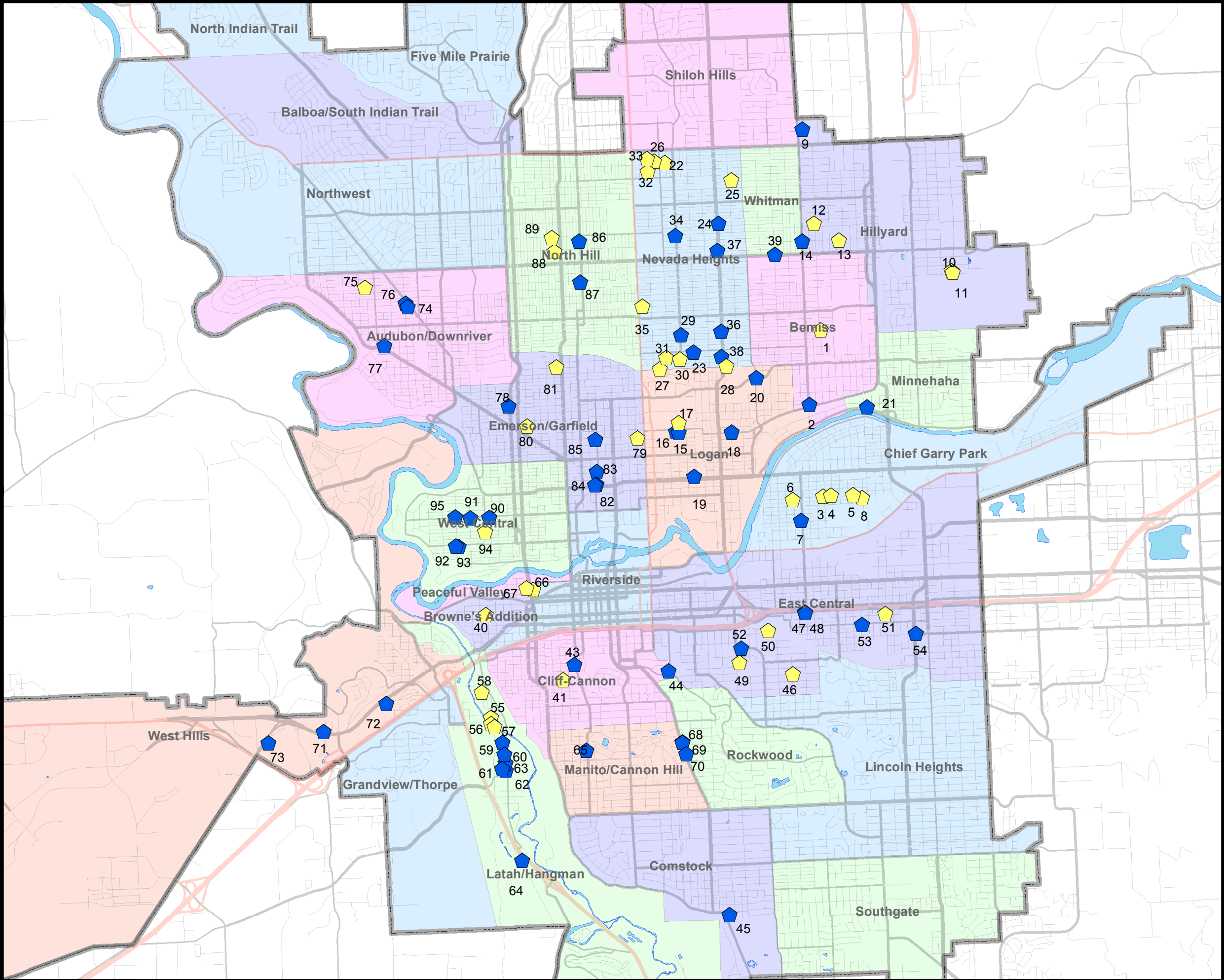
FIND US



LIKE US



FOLLOW US



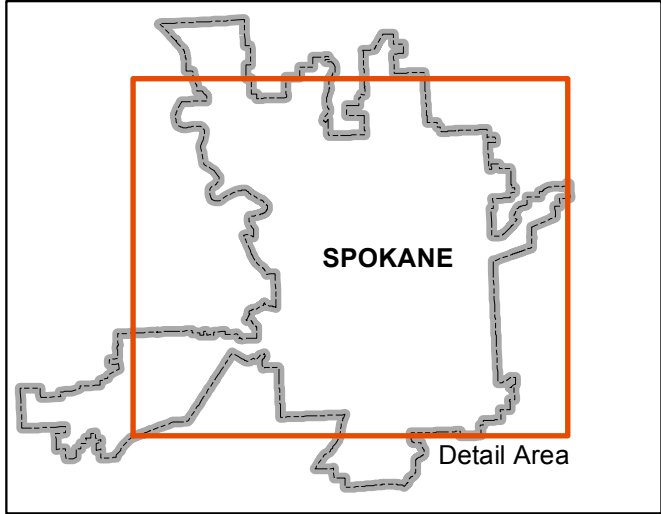
Known Potentially Eligible Sites and Neighborhood Council Boundaries

Existing Neighborhood
Commercial Structures
Spokane, WA

DRAFT

Printed by: ngwinn

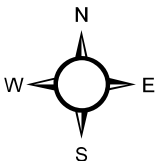
Print date: 6/27/2017



Legend

- No frontage on a designated arterial (40)
- Frontage on a designated arterial* (54)
- City of Spokane

* Includes sites with potentially active Special Use Permits, and sites with structures larger than 5,000 sq. ft.



