

## CITY OF SPOKANE



### REGARDING CITY COUNCIL MEETINGS

Notice is hereby given that City Council has resumed in-person meetings. City Council's standing committee meetings, Briefing Sessions, Legislative Sessions and study sessions are held in City Council Chambers – Lower Level of City Hall, 808 W. Spokane Falls Blvd.

City Council Members, City staff, presenters and members of the public will still have the option to participate virtually via WebEx during all meetings, with the exception of Executive Sessions which are closed to the public. Call in information for the January 9, 2023, meetings is below. All meetings will continue to be streamed live on Channel 5 and online at <https://my.spokanecity.org/citycable5/live> and <https://www.facebook.com/spokanecitycouncil>.

#### **WebEx call in information for the week of January 9, 2023:**

1:15 p.m. Committee Meeting: 1-408-418-9388; access code: 2491 952 4023; password: 0320

3:30 p.m. Briefing Session: 1-408-418-9388; access code: 2497 452 1932; password: 0320

6:00 p.m. Legislative Session: 1-408-418-9388; access code: 2499 980 7228; password: 0320

Thursday Study Session: 1-408-418-9388; access code: 2480 676 7327; password: 0320

#### **To participate in public comment (including Open Forum):**

Testimony sign up is open from 5:00-6:00 p.m. on Monday, January 9, 2023. You must sign up by 6:00 p.m. to be called on to testify. Sign up forms will be available outside of Council Chambers for in-person attendees.

Those wishing to give testimony virtually can sign up between 5:00-6:00 p.m. at <https://forms.gle/Vd7n381x3seaL1NW6>. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Instructions for participation are provided on the form when you sign up.

The Open Forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items of interest not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

**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!**

**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**

- A. At the 6:00 p.m. legislative session, after the conclusion of the legislative agenda, the Council shall hold an open forum unless a majority of Council Members vote otherwise. The open forum will not extend past 9:30 p.m. unless extended by a supermajority of the Council.
- B. Members of the public can sign up for open forum in the hour preceding the legislative session via the virtual testimony form linked in the meeting packet or in person outside Council Chambers. The order of the speakers be determined at the discretion of the chair. Each speaker shall be limited to no more than three minutes unless a majority of the Council Members in attendance vote on an alternate time limit.
- C. No action, other than a statement of Council Members' intent to address the matter in the future, points of order, or points of information will be taken by Council Members during an open forum.
- D. The open forum is a limited public forum and all matters discussed in the open forum shall relate to the affairs of the City. No person shall be permitted to speak in open forum regarding items on that week's current agenda or the next week's advanced agenda, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

**Rule 2.7 SERVICE ANIMALS AT CITY COUNCIL MEETINGS**

- A. For purposes of these Rules, only dogs that are individually trained to do work or perform tasks for a person with a disability are recognized as service animals. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under these Rules. Service animals are permitted to accompany people with disabilities in City Council meetings, as well as all areas where members of the public are allowed to go.
- B. Service animals must, at all times while present in a City Council meeting, be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices, in which case, the individual must maintain control of the animal through voice, signal, or other effective controls.

**Rule 2.15 PARTICIPATION OF MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS**

- A. Members of the public may address the Council regarding the following items during the Council's legislative session: the consent agenda as a whole, first and final readings of regular and special budget ordinances, emergency ordinances, special consideration items, hearing items, and other items before the City Council requiring Council action, except those that are adjudicatory or solely administrative in nature. This rule shall not limit the public's right to speak on issues that are not part of the current or advanced agendas during open forum.
- B. No member of the public 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 their city of residence as a condition of recognition. Council Members must be recognized by the chair for the purpose of obtaining the floor.
- C. Each person speaking in a public Council meeting shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. 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.

- E. 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, signs, applause, profanity, vulgar language, or personal insults will be permitted.
- F. A speaker asserting a statement of fact may be asked to document and identify the sources of the factual datum being asserted.
- G. When addressing the Council, members of the public shall direct all remarks to the Council President, shall refrain from remarks directed personally to any Council Member or any other individual, and shall confine remarks to the matters that are specifically before the Council at that time.
- H. Members of City Council staff may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they do the following:
  - 1. Announce at the beginning of their testimony that they are there in their personal capacity or their capacity as a member of a relevant board, commission, committee or community group;
  - 2. Protect confidential information, including, but not limited to, confidential financial information and attorney-client communications;
  - 3. Do not use, or be perceived to use, City funds, including giving testimony during paid work time, or City property, including using a City-issued computer or cell phone, in giving testimony.
- I. 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, newly revised*, shall extend to all speakers before the City Council. The City Council's Director of Policy and Government Relations and/or City Attorney shall, with the assistance of Council staff, assist the Council President to ensure that all individuals desiring to speak shall be identified, appropriately recognized, and provided the opportunity to speak.

**Rule 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS**

- A. The City Council shall take public testimony on all matters included on its legislative agenda as described at Rule 2.15(A), with those exceptions stated in Rule 2.16(B). Public testimony shall be limited to the final Council action, except that public testimony shall be allowed at the first reading of ordinances. Public testimony shall be limited to three (3) minutes per speaker unless the time limit is adjusted by a majority vote of the Council. The chair may allow additional time if the speaker is asked to respond to questions from the Council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the Council.
- B. No public testimony shall be taken on amendments to consent or legislative agenda items, or solely procedural, parliamentary, or administrative matters of the Council.
- C. Public testimony will be taken on consent and legislative items that are moved to Council's regular briefing session or study session unless a majority of Council votes otherwise during the meeting in which the items are moved.
- D. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented at the discretion of the Council President:
  - 1. Following an assessment by the chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the chair shall, in the absence of objection by the majority of the Council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
    - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
    - b. The designated representative of the proponents of the issue shall speak first and may include within their presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes may be granted for the proponent's presentation. If there be more than one designated representative, they shall allocate the allotted time between or among themselves.
    - c. Following the presentation of the proponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the proponents who wishes to speak on behalf of the proponent's position.
    - d. The designated representative, if any, of the opponents of the issue shall speak following the

presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same amount of time which was allotted to the proponents.

- e. Following the presentation by the opponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the opponents who wishes to speak on behalf of the opponents' position.
  - f. Up to ten (10) minutes of rebuttal time may be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.
2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three (3) minutes to present their position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
  3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the chair may grant the same procedural and time allowances to each group or groups, as stated previously.
  4. In the event that the side for which individuals wish to speak is not identified, those wishing to give testimony shall be granted three (3) minutes to present their position after all sides have made their initial presentations and before each side's rebuttal period.
- E. The time taken for staff or Council Member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.
- F. Testimony may also be submitted by mail to City Council Office, Spokane City Hall, 808 W. Spokane Falls Blvd., Spokane, WA, 99201, by email to all Council Members, or via the Contact form on the Council's website.<sup>1</sup>

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<sup>1</sup> <https://my.spokanecity.org/citycouncil/members/>

# THE CITY OF SPOKANE



## ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, JANUARY 9, 2023

### **MISSION STATEMENT**

**TO DELIVER EFFICIENT AND EFFECTIVE SERVICES  
THAT FACILITATE ECONOMIC OPPORTUNITY  
AND ENHANCE QUALITY OF LIFE.**

**MAYOR NADINE WOODWARD**

**COUNCIL PRESIDENT BREEAN BEGGS**

**COUNCIL MEMBER JONATHAN BINGLE**

**COUNCIL MEMBER LORI KINNEAR**

**COUNCIL MEMBER BETSY WILKERSON**

**COUNCIL MEMBER MICHAEL CATHCART**

**COUNCIL MEMBER KAREN STRATTON**

**COUNCIL MEMBER ZACK ZAPPONE**

**CITY COUNCIL CHAMBERS  
CITY HALL**

**808 W. SPOKANE FALLS BLVD.  
SPOKANE, WA 99201**

## **LAND ACKNOWLEDGEMENT**

We acknowledge that we are on the unceded land of the Spokane people. And that these lands were once the major trading center for the Spokanes as they shared this place and welcomed other area tribes through their relations, history, trade, and ceremony. We also want to acknowledge that the land holds the spirit of the place, through its knowledge, culture, and all the original peoples Since Time Immemorial.

As we take a moment to consider the impacts of colonization may we also acknowledge the strengths and resiliency of the Spokanes and their relatives. As we work together making decisions that benefit all, may we do so as one heart, one mind, and one spirit.

We are grateful to be on the shared lands of the Spokane people and ask for the support of their ancestors and all relations. We ask that you recognize these injustices that forever changed the lives of the Spokane people and all their relatives.

We agree to work together to stop all acts of continued injustices towards Native Americans and all our relatives. It is time for reconciliation. We must act upon the truths and take actions that will create restorative justice for all people.

Adopted by Spokane City Council on the 22nd day of March, 2021  
*via Resolution 2021-0019*

## BRIEFING AND LEGISLATIVE SESSIONS

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. Pursuant to Council Rule 2.16.C, public testimony will be taken on consent and legislative items that are moved to Council's regular Briefing Session unless a majority of Council votes otherwise during the meeting in which the items are moved. The Legislative Session is also open to the public and public comment will be taken on Legislative Session items, except those that are adjudicatory or solely administrative in nature. Following the conclusion of the Legislative Agenda, an Open Forum will be held unless a majority of Council Members vote otherwise. Please see additional Open Forum information that appears at the end of the City Council agenda.

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.

### ADDRESSING THE COUNCIL

- No member of the public 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 their city of residence as a condition of recognition. Council Members must be recognized by the chair for the purpose of obtaining the floor.
- Each person speaking in a public Council meeting shall verbally identify themselves by name, city of residency and, if appropriate, representative capacity.
- 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. (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, no modes of expression including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language, or personal insults will be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.
- When addressing the Council, members of the public shall direct all remarks to the Council President, shall refrain from remarks directed personally to any Council Member or any other individual, and shall continue to the matters that are specifically before the Council at that time.
- Members of the City Council staff may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they follow the steps outlined in the City Council Rules of Procedure.

**SPEAKING TIME LIMITS:** Unless the time limit is adjusted by a majority vote of the Council, each person addressing the Council shall be limited to a three-minute speaking time. The chair may allow additional time if the speaker is asked to respond to questions from the Council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the Council. Note: No public testimony shall be taken on amendments to consent or legislative agenda items, or solely procedural, parliamentary, or administrative matters of the Council.

**CITY COUNCIL AGENDA:** The City Council Advance and Current Agendas may be obtained prior to Council Meetings by accessing the City website at <https://my.spokanecity.org>.

## **BRIEFING SESSION**

(3:30 p.m.)

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

**ROLL CALL OF COUNCIL**

**INTERVIEWS OF NOMINEES TO BOARDS AND COMMISSIONS**

**COUNCIL OR STAFF REPORTS OF MATTERS OF INTEREST**

**ADVANCE AGENDA REVIEW (Staff or Council Member briefings and discussion)**

**APPROVAL BY MOTION OF THE ADVANCE AGENDA**

**CURRENT AGENDA REVIEW (Presentation of any new background information and discussion of any adjustments)**

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## **EXECUTIVE SESSION**

(Closed Session of Council)

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

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## **LEGISLATIVE SESSION**

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

**PLEDGE OF ALLEGIANCE**

**WORDS OF INSPIRATION AND SPECIAL INTRODUCTIONS**

**ROLL CALL OF COUNCIL**

**COUNCIL AND COMMITTEE REPORTS**

(Committee Reports for City Council Standing Committees and other Boards and Commissions)

**PROCLAMATIONS AND SALUTATIONS**

**REPORTS FROM NEIGHBORHOOD COUNCILS AND/OR OTHER CITY-SPONSORED COMMUNITY ORGANIZATIONS**

**ANNOUNCEMENTS**

(Announcements Regarding Adjustments to the City Council Agenda)



## **BOARDS AND COMMISSIONS APPOINTMENTS**

(Includes Announcements of Boards and Commissions Vacancies)

| <u>APPOINTMENTS</u>   |         | <u>RECOMMENDATION</u> |
|---|---------|-----------------------|
| Community, Housing, and Human Services Board: One Appointment                   | Approve | CPR 2012-0033         |
| Spokane Human Rights Commission: One Reappointment                              | Approve | CPR 1991-0068         |
| Spokane Housing Authority Board: One Appointment and One Reappointment          | Approve | CPR 1981-0487         |
| Spokane Historic Landmarks Commission: Two Appointments                         | Approve | CPR 1981-0122         |
| Spokane Historic Landmarks Commission – Real Estate Assessor: One Reappointment | Approve | CPR 1981-0122         |

## **ADMINISTRATIVE REPORTS**

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# **CONSENT AGENDA**

| <u>REPORTS, CONTRACTS AND CLAIMS</u>   |         | <u>RECOMMENDATION</u>           |
|--|---------|---------------------------------|
| 1. Second Contract Amendment/Extension with Archbright Workplace Performance Experts (Seattle, WA) to provide Human Resources Operation Support for the Human Resources Department from January 1, 2022 through March 31, 2023—additional \$60,000. Total contract amount: \$160,000. (Council Sponsors: Council Members Stratton and Kinneary)<br><b>Mike Piccolo</b> | Approve | OPR 2022-0551                   |
| 2. Contract Amendment with Waste Management (Medical Lake, WA) for disposal of contaminated material at the Spokane Police Department Academy Range—additional \$61,939.56 (plus applicable tax.) (Council Sponsor: Council Member Stratton)<br><b>Dave Steele</b>   | Approve | OPR 2022-0401                   |
| 3. Contract amendment with Helfrich Brothers Boiler Works, Inc. (Lawrence, MA) for boilermaker services at the Waste to Energy Facility to cover unanticipated repairs discovered during the fall maintenance outage—additional \$100,000 (incl. tax). (Council Sponsor: Council Member Kinneary)<br><b>David Paine</b>  | Approve | OPR 2020-0341<br>PW ITB 5238-20 |

- 4. Multiple Family Housing Property Tax Exemption Conditional Agreements with: Approve All
  - a. LLJ Properties LLC for the future construction of approximately 18 units at Parcel Number 36322.1421, commonly known as 6020 N. Astor Street. OPR 2023-0003
  - b. Master Build LLC for the future construction of approximately 4 units at Parcel Number 35053.0722, commonly known as 3804 N. Lidgerwood Street. OPR 2023-0004

The Conditional Agreements will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office post construction. (Council Sponsors: Council Members Cathcart and Bingle)

**Taylor Berberich**

- 5. Low Bid of Bacon Concrete, Inc. (Spokane) for the Greene & Carlisle Pedestrian Hybrid Beacon project—\$797,241.00. An administrative reserve of \$79,724.10, which is 10% of the contract price, will be set aside. (Minnehaha Neighborhood) (Council Sponsor: Council Member Kinnear) Approve OPR 2023-0005  
ENG 2021087

**Dan Buller**

- 6. Report of the Mayor of pending: Approve & Authorize Payments
  - a. Claims and payments of previously approved obligations, including those of Parks and Library, through \_\_\_\_\_, 2022, total \$\_\_\_\_\_, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$\_\_\_\_\_ . CPR 2022-0002
  - b. Claims and payments of previously approved obligations, including those of Parks and Library, through \_\_\_\_\_, 2022, total \$\_\_\_\_\_, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$\_\_\_\_\_ . CPR 2022-0002
  - c. Payroll claims of previously approved obligations through \_\_\_\_\_, 2022: \$\_\_\_\_\_ . CPR 2022-0003
  - d. Payroll claims of previously approved obligations through \_\_\_\_\_, 2022: \$\_\_\_\_\_ . CPR 2022-0003

7. City Council Meeting Minutes: \_\_\_\_\_, 2022.

Approve  
All

CPR 2022-0013

ACTION ON CONSENT AGENDA

# LEGISLATIVE AGENDA

## NO SPECIAL BUDGET ORDINANCES

## NO EMERGENCY ORDINANCES

### RESOLUTIONS

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2023-0001     Specifying a process, timeline, and criteria for a request for information (RFI) from the community to lease the former library building in East Central Neighborhood commonly known as 524 S. Stone Street or formerly the East Side Library. (Council Sponsors: Council Members Wilkerson and Kinneary)  
**Councilmember Wilkerson**
- RES 2023-0002     Appointing City Council Members to boards, committees, and commissions for 2023. (Council Sponsors: Council President Beggs and Council Member Kinneary)  
**Council President Beggs**
- RES 2023-0003     Adopting various amendments to the City Council’s Rules of Procedure. (Council Sponsors: Council President Beggs and Council Member Kinneary)  
**Council President Beggs**
- RES 2023-0004     Appointing David Moss as Human Resources Director for the City of Spokane. (Council Sponsors: Council President Beggs and Council Members Wilkerson and Stratton)  
**Mike Piccolo**

## NO FINAL READING ORDINANCES

### FIRST READING ORDINANCES

- ORD C36348     (To be considered under Hearings Item H1.b.)
- ORD C36349     (To be considered under Hearings Item H2.b.)

FURTHER ACTION DEFERRED

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## NO SPECIAL CONSIDERATIONS

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### HEARINGS

#### RECOMMENDATION

- |     |  |   |
|-----|--|---|
| H1. | <ul style="list-style-type: none"> <li>a. Hearing on vacation of a portion of 7<sup>th</sup> Avenue east of Government Way, as requested by Catholic Charities.</li> </ul>   | <p>Approve<br/>Subject to<br/>Conditions</p>                                    |
|     | <ul style="list-style-type: none"> <li>b. First Reading Ordinance C36348 vacating a portion of 7<sup>th</sup> Avenue east of Government Way.<br/>(Council Sponsors: Council Members Wilkerson and Kinnear)<br/><b>Eldon Brown</b></li> </ul> | <p>Further Action<br/>Deferred</p> <p style="text-align: right;">ORD C36348</p> |
| H2. | <ul style="list-style-type: none"> <li>a. Hearing on vacation of the west 3 feet of Conklin Street south of Hartson Avenue, as requested by Harold and Heather Vanderpool.</li> </ul>  | <p>Approve<br/>Subject to<br/>Conditions</p>                                    |
|     | <ul style="list-style-type: none"> <li>b. First Reading Ordinance C36349 vacating the west 3 feet of Conklin Street south of Hartson Avenue.<br/>(Council Sponsors: Council Members Kinnear and Wilkerson)<br/><b>Eldon Brown</b></li> </ul> | <p>Further Action<br/>Deferred</p> <p style="text-align: right;">ORD C36349</p> |

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**Motion to Approve Advance Agenda for January 9, 2023**  
(per Council Rule 2.1.2)

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### OPEN FORUM

At each meeting after the conclusion of the legislative agenda, the Council shall hold an open public comment period until 9:30 p.m., which may be extended by motion. Each speaker is limited to no more than three minutes. In order to participate in Open Forum, you must sign up by 6:00 p.m. A sign-up form will be available on the day of the meeting from 5:00-6:00 p.m. outside of Council Chambers for in-person attendees. Those wishing to comment virtually can sign up between 5:00-6:00 p.m. at <https://forms.gle/Vd7n381x3seal1NW6>. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Instructions for virtual participation are provided on the form when you sign up. The Open Forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items of interest not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

**ADJOURNMENT**

The January 9, 2023, Regular Legislative Session of the City Council will be held and is adjourned to January 23, 2023.