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

Known Potentially Qualifying Properties under Proposed Expanded SMC 17C.370 - Including Sites Not on Arterials Existing Neighborhood Commercial Structures within Residential Zones											
ID	Parcel	Full Address	Observed Use/Structure	Current Use Category	Feet to Arterial	Zoning	Construction Year	Footprint	Neighborhood Council	Special Use Permit?	Council Dist.
1	35044.0411	2307 E Glass Ave	Converted Fire Station	Residential	660	RSF	1913	1300	Bemiss	Yes	1
2	35091.2412	2101 E Illinois Ave	Possible Retail	Non-Res	0	RSF	1923	1,308	Bemiss	No	1
3	35161.2108	2229 E Boone Ave	Former Retail	Residential	1000	RSF	1926	2874	Chief Garry Park	No	1
4	35161.2007	2327 E Boone Ave	Former Retail	Residential	1000	RSF	1911	750	Chief Garry Park	No	1
5	35161.1708	2623 E Boone Ave	Former Retail	Residential	990	RSF	1912	1568	Chief Garry Park	No	1
6	35162.2505	1125 N Magnolia St	Former Commercial	Residential	375	RSF	1902	2064	Chief Garry Park	No	1
7	35162.4007	1929 E Mallon Ave	Former Commercial	Residential	0	RSF	1906	1,316	Chief Garry Park	No	1
8	35161.2905	1115 N Nelson St	Wholesale - Garage	Non-Res	1200	RSF	1980	2240	Chief Garry Park	Yes	1
9	36284.0606	6509 N Lee St	Retail - Auto (vehicle storage, contracting)	Non-Res	0	RSF	1975	2,000	Hillyard	No	1
10	35031.0618	4121 E Rich Ave	Warehouse	Non-Res	1100	RSF	1979	440	Hillyard	No	1
11	35031.0617	4125 E Rich Ave	Warehouse	Non-Res	1060	RSF	1979	3200	Hillyard	No	1
12	36334.1327	5111 N Stone St	Converted Retail	Residential	600	RSF	1916	1649	Hillyard	No	1
13	36334.3025	2612 E Wabash Ave	Possible Former Retail	Residential	730	RSF	1923	1723	Hillyard	No	1
14	36334.2523	2102 E Wabash. Ave	Storefront	Non-Res	0	RSF	1920	952	Hillyard	No	1
15	35083.0607	2114 N Astor St	Former Retail or Commercial	Residential	0	RSF	1908	6500	Logan	No	1
16	35083.0501	2129 N Astor St	Former Retail or Commercial	Residential	0	RSF	1904	2,454	Logan	No	1
17	35082.3606	2228 N Astor St	Former Retail or Commercial	Residential	251	RSF	1906	6687	Logan	No	1
18	35084.1010	1003 E Illinois Ave	Former Retail	Residential	0	RSF	1910	2,412	Logan	No	1
19	35083.4706	525 E Mission Ave	Office	Non-Res	0	RSF	1918, 1986	8640	Logan	No	1
20	35092.1007	2902 N Perry St	Wholesale	Non-Res	0	RMF	1956	5075	Logan	No	1
21	35102.3702	2929 E Upriver Dr	Unknown Non-Residential - Possibly Vacant	Non-Res	0	RMF	1919	3,016	Minnehaha	No	1
22	36322.0428	6103 N Astor St	Service - Finance	Non-Res	140	RTF	2005	4205	Nevada Heights	No	1
23	35053.3201	556 E Bridgeport Ave	Multi-Family - former store	Residential	0	RSF	1909	2,100	Nevada Heights	Yes	1
24	36324.0729	5202 N Nevada St	Auto Repair and Maintenance	Non-Res	0	RSF	1956	2,396	Nevada Heights	No	1
25	36321.1713	1211 E Columbia Ave	General Purpose Building	Residential	832	RSF	1937	1320	Nevada Heights	No	1
26	36322.0512	203 E Dalke Ave	Medical Office	Non-Res	141	RHD	1995	5758	Nevada Heights	No	1
27	35053.3828	127 E Euclid Ave	Service - Professional	Non-Res	1170	RSF	1994	1976	Nevada Heights	Yes	1
28	35054.3926	1011 E Euclid Ave	Service - Qwest - Office	Non-Res	100	RTF	1956	11692	Nevada Heights	Yes	1
29	35053.1709	502 E Gordon Ave	Former Retail - Currently Multi-family	Residential	0	RSF	1902	7504	Nevada Heights	No	1
30	35053.3401	428 E Liberty Ave	Converted Retail	Residential	278	RSF	1913	1760	Nevada Heights	No	1
31	35053.3022	3201 N Lidgerwood St	Retail - Gen	Non-Res	145	RSF	1909	3405	Nevada Heights	No	1
32	36322.1121	6002 N Mayfair St	Medical Office	Non-Res	120	RHD	1995	13722	Nevada Heights	Yes	1
33	36322.0616	6120 N Mayfair St	Service - Professional	Non-Res	340	RHD	1990	3973	Nevada Heights	No	1
34	36323.1121	5023 N Addison St	Store (Possibly Vacant)	Non-Res	0	RSF	1914	2,502	Nevada Heights	No	1
35	35052.2920	15 E Walton Ave	Retail Other - Not in Use	Residential	125	RMF	1942	2905	Nevada Heights	No	1
36	35054.1417	3601 N Nevada St	Service - Gen	Non-Res	0	RSF	1931	2,790	Nevada Heights	Yes	1
37	36324.3422	4803 N Nevada St	Restaurant	Non-Res	0	RSF	1905	1,666	Nevada Heights	Yes	1
38	35054.3501	928 E Liberty Ave	Office Secondary Use - Possibly Vacant	Residential	0	RSF	1952	1,548	Nevada Heights	No	1
39	36333.4207	1701 E Wellesley Ave	Converted Commercial or Retail	Residential	0	RSF	1907	1,865	Whitman	No	1
40	25242.0101	2105 W Pacific Ave	Service - Professional - Dentistry	Non-Res	920	RHD	1973, 2001	3485	Browne's Addition	No	2
41	35193.1405	1117 W 10th Ave	Former Office	Residential	800	RSF	1907	3490	Cliff-Cannon	No	2
43	35193.0505	804 S Monroe Ave	Office - Former Fire Station	Non-Res	0	RMF	1932	4,000	Cliff-Cannon	Yes	2
44	35203.1803	922 S Cowley St	Service - Finance	Non-Res	0	RHD	1956	4,038	Cliff-Cannon	No	2
45	35324.3103	4315 S Scott St	Office	Non-Res	0	RSF	1932	2,742	Comstock	Yes	2
46	35213.1126	1801 E 11th Ave	Former Retail	Residential	540	RSF	1925	1976	East Central	No	2
47	35212.3507	1928 E 3rd Ave	Retail (Vacant)	Vacant	0	RTF	1910	1,500	East Central	No	2
48	35212.3506	1930 E 3rd Ave	Retail (Vacant) Attached to 35212.3507	Vacant	0	RTF	1987	2,481	East Central	No	2
49	35204.1114	1013 E 9th Ave	Service - Repair	Non-Res	850	RSF	1895, 1910	8552	East Central	No	2
50	35212.2808	1421 E Celesta Ave	Converted Industrial	Residential	965	RMF	1908	11093	East Central	Yes	2
51	35222.2604	328 S Fiske St	Former Commercial	Residential	220	RTF	1915	1876	East Central	No	2
52	35204.0906	1026 E Newark Ave	Abandoned Retail	Residential	0	RSF	1926	2,214	East Central	No	2
53	35211.4701	2702 E 5th Ave	Former Masonic Lodge	Residential	0	RTF	1927	1,600	East Central	Yes	2
54	35222.4719	615 S Thor St	Service - Professional	Non-Res	0	RTF	1955	3,833	East Central	Yes	2

Known Potentially Qualifying Properties under Proposed Expanded SMC 17C.370 - Including Sites Not on Arterials Existing Neighborhood Commercial Structures within Residential Zones											
ID	Parcel	Full Address	Observed Use/Structure	Current Use Category	Feet to Arterial	Zoning	Construction Year	Footprint	Neighborhood Council	Special Use Permit?	Council Dist.
55	25252.1301	1508 S Chestnut St	Wholesale	Non-Res	525	RSF	1954	2120	Latah/Hangman	No	2
56	25252.0014	1602 S Chestnut St	Service - Finance	Non-Res	620	RSF	1904, 1994	2000	Latah/Hangman	Yes	2
57	25251.1108	1611 S Chestnut St	Wholesale	Non-Res	530	RSF	1955	7224	Latah/Hangman	No	2
58	25243.3901	1126 S Coeur d'Alene St	Possible Former Retail - Auto Court	Residential	300	RSF	1929	1260	Latah/Hangman	No	2
59	25251.1805	1732 S Inland Empire Way	Retail - General Mrchds - Nursery	Non-Res	0	RA	1947, 62, 88, 90, 95, 05	8428	Latah/Hangman	No	2
60	25251.2103	2100 S Inland Empire Way	Retail - General Mrchds - Nursery	Non-Res	0	RSF	1939, 46, 82	20126	Latah/Hangman	Yes	2
61	25254.0110	2134 S Inland Empire Way	Wholesale	Non-Res	0	RSF	1982	13400	Latah/Hangman	Yes	2
62	25254.0210	2206 S Inland Empire Way	Commercial Use - Accessory to Dwelling	Residential	0	RSF	1950	2,082	Latah/Hangman	Yes	2
63	25251.2004	1930 S Inland Empire Way	Service Repair	Non-Res	0	RSF	1939	1,250	Latah/Hangman	Yes	2
64	25361.0004	3504 S Inland Empire Way	Retail - Auto	Non-Res	0	RSF	1986	2,000	Latah/Hangman	Yes	2
65	35302.3612	904 W 20th Ave	Former Retail	Residential	0	RSF	1928	2,492	Manito/Cannon Hill	Yes	2
66	25134.4508	1423 W Clarke Ave	Converted Commercial	Residential	260	RMF	1935	1749	Peaceful Valley	No	2
67	25134.4124	107 N Maple St	Converted School - Now Residential	Residential	100	RMF	1918	11250	Peaceful Valley	No	2
68	35292.1219	1919 S Grand Blvd	Service - Professional	Non-Res	0	RSF	2007	3,878	Rockwood	No	2
69	35292.1220	1923 S Grand Blvd	Service - Professional	Non-Res	0	RSF	2007	3,351	Rockwood	No	2
70	35292.2014	2103 S Grand Blvd	Service - Professional	Non-Res	0	RSF	1959	1,564	Rockwood	Yes	2
71	25271.0504	1606 S Assembly St	Wholesale - Nursery	Non-Res	0	RSF	1949, 50, 98	11620	West Hills	No	2
72	25234.3001	3500 W Woodland Blvd	Storage/Shop? - Finch Arboretum	Non-Res	0	RSF	1971	1,568	West Hills	No	2
73	25275.2510	1611 S Geiger Blvd	Wholesale	Non-Res	0	RSF	1982	10500	West Hills	No	2
74	25021.3605	3019 W Rockwell Ave	Former Commercial	Residential	0	RSF	1930	1,605	Audubon/Downriver	No	3
75	25021.1425	3607 W Princeton Ave	Possible Former Retail	Residential	660	RSF	1971	2148	Audubon/Downriver	Yes	3
76	25021.3311	4203 N Driscoll Blvd	Gas station/convenience store	Non-Res	0	RSF	1956	1,049	Audubon/Downriver	No	3
77	25024.5311	3404 W Northwest Blvd	Dental Office	Non-Res	0	RSF	1988	1,766	Audubon/Downriver	No	3
78	25121.3205	2659 N Ash St	Professional Services	Non-Res	0	RSF	1907, 1999	6688	Emerson/Garfield	Yes	3
79	35074.1710	2124 N Atlantic St	Service - Repair	Non-Res	222	RSF	1914	4800	Emerson/Garfield	Yes	3
80	25121.5909	1434 W Carlisle Ave	Former Retail - Suspected	Residential	410	RSF	1909	819	Emerson/Garfield	No	3
81	35063.3702	1024 W Dalton Ave	Service - Repair	Non-Res	270	RSF	1958	1200	Emerson/Garfield	No	3
82	35181.2801	1501 N Howard St	Service - Finance	Non-Res	0	RHD	1979, 2004	9758	Emerson/Garfield	No	3
83	35074.6207	604 W Augusta Ave	Converted Commercial (Now Residential)	Residential	0	RHD	1911	2,404	Emerson/Garfield	No	3
84	35181.2802	546 W Maxwell Ave	Former Commercial	Non-Res	0	RHD	1923	6350	Emerson/Garfield	No	3
85	35074.2512	601 W Mansfield Ave	Retail (Vacant)	Non-Res	0	RTF	1936	2,686	Emerson/Garfield	Yes	3
86	36313.1104	5007 N Wall St	Barn attached to Residence	Residential	0	RSF	1944	552	North Hill	No	3
87	35062.4101	705 W Heroy Ave	Former Branch Library	Residential	0	RSF	1930	1,680	North Hill	No	3
88	36313.1724	4828 N Madison St	Former Retail - Now Multifamily	Residential	280	RSF	1909	1591	North Hill	No	3
89	36313.1501	5029 W Madison St	Former Retail	Residential	320	RSF	1928	1100	North Hill	Yes	3
90	25131.5401	2001 W Boone Ave	Converted Retail (Possibly Vacant)	Vacant	0	RHD	1957	1,308	West Central	No	3
91	25132.0101	2229 W Boone Ave	Retail - Ice Cream	Non-Res	0	RSF	1928	478	West Central	No	3
92	25133.0314	2501 W Broadway Ave	Former Store and Attached Duplex	Vacant	0	RSF	1907	1,996	West Central	No	3
93	25133.0201	2425 W Broadway Ave	Service Repair	Vacant	0	RSF	1957	1,500	West Central	No	3
94	25131.6115	2023 W Dean Ave	Bakery	Non-Res	451	RHD	1905, 2015	1500	West Central	No	3
95	25132.2216	2502 W Boone Ave	Former Retail	Residential	0	RSF	1928	1,440	West Central	No	3

Note: This list is of known potentially eligible sites only. The sites listed are subject to site review and verification.

Sources: Spokane County Assessor, City of Spokane Visual Survey

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

08/14/2017

Date Rec'd

8/1/2017

Clerk's File #

ORD C35536

Renews #**Submitting Dept**

PLANNING

Cross Ref #**Contact Name/Phone**

TIRRELL BLACK 625-6185

Project #**Contact E-Mail**

TBLACK@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Final Reading Ordinance

Requisition #**Agenda Item Name**

0650 - ORDINANCE -THRESHOLD DOCKETING PROCESS

Agenda Wording

An ordinance adopting a threshold docketing process for deciding when comprehensive plan amendment proposals will be added to the City's annual comprehensive plan amendment work program or alternatively to an ongoing work program or periodic update;

Summary (Background)

This proposed amendment to the municipal code will update the way annual amendment proposals to the Comprehensive Plan and Unified Development Code are reviewed by adding a threshold review or "docketing" step. Chapters 17G.020 and 17G.025 govern these procedures.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

KEY, LISA

Study Session

6/22/17

Division Director

KEY, LISA

Other

Plan Commission

Finance

HUGHES, MICHELLE

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Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

amending sections 17G.020.010, 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, 17G.020.060, 17G.020.070, 17G.025.010 and 08.02.010; adopting new sections 17G.020.25 and 17G.020.26 to Chapter 17G.020 of the Spokane Municipal Code.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

BRIEFING PAPER
City of Spokane
Plan Commission Workshop, August 9, 2017
City Council Hearing, August 21, 2017

Subject

The proposal is to update the way that annual amendment proposals to the Comprehensive Plan and non-City requests to amend the Unified Development Code are reviewed. This proposal would add a threshold determination or a “docketing” step. SMC Chapters 17G.020 and 17G.025 govern these procedures.

Background

Amendments to the Comprehensive Plan can be Land Use Plan Map amendments or text amendments. Annual Amendment proposals or proposals to amend the Unified Development Code may be initiated by anyone. Currently, requests to amend the City’s Comprehensive Plan and Unified Development Code proceed to the Plan Commission and then to City Council for legislative consideration following initial staff and agency review.

In order to better handle the work load for staff, Plan Commission and the City Council, this proposed amendment would add a process of threshold review prior to full review. As a part of threshold review, applications that are not moved to the Comprehensive Plan Annual Amendment Work Program (“the docket”) may alternatively be placed on the ongoing work program or referred to the Comprehensive Plan Periodic Update, which occurs every eight years.

It is anticipated that this early review step will benefit applicants who, without early threshold review, may wastefully spend considerable time and resources on proposed amendments during a long legislative review. Once the docket is established, full review would begin for those projects on the docket. Outside the docket procedure, this proposal does not make substantial changes to the full review process now followed.

Key Concepts in this code update:

- An “early threshold review” procedure, which would be used to establish the Annual Comprehensive Amendment Work Program (“the docket” for short), has been added to the draft ordinance. The Plan Commission considered several alternative procedures for conducting this threshold review at their workshops. Following the Plan Commission Public Hearing on this matter, the Plan Commission and City Council, at their joint study session on July 13, 2017, agreed to language that will create a city council ad hoc committee consisting of three City Council Members and three Plan Commission Members. (This is discussed in specifics in Item #1 below).
- A new proposed code section, 17G.020.026, Threshold Review Decision Criteria, has been added. Decision Criteria for non-city unified development code proposals would be added to SMC 17G.025.010(C) as well.
- This proposal would incorporate any non-city amendments proposed to the Unified Development Code (Title 17) into the docket procedure.
- The limitation on accepting “inconsistent amendments” only every other year has been removed. Now inconsistent amendments could potentially be considered every year.

- A \$500 fee currently designated as “pre-application fee” would be re-purposed as the “docket consideration fee”. If an application moves on to full review, the amendment base fee of \$5,000 would be required with a credit for the previous \$500 paid. (SMC 8.02.692).

Plan Commission Action and Additional Changes:

At the Plan Commission Public Hearing held June 14, 2017, the Plan Commission voted (6-2) against recommending approval of the proposal to City Council. Following this hearing, the Plan Commission and City Council held a joint study session on July 13, 2017 and additional changes were discussed at that study session. The most significant change from this discussion was to establish a city council ad hoc committee to review the threshold review applications and make a recommendation to City Council for the docket (see #1 below).

Changes to the draft ordinance since the Plan Commission hearing on June 14, 2017:

1. Additional text was proposed for new section 17G.020.025(A)(1)(a)(i) to include language about establishing an ad hoc committee of three City Council members and three Plan Commission members to review and send recommendation to City Council. This change is from PC/CC Study Session on July 13, 2017.
2. Adding language was proposed for 17G.020.060(A)(2), Process for Application, Review and Decision, Threshold Review, which would add that neighborhood council engagement be encouraged early in the process, prior to application. This suggestion comes from Council Member Beggs. It reads:
In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).
3. Staff revision is proposed for section 17G.020.026, Threshold Review Criteria, to delete section D. Staff feel this is already addressed in SMC 17G.020.030(K) (Demonstration of Need) and is more appropriately addressed during final review.
“D” in the draft before Plan Commission read: “The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, “significantly changed conditions” requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole; and”
4. In 17G.020.026(G), addition of the word “or” to clarify that decision criteria H is not required and is thus no longer included in the proposed code update. This is in response to a comment from Plan Commissioner during the hearing on June 14, 2017.
5. Staff proposes a clerical change to the numbering in SMC 17G.020.026 from A-G for review steps, to A(1-3) for Threshold Review steps and B(1-12) for Final Review steps.

Project Timeline

January 25, 2017 – Concept workshop with Plan Commission
March 22, 2017 – Workshop with Plan Commission
April 26, 2017 – PC Workshop with draft language
May 4, 2017 - Outreach to Community Assembly
May 10, 2017 – Plan Commission Workshop, continued draft review
June 14, 2017 – Plan Commission Public Hearing
June 22, 2017 – City Council Study Session
July 13, 2017 - Plan Commission/City Council Joint Study Session
August 9, 2017 – Plan Commission Workshop - report back on Study Session recommendations
August 14, 2017 – City Council Briefing & 1st Reading Ordinance
August 21, 2017 – City Council Public Hearing, Action on Ordinance

Additional information: Completed [2015/2016 Annual Amendments](#) and the current process. [Annual amendments for 2017 are suspended](#) while the city adopts the periodic update to the Comprehensive Plan.