**NOTE:** There is no meeting scheduled for Monday, January 16, 2023, as this day is the designated Dr. Martin Luther King, Jr. Day Holiday. A regularly scheduled City Council meeting will not be held on Tuesday, January 17, 2023.

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**NOTES**

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

01/09/2023

**Date Rec'd**

12/7/2022

**Clerk's File #**

CPR 2012-0033

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

MAYOR

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

JESSICA KIRK 5097206262

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

JKIRK@SPOKANECITY.ORG

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

0520 APPOINTMENT TO CHHS BOARD

**Agenda Wording**

Blake R. Waltman Appointment to CHHS Board 2 yr term: 1/1/2023-13/31/2024

**Summary (Background)**

Blake R. Waltman Appointment to CHHS Board 2 yr term: 1/1/2023-13/31/2024

Lease? NO

Grant related? NO

Public Works? NO

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

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

KIRK, JESSICA

**Study Session\Other****Division Director****Council Sponsor****Finance****Distribution List****Legal**

jkirk@spokanecity.org

**For the Mayor**

PERKINS, JOHNNIE

jcerecedes@spokanecity.org

**Additional Approvals****Purchasing**

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

01/09/2023

**Date Rec'd**

12/8/2022

**Clerk's File #**

CPR 1991-0068

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

MAYOR

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

JESSICA KIRK 5097206262

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

JKIRK@SPOKANECITY.ORG

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

0520 REAPPOINTMENT TO SPOKANE HUMAN RIGHTS COMMISSION

**Agenda Wording**

Hayley Harrison Reappointment to Spokane Human Rights Commission term: 3 year 10/16/2022-12/31/2025

**Summary (Background)**

Hayley Harrison Reappointment to Spokane Human Rights Commission term: 3 year 10/16/2022-12/31/2025

Lease? NO

Grant related? NO

Public Works? NO

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

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

KIRK, JESSICA

**Study Session\Other****Division Director****Council Sponsor****Finance****Distribution List****Legal**

jkirk@spokanecity.org

**For the Mayor**

ORMSBY, MICHAEL

lkissler@spokanecity.org

**Additional Approvals****Purchasing**

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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/8/2022     |
| <b>Clerk's File #</b> | CPR 1981-0487 |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    |               |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  |               |

|                           |   |
|---------------------------|---|
| <b>Submitting Dept</b>    | MAYOR   |
| <b>Contact Name/Phone</b> | JESSICA KIRK 5097206262                             |
| <b>Contact E-Mail</b>     | JKIRK@SPOKANECITY.ORG                               |
| <b>Agenda Item Type</b>   | Boards and Commissions<br>Appointments              |
| <b>Agenda Item Name</b>   | 0520 APPOINTMENT TO SPOKANE HOUSING AUTHORITY BOARD |

**Agenda Wording**

Marcus Kelsey Appointment to Spokane Housing Authority Board term: 5 year 1/1/2023 - 12/31/2027

**Summary (Background)**

Marcus Kelsey Appointment to Spokane Housing Authority Board term: 5 year 1/1/2023 - 12/31/2027

Lease? NO Grant related? NO Public Works? NO

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

|        |    |   |
|--------|----|---|
| Select | \$ | # |
| Select | \$ | # |
| Select | \$ | # |
| Select | \$ | # |

**Approvals**

|                          |                 |
|--------------------------|-----------------|
| <b>Dept Head</b>         | KIRK, JESSICA   |
| <b>Division Director</b> |                 |
| <b>Finance</b>           |                 |
| <b>Legal</b>             |                 |
| <b>For the Mayor</b>     | ORMSBY, MICHAEL |

**Council Notifications**

|                            |                          |
|----------------------------|--------------------------|
| <b>Study Session\Other</b> |                          |
| <b>Council Sponsor</b>     |                          |
| <b>Distribution List</b>   |                          |
|                            | jkirk@spokanecity.org    |
|                            | pparr@spokanehousing.org |

**Additional Approvals**

|                   |  |
|-------------------|--|
| <b>Purchasing</b> |  |
|                   |  |
|                   |  |
|                   |  |



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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/8/2022     |
| <b>Clerk's File #</b> | CPR 1981-0487 |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    |               |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  |               |

|                           |   |
|---------------------------|---|
| <b>Submitting Dept</b>    | MAYOR   |
| <b>Contact Name/Phone</b> | JESSICA KIRK 5097206262                               |
| <b>Contact E-Mail</b>     | JKIRK@SPOKANECITY.ORG                                 |
| <b>Agenda Item Type</b>   | Boards and Commissions<br>Appointments                |
| <b>Agenda Item Name</b>   | 0520 REAPPOINTMENT TO SPOKANE HOUSING AUTHORITY BOARD |

**Agenda Wording**

Kai D. Nevala Reappointment to Spokane Housing Authority Board term: 5 years 12/5/2022 - 12/5/2027

**Summary (Background)**

Kai D. Nevala Reappointment to Spokane Housing Authority Board term: 5 years 12/5/2022 - 12/5/2027

Lease? NO Grant related? NO Public Works? NO  
**Fiscal Impact** **Budget Account**

|        |    |   |
|--------|----|---|
| Select | \$ | # |
| Select | \$ | # |
| Select | \$ | # |
| Select | \$ | # |

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|-----------------------------|-----------------|------------------------------|--|
| <b>Approvals</b>            |                 | <b>Council Notifications</b> |  |
| <b>Dept Head</b>            | KIRK, JESSICA   | <b>Study Session\Other</b>   |  |
| <b>Division Director</b>    |                 | <b>Council Sponsor</b>       |  |
| <b>Finance</b>              |                 | <b>Distribution List</b>     |  |
| <b>Legal</b>                |                 | jkirk@spokanecity.org        |  |
| <b>For the Mayor</b>        | ORMSBY, MICHAEL | pparr@spokanehousing.org     |  |
| <b>Additional Approvals</b> |                 |                              |  |
| <b>Purchasing</b>           |                 |                              |  |
|                             |                 |                              |  |
|                             |                 |                              |  |

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

01/09/2023

**Date Rec'd**

12/8/2022

**Clerk's File #**

CPR 1981-0122

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

MAYOR

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

JESSICA KIRK 5097206262

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

JKIRK@SPOKANECITY.ORG

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

0520 APPOINTMENT TO SPOKANE HISTORIC LANDMARKS COMMISSION

**Agenda Wording**

Kenneth W. (MAC) McCandless Appointment to Spokane Historic Landmarks Commission - Architect term: 3 years 1/1/2023-12/31/2025

**Summary (Background)**

Kenneth W. (MAC) McCandless Appointment to Spokane Historic Landmarks Commission - Architect term: 3 years 1/1/2023-12/31/2025

Lease? NO

Grant related? NO

Public Works? NO

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

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

KIRK, JESSICA

**Study Session\Other****Division Director****Council Sponsor****Finance****Distribution List****Legal**

jkirk@spokanecity.org

**For the Mayor**

ORMSBY, MICHAEL

mduvall@spokanecity.org

**Additional Approvals****Purchasing**

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

01/09/2023

**Date Rec'd**

12/8/2022

**Clerk's File #**

CPR 1981-0122

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

MAYOR

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

JESSICA KIRK 5097206262

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

JKIRK@SPOKANECITY.ORG

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

0520 APPOINTMENT TO SPOKANE HISTORIC LANDMARKS COMMISSION

**Agenda Wording**J. Thomas Sawyer Appointment Spokane Historic Landmarks Commission - Contractor term: 4 year  
1/1/2023-12/31/2026**Summary (Background)**J. Thomas Sawyer Appointment Spokane Historic Landmarks Commission - Contractor term: 4 year  
1/1/2023-12/31/2026

Lease? NO

Grant related? NO

Public Works? NO

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

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

KIRK, JESSICA

**Study Session\Other****Division Director****Council Sponsor****Finance****Distribution List****Legal**

jkirk@spokanecity.org

**For the Mayor**

ORMSBY, MICHAEL

mduvall@spokanecity.org

**Additional Approvals****Purchasing**

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

01/09/2023

**Date Rec'd**

12/19/2022

**Clerk's File #**

CPR 1981-0122

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

MAYOR

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

JESSICA KIRK 5097206262

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

JKIRK@SPOKANECITY.ORG

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

0520 REAPPOINTMENT TO HISTORIC LANDMARK COMMISSION - REAL ESTATE ASSESSOR

**Agenda Wording**Cole Taylor 0520 Reappointment to Historic Landmark Commission - Real Estate Assessor term: 3 year  
1/1/2023-12/31/2025**Summary (Background)**Cole Taylor 0520 Reappointment to Historic Landmark Commission - Real Estate Assessor term: 3 year  
1/1/2023-12/31/2025

Lease? NO

Grant related? NO

Public Works? NO

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

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

KIRK, JESSICA

**Study Session\Other****Division Director****Council Sponsor****Finance****Distribution List****Legal**

jkirk@spokanecity.org

**For the Mayor**

ORMSBY, MICHAEL

mduvall@spokanecity.org

**Additional Approvals****Purchasing**



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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/15/2022    |
| <b>Clerk's File #</b> | OPR 2022-0551 |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    |               |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  | 2023 FUNDS    |

|                           |  |
|---------------------------|--|
| <b>Submitting Dept</b>    | HUMAN RESOURCES  |
| <b>Contact Name/Phone</b> | MIKE PICCOLO X6237   |
| <b>Contact E-Mail</b>     | MPICCOLO@SPOKANECITY.ORG   |
| <b>Agenda Item Type</b>   | Contract Item  |
| <b>Agenda Item Name</b>   | 0620 ARCHBRIGHT 2ND CONTRACT EXTENSION AND AMENDMENT - HR CONSULTANT |

**Agenda Wording**

Archbright 2nd Contract Extension and Amendment - Human Resources Consultant

**Summary (Background)**

The Human Resources Department previously contracted with Archbright for Human Resources Consulting. The contract provided services from July 19th - Oct. 4th in the amount of \$46,000. Due to continued challenges in filling current vacancies in the HR Director position, the Senior Labor Analyst and two human resources analyst positions, the contract was extended through the end of the year with an additional \$54,000 in funding. The department will need the continued services through Mar 31, 2023

Lease? NO Grant related? NO Public Works? NO

**Fiscal Impact**

Expense \$ \$60,000.00

Select \$

Select \$

Select \$

**Budget Account**

# 0620-31100-18100-54201-99999

#

#

#

**Approvals**

|                          |                      |
|--------------------------|----------------------|
| <b>Dept Head</b>         | PICCOLO, MIKE        |
| <b>Division Director</b> | PICCOLO, MIKE        |
| <b>Finance</b>           | BUSTOS, KIM          |
| <b>Legal</b>             | HARRINGTON, MARGARET |
| <b>For the Mayor</b>     | ORMSBY, MICHAEL      |

**Council Notifications**

|                            |                                |
|----------------------------|--------------------------------|
| <b>Study Session\Other</b> | Urban Experience<br>12/12/2022 |
| <b>Council Sponsor</b>     | CM Stratton & Kinnear          |

**Distribution List**

|                          |
|--------------------------|
| mpiccolo@spokanecity.org |
| jquick@spokanecity.org   |
| jlargent@spokanecity.org |
| shenry@spokanecity.org   |
| jlargent@spokanecity.org |
| kbustos@spokanecity.org  |

**Additional Approvals**

|                   |  |
|-------------------|--|
| <b>Purchasing</b> |  |
|                   |  |
|                   |  |
|                   |  |

## Committee Agenda Sheet

### Urban Experience

|  |  |
|--|--|
| <b>Submitting Department</b>   | Human Resources  |
| <b>Contact Name &amp; Phone</b>  | Mike Piccolo – 625-6237  |
| <b>Contact Email</b>   | mpiccolo@spokanecity.org   |
| <b>Council Sponsor(s)</b>  | Council Member Karen Stratton & Lori Kinnear   |
| <b>Select Agenda Item Type</b>   | <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion    Time Requested: 5   |
| <b>Agenda Item Name</b>  | Contract 2 <sup>nd</sup> Amendment/Extension – Human Resources Consultant  |
| <b>Summary (Background)</b>  | The Human Resources Department previously contracted with Archbright for Human Resources Consulting. The contract provided services from July 19 <sup>th</sup> – Oct. 4 <sup>th</sup> in the amount of \$46,000. Due to continued challenges in filling current vacancies in the HR Director position, the Senior Labor Analyst and two human resources analyst positions, the contract was extended through the end of the year with an additional \$54,000 in funding. The department will need the continued services from Archbright into the first quarter of 2023 due to continued staff shortage and to assist the pending new department head. |
| <b>Proposed Council Action &amp; Date:</b>   | Approve Contract Amendment/Extension<br>January 9, 2023  |
| <b>Fiscal Impact:</b>  | Total Cost: \$60,000   |
| Approved in current year budget?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A   |
| Funding Source   | <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring  |
| Specify funding source:  |  |
| Expense Occurrence   | <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring  |
| Other budget impacts:  | Contract amount will be paid for through salary savings within the HR Dept.  |
| <b>Operations Impacts</b>  |  |
| What impacts would the proposal have on historically excluded communities?   | Extending the contract with Archbright will enable the HR department to perform human resource analyst work on a timely and professional manner, which will assist in the hiring process and other HR related tasks that may benefit individual from historically excluded communities in the hiring process.  |
| How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? | N/A  |
| How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?  | N/A  |

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The City needs a fully staffed work force to implement the various plans and programs. The recruitment, hiring and other HR procedures performed by the HR analyst will assist in creating a fully staffed work force. The Departments needs the assistance of the HR analyst to accomplish various personnel/HR work. At the present time and at the present staffing level, the HR analysts will not be able to complete the necessary work to support the departments without the assistance of Archbright. The consulting services are also needed to assist the pending new department head.



**City of Spokane**  
**2<sup>nd</sup> CONTRACT AMENDMENT/EXTENSION**  
**Title: HUMAN RESOURCES CONSULTING**

This 2<sup>nd</sup> Contract Amendment/Extension is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **ARCHBRIGHT WORKPLACE PERFORMANCE EXPERTS**, whose Spokane address is 5601 6th Avenue South, Suite 400, Seattle, WA 98108 as ("Company"), individually a "party", and together referenced as the "parties".

*WHEREAS, the parties entered into a Contract wherein the Company agreed to provide Human Resources Operation Support; and*

*WHEREAS, the parties extended the contract through December 31, 2022; and*

*WHEREAS, due to staffing shortages in the Human Resources Department and the pending hiring of a new department director, there is a need to extend this work and add additional funds, thus, the original Contract needs to be formally Amended and Extended by this written document; and*

*NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:*

**1. CONTRACT DOCUMENTS.**

The original Contract, dated July 20, 2022, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

**2. EFFECTIVE DATE.**

This 2<sup>nd</sup> Contract Amendment/Extension shall become effective on January 1, 2023 and shall run through March 31, 2023.

**3. COMPENSATION.**

The City shall pay an additional amount not to exceed **SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00)** as full compensation for everything furnished and done under this Contract Amendment/Extension. The total amount under the original Contract, any



subsequent amendments, and this Contract Amendment/Extension is **ONE HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$160,000.00)**.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Amendment/ Extension by having legally-binding representatives affix their signatures below.

**ARCHBRIGHT WORKPLACE  
PERFORMANCE EXPERTS**

**CITY OF SPOKANE**

By \_\_\_\_\_  
Signature                      Date

By \_\_\_\_\_  
Signature                      Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Attest:

Approved as to form:

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

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



Select Start to begin

START

DocuSign Envelope ID: 2681D12D-4B1E-4479-9CC6-18D41E77245B



Mike Piccolo, Interim HR Director  
808 W Spokane Falls Blvd Ste. 550  
Spokane, WA 99201

November 29<sup>th</sup>

Dear Mike:

Archbright™ and City of Spokane previously agreed to the terms outlined in the signed proposal for Consulting Services– Project ID #220753 on 7/18/22. Per your request we will be providing the add services outlined below:

**HR Consulting Extension Change Order:**

- Estimated hours per week Consultant will work: 40 (8 hours/day; 5 days/week)
- Estimated duration of project: January 12<sup>th</sup> – March 31<sup>st</sup>, 2023 (3 Months)
- \$136.50 / hour
- Total estimated budget: \$58,736.25

Archbright™ will invoice for hours following the close of each month. City of Spokane will pay Archbright the hours worked or the number of hours committed to per week, whichever is greater. Exceptions may be made in the rare instance the HR Consultant’s Archbright meetings and/or training obligations impact their time onsite.

If the terms of this change order are acceptable to City of Spokane, please sign, date, complete the accounts payable information below, and return a copy via fax, email, or mail.

Please don’t hesitate to contact us if you have any questions about the change order or if we can provide any additional assistance.

Best Regards,

Sophia Patton, Member Project Coordinator  
Archbright™

**Acknowledged and Agreed:**

Authorized Representative:

Date: 11/30/2022 | 10:0

Signature:

A/P Contact:

Company: City of Spokane

Phone:



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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/7/2022     |
| <b>Clerk's File #</b> | OPR 2022-0401 |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    |               |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  | CR24231       |

|                           |  |
|---------------------------|--|
| <b>Submitting Dept</b>    | FACILITIES MANAGEMENT                    |
| <b>Contact Name/Phone</b> | DAVE STEELE 6064                         |
| <b>Contact E-Mail</b>     | DSTEELE@SPOKANECITY.ORG                  |
| <b>Agenda Item Type</b>   | Contract Item                            |
| <b>Agenda Item Name</b>   | 5900 WASTE MANAGEMENT CONTRACT AMENDMENT |

**Agenda Wording**

As part of the SPD Academy shooting berm lead mining project, the City contracted with Waste Management for the hauling and disposal of the contaminated lead / gravel waste.