ORDINANCE NO. C-35536

AN ORDINANCE ADOPTING A THRESHOLD DOCKETING PROCESS FOR DECIDING WHEN COMPREHENSIVE PLAN AMENDMENT PROPOSALS WILL BE ADDED TO THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM OR ALTERNATIVELY TO AN ONGOING WORK PROGRAM OR PERIODIC UPDATE; AMENDING SECTIONS 17G.020.010, 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, 17G.020.060, 17G.020.070, 17G.025.010 AND 08.02.010; ADOPTING NEW SECTIONS 17G.020.25 AND 17G.020.26 TO CHAPTER 17G.020 OF THE SPOKANE MUNICIPAL CODE

Whereas, pursuant to RCW 36.70A.130, the Growth Management Act ("GMA") authorizes the City to consider annual amendments to its Comprehensive Plan, but GMA generally does not require the City to approve any particular amendment(s). Absent a statutory provision mandating that the City approve a certain amendment, the decision whether or not to approve a particular amendment is within the City Council's legislative discretion;

Whereas, pursuant to GMA's authorization, the City has established an annual process for accepting and reviewing applications to amend the City's Comprehensive Plan. That process is codified in Chapter 17G.020 of the Spokane Municipal Code ("SMC");

Whereas, the City wishes to add efficiencies to the annual Comprehensive Plan amendment process by establishing a threshold process that will be used to determine which amendment proposals will be included in the City's annual Comprehensive Plan Amendment Work Program ("Threshold Review Process"). The Threshold Review Process will also be used to identify amendment proposals which may be added to other ongoing work programs, or included in the City's next required periodic update. The purpose of this threshold review process is to more efficiently handle the work load for Plan Commission and the City Council, as well as staff. It is anticipated that this early threshold review step will also potentially benefit applicants who, without early feedback, may spend considerable time and resources on proposed amendments;

Whereas, the Threshold Review Process is consistent with the practices of local jurisdictions across Washington, and is consistent with the GMA and the City of Spokane Comprehensive Plan;

Whereas, the Threshold Review Process will provide interested applicants with fully adequate forum and process for proposed applications, and is fully consistent with GMA's public notice and participation requirements;

Whereas, the Spokane City Plan Commission held a workshop to study the proposed amendment on January 25, March 22, April 26, and May 10, 2017;

Whereas, on or about April 26, 2017, the Washington State Department of Commerce was given the required 60-day notice before adoption of proposed changes to the Development Code. An acknowledgement letter from the Department of Commerce was received by the City on April 26, 2017;

Whereas, on or about June 14, 2017, the Plan Commission held a public hearing and received testimony regarding the proposal;

Whereas, this Ordinance is a categorically exempt from State Environmental Policy Act (SEPA) as procedural action as described in WAC 197-11-800(19); -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17G.020.010 is amended to read as follows:

17G.020.010 ((Comprehensive Plan Amendment Purpose)) Purpose and Guiding Principles

- A. This chapter ((provides the process)) establishes the procedure and decision criteria that the City will use to review and amend ((for amending)) the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ((annual)) amendment process are legislative actions. These actions include amendments to the land use plan map ((or)) and/or text of the comprehensive plan.
- B. The guiding principles of the annual amendment process ((for comprehensive plan amendments)) are as follows:
1. Keep the comprehensive plan alive and responsive to the community.
 2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.

6. ~~((The proposed changes))~~ Amendments to the comprehensive plan must result in a net benefit to the general public.

C. Scope of Amendments. A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:

1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;
2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;
3. Administrative and regulatory procedures that implement the comprehensive plan; or
4. The comprehensive plan or its implementation measures, as necessitated by annexation action.
5. Proposed amendments may not include amendments to the urban growth area boundary.

Section 2. That SMC section 17G.020.020 is amended to read as follows:

17G.020.020 ((Timing)) Amendment Process

~~((A. — No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.))~~

~~B.~~ ((A.)) This chapter applies to and establishes the procedures for consideration of proposed amendments to the comprehensive plan. A proposal for ((an area-wide or)) a site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) is quasi-judicial and may be considered at any time, subject to the ((application requirements of SMC 17G.060.070)) procedures set forth in chapter 17G.060 SMC.

Section 3. That there is adopted a new section 17G.020.025 to chapter 17G.020 SMC to read as follows:

17G.020.025 Initiation of Amendment Proposals

- A. Amendment proposals initiated by the public or persons or entities other than the City.
1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as “the public”) may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:
 - a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.
 - i. Review by Ad Hoc Committee. Pursuant to the procedural provisions of this chapter, complete applications proposing an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by an ad hoc committee comprised of three city council members and three plan commission members. This ad hoc committee will conduct a public meeting and make a recommendation to the City Council using the criteria set forth in SMC 17G.020.026, as to which amendment proposals should be included in the Annual Comprehensive Plan Amendment Work Program.
 - ii. Consideration of Geographic Scope. The ad hoc committee shall review the geographic scope of any proposed amendments. The committee may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment’s site. Expansion shall be the minimum necessary to include properties with shared characteristics.
 - iii. City Council Review. The City Council will hold a public hearing and will review the committee’s recommendation and the criteria set forth in section 17G.020.026, and determine which amendment proposals will be included in the Annual Comprehensive Plan Amendment Work Program, and their geographic scope. Those proposals included in the Annual Comprehensive Plan Amendment Work Program will then be referred back to staff and to the Plan Commission for the Final Review process.

- iv. **Alternative Disposition.** Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in subsection A.2 of this section.
- b. **Final Review.** The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.
 - i. **Plan Commission Review.** The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.
 - ii. **City Council Action.** The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.
- 2. **Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.**
 - a. **Ongoing Work Program.** A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.
 - b. **Comprehensive Plan Periodic Update.** A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130(5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

B. Amendment Proposals Initiated by the City Council or Plan Commission.

- 1. **City Council.**
 - a. **Initiation.** Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority

of the total members of the City Council is required to initiate consideration of an amendment.

- b. Review. Amendment proposals initiated by the City Council will be reviewed by the Plan Commission and acted upon by Council as set forth in subsection A.1.b of this section, Final Review.

2. Plan Commission.

- a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.
- b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

- 3. Subarea Plan Review. The City Council may initiate a review of a subarea plan in accordance with the procedure specified in subsection B.1 of this section when it concludes that the issues arising in a subarea are of sufficient magnitude and complexity to merit review through a subarea review process. Prior to review of a subarea plan, the Council shall approve a public involvement program that has the goal of effectively and efficiently soliciting a broad spectrum of public viewpoints.

Section 4. That there is adopted a new section 17G.020.026 to chapter 17G.020 SMC to read as follows:

17G.020.026 Threshold Review Decision Criteria

The City Council may add a proposed amendment to the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met

- A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and
- B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and
- C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and

- D. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- E. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and
- F. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
- G. State law required, or a decision of a court or administrative agency has directed such a change.

Section 5. That SMC section 17G.020.030 is amended to read as follows:

17G.020.030 Final Review Criteria

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, ~~((and))~~ by the plan commission and by the city council in ~~((determining whether a criterion for approval has been met))~~ making a decision on the proposal.

- A. **Regulatory Changes.**
Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- B. **GMA.**
The change must be consistent with the goals and purposes of the state Growth Management Act.
- C. **Financing.**
In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.

D. Funding Shortfall.

If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.

E. Internal Consistency.

1. The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

2. If a proposed amendment is significantly inconsistent with current policy within the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

G. Cumulative Effect.

All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

1. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

2. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

I. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.

K. ~~((Consistent Amendments))~~ Demonstration of Need.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;

- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
 - g. transportation and/or other capital improvements are not being made as expected;
 - h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.
- 2. Map Changes.
Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:
 - a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
 - b. The map amendment or site is suitable for the proposed designation;
 - c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.
- 3. Rezones, Land Use Plan Map Amendment.
Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

~~((L. Inconsistent Amendments.~~

- 1. ~~Review Cycle.~~
~~Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.~~
- 2. ~~Adequate Documentation of Need for Change.~~
~~The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed~~

~~sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:~~

- ~~a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;~~
- ~~b. the capacity to provide adequate services is diminished or increased;~~
- ~~c. land availability to meet demand is reduced;~~
- ~~d. population or employment growth is significantly different than the plan's assumptions;~~
- ~~e. transportation and/or other capital improvements are not being made as expected;~~
- ~~f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~
- ~~g. assumptions upon which the plan is based are found to be invalid; or~~
- ~~h. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~3. Overall Consistency.~~

~~If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.))~~

Section 6. That SMC section 17G.020.040 is amended to read as follows:

17G.020.040 Amendment ((Exceptions)) Frequency

~~((The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation.))~~ The comprehensive plan shall be subject to continuing review and evaluation by the City. Amendment to the comprehensive plan should not be considered more frequently than once a year, except as described in RCW 36.70A.130 or in the following cases:

- A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan,

redesignations are exempt that comply with and implement the comprehensive plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. ~~((Also, future annexations will require an amendment to the land use plan map.))~~

- B. Adoption or amendment of ~~((a))~~ the shoreline master program.
- C. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.
- D. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.
- E. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.
- F. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- G. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.
- H. Technical corrections that would remove typographical errors or resolve a mapping error.
- I. Amendment to the Land Use Plan Map to accommodate an annexation into the city.

Section 7. That SMC section 17G.020.050 is amended to read as follows:

17G.020.050 Amendment Applications

~~((A. Scope of Amendments.~~

~~A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:~~

- ~~1. comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;~~
- ~~2. regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~
- ~~3. administrative and regulatory procedures that implement the comprehensive plan; or~~
- ~~4. the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~

~~Any person or entity may apply for a comprehensive plan amendment with the exception of amendments to the UGA which are initiated by the city council or mayor of Spokane.))~~

~~((G))A.((Pre-application)) Threshold Review Application.~~

~~Prior to submitting an amendment proposal for threshold review per SMC 17G.020.025, a private applicant is required to schedule a pre-application conference ((by submitting the following :)). The following shall be submitted prior to scheduling the predevelopment conference:~~

- ~~1. ((Pre-application)) Threshold review application form, including a general summary of the nature of the ((desired change)) proposed amendment.~~
- ~~2. The ((pre-application)) threshold review fee as specified in chapter 8.02 SMC.~~

~~((D))B. Final Review Application ((Components)).~~

~~A private applicant for a comprehensive plan amendment must submit the following documents and fees:~~

- ~~1. A general application.~~
- ~~2. A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:~~
 - ~~a. Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent ((or inconsistent)) with the current comprehensive plan, and whether the applicant~~

~~believes any ((specific suggested changes)) additional amendments to the plan ((or)) and/or other related documents may be necessary to maintain the comprehensive plan's internal consistency. ((The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.))~~

- b. Statement of how the amendment request is consistent with all of the ~~((decision criteria))~~ guiding principles and final review criteria.
- 3. A completed SEPA checklist. A non-project supplement ~~((is))~~ will be required since all comprehensive plan amendments are considered non-project proposals.
- 4. A notification district map.
- 5. ~~((Full))~~ Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ((pre-application)) threshold review fee that has already been paid.
 - a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 8. That SMC section 17G.020.060 is amended to read as follows:

17G.020.060 Process for Application, Review and Decision

A. Threshold Review ~~((Pre-application Form. Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.))~~

~~((B))~~1. Pre-application Conference.

A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's ~~((desired change))~~ proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their ~~((concern))~~ proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to

advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

2. Map Amendments.

In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).

~~((G))~~ 3. ((Deadline for Consideration)) Threshold Review Application Deadline.
~~((Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference.))~~ Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete.

4. Determination of Completeness.

Following determination of completeness, staff will notify the applicant in writing that it is counter complete. In the case of a map amendment, staff will notify the neighborhood council(s) in which they are located.

B. Final Review.

1. Final Review Application. An application ~~((will))~~ shall not move ahead for ~~((further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal))~~ final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

~~((D. — Application Certification, Docketing.~~

~~Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are~~

~~missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one hundred twenty day review requirements of chapter 36.70B RCW.))~~

~~((E))~~2. ~~((Full Review — SEPA))~~ Review by City Staff and Agencies.

~~((Full))~~ Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis ((begins December 1st for those proposals certified complete by November 30th)) of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. ((Priority of proposal)) Timely review is ((based)) dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements ((and provision of requested studies)). Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

~~((F))~~3. Notice of Application/SEPA.

~~((Within fourteen days of the completion of the review required))~~ When the review described in subsection ((E)) (C) above is complete, staff sends ((the)) a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within ((sixty)) thirty days of the date the notice of application is ((sent by staff to the applicant)) provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

~~((G))~~4. Public Comment Period.

The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

((H))5. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence (~~((and hold public open houses))~~) during this time.

((I))6. SEPA Determination.

~~((Within ten days of))~~ Following the end of the public comment period, staff will complete the SEPA threshold determination (~~(, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty)~~) pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

((J))7. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published (~~((within seventeen days of the end of the public comment period, and))~~) fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

((K))8. Staff Report.

~~((Once the SEPA appeal period ends,))~~ Prior to the Plan Commission hearing, ~~((the))~~ staff prepares its final report, which address~~((es both))~~ SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are ~~((mailed))~~ provided to the applicant as well as ~~((the))~~ plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state ~~((office of community, trade and economic development))~~ department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620(~~((, and subsection (I)(9) of this section))~~).

((L))9. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA ~~((appeal period has expired))~~ decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

~~((M))~~10. Plan Commission Recommendation.

The plan commission bases its recommendation on the ~~((review guidelines and required decision))~~ guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, ~~((and conclusions regarding its recommendation))~~ conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

~~((4))~~a. Approval based on support for the proposal and recognition that it is ~~((either))~~ consistent with the comprehensive plan ~~((and/or that enough evidence was presented to justify the need for the change))~~ applicable guiding principles, and amendment review criteria.

~~((a))~~i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

~~((2))~~b. Denial for the following reason(s):

~~((a))~~i. The proposal ~~((does not comply with the review guidelines or decision criteria))~~ is not consistent with applicable guiding principles and/or amendment review criteria.

~~((b))~~ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).

~~((e))~~iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. ~~((This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.))~~

~~((N))~~11. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's ~~((amendment))~~ recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget.

The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council ~~((may))~~ shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. ~~((However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.))~~

~~((Θ))~~ 12. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

Section 9. That SMC section 17G.020.070 is amended to read as follows:

17G.020.070 Notification

A. Application Deadline.

As a courtesy, the city will publish a reminder notice once ~~((in early January and again))~~ in early ~~((September))~~ August regarding each year's amendment application deadlines.

B. Private Applicant.

A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.

C. Text Changes.

Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of

publishing/posting/mailing are provided to the planning department by the applicant.

D. Map Changes.

Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.

E. City Council Hearing.

Notice of city council hearings must be published in the *Official Gazette*, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.

F. City Council Decisions.

City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the *Official Gazette*. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 17G.060.190.

G. Duration, Content of Notice.

Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request on the planning services department Web site.

H. Transmittal to State, Notice of Intent to Adopt.

At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state ((office of community, trade and economic development (CTED))) department of commerce (Commerce) ~~((as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions,))~~ for their review and comment. In addition, copies of

adopted amendments must be transmitted to ~~((CTED))~~ Commerce within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).

Section 10. That SMC section 17G.025.010 is amended to read as follows:

17G.025.010 Text Amendments to the Unified Development Code

A. Initiation.

~~((Text amendments to this code))~~ Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

1. Property owner(s) or their representatives;
2. Any citizen, agency, neighborhood council, or other party; or
3. A ~~((City))~~ city department, the plan commission, or the city council.

B. Applications. ~~((Applications shall be made on))~~ Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in chapter 8.02 SMC.

C. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than the City.

1. ~~((After submittal of an applicant-initiated application, the application))~~ Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to ((a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC)) the threshold review and docketing procedures set forth in chapter 17G.020.025 SMC, using the following criteria:

- a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
- b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and

- e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
 - f. State law required, or a decision of a court or administrative agency has directed such a change.
2. ~~((After submittal,))~~ If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ~~((shall))~~ should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

~~((D))~~ E. Notice of Public Hearing.

Amendments to ~~((this code))~~ Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- b. A statement of how the proposal would change the affected provision;
- c. The date, time, and place of the public hearing;
- d. A statement of the availability of the official file; and
- e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
- f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060.120, Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.

The City may approve amendments to this code if it finds that:

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

H. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. (~~By a majority vote, the city council shall~~) The city council may:

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

I. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington department of commerce ("commerce") shall be provided with a copy

of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to commerce.

J. Inapplicability to certain chapters.

This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the “construction standards”). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council’s regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

Section 11. That SMC section 08.02.069 is amended to read as follows:

08.02.069 Comprehensive Plan and Land Use Code Amendments

- A. A ~~((pre-application))~~ threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to [SMC 17G.020.010\(G\)\(3\)](#) and shall be credited to the full application fee pursuant to [SMC 17G.020.010\(G\)\(4\)\(e\)](#).
- B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.
- C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.
- D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

ADOPTED BY THE CITY COUNCIL ON _____.

(Delivered to the Mayor on the _____ day of _____)

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

The Plan Commission Findings of Fact and version of the Draft Ordinance considered at the June 14, 2017 Plan Commission Public Hearing follow this page.

**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Text Amendment to Spokane Municipal Code Chapter 17G.020,
Comprehensive Plan Amendment Procedure; 17G.025, Text Amendments to the
Unified Development Code, and; Section 08.02.069, Comprehensive Plan and
Land Use Code Amendments**

A recommendation from the City Plan Commission to the City Council to DENY proposed amendments to the Spokane Municipal Code. These proposed changes would amend the procedures for annual Comprehensive Plan Amendments processing as well as amend the procedures for private-applications to amend the Unified Development Code. This proposal would add a threshold determination or a "docketing" step; SMC Chapters 17G.020 and 17G.025 currently govern these procedure. Proposed new sections 17G.020.025 and 17G.020.026 describe the proposed threshold procedure and threshold decision criteria.

Findings of Fact:

- A.** Pursuant to RCW 36.70A.130, the Growth Management Act ("GMA") authorizes the City to consider annual amendments to its Comprehensive Plan, but GMA generally does not require the City to approve any particular amendment(s). Absent a statutory provision mandating that the City approve a certain amendment, the decision whether or not to approve a particular amendment is within the City Council's legislative discretion.
- B.** Pursuant to GMA's authorization, the City has established an annual process for accepting and reviewing applications to amend the City's Comprehensive Plan. That process is codified in Chapter 17G.020 of the Spokane Municipal Code ("SMC").
- C.** The stated purpose of the proposed amendment was to add efficiencies to the City's annual Comprehensive Plan amendment process by establishing a threshold review process that would be used to determine which amendment proposals will be included in the City's annual Comprehensive Plan Amendment Work Program. The threshold review process proposed to add efficiencies to the City's annual amendment process by identifying amendment proposals which may be more appropriately addressed as part of other ongoing work programs, or included in the City's next periodic update. The proposed threshold review process also sought to more efficiently handle the work load for Plan Commission and the City Council, as well as staff. The proposed early threshold review was also intended to benefit applicants who, without early feedback, may spend considerable time and resources on proposed amendments.
- D.** The proposed threshold review process has been adopted in many local jurisdictions around the State and is consistent with the GMA.
- E.** The Community Assembly received a presentation on this proposal at their meeting of May 4, 2017.
- F.** The Spokane City Plan Commission held a workshop to study the proposed amendment on January 25, March 22, April 26, and May 10, 2017.