**Summary (Background)**

The initial contract was written utilizing a rough estimate of the tonnage and composition of the waste, the final tonnage disposed was nearly double the estimate. As part of the appropriate disposal, the landfill utilizes a chemical additive to neutralize the reactivity of the lead. With the waste from the Academy shooting berm being an extremely high percentage of lead, the amount of additive necessary was much higher than estimated. These 2 factors resulted in additional total cost of \$61,939

Lease? NO Grant related? NO Public Works? NO

**Fiscal Impact**

Expense \$ \$61,939.56

Select \$

Select \$

Select \$

**Budget Account**

# 5900-71300-18300-54802-68201

#

#

#

**Approvals**

|                          |                  |
|--------------------------|------------------|
| <b>Dept Head</b>         | TEAL, JEFFREY    |
| <b>Division Director</b> | WALLACE, TONYA   |
| <b>Finance</b>           | BUSTOS, KIM      |
| <b>Legal</b>             | BEATTIE, LAUREN  |
| <b>For the Mayor</b>     | PERKINS, JOHNNIE |

**Council Notifications**

|                            |               |
|----------------------------|---------------|
| <b>Study Session\Other</b> | 12/5/22 PSCHC |
| <b>Council Sponsor</b>     | CM Stratton   |

**Distribution List**

|            |   |
|------------|---|
| Fred Downs | fdown1@wm.com                                     |
| Jteal      | jteal@spokanecity.org                             |
| dstele     | dstele@spokanecity.org                            |
| apotter    | apotter@spokanepolice.org                         |
| kschmitt   | kschmitt@spokanecity.org; kbustos@spokanecity.org |
| laga       | laga@spokanecity.org; hhaws@spokanecity.org       |
| klong      | klong@spokanecity.org                             |

**Additional Approvals**

**Purchasing**

# Committee Agenda Sheet

## PIES

|  |  |
|--|--|
| <b>Submitting Department</b>   | Facilities   |
| <b>Contact Name &amp; Phone</b>  | Dave Steele x-6064   |
| <b>Contact Email</b>   | Dsteele@spokanecity.org  |
| <b>Council Sponsor(s)</b>  | Councilperson Stratton   |
| <b>Select Agenda Item Type</b>   | <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion    Time Requested:   |
| <b>Agenda Item Name</b>  | Waste Management Contract Amendment  |
| <b>Summary (Background)</b>  | <p>As part of the academy shooting berm lead mining project, the City of Spokane contracted with Waste Management for the hauling and appropriate disposal of the lead / gravel waste. The initial contract was written utilizing a rough estimate of the tonnage and composition of the waste.</p> <p>With the disposal being mainly lead spalls and mixed gravel, the final tonnage disposed of was nearly double the initial estimate.</p> <p>As part of the appropriate disposal, the landfill utilizes a chemical additive to neutralize the reactivity of the lead. With the waste from the Academy shooting berm being an extremely high percentage of lead, the amount of additive necessary was much higher than estimated.</p> <p>These two factors resulted in the total cost of disposal being approximately \$86,500. The initial contract was written for \$25,000 and requires an additional \$61,500 to cover the total expense.</p> |
| <b>Proposed Council Action &amp; Date:</b>   | 12/12/2022 Contract Approval   |
| <b>Fiscal Impact:</b>  |  |
| Total Additional Expenditure:  | <b>\$61,500 additional expense</b>   |
| Approved in current year budget?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A   |
| 5900-71300-18300-54802-68201   |  |
| Funding Source   | <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring  |
| Specify funding source:  | NA   |
| Expense Occurrence   | <input type="checkbox"/> One-time <input type="checkbox"/> Recurring   |
| Other budget impacts: (revenue generating, match requirements, etc.) Revenue Generating  |  |
| <b>Operations Impacts</b>  |  |
| <p>What impacts would the proposal have on historically excluded communities?</p> <p>The Police Academy serves a wide variety of law enforcement agencies from around the region, these agencies in turn serve a broad spectrum of our communities and interface directly with many of our excluded communities. Training that occurs at the site is the foundation of interacting with these communities.</p> |  |

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

NA

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

NA

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

Continuing to provide well trained public safety officers improves public safety for the community at large.



City of Spokane  
**CONTRACT AMENDMENT**  
Title: **DISPOSAL OF CONTAMINATED MATERIAL**

This Contract Amendment is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **WASTE MANAGEMENT**, whose address is 1820 South Graham Road, Medical Lake, Washington 99022, as (“Company”), individually hereafter referenced as a “party”, and together as the “parties”.

*WHEREAS, the parties entered into a Contract wherein the Company agreed to provide the Disposal of Contaminated Material at Spokane Police Department Academy Range; and*

*WHEREAS, additional funds are needed, thus, the original Contract needs to be formally Amended by this written document; and*

*NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:*

**1. CONTRACT DOCUMENTS.**

The Contract, dated May 31, 2022, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

**2. EFFECTIVE DATE.**

This Contract Amendment shall become effective on May 9, 2022.

**3. COMPENSATION.**

The City shall pay an additional amount not to exceed **SIXTY ONE THOUSAND NINE HUNDRED THIRTY-NINE AND 56/100 DOLLARS (\$61,939.56)**, and applicable sales tax, for everything furnished and done under this Contract Amendment. This is the maximum amount to be paid under this Amendment, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this document.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Amendment by having legally-binding representatives affix their signatures below.

**WASTE MANAGEMENT**

**CITY OF SPOKANE**

By \_\_\_\_\_  
Signature Date

By \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Attest:

Approved as to form:

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

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

OPR 2019-0461



# CERTIFICATE OF LIABILITY INSURANCE

1/1/2023 DATE (MM/DD/YYYY)  
12/09/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

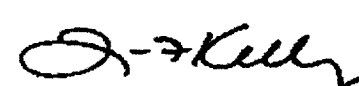
|   |   |                      |
|---|---|----------------------|
| <b>PRODUCER</b> LOCKTON COMPANIES<br>3657 BRIARPARK DRIVE, SUITE 700<br>HOUSTON TX 77042<br>866-260-3538  | <b>CONTACT NAME:</b><br><b>PHONE (A/C No, Ext):</b><br><b>E-MAIL ADDRESS:</b> | <b>FAX (A/C No):</b> |
|   | <b>INSURER(S) AFFORDING COVERAGE</b>  |                      |
| <b>INSURED</b> WASTE MANAGEMENT HOLDINGS, INC. & ALL AFFILIAT<br>1300299 RELATED & SUBSIDIARY COMPANIES INCLUDING:<br>WASTE MANAGEMENT OF SPOKANE<br>11321 E. INDIANA AVENUE<br>SPOKANE VALLEY WA 99206 | <b>INSURER A:</b> ACE American Insurance Company                              |                      |
|   | <b>INSURER B:</b> Indemnity Insurance Co of North America                     |                      |
|   | <b>INSURER C:</b> ACE Fire Underwriters Insurance Company                     |                      |
|   | <b>INSURER D:</b> ACE Property & Casualty Insurance Co                        |                      |
|   | <b>INSURER E:</b>   |                      |
|   | <b>INSURER F:</b>   |                      |

**COVERAGES** CERTIFICATE NUMBER: 11315534 REVISION NUMBER: XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR    | TYPE OF INSURANCE  | ADDL ISUBR INSD WVD | POLICY NUMBER  | POLICY EFF (MM/DD/YYYY)                | POLICY EXP (MM/DD/YYYY)                | LIMITS  |
|-------------|--|---------------------|--|--|--|---|
| A           | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><input checked="" type="checkbox"/> XCU INCLUDED<br><input checked="" type="checkbox"/> ISO FORM CG00010413<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC<br><input type="checkbox"/> OTHER: | Y Y                 | HDO G72492365  | 01/01/2022                             | 01/01/2023                             | EACH OCCURRENCE \$ 5,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 5,000,000<br>MED EXP (Any one person) \$ XXXXXXXX<br>PERSONAL & ADV INJURY \$ 5,000,000<br>GENERAL AGGREGATE \$ 6,000,000<br>PRODUCTS - COMP/OP AGG \$ 6,000,000<br>\$ |
| A           | <b>AUTOMOBILE LIABILITY</b><br><input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY<br><input checked="" type="checkbox"/> HIRED AUTOS ONLY<br><input checked="" type="checkbox"/> MCS-90<br><input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY  | Y Y                 | MMT H25550328  | 01/01/2022                             | 01/01/2023                             | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$ XXXXXXXX<br>BODILY INJURY (Per accident) \$ XXXXXXXX<br>PROPERTY DAMAGE (Per accident) \$ XXXXXXXX<br>\$ XXXXXXXX   |
| D           | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR<br><input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br><input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$   | Y Y                 | XEUG27929242 007   | 01/01/2022                             | 01/01/2023                             | EACH OCCURRENCE \$ 15,000,000<br>AGGREGATE \$ 15,000,000<br>\$  |
| B<br>A<br>C | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br><input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below   | Y/N<br>N            | WLR C68918595 (AOS)<br>WLR C68918558 (AZ, CA & MA)<br>SCF C68918637 (WI) | 01/01/2022<br>01/01/2022<br>01/01/2022 | 01/01/2023<br>01/01/2023<br>01/01/2023 | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER<br>E.L. EACH ACCIDENT \$ 3,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 3,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 3,000,000   |
| A           | <b>EXCESS AUTO LIABILITY</b>   | Y Y                 | XSA H25550286  | 01/01/2022                             | 01/01/2023                             | COMBINED SINGLE LIMIT \$9,000,000 (EACH ACCIDENT)   |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 BLANKET WAIVER OF SUBROGATION IS GRANTED IN FAVOR OF CERTIFICATE HOLDER ON ALL POLICIES WHERE AND TO THE EXTENT REQUIRED BY WRITTEN CONTRACT WHERE PERMISSIBLE BY LAW. CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED ON ALL POLICIES (EXCEPT FOR WORKERS' COMP/EL) WHERE AND TO THE EXTENT REQUIRED BY WRITTEN CONTRACT.

|   |   |
|---|---|
| <b>CERTIFICATE HOLDER</b><br><br>11315534<br>CITY OF SPOKANE<br>808 W. SPOKANE FALLS BOULEVARD<br>SPOKANE WA 99201-3326 | <b>CANCELLATION</b><br><br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.<br><br>AUTHORIZED REPRESENTATIVE<br><br> |
|---|---|





# CERTIFICATE OF LIABILITY INSURANCE

1/1/2023

DATE (MM/DD/YYYY)  
12/09/2021

OPR 2019-0461

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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|  |                       |                |
|--|-----------------------|----------------|
| PRODUCER<br>LOCKTON COMPANIES<br>3657 BRIARPARK DRIVE, SUITE 700<br>HOUSTON TX 77042<br>866-260-3538 | CONTACT NAME:         |                |
|  | PHONE (A/C, No, Ext): | FAX (A/C, No): |
|  | E-MAIL ADDRESS:       |                |
| INSURER(S) AFFORDING COVERAGE  |                       | NAIC #         |
| INSURER A: ACE American Insurance Company  |                       | 22667          |
| INSURER B: Indemnity Insurance Co of North America   |                       | 43575          |
| INSURER C: ACE Fire Underwriters Insurance Company   |                       | 20702          |
| INSURER D: ACE Property & Casualty Insurance Co  |                       | 20699          |
| INSURER E:   |                       |                |
| INSURER F:   |                       |                |

INSURED  
1300299 WASTE MANAGEMENT HOLDINGS, INC. & ALL AFFILIATED & SUBSIDIARY COMPANIES INCLUDING:  
WASTE MANAGEMENT OF SPOKANE  
11321 E. INDIANA AVENUE  
SPOKANE VALLEY WA 99206

COVERAGES CERTIFICATE NUMBER: 12376353 REVISION NUMBER: XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

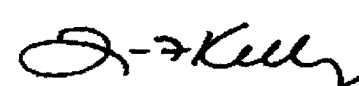
| INSR LTR    | TYPE OF INSURANCE   | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY)  | POLICY EXP (MM/DD/YYYY)                | LIMITS                                 |   |
|-------------|---|-----------|----------|---------------|--|--|--|---|
| A           | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><input checked="" type="checkbox"/> XCU INCLUDED<br><input checked="" type="checkbox"/> ISO FORM CG00010413<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC<br>OTHER: |           | Y        | Y             | HDO G72492365  | 01/01/2022                             | 01/01/2023                             | EACH OCCURRENCE \$ 5,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 5,000,000<br>MED EXP (Any one person) \$ XXXXXXXX<br>PERSONAL & ADV INJURY \$ 5,000,000<br>GENERAL AGGREGATE \$ 6,000,000<br>PRODUCTS - COMP/OP AGG \$ 6,000,000<br>\$ |
| A           | AUTOMOBILE LIABILITY<br><input checked="" type="checkbox"/> ANY AUTO<br><input checked="" type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY<br><input checked="" type="checkbox"/> MCS-90  |           | Y        | Y             | MMT H25550328  | 01/01/2022                             | 01/01/2023                             | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$ XXXXXXXX<br>BODILY INJURY (Per accident) \$ XXXXXXXX<br>PROPERTY DAMAGE (Per accident) \$ XXXXXXXX<br>\$ XXXXXXXX   |
| D           | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR<br><input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br>DED RETENTION \$  |           | Y        | Y             | XEUG27929242 007   | 01/01/2022                             | 01/01/2023                             | EACH OCCURRENCE \$ 15,000,000<br>AGGREGATE \$ 15,000,000<br>\$  |
| B<br>A<br>C | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br><input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below   | Y/N       | N/A      | Y             | WLR C68918595 (AOS)<br>WLR C68918558 (AZ, CA & MA)<br>SCF C68918637 (WI) | 01/01/2022<br>01/01/2022<br>01/01/2022 | 01/01/2023<br>01/01/2023<br>01/01/2023 | E.L. EACH ACCIDENT \$ 3,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 3,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 3,000,000  |
| A           | EXCESS AUTO LIABILITY   |           | Y        | Y             | XSA H25550286  | 01/01/2022                             | 01/01/2023                             | COMBINED SINGLE LIMIT \$9,000,000 (EACH ACCIDENT)   |

RECEIVED  
JAN 07 2022  
CITY CLERK'S OFFICE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
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### CERTIFICATE HOLDER

### CANCELLATION

|   |  |
|---|--|
| <b>12376353</b><br>CITY OF SPOKANE<br>808 W. SPOKANE FALLS BOULEVARD<br>SPOKANE WA 99201-3326 | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.<br><br>AUTHORIZED REPRESENTATIVE<br><br> |
|---|--|



License Information:

[New search](#) [Back to results](#)

**Entity name:** WASTE MANAGEMENT OF WASHINGTON, INC.

**Business name:** WM OF AIRWAY HEIGHTS

**Entity type:** [Profit Corporation](#)

**UBI #:** 601-415-286

**Business ID:** 001

**Location ID:** 0016

**Location:** Active

**Location address:** 11320 W MCFARLANE RD  
SPOKANE WA 99224

Mail Secretary of State Information



**Business name:** WASTE MANAGEMENT OF WASHINGTON, INC.

**UBI #:** 601-415-286

**Active/Inactive:** Active

**State of incorporation:** DELAWARE

**WA filing date:** 5/19/1999

**Expiration date:** 5/31/2023

**Inactive date:**

For more information, visit the [Secretary of State website](#).

Close

Reg

| Registered trade names                | Status | First issued |
|---------------------------------------|--------|--------------|
| WASTE MANAGEMENT OF ADDY              | Active | Oct-04-2001  |
| WASTE MANAGEMENT OF ELLENSBURG        | Active | Dec-17-1992  |
| WASTE MANAGEMENT OF GREATER WENATCHEE | Active | Dec-17-1992  |
| WASTE MANAGEMENT OF SEATTLE           | Active | Dec-17-1992  |
| WASTE MANAGEMENT OF SKAGIT COUNTY     | Active | Apr-21-1999  |
| WASTE MANAGEMENT OF SPOKANE           | Active | Dec-17-1992  |



| Registered trade names    | Status | First issued |
|---------------------------|--------|--------------|
| WASTE MANAGEMENT SNO-KING | Active | Dec-15-1992  |
| WM - JMK FIBERS           | Active | Sep-25-2012  |
| WM ENVIROCYCLE            | Active | Mar-09-2004  |

[View Additional Locations](#)

The Business Lookup information is updated nightly. Search date and time: 5/23/2022 10:20:56 AM

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

01/09/2023

|                       |                |
|-----------------------|----------------|
| <b>Date Rec'd</b>     | 12/7/2022      |
| <b>Clerk's File #</b> | OPR 2020-0341  |
| <b>Renews #</b>       |                |
| <b>Cross Ref #</b>    |                |
| <b>Project #</b>      |                |
| <b>Bid #</b>          | PW ITB 5238-20 |
| <b>Requisition #</b>  | CR 24226       |

|                           |   |
|---------------------------|---|
| <b>Submitting Dept</b>    | SOLID WASTE DISPOSAL  |
| <b>Contact Name/Phone</b> | DAVID PAINE 625-6878  |
| <b>Contact E-Mail</b>     | DPAINE@SPOKANECITY.ORG                                      |
| <b>Agenda Item Type</b>   | Contract Item   |
| <b>Agenda Item Name</b>   | 4490 CONTRACT AMENDMENT FOR BOILERMAKER SERVICES AT THE WTE |

**Agenda Wording**

Contract amendment with Helfrich Brothers Boiler Works, Inc. (Lawrence, MA) for boilermaker services at the WTE. An additional \$100,000.00 incl. tax is requested due to unanticipated repairs discovered during the fall maintenance outage.

**Summary (Background)**

Each year, two scheduled outages are performed on the boilers at the WTE to repair or replace worn components. Helfrich Brothers was awarded the contract for these boiler services from Apr 1, 2022-Mar 31, 2023 for a total cost of \$1,000,000.00. During a recent maintenance outage, additional work was discovered in the boilers that was unanticipated. An additional \$100,000.00 is needed to pay for this work and any emergency work that may arise prior to the expiration of the contract.