- G. On April 26, 2017, the City notified the Washington State Department of Commerce of its intent to adopt the proposed threshold review process. The City received an acknowledgement letter from the Department of Commerce on April 26, 2017.
- H. Notice of these proposed amendments to SMC and announcement of the Plan Commission's June 14, 2017 hearing was published in the Spokesman Review on May 31, 2017 and June 7, 2017.
- I. This proposed change is a categorically exempt from State Environmental Policy Act (SEPA) as procedural action as described in WAC 197-11-800(19).
- J. The City Plan Commission held a public hearing on June 14, 2017 to obtain public comments on the proposed amendments; deliberations followed.

Public Comment:

- A. The Plan Commission received one written comment in opposition to the proposed amendment, dated June 14, 2017, from Dwight Hume. His letter expressed concerns regarding the use of public hearings during the docketing process to allow public comment on whether or not the application "qualifies for consideration; and, the potential of Plan Commission and/or City Council to direct the action for consideration to another Planning process, which is an unreliable option due to staffing and budget considerations. He states that the applicant has a right to "due process". His letter also indicated that if it was a matter of excessive staff time, the provision of hourly rates for extraordinary staff time in the City's fee schedule should be assessed, but it would need to be assessed both against the applicant and the neighborhood or other opposition groups.
- B. At their hearing on June 14, 2017, the Plan Commission heard testimony from two individuals, Dwight Hume and Jim Frank, in opposition to the proposed amendment. Dwight Hume's testimony reiterated the points in his letter (described in paragraph A, above). Jim Frank also testified, stating that last year's Comprehensive Plan amendment in the North Indian Trails neighborhood would not have been considered unreasonable by any rational person based upon the language in the Comprehensive Plan. He indicated that the neighborhood doesn't like the Comprehensive Plan because it is a suburban neighborhood and we are trying to impose an urban plan on a suburban neighborhood. He further stated that the proposed amendment would throw cold water on investment in the City, and that the amendment was ill-conceived.
- C. No other testimony was heard.

Discussion:

During deliberations on June 14, 2017, the Plan Commission considered the proposed text amendment using the criteria set forth in SMC 17G.025.010. The Plan Commission indicated in deliberations that they did not believe that the proposal would encourage business investment or promote a good business climate in the City. Instead, the Plan Commission found that the current process (i) provides greater opportunity for public notice and participation for all applications received by the City; (ii) provides a more equitable process that meets the needs

of the entire community, including the applicants; and (iii) provides a meaningful opportunity for applicants to make adjustments to otherwise objectionable applications based on feedback received from staff, the public, the Plan Commission, and ultimately the City Council during the longer process.

The Plan Commission also indicated that they not believe that the proposed amendments would result in significant improvements in the efficiencies of managing Plan Commission, City Council, and/or staff workloads and suggested that there are better ways to address work load and resource concerns, including increased application processing fees. The Plan Commission indicated that they support providing all applicants with more process than is envisioned by the proposed threshold review process.

Conclusions:

With regard to the Proposed Text Amendment to Spokane Municipal Code Chapter 17G.020, Comprehensive Plan Amendment Procedure; 17G.025, Text Amendments to the Unified Development Code, and; Section 08.02.069, Comprehensive Plan and Land Use Code Amendments , based on the foregoing findings, public comments and testimony heard on the proposed amendment, and discussion during deliberations, the Plan Commission concluded that:

- A.** The proposed amendments are not consistent the applicable goals and policies of the City's Comprehensive Plan.
- B.** The proposed amendments do not bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of **6 to 2**, the Plan Commission voted against recommending approval of the proposal to add the threshold review process to the City's annual Comprehensive Plan Amendment process.

A handwritten signature in dark ink, appearing to read 'Dennis Dellwo', is written over a horizontal line.

**Dennis Dellwo, President
Spokane Plan Commission
June 28, 2017**

DRAFT ORDINANCE NO. _____
Prepared for Plan Commission Hearing, June 14, 2017

Chapter 17G.020
Comprehensive Plan Amendment Procedure

17G.020.010 ((Comprehensive Plan Amendment Purpose)) Purpose and Guiding Principles

- A. This chapter ~~((provides the process))~~ establishes the procedure and decision criteria that the City will use to review and amend ~~((for amending))~~ the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ~~((annual))~~ amendment process are legislative actions. These actions include amendments to the land use plan map ~~((or))~~ and/or text of the comprehensive plan.
- B. The guiding principles of the annual amendment process ~~((for comprehensive plan amendments))~~ are as follows:
1. Keep the comprehensive plan alive and responsive to the community.
 2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
 6. ~~((The proposed changes))~~ Amendments to the comprehensive plan must result in a net benefit to the general public.
- C. Scope of Amendments
A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:

1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;
2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;
3. Administrative and regulatory procedures that implement the comprehensive plan; or
4. The comprehensive plan or its implementation measures, as necessitated by annexation action.
5. Proposed amendments may not include amendments to the urban growth area boundary.

17G.020.020 ((Timing)) Amendment Process

- ~~((A. No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.))~~
- B. ((A.)) This chapter applies to and establishes the procedures for consideration of proposed amendments to the comprehensive plan. A proposal for ((an area-wide or)) a site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) is quasi-judicial and may be considered at any time, subject to the ((application requirements of SMC 17G.060.070)) procedures set forth in chapter 17G.060 SMC.

New Section:

Section 17G.020.025 Initiation of Amendment Proposals

- A. Amendment proposals initiated by the public or persons or entities other than the City.
1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as “the public”) may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:
 - a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.

- i. City Council Review. Pursuant to the applicable procedural provisions of this chapter, complete applications to propose an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by the City Council. The City Council will hold a public hearing and, using the criteria set forth in SMC 17G.020.026, determine which amendment proposals initiated by the public should be included in the Annual Comprehensive Plan Amendment Work Program.
 - ii. Consideration of Geographic Scope. Prior to the hearing, the City Council shall review the geographic scope of any proposed amendments. The City Council may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics.
 - iii. Alternative Disposition. Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in subsection A.2 of this section.
 - b. Final Review. The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.
 - i. Plan Commission Review. The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.
 - ii. City Council Action. The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.
- 2. Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.
 - a. Ongoing Work Program. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.
 - b. Comprehensive Plan Periodic Update. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130(5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

B. Amendment Proposals Initiated by the City Council or Plan Commission.

1. City Council.

- a. Initiation. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority of the total members of the City Council is required to initiate consideration of an amendment.
- b. Review. Amendment proposals initiated by the City Council will be reviewed by the Plan Commission and acted upon by Council as set forth in subsection A.1.b of this section, Final Review.

2. Plan Commission.

- a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.
- b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

- 3. Subarea Plan Review. The City Council may initiate a review of a subarea plan in accordance with the procedure specified in subsection B.1 of this section when it concludes that the issues arising in a subarea are of sufficient magnitude and complexity to merit review through a subarea review process. Prior to review of a subarea plan, the Council shall approve a public involvement program that has the goal of effectively and efficiently soliciting a broad spectrum of public viewpoints.

A new Section 17G.020.026 is added as follows:

Section 17G.020.026 Threshold Review Decision Criteria

The City Council may add a proposed amendment to the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met

- A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and
- B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and
- C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- D. The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, “significantly changed conditions” requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject

property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole; and

- E. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- F. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and
- G. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated;
- H. State law required, or a decision of a court or administrative agency has directed such a change.

17G.020.030 Final Review Criteria

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, ~~((and))~~ by the plan commission and by the city council in ((determining whether a criterion for approval has been met)) making a decision on the proposal.

- A. **Regulatory Changes.**
Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- B. **GMA.**
The change must be consistent with the goals and purposes of the state Growth Management Act.
- C. **Financing.**
In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.
- D. **Funding Shortfall.**

If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.

E. Internal Consistency.

1. The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.
2. If a proposed amendment is significantly inconsistent with current policy within the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

G. Cumulative Effect.

All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

1. Land Use Impacts.
In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.
2. Grouping.
Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

I. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.

K. ~~((Consistent Amendments))~~ Demonstration of Need.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;

- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

2. Map Changes.

Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
- b. The map amendment or site is suitable for the proposed designation;
- c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

3. Rezones, Land Use Plan Map Amendment.

Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

~~((L. Inconsistent Amendments.~~

~~1. Review Cycle.~~

~~Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.~~

~~2. Adequate Documentation of Need for Change.~~

~~The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:~~

- ~~a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;~~
- ~~b. the capacity to provide adequate services is diminished or increased;~~
- ~~c. land availability to meet demand is reduced;~~
- ~~d. population or employment growth is significantly different than the plan's assumptions;~~
- ~~e. transportation and/or other capital improvements are not being made as expected;~~
- ~~f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~
- ~~g. assumptions upon which the plan is based are found to be invalid; or~~
- ~~h. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~3. Overall Consistency.~~

~~If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.))~~

17G.020.040 Amendment ((Exceptions)) Frequency

~~((The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation.))~~ The comprehensive plan shall be subject to continuing review and evaluation by the City. Amendment to the comprehensive plan should not be considered more frequently than once a year, except as described in RCW 36.70A.130 or in the following cases:

- A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive

plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. ~~((Also, future annexations will require an amendment to the land use plan map.))~~

B. Amendment to the Land Use Plan Map to accommodate an annexation into the city.

~~((B))~~C. Adoption or amendment of ~~((a))~~ the shoreline master program.

~~((G))~~D. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.

~~((D))~~E. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.

~~((E))~~F. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

~~((F))~~G. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

~~((G))~~H. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.

~~((H))~~I. Technical corrections that would remove typographical errors or resolve a mapping error.

17G.020.050 Amendment Applications

~~((A. Scope of Amendments.~~

~~A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:~~

- ~~1. comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;~~

2. ~~regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~
3. ~~administrative and regulatory procedures that implement the comprehensive plan; or~~
4. ~~the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~

~~Any person or entity may apply for a comprehensive plan amendment with the exception of amendments to the UGA which are initiated by the city council or mayor of Spokane.))~~

~~((G))A.((Pre-application)) Threshold Review Application.~~

~~Prior to submitting an amendment proposal for threshold review per SMC 17G.020.025, a private applicant is required to schedule a pre-application conference ((by submitting the following:)). The following shall be submitted prior to scheduling the predevelopment conference:~~

1. ~~((Pre-application)) Threshold review application form, including a general summary of the nature of the ((desired change)) proposed amendment.~~
2. ~~The ((pre-application)) threshold review fee as specified in chapter 8.02 SMC.~~

~~((D))B. Final Review Application ((Components)).~~

~~A private applicant for a comprehensive plan amendment must submit the following documents and fees:~~

1. ~~A general application.~~
2. ~~A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:~~
 - a. ~~Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent ((or inconsistent)) with the current comprehensive plan, and whether the applicant believes any ((specific suggested changes)) additional amendments to the plan ((or)) and/or other related documents may be necessary to maintain the comprehensive plan's internal consistency. ((The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.))~~

- b. Statement of how the amendment request is consistent with all of the ~~((decision criteria))~~ guiding principles and final review criteria.
- 3. A completed SEPA checklist. A non-project supplement ~~((is))~~ will be required since all comprehensive plan amendments are considered non-project proposals.
- 4. A notification district map.
- 5. ~~((Full))~~ Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ~~((pre-application))~~ threshold review fee that has already been paid.
 - a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 17G.020.060 is amended as follows:

17G.020.060 Process for Application, Review and Decision

~~((A. Pre-application Form.~~

~~Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.))~~

~~((B))~~A. Pre-application Conference.

A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's ~~((desired change))~~ proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their ~~((concern))~~ proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

~~((C))~~B. ~~((Deadline for Consideration))~~ Application Deadline.

~~((Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference.))~~ Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to

be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete. An application ((will)) shall not move ahead for ((further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal)) final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

~~((D.—Application Certification, Docketing.~~

~~Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one-hundred-twenty-day review requirements of chapter 36.70B RCW.))~~

~~((E))C.((Full Review—SEPA)) Review by City Staff and Agencies.~~

~~((Full))~~ Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis ((begins December 1st for those proposals certified complete by November 30th)) of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. ((Priority of proposal)) Timely review is ((based)) dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements ((and provision of requested studies)). Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

((F))D. Notice of Application/SEPA.

~~((Within fourteen days of the completion of the review required))~~ When the review described in subsection ((E)) (C) above is complete, staff sends ((the)) a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within ((sixty)) thirty days of the date the notice of application is ((sent by staff to the applicant)) provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

((G))E. Public Comment Period.

The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

((H))F. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence ~~((and hold public open houses))~~ during this time.

((I))G. SEPA Determination.

~~((Within ten days of))~~ Following the end of the public comment period, staff will complete the SEPA threshold determination ((, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty)) pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

((J))H. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published ~~((within seventeen days of the end of the public comment period, and))~~ fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

~~((K))~~I. Staff Report.

~~((Once the SEPA appeal period ends,))~~ Prior to the Plan Commission hearing, ~~((the))~~ staff prepares its final report, which address~~((es both))~~ SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are ~~((mailed))~~ provided to the applicant as well as ~~((the))~~ plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state ~~((office of community, trade and economic development))~~ department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620~~((, and subsection (1)(9) of this section))~~.

~~((L))~~J. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA ~~((appeal period has expired))~~ decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

~~((M))~~K. Plan Commission Recommendation.

The plan commission bases its recommendation on the ~~((review guidelines and required decision))~~ guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, ~~((and conclusions regarding its recommendation))~~ conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

1. Approval based on support for the proposal and recognition that it is ~~((either))~~ consistent with the comprehensive plan ~~((and/or that enough evidence was presented to justify the need for the change))~~ applicable guiding principles, and amendment review criteria.
 - a. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

2. Denial for the following reason(s):

- a. The proposal ~~((does not comply with the review guidelines or decision criteria))~~ is not consistent with applicable guiding principles and/or amendment review criteria.
- b. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
- c. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. ~~((This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.))~~

~~((N))~~L. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's ~~((amendment))~~ recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council ~~((may))~~ shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. ~~((However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.))~~

~~((O))~~M. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive

plan amendments over the years, and such list will be included as part of the comprehensive plan.

17G.020.070 Notification

- A. Application Deadline.
As a courtesy, the city will publish a reminder notice once ((in early January and again)) in early ((September)) August regarding each year's amendment application deadlines.
- B. Private Applicant.
A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.
- C. Text Changes.
Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of publishing/posting/ mailing are provided to the planning department by the applicant.
- D. Map Changes.
Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.
- E. City Council Hearing.
Notice of city council hearings must be published in the *Official Gazette*, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.
- F. City Council Decisions.

City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the *Official Gazette*. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 17G.060.190.

G. Duration, Content of Notice.

Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request on the planning services department Web site.

H. Transmittal to State, Notice of Intent to Adopt.

At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state ((office of community, trade and economic development (CTED))) department of commerce (Commerce) ~~((as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions,))~~ for their review and comment. In addition, copies of adopted amendments must be transmitted to ((CTED)) Commerce within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).

No changes proposed, included for reference will not go in final ordinance:

17G.020.075 Supplemental Notice

A. Purpose.

In order to make all efforts to notify related parties, supplemental notification methods should be utilized, as appropriate, such as:

1. notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
2. placing notices in appropriate regional, neighborhood, foreign language or trade journals; and
3. publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

B. Who to Notify.

Depending on the nature of particular applications, the plan commission may decide to require additional notice procedures that are reasonably calculated to

provide notice of proposed amendments to comprehensive plans and development regulations to any of the following groups:

1. Property owners, residents and building occupants.
2. Other affected and interested individuals.
3. Tribes.
4. Government agencies.
5. Businesses.
6. School districts; and
7. Organizations.

Section 10. That there is adopted a new section 17G.020.080 to chapter 17G.020 of the Municipal Code to read as follows:

No changes proposed, included for reference will not go in final ordinance:

17G.020.080 Public Participation Program

A. Roles

All complete applications for amendment to the comprehensive plan are considered and reviewed by the plan commission and city council. Depending on the content, scope or potential impact of a proposed modification, additional review by other citizen committees and opportunities for public comment may occur.

B. Goals.

Various public meetings, forums, presentations and outreach may be conducted in order to ensure:

1. broad dissemination of proposals and alternatives;
2. opportunity for written comments;
3. public meetings after effective notice;
4. provision for open discussion;
5. communication programs;
6. information services; and

7. consideration of and response to public comments.

C. Strategies and Methods.

In addition to plan commission and city council public hearings on amendment proposals, specific public participation strategies and methods should include, as appropriate:

1. efforts to involve the broadest cross-section of the community;
2. a series of public meetings or workshops should be held at various locations;
3. opportunity to make written comment;
4. a variety of communication programs and information services, such as information packets, brochures and a speakers bureau;
5. drafts of proposals and alternatives should be reproduced and made available to the public at the planning department offices, public libraries, and the planning department's website;
6. notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media;
7. all public meetings and hearings should be free and open. Anyone who wants to should be able to speak at a hearing.

D. Neighborhood Meetings.

Since all proposals are required to be consistent with any adopted neighborhood plan or center plan; persons proposing site-specific amendments are encouraged to address these through the neighborhood planning process. If the affected area currently has no existing neighborhood or center planning group, the applicant should meet with whatever representative body already exists (e.g., neighborhood council, or CDBG steering committee).

E. Consideration of and Response to Public Comments.

All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

F. SEPA.

Every effort should be made to incorporate public involvement efforts into the SEPA process.