Lease? NO Grant related? NO Public Works? YES

**Fiscal Impact**

|         |               |
|---------|---------------|
| Expense | \$ 100,000.00 |
| Select  | \$            |
| Select  | \$            |
| Select  | \$            |

**Budget Account**

|   |                              |
|---|------------------------------|
| # | 4490-44100-37148-54803-34002 |
| # |                              |
| # |                              |
| # |                              |

**Approvals**

|                          |                  |
|--------------------------|------------------|
| <b>Dept Head</b>         | AVERYT, CHRIS    |
| <b>Division Director</b> | FEIST, MARLENE   |
| <b>Finance</b>           | MURRAY, MICHELLE |
| <b>Legal</b>             | BEATTIE, LAUREN  |
| <b>For the Mayor</b>     | PERKINS, JOHNNIE |

**Council Notifications**

|                            |              |
|----------------------------|--------------|
| <b>Study Session\Other</b> | PSCH 12/5/22 |
| <b>Council Sponsor</b>     | CM Kinnear   |

**Additional Approvals**

|                   |              |
|-------------------|--------------|
| <b>Purchasing</b> | PRINCE, THEA |
|                   |              |
|                   |              |

**Distribution List**

|  |
|--|
| mdorgan@spokanecity.org                                |
| jsalstrom@spokanecity.org                              |
| tprince@spokanecity.org                                |
| DocuSign: Dennis Lincoln, COO,<br>DLincoln@hbbwinc.com |

## Committee Agenda Sheet

### Public Safety and Community Health Committee

|  |   |
|--|---|
| <b>Submitting Department</b>               | Solid Waste Disposal  |
| <b>Contact Name &amp; Phone</b>            | David Paine, 625-6878   |
| <b>Contact Email</b>                       | <a href="mailto:dpaine@spokanecity.org">dpaine@spokanecity.org</a>  |
| <b>Council Sponsor(s)</b>                  | CM Lori Kinnear   |
| <b>Select Agenda Item Type</b>             | <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion    Time Requested: _____  |
| <b>Agenda Item Name</b>                    | Contract Amendment for Boilermaker Services at the WTE Facility   |
| <b>Summary (Background)</b>                | <p>Each year, two scheduled outages on each of the two boilers at the Waste to Energy facility are performed in order to repair or replace worn components and at times, emergency services are required when failures occur in between outages. In addition, every three to four years a complete replacement of the pendants in the Superheater section of the boilers is necessary. Without these repairs and maintenance, the boilers would be unable to continue uninterrupted operation. Due to the unique and extensive nature of this type of repair work, utilization of boilermakers with proven and substantiated historical experience is required. On March 2, 2020 two responses were received for PW ITB 5238-20 for these services; New England Mechanical Overlay of Pittsfield, NH and Helfrich Brothers Boiler Works, Inc., of Lawrence, MA. Helfrich Brothers Boiler Works, Inc. was the lowest cost bidder.</p> <p>The initial contract was for two years from April 1, 2020 through March 31, 2022 with the option to extend for three (3) additional one-year periods, and a cost not to exceed \$3,100,000.00 for the two-year term. The first of the three renewals is from April 1, 2022 through March 31, 2023 with an additional cost not to exceed \$1,000,000.00 including tax.</p> <p>During a recent maintenance outage, additional work was discovered in the boilers that was unanticipated. An additional \$100,000.00 is needed to pay for this work and any emergency work that may arise prior to the expiration of the contract.</p> |
| <b>Proposed Council Action &amp; Date:</b> | Committee consent on 12-5-22  |

**Fiscal Impact:**

Total Cost: \$100,000.00

Approved in current year budget?  Yes  No  N/A

Funding Source  One-time  Recurring

Specify funding source: 2022/2023 SWD Budget

Expense Occurrence  One-time  Recurring

Other budget impacts: (revenue generating, match requirements, etc.)

**Operations Impacts**

What impacts would the proposal have on historically excluded communities?

N/A

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

Regular and proper maintenance to the WTE' Boiler's and ancillary equipment is necessary to maintain the safe and efficient operation of our Facility. These efforts ensure that we continue to be good environmental stewards, while supporting the goals of our City and Citizens within the guidelines of its Operating Permits.



City of Spokane  
**CONTRACT AMENDMENT**  
**Title: BOILERMAKER SERVICES**

This Contract Amendment is made and entered into by and between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **HELFRICH BROTHERS BOILER WORKS, INC.**, whose address is 39 Merrimack Street, Lawrence, MA 01843 , as "Contractor", individually hereafter referenced as a "party", and together as the "parties".

*WHEREAS, the Contractor agreed to provide Boilermaker Services for Scheduled Outages, Super Heater Pendant Replacements and Emergency Service; and*

*WHEREAS, additional funds are necessary to pay for unanticipated work needed during the fall maintenance outage, thus the original Contract needs to be formally Amended by this written document; and*

*NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:*

**1. CONTRACT DOCUMENTS.**

The original Contract, dated March 16, 2020 and April 4, 2020, any previous amendments, renewals and / or extensions / thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

**2. EFFECTIVE DATE.**

This Contract Amendment shall become effective on April 1, 2022.

**3. COMPENSATION.**

The City shall pay an additional amount not to exceed **ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00)**, for everything furnished and done under this Contract Amendment. This is the maximum amount to be paid under this Amendment, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this document.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Amendment by having legally-binding representatives affix their signatures below.

**HELFRICH BROTHERS BOILER  
WORKS, INC.**

**CITY OF SPOKANE**

By \_\_\_\_\_  
Signature                      Date

By \_\_\_\_\_  
Signature                      Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Attest:

Approved as to form:

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

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





**Agenda Sheet for City Council Meeting of:**  
01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/21/2022    |
| <b>Clerk's File #</b> | OPR 2023-0003 |
| <b>Renews #</b>       |               |

|                           |   |                      |  |
|---------------------------|---|----------------------|--|
| <b>Submitting Dept</b>    | PLANNING & ECONOMIC                                     | <b>Cross Ref #</b>   |  |
| <b>Contact Name/Phone</b> | TAYLOR X6193  | <b>Project #</b>     |  |
| <b>Contact E-Mail</b>     | TBERBERICH@SPOKANECITY.ORG                              | <b>Bid #</b>         |  |
| <b>Agenda Item Type</b>   | Contract Item   | <b>Requisition #</b> |  |
| <b>Agenda Item Name</b>   | 0650 - MFTE CONDITIONAL AGREEMENT – ASTOR ST APARTMENTS |                      |  |

**Agenda Wording**

Multiple Family Housing Property Tax Exemption Conditional Agreement with LLJ Properties, LLC for the future construction of approximately 18 units, at Parcel Number(s) 36322.1421, commonly known as 6020 N Astor Street.

**Summary (Background)**

Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. SMC 08.15 Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility.

|                      |                   |                       |
|----------------------|-------------------|-----------------------|
| Lease? NO            | Grant related? NO | Public Works? NO      |
| <b>Fiscal Impact</b> |                   | <b>Budget Account</b> |

|         |    |   |
|---------|----|---|
| Neutral | \$ | # |
| Select  | \$ | # |
| Select  | \$ | # |
| Select  | \$ | # |

|                             |                   |                                  |                       |
|-----------------------------|-------------------|----------------------------------|-----------------------|
| <b>Approvals</b>            |                   | <b>Council Notifications</b>     |                       |
| <b>Dept Head</b>            | BLACK, TIRRELL    | <b>Study Session\Other</b>       | UE 12/12/22           |
| <b>Division Director</b>    | MACDONALD, STEVEN | <b>Council Sponsor</b>           | CMs Cathcart & Bingle |
| <b>Finance</b>              | ORLOB, KIMBERLY   | <b>Distribution List</b>         |                       |
| <b>Legal</b>                | HARRINGTON,       | tberberich@spokanecity.org       |                       |
| <b>For the Mayor</b>        | ORMSBY, MICHAEL   | tstripes@spokanecity.org         |                       |
| <b>Additional Approvals</b> |                   | rbenzie@spokanecity.org          |                       |
| <b>Purchasing</b>           |                   | jchurchill@spokanecity.org       |                       |
|                             |                   | smacdonald@spokanecity.org       |                       |
|                             |                   | sgardner@spokanecity.org         |                       |
|                             |                   | ryanrdllee@gmail.com (Applicant) |                       |



# Continuation of Wording, Summary, Budget, and Distribution

## **Agenda Wording**

This Conditional Agreement will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office post construction.

## **Summary (Background)**

Staff has determined that the Astor Street Apartments Conditional application meets the Project Eligibility defined in SMC 08.15.040 and is located in a previously adopted Residential Target Areas identified in SMC 08.15.030. Once the project is constructed, the applicant intends to finalize the project under the 12 yr affordable program.

### **Fiscal Impact**

Select \$  
Select \$

### **Budget Account**

#  
#

### **Distribution List**

|                          |  |
|--------------------------|--|
| mpiccolo@spokanecity.org |  |
|                          |  |
|                          |  |
|                          |  |

## Committee Agenda Sheet

### Urban Experience – December 2022

|  |  |
|--|--|
| <b>Submitting Department</b>               | Planning and Economic Development  |
| <b>Contact Name &amp; Phone</b>            | Taylor Berberich, ext 6193   |
| <b>Contact Email</b>                       | Tberberich@spokanecity.org   |
| <b>Council Sponsor(s)</b>                  | District CMs Cathcart & Bingle   |
| <b>Select Agenda Item Type</b>             | <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion    Time Requested: _____   |
| <b>Agenda Item Name</b>                    | <b>Two (2) Multi-Family Tax Exemption (MFTE) Conditional Agreement(s)</b>  |
| <b>Summary (Background)</b>                | <p>Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. SMC <a href="#">08.15</a> Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility.</p> <p>Staff has determined that both of the Conditional <b>applications</b> meet the Project Eligibility defined in SMC <a href="#">08.15.040</a> and are located in a previously adopted Residential Target Areas identified in SMC <a href="#">08.15.030</a>.</p> <p>Once the projects are constructed:</p> <p><b>Astor Street Apartments</b> intends to finalize as a <b>12-yr exemption -- meeting the income and rent restrictions.</b></p> <p><b>Oxbow 2 Apartments</b> intends to finalize as an <b>8-yr exemption—no income or rent restrictions.</b></p> <p>These Conditional Agreements authorize the appropriate city official to enter into the Multiple Family Housing Property Tax Exemption Conditional Agreements, which will ultimately result in the issuance of a final certificate of tax exemptions to be filed with the Spokane County Assessor’s Office post construction.</p> |
| <b>Proposed Council Action &amp; Date:</b> | <p>Seeking approval of the <b>two (2)</b> MFTE Conditional Agreement(s) for:</p> <p><b>District 1 CM Sponsors: Cathcart &amp; Bingle</b></p> <p><b>Astor St Apartment</b> at the <b>12/12/2022</b>, City Council Meeting.</p> <ul style="list-style-type: none"> <li>• <b>Project Details:</b> The applicant applied for a Conditional MFTE Agreement for <b>18 at 6020 N Astor St.</b> <ul style="list-style-type: none"> <li>○ Property is zoned <b>CC-4 EC</b> and the proposed use is allowed.</li> <li>○ Estimated Construction Costs of all phases: <b>\$3,500,000</b></li> <li>○ Located in the <b>Nevada Heights</b> neighborhood.</li> </ul> </li> </ul>  |

**Oxbow 2 Apartments** at the **12/12/2022**, City Council Meeting.

- **Project Details:** The applicant applied for a Conditional MFTE Agreement for **4** at **3804 N Lidgerwood**.
  - Property is zoned **RSF** and the proposed use is allowed.
  - Estimated Construction Costs of all phases: **\$840,000**
  - Located in the **Nevada Heights** neighborhood.

**Fiscal Impact:**

Total Cost:

Approved in current year budget?  Yes  No  N/A

Funding Source  One-time  Recurring

Specify funding source:

Expense Occurrence  One-time  Recurring

Other budget impacts: (revenue generating, match requirements, etc.)

**Operations Impacts**

What impacts would the proposal have on historically excluded communities?

**SMC 08.15 Multi- Family Housing Property Tax Exemption**

A. The purposes of this chapter are to:

1. encourage more multi-family housing opportunities, including affordable housing opportunities, within the City;
2. stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing;
3. increase the supply of mixed-income multifamily housing opportunities within the City;
4. accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented from time to time by the City's current and future comprehensive plans;
5. promote community development, neighborhood revitalization, and availability of affordable housing;
6. preserve and protect buildings, objects, sites and neighborhoods with historic, cultural, architectural, engineering or geographic significance located within the City; and
7. encourage additional housing in areas that are consistent with planning for public transit systems.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

**RCW 84.14.100**

**Report—Filing—Department of commerce audit or review—Guidance to cities and counties. (Expires January 1, 2058.)**

(1) Thirty days after the anniversary of the date of the certificate of tax exemption and each year for the tax exemption period, the owner of the rehabilitated or newly constructed property, or

the qualified nonprofit or local government that will assure permanent affordable homeownership for at least 25 percent of the units for properties receiving an exemption under RCW [84.14.021](#), must file with a designated authorized representative of the city or county an annual report indicating the following:

(a) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the twelve months ending with the anniversary date;

(b) A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in RCW [84.14.020](#) since the date of the certificate approved by the city or county;

(c) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(d) Any additional information requested by the city or county in regards to the units receiving a tax exemption.

**(2) All cities or counties, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, must report annually by April 1st of each year, beginning in 2007, to the department of commerce. A city or county must be in compliance with the reporting requirements of this section to offer certificates of tax exemption for multiunit housing authorized in this chapter. The report must include the following information:**

**(a) The number of tax exemption certificates granted;**

**(b) The total number and type of units produced or to be produced;**

**(c) The number, size, and type of units produced or to be produced meeting affordable housing requirements;**

**(d) The actual development cost of each unit produced;**

**(e) The total monthly rent or total sale amount of each unit produced;**

**(f) The annual household income and household size for each of the affordable units receiving a tax exemption and a summary of these figures for the city or county; and**

**(g) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.**

(3)(a) The department of commerce must adopt and implement a program to effectively audit or review that the owner or operator of each property for which a certificate of tax exemption has been issued, except for those properties receiving an exemption that are owned or operated by a nonprofit or for those properties receiving an exemption from a city or county that operates an independent audit or review program, is offering the number of units at rents as committed to in the approved application for an exemption and that the tenants are being properly screened to be qualified for an income-restricted unit. The audit or review program must be adopted in consultation with local governments and other stakeholders and may be based on auditing a percentage of income-restricted units or properties annually. A private owner or operator of a property for which a certificate of tax exemption has been issued under this chapter, must be audited at least once every five years.

(b) If the review or audit required under (a) of this subsection for a given property finds that the owner or operator is not offering the number of units at rents as committed to in the approved application or is not properly screening tenants for income-restricted units, the department of commerce must notify the city or county and the city or county must impose and collect a sliding scale penalty not to exceed an amount calculated by subtracting the amount of rents that would have been collected had the owner or operator complied with their commitment from the amount of rents collected by the owner or operator for the income-restricted units, with consideration of the severity of the noncompliance. If a subsequent review or audit required under (a) of this subsection for a given property finds continued substantial noncompliance with the program requirements, the exemption certificate must be canceled pursuant to RCW [84.14.110](#).

(c) The department of commerce may impose and collect a fee, not to exceed the costs of the audit or review, from the owner or operator of any property subject to an audit or review required under (a) of this subsection.

(4) The department of commerce must provide guidance to cities and counties, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, on best practices in managing and reporting for the exemption programs authorized under this chapter, including guidance for cities and counties to collect and report demographic information for tenants of units receiving a tax exemption under this chapter.

(5) This section expires January 1, 2058.

[[2021 c 187 § 5](#); [2012 c 194 § 9](#); [2007 c 430 § 10](#); [1995 c 375 § 13](#).]

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

[Title 08](#) Taxation and Revenue

[Chapter 08.15](#) Multiple-family Housing Property Tax Exemption

[Section 08.15.100](#) **Annual Certification and Affordability Certification**

Within thirty days of the anniversary of the date the final certificate of tax exemption was recorded at the County and each year thereafter, for the tax exemption period, the property owner shall file a certification with the director, verified upon oath or affirmation, which shall contain such information as the director may deem necessary or useful, and shall include the following information:

1. A statement of occupancy and vacancy of the multi-family units during the previous year.
2. A certification that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in [SMC 8.15.090](#) since the date of filing of the final certificate of tax exemption, and continues to be in compliance with the contract with the City and the requirements of this chapter; and
3. If the property owner rents the affordable multi-family housing units, the property owner shall file with the City a report indicating the household income of each initial tenant qualifying as low and moderate-income in order to comply with the twenty percent requirement of [SMC 8.15.090\(A\)\(2\)\(b\)](#) and RCW 84.14.020(1)(ii)(B).
  - a. The reports shall be on a form provided by the City and shall be signed by the tenants.
  - b. Information on the incomes of occupants of affordable units shall be included with the application for the final certificate of tax exemption, and shall continue to be included with the annual report for each property during the exemption period.
4. A description of any improvements or changes to the property made after the filing of the final certificate or last declaration, as applicable.

B. Failure to submit the annual declaration may result in cancellation of the tax exemption.

Date Passed: Monday, August 21, 2017

Effective Date: Saturday, October 7, 2017

ORD C35524 Section 8

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

**Comprehensive Plan Land Use Policies:**

- LU 1.4 Higher Density Residential Uses
- LU 3.5 Mix of Uses in Centers
- LU 4.2 Land Uses That Support Travel Options and Active Transportation
- LU 4.6 Transit-Supported Development

**Comprehensive Plan Housing Policies:**

- H 1.9 Mixed-Income Housing
- H 1.4 Use of Existing Infrastructure
- H 1.10 Lower-Income Housing Development Incentives
- H 1.11 Access to Transportation
- H 1.18 Distribution of Housing Options

**Comprehensive Plan Economic Development Policies:**

- ED 2.4 Mixed-Use
- ED 7.4 Tax Incentives for Land Improvement

**Site and Location: Astor St Apartments**

36322.1421

6020 N ASTOR ST





**Site and Location: Oxbow 2 Apartments**

(No Image Available)





MULTIPLE FAMILY HOUSING PROPERTY  
TAX EXEMPTION CONDITIONAL AGREEMENT

THIS CONDITIONAL AGREEMENT is between the City of Spokane, a Washington State municipal corporation, as “City”, and LLJ Properties LLC, as “Owner/Taxpayer” whose business address is 304 W Ballard Rd, Colbert WA 99005.

W I T N E S S E T H:

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

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

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

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

SPOKANE TERRACE LOTS 36-37-38 B43

Assessor’s Parcel Number(s) 36322.1421, commonly known as 6020 N Astor St.

WHEREAS, this property is located in the Spokane Targeted Investment Area and is eligible to seek a Final Certificate of Tax Exemption post construction under the Twelve year Affordable Housing — with income and rent restrictions as defined in SMC 08.15.090.

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

The City and the Owner/Taxpayer do mutually agree as follows:

1. The City agrees to issue the Owner/Taxpayer a Conditional Agreement subsequent to the City Council's approval of this agreement.

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

3. If the property proposed to be rehabilitated is not vacant, the Owner/Taxpayer shall provide each existing tenant with housing of comparable size, quality and price and a reasonable opportunity to relocate. At the time of an application for a Conditional Agreement, the applicant provided a letter attesting and documenting how the existing tenant(s) were/will be provided comparable housing and opportunities to relocate.

(a). The existing residential tenant(s) are to be provided housing of a comparable size and quality at a rent level meeting the Washington State definition of affordable to their income level. Specifically, RCW 84.14.010 defines "affordable housing" as residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty (30) percent of the household's monthly income. The duration of this requirement will be the length of the tenant's current lease plus one year.

4. The Owner/Taxpayer intends to construct on the site, approximately 18 new multiple family residential housing units substantially as described in their application filed with and approved by the City. In no event shall such construction provide fewer than a total of four multiple family permanent residential housing units.

5. The Owner/Taxpayer agrees to complete construction of the agreed-upon improvements within three years from the date the City issues this Conditional Agreement or within any extension granted by the City.