- G. Emergencies.
Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation.

end

DRAFT ORDINANCE

Amending SMC Section 8.02.699 Comprehensive Plan and Land Use Code
Amendments

Title 08 Taxation and Revenue

Chapter 08.02 Fees and Charges

Article VI. Land Use and Occupancy

Section 08.02.069 Comprehensive Plan and Land Use Code Amendments

- A. A ~~((pre-application))~~ threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to SMC 17G.020.010(G)(3) and shall be credited to the full application fee pursuant to SMC 17G.020.010(G)(4)(e).
- B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.
- C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.
- D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

Section 17G.025.010 Text Amendments to the Unified Development Code

- A. Initiation.
~~((Text amendments to this code))~~ Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:
 - 1. Property owner(s) or their representatives;
 - 2. Any citizen, agency, neighborhood council, or other party; or
 - 3. A ~~((City))~~ city department, the plan commission, or the city council.
- B. Applications. ~~((Applications shall be made on))~~ Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are

specified in chapter 8.02 SMC.

C. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than the City.

1. ((After submittal of an applicant-initiated application, the application)) Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to ((a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC)) the threshold review and docketing procedures set forth in chapter 17G.020.025 SMC, using the following criteria:
 - a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
 - b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
 - c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
 - d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
 - e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
 - f. State law required, or a decision of a court or administrative agency has directed such a change.
2. ((After submittal,)) If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ((shall)) should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and

SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

((D)) E. Notice of Public Hearing.

Amendments to ((this code)) Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- b. A statement of how the proposal would change the affected provision;
- c. The date, time, and place of the public hearing;
- d. A statement of the availability of the official file; and
- e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
- f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060.120, Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city

council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.

The City may approve amendments to this code if it finds that:

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

H. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. (~~By a majority vote, the city council shall~~) The city council may:

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

I. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington department of commerce ("commerce") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to commerce.

J. Inapplicability to certain chapters.

This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the "construction standards"). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council's regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be

submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

ORDINANCE NO. C35513

An ordinance enacting an interim zoning ordinance relating to regulations for state-licensed marijuana producers, processors, retailers, and research facilities; amending section 17C.347.030 of the Spokane Municipal Code and declaring an emergency.

WHEREAS, RCW 69.50.331(8) generally prohibits the Washington State Liquor and Cannabis Board from issuing a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade where admission is not restricted to persons aged twenty-one years or older; and

WHEREAS, consistent with RCW 69.50.331 (8), the City Council adopted zoning regulations codified in SMC 17C.347.030 A., limiting the location of state-licensed marijuana producers, processors and retailers to no closer than one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreational center or facility, child care center, public park, public transportation center, library or any game arcade where admission is not restricted to persons age twenty one or older; and

WHEREAS, RCW 69.50.331 (8) allows cities to adopt ordinances reducing the one thousand foot buffer to not less than one hundred feet of the protected facilities with the exception of elementary schools, secondary schools, and playgrounds where the restricted distance remains at one thousand feet provided that such reduction does not negatively impact the City's civil regulatory enforcement, criminal law enforcement interests, public safety, or the public health; and

WHEREAS, the City of Spokane finds that reducing the buffer distance for game arcades where admission is not restricted to persons aged twenty-one years or older, pursuant to the authority granted by RCW 69.50.331(8)(b) and (c), would have no negative impact on the City's civil regulatory enforcement, criminal law enforcement interests, public safety, or the public health; and

WHEREAS, RCW 36.70A.390 provides that, "A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or

interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal;" and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the City Council finds that the interim land use regulations imposed by this ordinance are necessary for the protection of the public health, safety, property or peace; Now, Therefore,

The City of Spokane does ordain:

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 17C.347.030 of the Spokane Municipal Code is amended to read as follows:

17C.347.030 Regulations for State-Licensed Marijuana Producers, Processors, ~~((and))~~ Retailers and Research Facilities

A. City Zoning.

1. State-Licensed Marijuana Producers, Processors ~~((and))~~, Retailers and Research Facilities.
 - a. No person may conduct business within the City of Spokane as a state-licensed marijuana producer, processor ~~((or))~~, retailer or research facility allowed under RCW 69.50.372 unless they are located within the CC2, CC3, CB, GC, DTC, DTG, DTU, DTS, LI, HI and PI Zones in accordance with Title 17 SMC and licensed under this chapter. A state-licensed marijuana producer or processor is classified as a Manufacturing and Production land use as described in chapter 17C.190 SMC, Use Category Descriptions. Manufacturing and Production uses are limited as provided in Table 17C.120-1, Table 17C.130-1, and Table 17C.124-1. In Table 17C.122-1, for Center and Corridor Zones, a state-licensed marijuana producer or processor is classified as a Limited Industrial land use and is subject to the standards for a Limited Industrial use. A state-licensed marijuana retailer is classified as a Retail Sales and Service land use as described in chapter 17C.190 SMC, Use Category Descriptions. In Table 17C.122-1, for Center and Corridor Zones, a state-licensed marijuana retailer is classified as a

Commercial land use and is subject to the standards for a Commercial use.

- b. A state-licensed marijuana producer, processor ~~((or))~~, retailer or research facility allowed under RCW 69.50.372 may not be located within one thousand feet of the perimeter of the grounds of any of the following entities~~((The owner or operator of the state-licensed marijuana producer, processor or retailer shall have the responsibility to demonstrate that the state-licensed marijuana producer, processor or retailer is not within the one thousand foot perimeter))~~:
 - i. elementary or secondary school;
 - ii. playground;
 - iii. ~~((recreational center or facility;~~
 - iv. child care center;
 - v. public park;
 - vi. public transportation center; or
 - vii. library ~~((; or))~~
 - viii. ~~any game arcade where admission is not restricted to persons age twenty one or older))~~.
- c. A state-licensed marijuana producer, processor, retailer or research facility allowed under RCW 69.50.372 may not be located within five hundred feet of the perimeter of the grounds of any game arcade where admission is not restricted to persons age twenty-one or older.
- d. The owner or operator of the state-licensed marijuana producer, processor, retailer or research facility allowed under RCW 69.50.372 shall have the responsibility to demonstrate that the state-licensed marijuana producer, processor, retailer or research facility allowed under RCW 69.50.372 is in compliance with the distance requirements of this subsection.

B. Waste products shall be disposed of in a secure manner that would prevent exposure to the public or create a nuisance.

C. Measurement.

- 1. The measurement of the separation distance in subsection A(1)(b) above shall be measured as the shortest straight line distance from the property line of the production and processing facility, retail outlet or collective garden to the property line of the entities listed in subsection A(1)(b).
- 2. A protected use specified in subsection A(1)(b) above shall not benefit from the separation requirements of this subsection if the use chooses to locate within the required separation distance from a lawfully located production or processing facility, collective garden or retailer outlet.

Section 2 – Public Hearing/Findings of Fact. In adopting this ordinance, the Council considered the testimony submitted during the public hearing held on June 19, 2017. The preamble to this ordinance is adopted as the City Council's findings of fact in support of the adoption of the interim land use regulations imposed by this ordinance.

Section 3. Duration of Interim Ordinance. This ordinance shall be effective for six month unless the ordinance is extended pursuant to RCW 36.70A.390 or the City Council takes subsequent legislative action to make the provisions of this ordinance permanent.

Section 4. Severability. If any provision of this ordinance, or its application to any person, entity or circumstance, is for any reason held invalid, the remainder of the ordinance, or the application of the provisions to other persons, entities or circumstances, is not affected.

Section 5. Emergency Clause. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public peace, health, safety and property and for the immediate support of city government and its existing institutions, shall be effective immediately upon its passage.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



**PLANNING & DEVELOPMENT
SERVICES**
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3329
509.625.6300
FAX 509.625.6013
my.spokanecity.org

May 19, 2017

Smokane
c/o Jay Low
17 N Ralph St
Spokane, WA 99202

Re: Marijuana License at 3801 E Sprague for License No. 414101 – 4L

Dear Mr. Low,

This letter is being provided to you to serve as a timeline of your conversations with the City of Spokane prior to and during your application process for a marijuana retail license to be located at 3801 E Sprague.

On February 25, 2016 you emailed our Planning Department to ask whether or not 3801 E Sprague was considered an allowed location based for a marijuana business on the City's zoning requirements and known protected entities. At that time, the location had no known protected entities within 1,000 feet and the location was considered allowable by City zoning ordinances.

On June 9, 2016 you met with the City's Development Services Center for a Pre-Development meeting to discuss permitting requirements for your tenant improvement of your building. At that time, it was confirmed that 3801 E Sprague was an allowed location for a marijuana business based on the City's zoning requirements and known protected entities. At that time, the location had no known protected entities within 1,000 feet and the location was considered allowance by City zoning ordinances.

On June 22, 2016, you applied for a building permit at 3801 E Sprague for tenant improvements to the building. That application was accepted and the permit was approved and issued on August 16, 2016. All required permits have been obtained.

It is the City's understanding that the license referenced above has been denied by the Washington State Liquor and Cannabis Board on the basis that an arcade located at 3917 E Main is within 1,000 feet of the intended marijuana business location. Based on City Business License records, the business license for the arcade was issued on November 15, 2016.

Please let me know if you have any questions or need further information.

Thank you,

Lisa D. Key
Planning Director
City of Spokane, Planning and Development

Cc:

Council Member Mike Fagan
Jonathan Mallahan, Business and Development Division Director
Kris Becker, DSC Manager
Michael Piccolo, Assistant City Attorney