6. The Owner/Taxpayer agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file an application for a Final Certificate of Tax Exemption with the City's Planning and Economic Development Department, which will require the following:

- (a) a statement of the actual development cost of each multiple family housing unit, and the total expenditures made in the rehabilitation or construction of the entire property;
- (b) a description of the completed work and a statement that the rehabilitation improvements or new construction of the Owner/Taxpayer's property qualifies the property for the exemption;
- (c) a statement that the project meets the affordable housing requirements, if applicable; and
- (d) a statement that the work was completed within the required three-year period or any authorized extension of the issuance of the conditional certificate of tax exemption.

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

8. The Owner/Taxpayer agrees, that once a Final Certificate of Tax Exemption is issued, to comply with all Annual Reporting requirements set forth in SMC 8.15.100 and contained in the annual report form provided by the City. Thirteen (13) months following the first year of the exemption beginning and every year thereafter, the Owner/Taxpayer will complete and file the appropriate Annual Report required by the terms of their Final Certificate of Tax Exemption with the City's Planning and Economic Development Department. The Annual Report is a declaration verifying upon oath and indicating the following:

- (a) a statement of occupancy, use of the property/unit, income and rents for qualifying 12-year and 20-year and vacancy of the multi-family units during the previous year;
- (b) a certification that the property has not changed to a commercial use or been used as a transient (short-term rental) basis and, if applicable, that the property has been in compliance with the affordable housing income and rent requirements as described in SMC 8.15.090 since the date of the filing of the Final Certificate of Tax Exemption, and continues to be in compliance with this Agreement and the requirements of SMC Chapter 8.15;
- (c) for affordable multi-family housing units, information providing the household income, rent and utility cost, of each qualifying as low and

moderate-income, which shall be reported on a form provided by the City and signed by the tenants; and

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

9. The parties acknowledge that the units, including any owner occupied units are to be used and occupied for multifamily permanent residential occupancy and use. The parties further acknowledge that the certificate of occupancy issued by the City is for multifamily residential units. The Owner/Taxpayer acknowledges and agrees that the units shall be used primarily for multi-family housing for permanent residential occupancy as defined in SMC 8.15.020 and RCW 84.14.010 and any business activities shall only be incidental and ancillary to the residential occupancy. Any units that are converted from multi-family housing for permanent residential occupancy shall be reported to the City of Spokane's Planning and Economic Development Department and the Spokane County Assessor's Office and removed from eligibility for the tax exemption within 60 days. If the removal of the ineligible unit or units causes the number of units to drop below the number of units required for tax exemption eligibility, the remaining units shall be removed from eligibility pursuant to state law.

10. To qualify for the twelve-year tax exemption, the Owner/Taxpayer will be required to rent or sell at least 30% of the multiple family housing units as affordable housing units to low and moderate-income households and will ensure that the units within the 12-yr program are dispersed throughout the building and distributed proportionally among the buildings; not be clustered in certain sections of the building or stacked; comparable to market-rate units in terms of unit size and leasing terms; and are comparable to market-rate units in terms of functionality and building amenities and access in addition to the other requirements set forth in the Agreement. The Owner/Taxpayer is further required to comply with the rental relocation assistance requirements set forth in RCW 84.14.020 (7) and (8) and in SMC 8.15.090 (D).

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

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

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

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

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

16. The parties agree that this Conditional Agreement, requires the applicant to file an application for the Final Certificate of Tax Exemption post the construction of the multiple family residential housing units referenced above and that the Final Certificate of Tax Exemption shall be subject to the applicable provisions of Chapter 84.14 RCW and Chapter 8.15 SMC that exist at the time this agreement is signed by the parties. The parties may agree to amend this Conditional Agreement requirements as set forth when the applicant applies for the Final Certificate of Tax Exemption based upon applicable amendments and additions to Chapter 84.14 RCW or Chapter 8.15 SMC if the requirements change between the issuance of the Conditional Agreement and the Application for Final Tax Exemption has been submitted.

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

CITY OF SPOKANE

LLJ Properties, LLC

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

By \_\_\_\_\_

Mayor, Nadine Woodward

Its: \_\_\_\_\_

Attest:

Approved as to form:

---

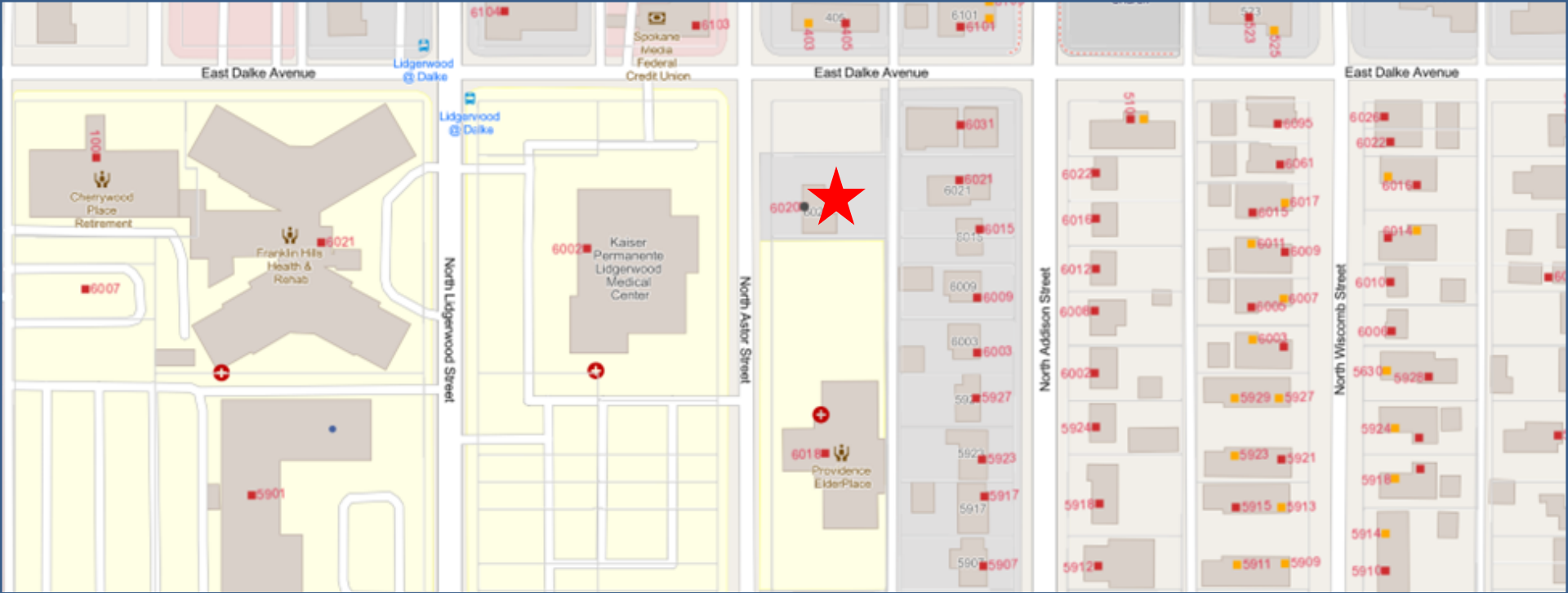
City Clerk

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Assistant City Attorney

# SMC 08.15 Multi-Family Housing Property Tax Exemption (MFTE)

- A. The purposes of this chapter are to:
1. encourage more multi-family housing opportunities, including affordable housing opportunities, within the City;
  2. stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing;
  3. increase the supply of mixed-income multifamily housing opportunities within the City;
  4. accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented from time to time by the City's current and future comprehensive plans;
  5. promote community development, neighborhood revitalization, and availability of affordable housing;
  6. preserve and protect buildings, objects, sites and neighborhoods with historic, cultural, architectural, engineering or geographic significance located within the City; and
  7. encourage additional housing in areas that are consistent with planning for public transit systems.



# Astor Street Apartments

- **Project Details:** The applicant applied for a Conditional MFTE Agreement for 18 -units at 6020 N Astor St.
  - Property is zoned CC4-EC and the proposed use is allowed.
  - Estimated Construction Costs of all phases: 3,500,000.
  - Located in the Nevada Heights neighborhood.



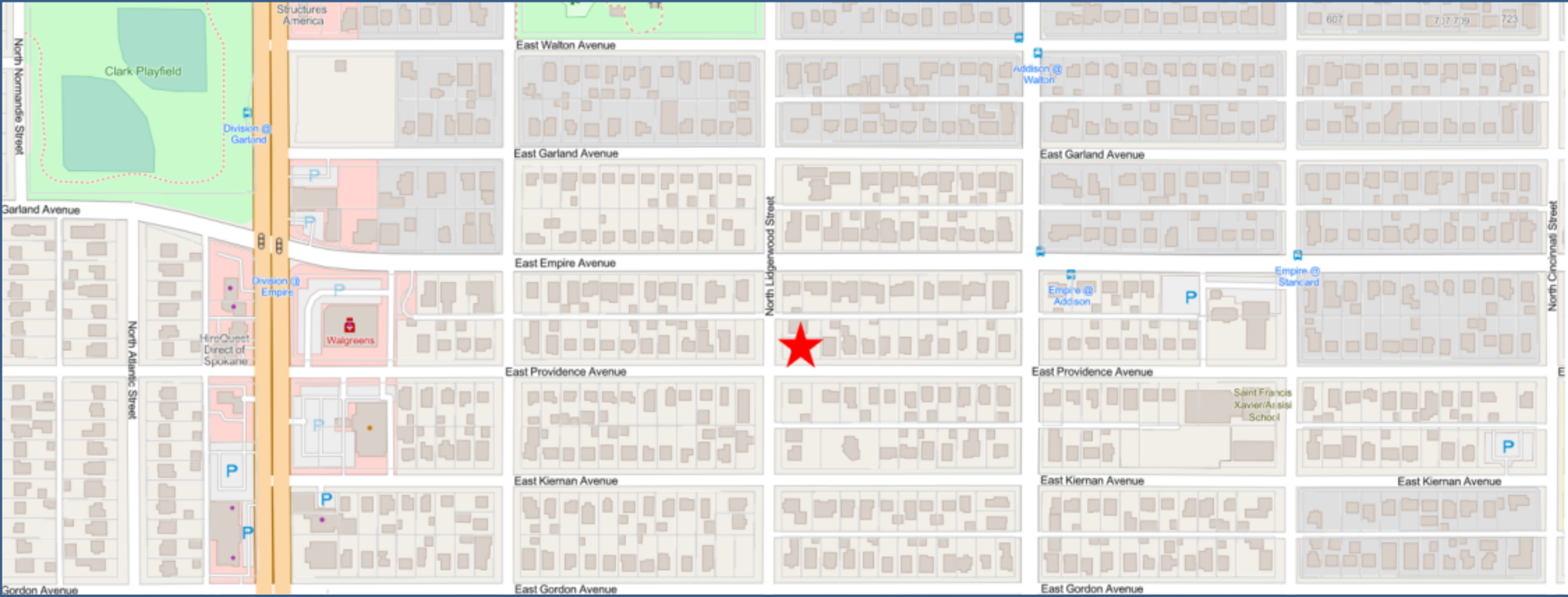
36322.1421

6020 N ASTOR ST



## Astor Street Apartments

3.22.2018



# Oxbow 2 Apartments

- **Project Details:** The applicant applied for a Conditional MFTE Agreement for **4-units at 3804 N Lidgerwood**.
  - Property is zoned RSF and the proposed use is allowed.
  - Estimated Construction Costs of all phases: \$840,000.
  - Located in the Nevada Heights neighborhood.



## Oxbow 2 Apartments



**Agenda Sheet for City Council Meeting of:**  
01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/21/2022    |
| <b>Clerk's File #</b> | OPR 2023-0004 |
| <b>Renews #</b>       |               |

|                           |  |                      |  |
|---------------------------|--|----------------------|--|
| <b>Submitting Dept</b>    | PLANNING & ECONOMIC                                    | <b>Cross Ref #</b>   |  |
| <b>Contact Name/Phone</b> | TAYLOR X6193   | <b>Project #</b>     |  |
| <b>Contact E-Mail</b>     | TBERBERICH@SPOKANECITY.ORG                             | <b>Bid #</b>         |  |
| <b>Agenda Item Type</b>   | Contract Item  | <b>Requisition #</b> |  |
| <b>Agenda Item Name</b>   | 0650 - MFTE CONDITIONAL AGREEMENT – OXBOW 2 APARTMENTS |                      |  |

**Agenda Wording**  
Multiple Family Housing Property Tax Exemption Conditional Agreement with Master Build LLC for the future construction of approximately 4 units, at Parcel Number(s) 35053.0722, commonly known as 3804 N Lidgerwood St.

**Summary (Background)**  
Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. SMC 08.15 Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility.

|                      |                   |                       |
|----------------------|-------------------|-----------------------|
| Lease? NO            | Grant related? NO | Public Works? NO      |
| <b>Fiscal Impact</b> |                   | <b>Budget Account</b> |
| Neutral \$           |                   | #                     |
| Select \$            |                   | #                     |
| Select \$            |                   | #                     |
| Select \$            |                   | #                     |

|                             |                   |  |                       |
|-----------------------------|-------------------|--|-----------------------|
| <b>Approvals</b>            |                   | <b>Council Notifications</b>             |                       |
| <b>Dept Head</b>            | BLACK, TIRRELL    | <b>Study Session\Other</b>               | UE 12/12/2022         |
| <b>Division Director</b>    | MACDONALD, STEVEN | <b>Council Sponsor</b>                   | CMs Cathcart & Bingle |
| <b>Finance</b>              | ORLOB, KIMBERLY   | <b>Distribution List</b>                 |                       |
| <b>Legal</b>                | HARRINGTON,       | tberberich@spokanecity.org               |                       |
| <b>For the Mayor</b>        | ORMSBY, MICHAEL   | jchurchill@spokanecity.org               |                       |
| <b>Additional Approvals</b> |                   | rbenzie@spokanecity.org                  |                       |
| <b>Purchasing</b>           |                   | tstripes@spokanecity.org                 |                       |
|                             |                   | smacdonald@spokanecity.org               |                       |
|                             |                   | sgardner@spokanecity.org                 |                       |
|                             |                   | Rudmila Mogilny masterbuild.79@gmail.com |                       |



# Continuation of Wording, Summary, Budget, and Distribution

## **Agenda Wording**

This Conditional Agreement will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office post construction.

## **Summary (Background)**

Staff has determined that the Oxbow 2 Apartments Conditional application meets the Project Eligibility defined in SMC 08.15.040 and is located in a previously adopted Residential Target Areas identified in SMC 08.15.030. Once the project is constructed, the applicant intends to rent units at a market rate.

### **Fiscal Impact**

Select \$

Select \$

### **Budget Account**

#

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### **Distribution List**

mpiccolo@spokanecity.org

## Committee Agenda Sheet

### Urban Experience – December 2022

|  |  |
|--|--|
| <b>Submitting Department</b>               | Planning and Economic Development  |
| <b>Contact Name &amp; Phone</b>            | Taylor Berberich, ext 6193   |
| <b>Contact Email</b>                       | Tberberich@spokanecity.org   |
| <b>Council Sponsor(s)</b>                  | District CMs Cathcart & Bingle   |
| <b>Select Agenda Item Type</b>             | <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion    Time Requested: _____   |
| <b>Agenda Item Name</b>                    | <b>Two (2) Multi-Family Tax Exemption (MFTE) Conditional Agreement(s)</b>  |
| <b>Summary (Background)</b>                | <p>Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. SMC <a href="#">08.15</a> Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility.</p> <p>Staff has determined that both of the Conditional <b>applications</b> meet the Project Eligibility defined in SMC <a href="#">08.15.040</a> and are located in a previously adopted Residential Target Areas identified in SMC <a href="#">08.15.030</a>.</p> <p>Once the projects are constructed:</p> <p><b>Astor Street Apartments</b> intends to finalize as a <b>12-yr exemption -- meeting the income and rent restrictions.</b></p> <p><b>Oxbow 2 Apartments</b> intends to finalize as an <b>8-yr exemption—no income or rent restrictions.</b></p> <p>These Conditional Agreements authorize the appropriate city official to enter into the Multiple Family Housing Property Tax Exemption Conditional Agreements, which will ultimately result in the issuance of a final certificate of tax exemptions to be filed with the Spokane County Assessor’s Office post construction.</p> |
| <b>Proposed Council Action &amp; Date:</b> | <p>Seeking approval of the <b>two (2)</b> MFTE Conditional Agreement(s) for:</p> <p><b>District 1 CM Sponsors: Cathcart &amp; Bingle</b></p> <p><b>Astor St Apartment</b> at the <b>12/12/2022</b>, City Council Meeting.</p> <ul style="list-style-type: none"> <li>• <b>Project Details:</b> The applicant applied for a Conditional MFTE Agreement for <b>18</b> at <b>6020 N Astor St.</b> <ul style="list-style-type: none"> <li>○ Property is zoned <b>CC-4 EC</b> and the proposed use is allowed.</li> <li>○ Estimated Construction Costs of all phases: <b>\$3,500,000</b></li> <li>○ Located in the <b>Nevada Heights</b> neighborhood.</li> </ul> </li> </ul>   |

**Oxbow 2 Apartments** at the **12/12/2022**, City Council Meeting.

- **Project Details:** The applicant applied for a Conditional MFTE Agreement for **4** at **3804 N Lidgerwood**.
  - Property is zoned **RSF** and the proposed use is allowed.
  - Estimated Construction Costs of all phases: **\$840,000**
  - Located in the **Nevada Heights** neighborhood.

**Fiscal Impact:**

Total Cost:

Approved in current year budget?  Yes  No  N/A

Funding Source  One-time  Recurring

Specify funding source:

Expense Occurrence  One-time  Recurring

Other budget impacts: (revenue generating, match requirements, etc.)

**Operations Impacts**

What impacts would the proposal have on historically excluded communities?

**SMC 08.15 Multi- Family Housing Property Tax Exemption**

A. The purposes of this chapter are to:

1. encourage more multi-family housing opportunities, including affordable housing opportunities, within the City;
2. stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing;
3. increase the supply of mixed-income multifamily housing opportunities within the City;
4. accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented from time to time by the City's current and future comprehensive plans;
5. promote community development, neighborhood revitalization, and availability of affordable housing;
6. preserve and protect buildings, objects, sites and neighborhoods with historic, cultural, architectural, engineering or geographic significance located within the City; and
7. encourage additional housing in areas that are consistent with planning for public transit systems.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

**RCW 84.14.100**

**Report—Filing—Department of commerce audit or review—Guidance to cities and counties. (Expires January 1, 2058.)**

(1) Thirty days after the anniversary of the date of the certificate of tax exemption and each year for the tax exemption period, the owner of the rehabilitated or newly constructed property, or

the qualified nonprofit or local government that will assure permanent affordable homeownership for at least 25 percent of the units for properties receiving an exemption under RCW [84.14.021](#), must file with a designated authorized representative of the city or county an annual report indicating the following:

(a) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the twelve months ending with the anniversary date;

(b) A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in RCW [84.14.020](#) since the date of the certificate approved by the city or county;

(c) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(d) Any additional information requested by the city or county in regards to the units receiving a tax exemption.

**(2) All cities or counties, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, must report annually by April 1st of each year, beginning in 2007, to the department of commerce. A city or county must be in compliance with the reporting requirements of this section to offer certificates of tax exemption for multiunit housing authorized in this chapter. The report must include the following information:**

**(a) The number of tax exemption certificates granted;**

**(b) The total number and type of units produced or to be produced;**

**(c) The number, size, and type of units produced or to be produced meeting affordable housing requirements;**

**(d) The actual development cost of each unit produced;**

**(e) The total monthly rent or total sale amount of each unit produced;**

**(f) The annual household income and household size for each of the affordable units receiving a tax exemption and a summary of these figures for the city or county; and**

**(g) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.**

(3)(a) The department of commerce must adopt and implement a program to effectively audit or review that the owner or operator of each property for which a certificate of tax exemption has been issued, except for those properties receiving an exemption that are owned or operated by a nonprofit or for those properties receiving an exemption from a city or county that operates an independent audit or review program, is offering the number of units at rents as committed to in the approved application for an exemption and that the tenants are being properly screened to be qualified for an income-restricted unit. The audit or review program must be adopted in consultation with local governments and other stakeholders and may be based on auditing a percentage of income-restricted units or properties annually. A private owner or operator of a property for which a certificate of tax exemption has been issued under this chapter, must be audited at least once every five years.

(b) If the review or audit required under (a) of this subsection for a given property finds that the owner or operator is not offering the number of units at rents as committed to in the approved application or is not properly screening tenants for income-restricted units, the department of commerce must notify the city or county and the city or county must impose and collect a sliding scale penalty not to exceed an amount calculated by subtracting the amount of rents that would have been collected had the owner or operator complied with their commitment from the amount of rents collected by the owner or operator for the income-restricted units, with consideration of the severity of the noncompliance. If a subsequent review or audit required under (a) of this subsection for a given property finds continued substantial noncompliance with the program requirements, the exemption certificate must be canceled pursuant to RCW [84.14.110](#).



(c) The department of commerce may impose and collect a fee, not to exceed the costs of the audit or review, from the owner or operator of any property subject to an audit or review required under (a) of this subsection.

(4) The department of commerce must provide guidance to cities and counties, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, on best practices in managing and reporting for the exemption programs authorized under this chapter, including guidance for cities and counties to collect and report demographic information for tenants of units receiving a tax exemption under this chapter.

(5) This section expires January 1, 2058.

[[2021 c 187 § 5](#); [2012 c 194 § 9](#); [2007 c 430 § 10](#); [1995 c 375 § 13](#).]

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

[Title 08](#) Taxation and Revenue

[Chapter 08.15](#) Multiple-family Housing Property Tax Exemption

[Section 08.15.100](#) **Annual Certification and Affordability Certification**

Within thirty days of the anniversary of the date the final certificate of tax exemption was recorded at the County and each year thereafter, for the tax exemption period, the property owner shall file a certification with the director, verified upon oath or affirmation, which shall contain such information as the director may deem necessary or useful, and shall include the following information:

1. A statement of occupancy and vacancy of the multi-family units during the previous year.
2. A certification that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in [SMC 8.15.090](#) since the date of filing of the final certificate of tax exemption, and continues to be in compliance with the contract with the City and the requirements of this chapter; and
3. If the property owner rents the affordable multi-family housing units, the property owner shall file with the City a report indicating the household income of each initial tenant qualifying as low and moderate-income in order to comply with the twenty percent requirement of [SMC 8.15.090\(A\)\(2\)\(b\)](#) and RCW 84.14.020(1)(ii)(B).
  - a. The reports shall be on a form provided by the City and shall be signed by the tenants.
  - b. Information on the incomes of occupants of affordable units shall be included with the application for the final certificate of tax exemption, and shall continue to be included with the annual report for each property during the exemption period.
4. A description of any improvements or changes to the property made after the filing of the final certificate or last declaration, as applicable.

B. Failure to submit the annual declaration may result in cancellation of the tax exemption.

Date Passed: Monday, August 21, 2017

Effective Date: Saturday, October 7, 2017

ORD C35524 Section 8

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

**Comprehensive Plan Land Use Policies:**

- LU 1.4 Higher Density Residential Uses
- LU 3.5 Mix of Uses in Centers
- LU 4.2 Land Uses That Support Travel Options and Active Transportation
- LU 4.6 Transit-Supported Development

**Comprehensive Plan Housing Policies:**

- H 1.9 Mixed-Income Housing
- H 1.4 Use of Existing Infrastructure
- H 1.10 Lower-Income Housing Development Incentives
- H 1.11 Access to Transportation
- H 1.18 Distribution of Housing Options

**Comprehensive Plan Economic Development Policies:**

- ED 2.4 Mixed-Use
- ED 7.4 Tax Incentives for Land Improvement

**Site and Location: Astor St Apartments**

36322.1421

6020 N ASTOR ST





**Site and Location: Oxbow 2 Apartments**

(No Image Available)



MULTIPLE FAMILY HOUSING PROPERTY  
TAX EXEMPTION CONDITIONAL AGREEMENT

THIS CONDITIONAL AGREEMENT is between the City of Spokane, a Washington State municipal corporation, as “City”, and Master Build LLC, as “Owner/Taxpayer” whose business address is 1731 E Queen Ave.

W I T N E S S E T H:

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

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

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

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

LIDGERWOOD PK S56FT OF LTS 13-14 BLK 86

Assessor’s Parcel Number(s) 35053.0722, commonly known as 3804 N Lidgerwood St.

WHEREAS, this property is located in the Spokane Targeted Investment Area and is eligible to seek a Final Certificate of Tax Exemption post construction under the Eight year exemption - No income and rent restrictions as defined in SMC 08.15.090.

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

The City and the Owner/Taxpayer do mutually agree as follows:

1. The City agrees to issue the Owner/Taxpayer a Conditional Agreement subsequent to the City Council's approval of this agreement.

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

3. If the property proposed to be rehabilitated is not vacant, the Owner/Taxpayer shall provide each existing tenant with housing of comparable size, quality and price and a reasonable opportunity to relocate. At the time of an application for a Conditional Agreement, the applicant provided a letter attesting and documenting how the existing tenant(s) were/will be provided comparable housing and opportunities to relocate.

(a). The existing residential tenant(s) are to be provided housing of a comparable size and quality at a rent level meeting the Washington State definition of affordable to their income level. Specifically, RCW 84.14.010 defines "affordable housing" as residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty (30) percent of the household's monthly income. The duration of this requirement will be the length of the tenant's current lease plus one year.

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

5. The Owner/Taxpayer agrees to complete construction of the agreed-upon improvements within three years from the date the City issues this Conditional Agreement or within any extension granted by the City.

6. The Owner/Taxpayer agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file an application for a Final Certificate of Tax Exemption with the City's Planning and Economic Development Department, which will require the following:

- (a) a statement of the actual development cost of each multiple family housing unit, and the total expenditures made in the rehabilitation or construction of the entire property;
- (b) a description of the completed work and a statement that the rehabilitation improvements or new construction of the Owner/Taxpayer's property qualifies the property for the exemption;
- (c) a statement that the project meets the affordable housing requirements, if applicable; and
- (d) a statement that the work was completed within the required three-year period or any authorized extension of the issuance of the conditional certificate of tax exemption.

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

8. The Owner/Taxpayer agrees, that once a Final Certificate of Tax Exemption is issued, to comply with all Annual Reporting requirements set forth in SMC 8.15.100 and contained in the annual report form provided by the City. Thirteen (13) months following the first year of the exemption beginning and every year thereafter, the Owner/Taxpayer will complete and file the appropriate Annual Report required by the terms of their Final Certificate of Tax Exemption with the City's Planning and Economic Development Department. The Annual Report is a declaration verifying upon oath and indicating the following:

- (a) a statement of occupancy, use of the property/unit, income and rents for qualifying 12-year and 20-year and vacancy of the multi-family units during the previous year;
- (b) a certification that the property has not changed to a commercial use or been used as a transient (short-term rental) basis and, if applicable, that the property has been in compliance with the affordable housing income and rent requirements as described in SMC 8.15.090 since the date of the filing of the Final Certificate of Tax Exemption, and continues to be in compliance with this Agreement and the requirements of SMC Chapter 8.15;
- (c) for affordable multi-family housing units, information providing the household income, rent and utility cost, of each qualifying as low and

moderate-income, which shall be reported on a form provided by the City and signed by the tenants; and

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

9. The parties acknowledge that the units, including any owner-occupied units are to be used and occupied for multifamily permanent residential occupancy and use. The parties further acknowledge that the certificate of occupancy issued by the City is for multifamily residential units. The Owner/Taxpayer acknowledges and agrees that the units shall be used primarily for multi-family housing for permanent residential occupancy as defined in SMC 8.15.020 and RCW 84.14.010 and any business activities shall only be incidental and ancillary to the residential occupancy. Any units that are converted from multi-family housing for permanent residential occupancy shall be reported to the City of Spokane's Planning and Economic Development Department and the Spokane County Assessor's Office and removed from eligibility for the tax exemption within 60 days. If the removal of the ineligible unit or units causes the number of units to drop below the number of units required for tax exemption eligibility, the remaining units shall be removed from eligibility pursuant to state law.

10. To qualify for the twelve-year tax exemption, the Owner/Taxpayer will be required to rent or sell at least twenty-five percent of the multiple family housing units as affordable housing units to low and moderate-income households and will ensure that the units within the 12-yr program are dispersed throughout the building and distributed proportionally among the buildings; not be clustered in certain sections of the building or stacked; comparable to market-rate units in terms of unit size and leasing terms; and are comparable to market-rate units in terms of functionality and building amenities and access in addition to the other requirements set forth in the Agreement. The Owner/Taxpayer is further required to comply with the rental relocation assistance requirements set forth in RCW 84.14.020 (7) and (8) and in SMC 8.15.090 (D).

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

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

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

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

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

16. The parties agree that this Conditional Agreement, requires the applicant to file an application for the Final Certificate of Tax Exemption post the construction of the multiple family residential housing units referenced above and that the Final Certificate of Tax Exemption shall be subject to the applicable provisions of Chapter 84.14 RCW and Chapter 8.15 SMC that exist at the time this agreement is signed by the parties. The parties may agree to amend this Conditional Agreement requirements as set forth when the applicant applies for the Final Certificate of Tax Exemption based upon applicable amendments and additions to Chapter 84.14 RCW or Chapter 8.15 SMC if the requirements change between the issuance of the Conditional Agreement and the Application for Final Tax Exemption has been submitted.

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20YY

CITY OF SPOKANE

By: \_\_\_\_\_  
Mayor, Nadine Woodward

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



Attest:

Approved as to form:

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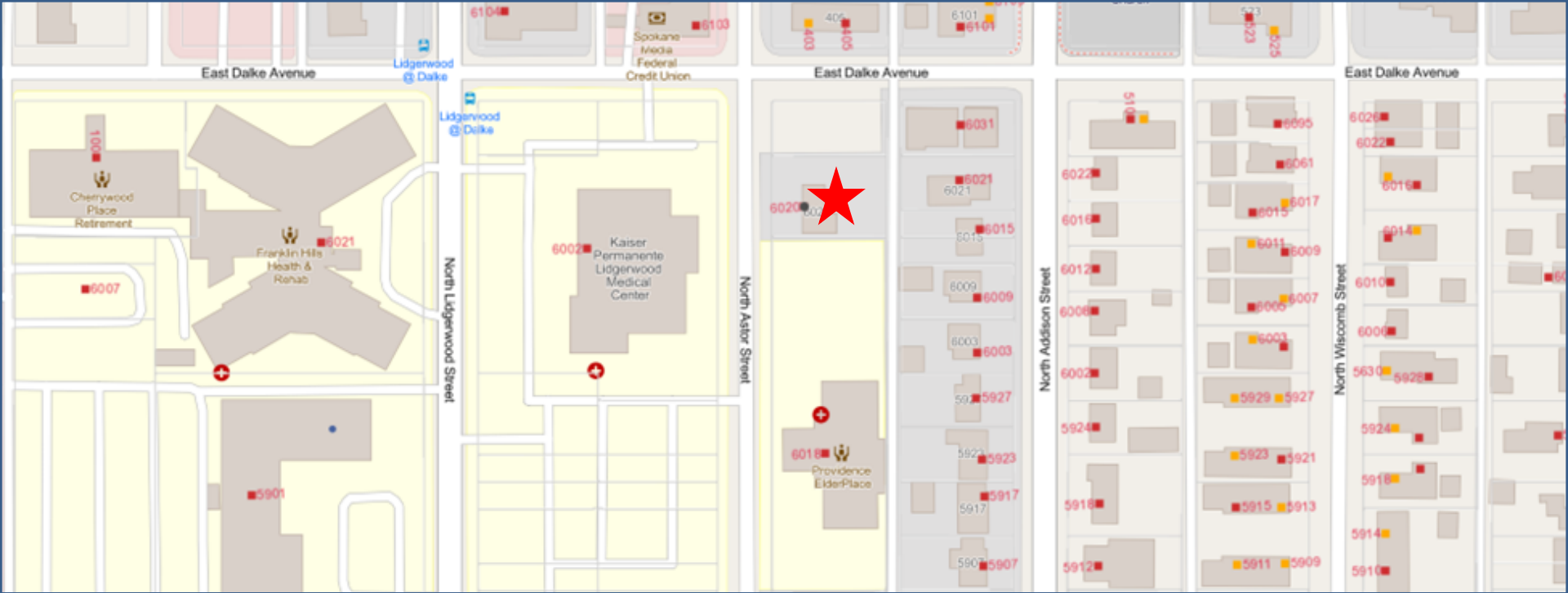
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City Clerk

Assistant City Attorney

# SMC 08.15 Multi-Family Housing Property Tax Exemption (MFTE)

- A. The purposes of this chapter are to:
1. encourage more multi-family housing opportunities, including affordable housing opportunities, within the City;
  2. stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing;
  3. increase the supply of mixed-income multifamily housing opportunities within the City;
  4. accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented from time to time by the City's current and future comprehensive plans;
  5. promote community development, neighborhood revitalization, and availability of affordable housing;
  6. preserve and protect buildings, objects, sites and neighborhoods with historic, cultural, architectural, engineering or geographic significance located within the City; and
  7. encourage additional housing in areas that are consistent with planning for public transit systems.



# Astor Street Apartments

- **Project Details:** The applicant applied for a Conditional MFTE Agreement for 18 -units at 6020 N Astor St.
  - Property is zoned CC4-EC and the proposed use is allowed.
  - Estimated Construction Costs of all phases: 3,500,000.
  - Located in the Nevada Heights neighborhood.

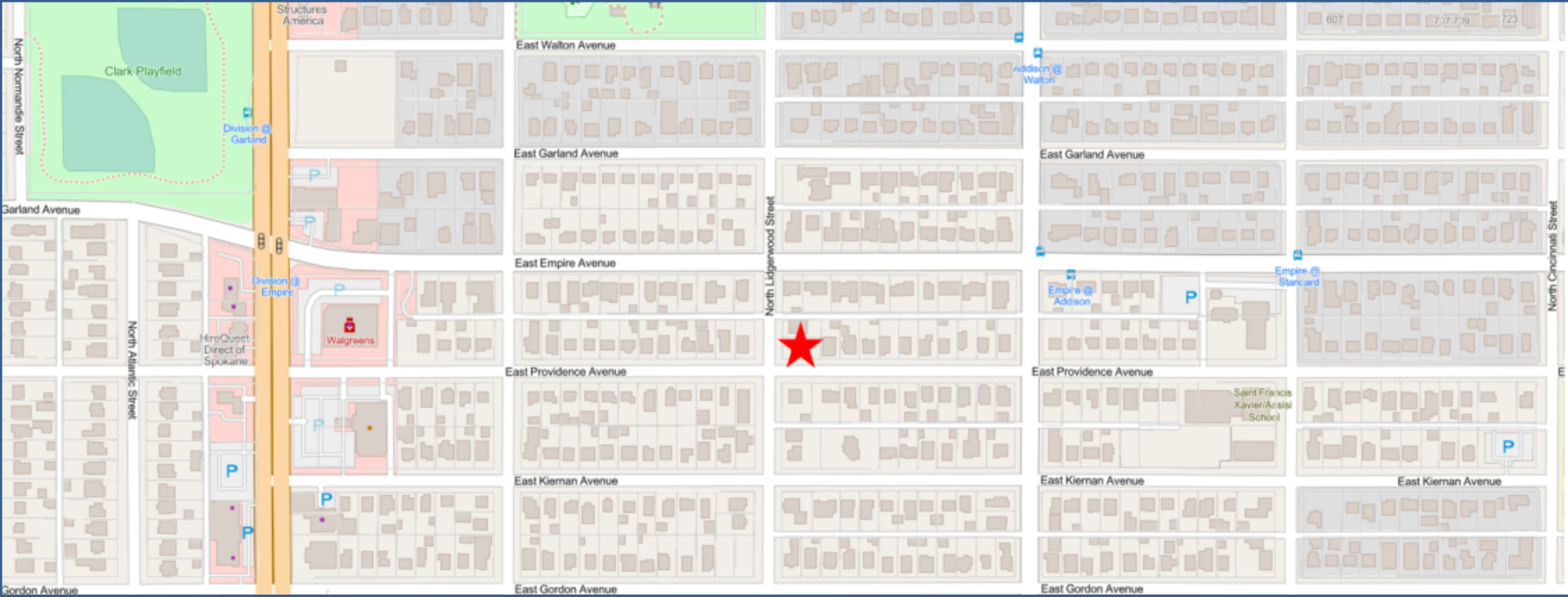
36322.1421

6020 N ASTOR ST



## Astor Street Apartments

3.22.2018



# Oxbow 2 Apartments

- **Project Details:** The applicant applied for a Conditional MFTE Agreement for **4-units at 3804 N Lidgerwood**.
  - Property is zoned RSF and the proposed use is allowed.
  - Estimated Construction Costs of all phases: \$840,000.
  - Located in the Nevada Heights neighborhood.



## Oxbow 2 Apartments

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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/9/2022     |
| <b>Clerk's File #</b> | OPR 2023-0005 |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    |               |
| <b>Project #</b>      | 2021087       |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  | 2023 BUDGET   |

|                           |   |
|---------------------------|---|
| <b>Submitting Dept</b>    | ENGINEERING SERVICES  |
| <b>Contact Name/Phone</b> | DAN BULLER 625-6391   |
| <b>Contact E-Mail</b>     | DBULLER@SPOKANECITY.ORG   |
| <b>Agenda Item Type</b>   | Contract Item   |
| <b>Agenda Item Name</b>   | 0370 – LOW BID AWARD– GREENE/CARLISLE PED BEACON (2021087) – BACON CONCRETE |

**Agenda Wording**

Low Bid of Bacon Concrete, Inc. of Spokane, WA for the Greene & Carlisle Pedestrian Hybrid Beacon in the amount of \$797,241.00. An administrative reserve of \$79,724.10, which is 10% of the contract price, will be set aside. (Minnehaha Neighborhood)

**Summary (Background)**

On December 5, 2022 bids were opened for the above project. The low bid was from Bacon Concrete, Inc. in the amount of \$797,241.00, which is \$69,030.00 or 7.8% under the Engineer's Estimate; seven other bids were received as follows: Cameron-Reilly - \$807,808.00; Halme Construction - \$832,984.00; DW Excavating - \$833,338.00; Inland Infrastructure - \$849,975.50; LaRiviere - \$933,398.00; Wm Winkler - \$939,901.30; and NNAC - Incomplete bid.

Lease? NO Grant related? NO Public Works? YES

**Fiscal Impact**

Expense \$ 876,965.10

Select \$

Select \$

Select \$

**Budget Account**

# 3200-95165-95300-56501-86045

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**Approvals****Dept Head** BULLER, DAN**Division Director** FEIST, MARLENE**Finance** ORLOB, KIMBERLY**Legal** BEATTIE, LAUREN**For the Mayor** ORMSBY, MICHAEL**Council Notifications****Study Session\Other** 8/22/22 PIES**Council Sponsor** Kinnear**Distribution List**

eraea@spokanecity.org

publicworksaccounting@spokanecity.org

kgoodman@spokanecity.org

jgraff@spokanecity.org

ddaniels@spokanecity.org

pyoung@spokanecity.org

greg@baconconcrete.com

# Committee Agenda Sheet

## PIES

|  |   |
|--|---|
| <b>Submitting Department</b>   | Public Works, Engineering   |
| <b>Contact Name &amp; Phone</b>  | Dan Buller 625-6391   |
| <b>Contact Email</b>   | <a href="mailto:dbuller@spokanecity.org">dbuller@spokanecity.org</a>  |
| <b>Council Sponsor(s)</b>  | Lori Kinnear  |
| <b>Select Agenda Item Type</b>   | X Consent <input type="checkbox"/> Discussion      Time Requested: _____  |
| <b>Agenda Item Name</b>  | 2023 Pedestrian Focused Projects  |
| <b>Summary (Background)</b>  | <ul style="list-style-type: none"> <li>• Through its Integrated Capital Management Dept, the City has secured state and federal grant funds for six pedestrian-focused projects. These grant funds are sufficient to pay the large majority of the costs for each project. The projects are generally described as follows.</li> <li>• Division St. Crossings – install pedestrian signals at three locations on Division St. – see the attached exhibit.</li> <li>• Liberty-Bemiss – install a pedestrian signal at Crestline/Courtland &amp; sidewalk on Liberty between Crestline &amp; Altamont, all near Bemiss Elementary and Andrew Rypien field – see the attached exhibit.</li> <li>• Nevada-Joseph – install a pedestrian signal at Nevada/Joseph near Nevada Park and Garry Middle School – see the attached exhibit.</li> <li>• Greene-Carlisle – install a pedestrian signal at Greene/Carlisle at what is expected to become a key crossing location following construction of the north-south freeway – see the attached exhibit.</li> <li>• Driscoll-Alberta-Cochran – install sidewalk in the vicinity of Finch Elementary and pedestrian signal near Audubon Park – see the attached exhibit.</li> <li>• Garland Pathway – install 10’ shared use path connecting Shaw Middle School, Hillyard Library, NE Community Center, NewTech Skill Center, and the future Children of the Sun trail – see the attached exhibit.</li> <li>• The above projects will be advertised for bids between Sep and Jan, with construction on all of them being in 2023.</li> </ul> |
| <b>Proposed Council Action &amp; Date:</b>   | Background information for committee review   |
| <b>Fiscal Impact:</b><br>Total Cost:<br>Approved in current year budget?      X Yes <input type="checkbox"/> No      N/A<br><br>Funding Source      X One-time <input type="checkbox"/> Recurring<br>Specify funding source: Varies by the project. Costs incurred under the proposed contracts will be paid as part of each public works project for which the consultant is used.<br><br>Expense Occurrence      X One-time <input type="checkbox"/> Recurring<br><br>Other budget impacts: (revenue generating, match requirements, etc.) |   |
| <b>Operations Impacts</b>  |   |
| What impacts would the proposal have on historically excluded communities?   |   |



Public Works services and projects are designed to serve all citizens and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

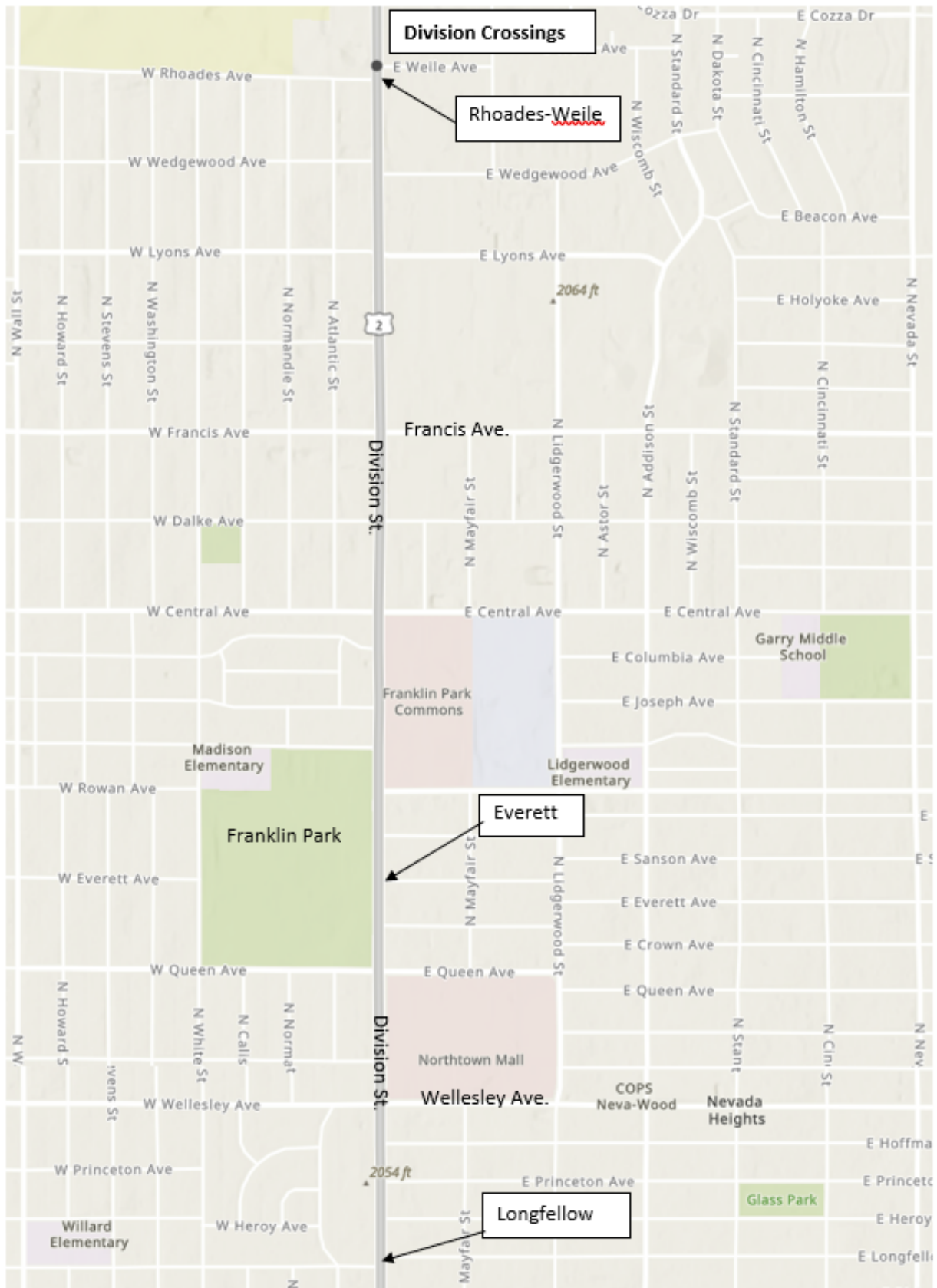
N/A – This contract supports multiple public works projects and should not impact racial, gender identity, national origin, income level, disability, sexual orientation or other existing disparity factors.

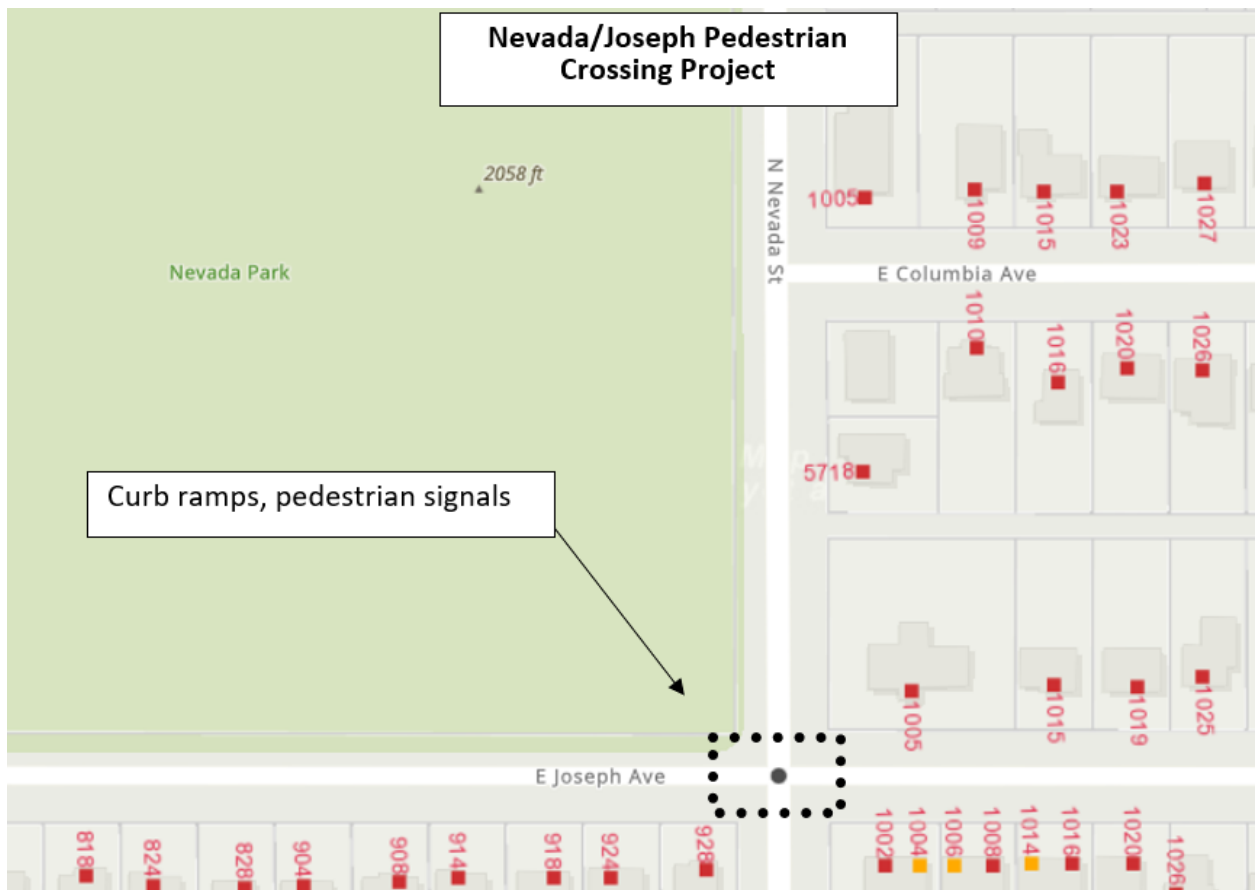
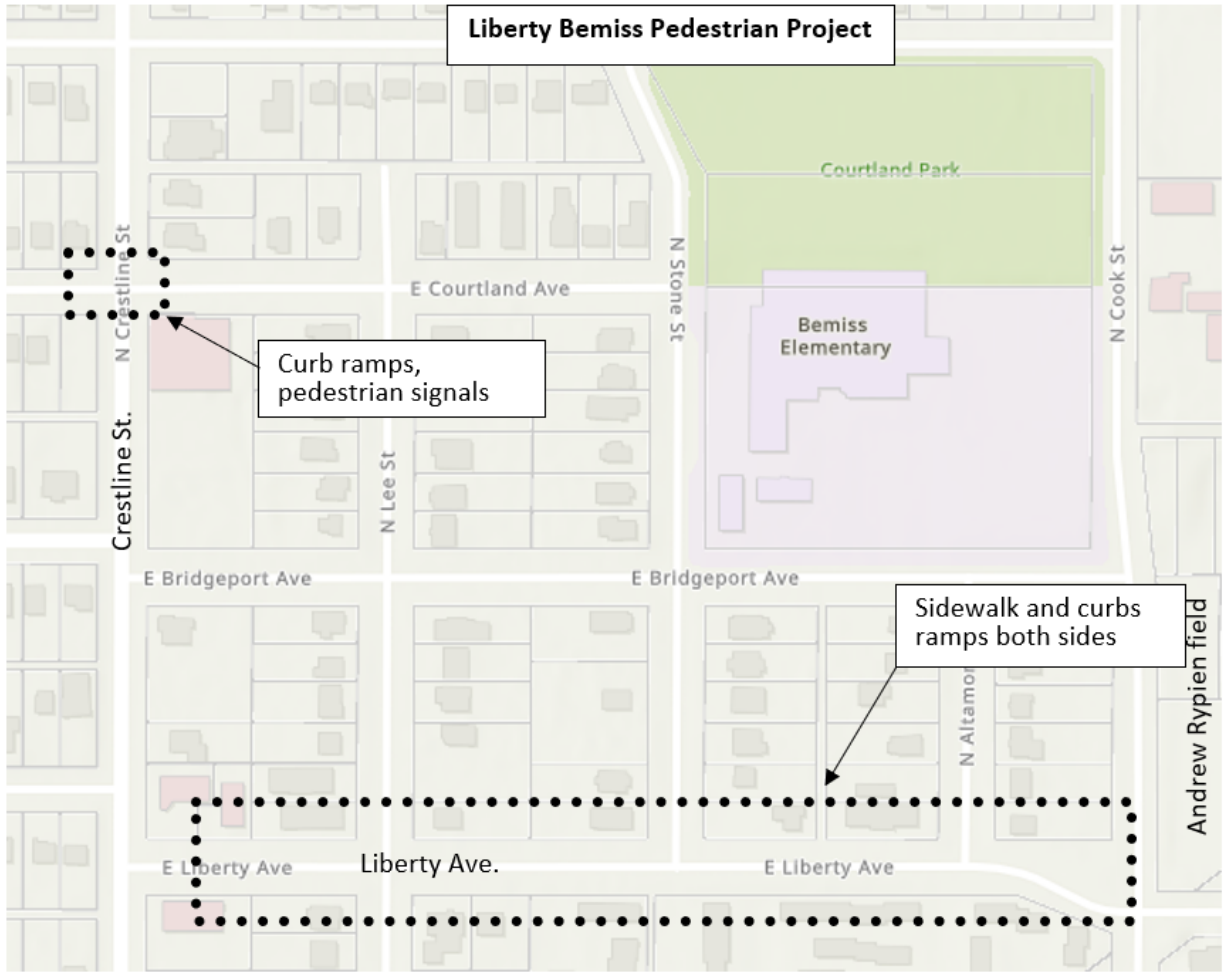
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

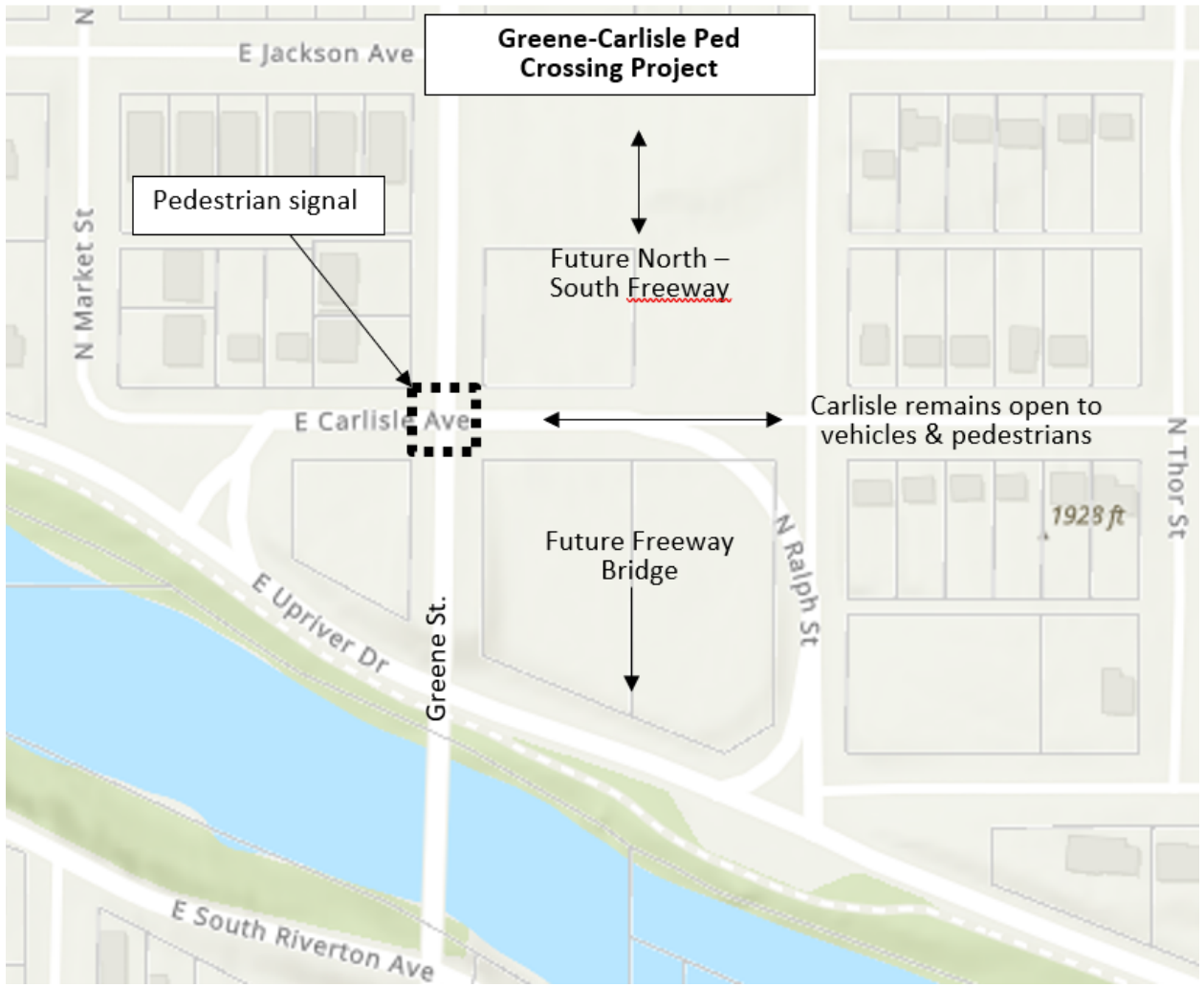
Public Works follows the City's established procurement and public works bidding regulations and policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

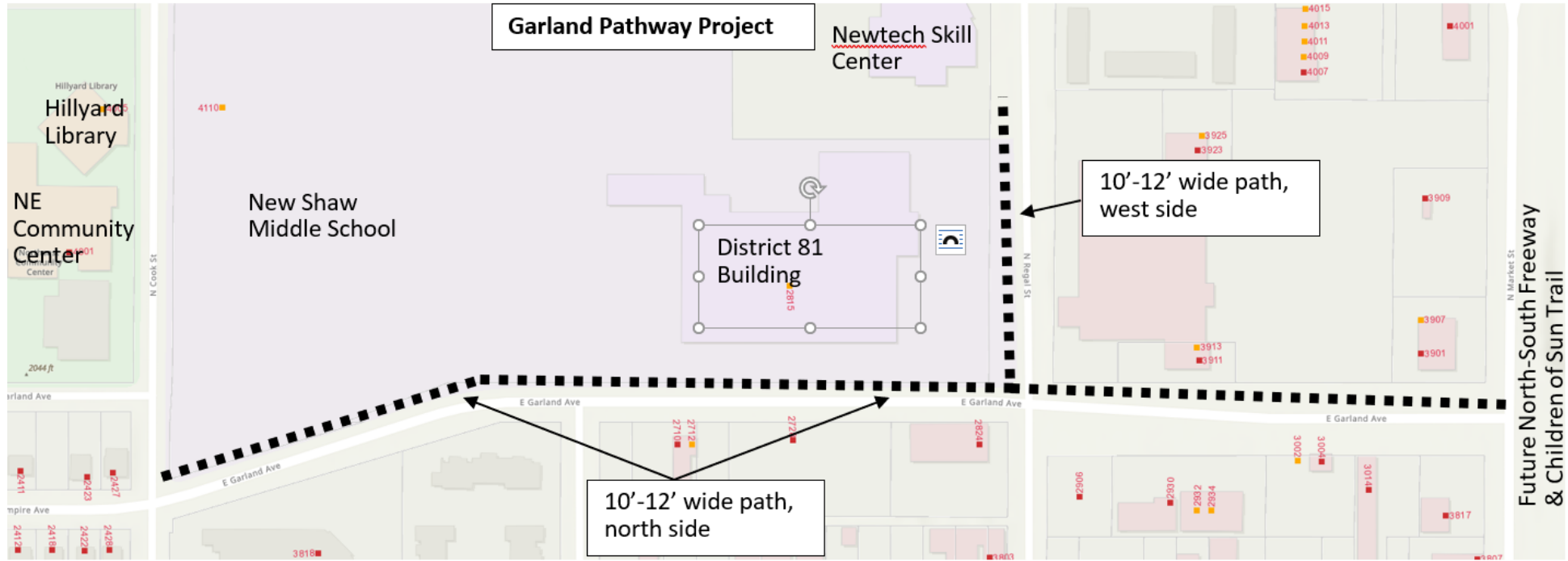
The projects is consistent with our adopted six year programs as well as the annual budget and strategic initiative to advance street improvement activities.













**City of Spokane**  
  
**PUBLIC WORKS CONTRACT**  
  
Title: **GREENE & CARLISLE PEDESTRIAN  
HYBRID BEACON PROJECT**

This Contract is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **BACON CONCRETE, INC.**, whose address is 16510 North Brannon Lane, Spokane, Washington, 99208 as (“Contractor”), individually hereafter referenced as a “party”, and together as the “parties”.

The parties agree as follows:

1. **PERFORMANCE.** The Contractor will do all work, furnish all labor, materials, tools, construction equipment, transportation, supplies, supervision, organization and other items of work and costs necessary for the proper execution and completion of the work described in the Special Provisions entitled **GREENE & CARLISLE PEDESTRIAN HYBRID BEACON PROJECT.**
  
2. **CONTRACT DOCUMENTS.** The contract documents are this Contract, the Contractor’s completed bid proposal form, the Washington State Department of Transportation’s Standard Specifications for Road, Bridge and Municipal Construction 2022, City of Spokane Special Provisions, contract plans, standard plans, addenda, various certifications and affidavits, supplemental agreements, change orders and subsurface boring logs (if any). These contract documents are on file in the Engineering Services Department and are incorporated into this Contract by reference as if they were set forth at length. In the event of a conflict, or to resolve an ambiguity or dispute, the order of precedence defined in the City of Spokane Special Provisions section 1-04.2 shall apply.
  
3. **TIME OF PERFORMANCE.** The time of performance of the Contract shall be in accordance with the contract documents.
  
4. **LIQUIDATED DAMAGES.** Liquidated damages shall be in accordance with the contract documents.
  
5. **TERMINATION.** Either party may terminate this Contract in accordance with the contract documents.
  
6. **COMPENSATION.** This is a unit price contract, and upon full and complete performance by the Contractor, the City will pay only the amounts set forth in Schedule A-1 for the actual quantities furnished for each bid item.
  
7. **TAXES.** Bid items in Schedule A-1 shall include sales tax

8. PAYMENT. The Contractor will send its applications for payment to the Engineering Services Department – Construction Management, 998 E North Foothills Drive Spokane, WA 99207-2735. All invoices should include the City Clerk File No. “OPR XXXX-XXXX” and an approved L & I Intent to Pay Prevailing Wage number. The final invoice should include an approved Affidavit of Wages Paid number. Payment will not be made without this documentation included on the invoice. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Company’s application except as provided by state law. Five percent (5%) of the Contract price may be retained by the City, in accord with RCW 60.28 for a minimum of forty five (45) days after final acceptance, as a trust fund for the protection and payment of: the claims of any person arising under the Contract; and the State with respect to taxes imposed pursuant to Titles 50, 51 and 82 RCW which may be due from the Contractor.

9. INDEMNIFICATION. The Contractor shall defend, indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage which arise from the Contractor’s negligence or willful misconduct under this Agreement, including attorneys’ fees and litigation costs; provided that nothing herein shall require a Contractor to indemnify the City against and hold harmless the City from claims, demands or suits based solely upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the concurrent negligence of the Contractor’s agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the Contractor, its agents or employees. The Contractor specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Contractor’s own employees against the City and, solely for the purpose of this indemnification and defense, the Contractor specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Contractor recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this agreement.

10. BONDS. The Contractor may not commence work until it obtains all insurance, permits and bonds required by the contract documents and applicable law. This includes the execution of a performance bond and a payment bond on the forms attached, each equal to one hundred percent (100%) of the contract price, and written by a corporate surety company licensed to do business in Washington State.

11. INSURANCE. The Contractor represents that it and its employees, agents and subcontractors, in connection with the Contract, are protected against the risk of loss by the insurance coverages required in the contract documents. The policies shall be issued by companies that meet with the approval of the City Risk Manager. The policies shall not be canceled without at least minimum required written notice to the City as Additional Insured.

12. CONTRACTOR’S WARRANTY. The Contractor’s warranty for all work, labor and materials shall be in accordance with the contract documents.

13. WAGES. The Contractor and all subcontractors will submit a "Statement of Intent to Pay Prevailing Wages" certified by the industrial statistician of the Department of Labor and Industries, prior to any payments. The "Statement of Intent to Pay Prevailing Wages" shall include: (1) the Contractor's registration number; and (2) the prevailing wages under RCW 39.12.020 and the number of workers in each classification. Each voucher claim submitted by the Contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance



with the "Statement(s) of Intent to Pay Prevailing Wages" on file with the City. Prior to the payment of funds held under RCW 60.28, the Contractor and subcontractors must submit an "Affidavit of Wages Paid" certified by the industrial statistician.

14. STATEMENT OF INTENT TO PAY PREVAILING WAGES TO BE POSTED. The Contractor and each subcontractor required to pay the prevailing rate of wages shall post in a location readily visible at the job site: (1) a copy of a "Statement of Intent to Pay Prevailing Wages" approved by the industrial statistician of the State Department of Labor and Industries; and (2) the address and telephone number of the industrial statistician of the Department of Labor and Industries where a complaint or inquiry concerning prevailing wages may be made.

15. PUBLIC WORKS REQUIREMENTS. The Contractor and each subcontractor are required to fulfill the Department of Labor and Industries Public Works and Prevailing Wage Training Requirement under RCW 39.04.350. The contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify the responsibility criteria listed in RCW 39.04.350(1) for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria. This verification requirement, as well as responsibility criteria, must be included in every public works contract and subcontract of every tier.

16. SUBCONTRACTOR RESPONSIBILITY.

A. The Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. Upon request of the City, the Contractor shall promptly provide documentation to the City demonstrating that the subcontractor meets the subcontractor responsibility criteria below. The requirements of this section apply to all subcontractors regardless of tier.

B. At the time of subcontract execution, the Contractor shall verify that each of its first tier subcontractors meets the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. If applicable, have:
  - a. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
  - b. A Washington Employment Security Department number, as required in Title 50 RCW;
  - c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
  - d. An electrical contractor license, if required by Chapter 19.28 RCW;
  - e. An elevator contractor license, if required by Chapter 70.87 RCW.

4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

C. On Public Works construction projects, as defined in RCW 39.04.010, with an estimated cost of six hundred thousand dollars (\$600,000) or more, at least fifteen (15) percent of the labor hours on each project shall be performed by apprentices enrolled in a State-approved apprenticeship program; and for each contract in the project fifteen (15) percent of the labor hours for each craft that has an available state-approved apprenticeship program for Spokane County and utilizes more than one hundred sixty (160) hours in each contract shall be performed by apprentices enrolled in a state-approved apprenticeship program.

1. **Subcontracting Requirements.** The utilization percentages for apprenticeship labor for Public Works construction contracts shall also apply to all subcontracts of one hundred thousand dollars (\$100,000) or more within those contracts, and at least fifteen percent (15%) of the labor hours for each such subcontract shall be performed by apprentices in a state-approved apprenticeship program. For each craft that has an available apprenticeship program for Spokane county and performs more than one hundred sixty (160) hours on each project, fifteen (15) percent of the labor hours shall be performed by apprentices enrolled in a State-approved apprenticeship program
2. Each subcontractor which this chapter applies is required to execute a form, provided by the city, acknowledging that the requirements of Article X 07.06 SMC are applicable to the labor hours for the project.

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

18. **EXECUTIVE ORDER 11246.**

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include but not be limited to the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- B. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- C. The Contractor will send each labor union, or representative of workers with which it has

a collective bargaining contract or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- D. The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- E. The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- F. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this Contract or with any of such rules, regulations or orders, this Contract may be canceled, terminated or suspended in whole or in part, and the Contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- G. The Contractor will include the provisions of paragraphs A through G in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, HOWEVER, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as the result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

19. DEBARMENT AND SUSPENSION. The Contractor has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.

20. ASSIGNMENTS. The Contractor may not assign, transfer or sublet any part of the work under this Contract, or assign any monies due, without the written approval of the City, except as may be required by law. In the event of assignment of accounts or monies due under this Contract, the Contractor specifically agrees to give immediate written notice to the City Administrator, no later than five (5) business days after the assignment.

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

22. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations that are incorporated herein by reference.

23. DISPUTES. This Contract shall be performed under the laws of the State of Washington. Any litigation to enforce this Contract or any of its provisions shall be brought in Spokane County, Washington.

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

25. AUDIT / RECORDS. The Contractor and its subcontractors shall maintain for a minimum of three (3) years following final payment all records related to its performance of the Contract. The Contractor and its subcontractors shall provide access to authorized City representatives, at reasonable times and in a reasonable manner to inspect and copy any such record. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.

26. BUSINESS REGISTRATION REQUIREMENT. Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Contractor shall be responsible for contacting the State of Washington Business License Services at [www.dor.wa.gov](http://www.dor.wa.gov) or 360-705-6741 to obtain a business registration. If the Contractor does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.

27. CONSTRUAL. The Contractor acknowledges receipt of a copy of the contract documents and agrees to comply with them. The silence or omission in the contract documents concerning any detail required for the proper execution and completion of the work means that only the best general practice is to prevail and that only material and workmanship of the best quality are to be used. This Contract shall be construed neither in favor of nor against either party.

28. MODIFICATIONS. The City may modify this Contract and order changes in the work whenever necessary or advisable. The Contractor will accept modifications when ordered in writing by the Director of Engineering Services, and the Contract time and compensation will be adjusted accordingly.

29. INTEGRATION. This Contract, including any and all exhibits and schedules referred to herein or therein set forth the entire Agreement and understanding between the parties pertaining to the subject matter and merges all prior agreements, negotiations and discussions between them on the same subject matter.

30. FORCE MAJEURE. Neither party shall be liable to the other for any failure or delay in performing its obligations hereunder, or for any loss or damage resulting therefrom, due to: (1) acts of God or public enemy, acts of government, riots, terrorism, fires, floods, strikes, lock outs, epidemics, act or failure to act by the other party, or unusually severe weather affecting City, Contractor or its subcontractors, or (2) causes beyond their reasonable control and which are not foreseeable (each a "Force Majeure Event"). In the event of any such Force Majeure Event, the date of delivery or performance shall be extended for a period equal to the time lost by reason of the delay.

31. CLEAN AIR ACT. Contractor must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 USC 7401-7671q) and the Federal Water Pollution Control Act as amended (33 USC 1251-1387). Violations will be reported.

32. USE OF PROJECT MANAGEMENT SOFTWARE. The Contractor shall transmit all submittal documentation for proposed project materials by uploading it to the City's web based construction management software. A City representative will be available to assist in learning this process.

**BACON CONCRETE, INC.**

**CITY OF SPOKANE**

By \_\_\_\_\_  
Signature                      Date

By \_\_\_\_\_  
Signature                      Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Attest:

Approved as to form:

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

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

**Attachments that are part of this Contract:**  
Payment Bond  
Performance Bond  
Exhibit A – Certification Regarding Debarment  
Schedule A-1

22-224

**PAYMENT BOND**

We, **BACON CONCRETE, INC.**, as principal, and \_\_\_\_\_, as surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **SEVEN HUNDRED NINETY-SEVEN THOUSAND TWO HUNDRED FORTY-ONE AND NO/100 DOLLARS (\$797,241.00)**, for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a contract with the City of Spokane, Washington, to do all work and furnish all materials for the **GREENE & CARLISLE PEDESTRIAN HYBRID BEACON PROJECT**. If the principal shall:

- A. pay all laborers, mechanics, subcontractors, material suppliers and all person(s) who shall supply such person or subcontractors; and pay all taxes and contributions, increases and penalties as authorized by law; and
- B. comply with all applicable federal, state and local laws and regulations;

then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the specifications accompanying the Contract, or to the work to be performed under the Contract shall in any way affect its obligation on this bond, except as provided herein, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the work performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this bond and notice to Surety is not required for such increased obligation... Any judgment obtained against the City, which relates to or is covered by the contract or this bond, shall be conclusive against the principal and the surety, as to the amount of damages, and their liability, if reasonable notice of the suit has been given.

SIGNED AND SEALED on \_\_\_\_\_.

**BACON CONCRETE, INC.,**  
AS PRINCIPAL

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

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

\_\_\_\_\_,  
AS SURETY

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

Its Attorney in Fact

A valid POWER OF ATTORNEY  
for the Surety's agent must  
accompany this bond.

STATE OF WASHINGTON        )  
  ) ss.  
County of \_\_\_\_\_)

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
\_\_\_\_\_ signed this document; on oath stated that he/she was  
authorized to sign the document and acknowledged it as the agent or representative of the  
named surety company which is authorized to do business in the State of Washington, for  
the uses and purposes therein mentioned.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

My appointment expires \_\_\_\_\_

Approved as to form:

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

**PERFORMANCE BOND**

We, **BACON CONCRETE, INC.**, as principal, and \_\_\_\_\_, as Surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **SEVEN HUNDRED NINETY-SEVEN THOUSAND TWO HUNDRED FORTY-ONE AND NO/100 DOLLARS (\$797,241.00)** for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a Contract with the City of Spokane, Washington, to do all the work and furnish all materials for the **GREENE & CARLISLE PEDESTRIAN HYBRID BEACON PROJECT**. If the principal shall:

- A. promptly and faithfully perform the Contract, and any contractual guaranty and indemnify and hold harmless the City from all loss, damage or claim which may result from any act or omission of the principal, its agents, employees, or subcontractors; and
- B. comply with all applicable federal, state and local laws and regulations;

then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the specifications accompanying the Contract, or to the work to be performed under the Contract shall in any way affect its obligation on this bond, except as provided herein, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the work performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this bond and notice to Surety is not required for such increased obligation. Any judgment obtained against the City, which relates to or is covered by the Contract or this bond, shall be conclusive against the principal and the Surety, not only as to the amount of damages, but also as to their liability, if reasonable notice of the suit has been given.

SIGNED AND SEALED on \_\_\_\_\_

**BACON CONCRETE, INC.,**  
AS PRINCIPAL

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

\_\_\_\_\_,  
AS SURETY

By: \_\_\_\_\_  
Its Attorney in Fact

A valid POWER OF ATTORNEY  
for the Surety's agent must  
accompany this bond.



STATE OF WASHINGTON            )  
  ) ss.  
County of \_\_\_\_\_            )

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
\_\_\_\_\_ signed this document; on oath stated that  
he/she was authorized to sign the document and acknowledged it as the agent or representative of  
the named Surety Company which is authorized to do business in the State of Washington, for the  
uses and purposes mentioned in this document.

DATED on \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary

My appointment expires \_\_\_\_\_

Approved as to form:

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

**EXHIBIT A**

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
INELIGIBILITY AND VOLUNTARY EXCLUSION**

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
  - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
  - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
  - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.
  
2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
  
3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

1. The lower tier contractor certifies, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
  
  2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor shall attach an explanation to this contract.
4. I understand that a false statement of this certification may be grounds for termination of the contract.

|  |                                     |
|--|-------------------------------------|
| <hr/> Name of Subrecipient / Contractor / Consultant (Type or Print) | <hr/> Program Title (Type or Print) |
| <hr/> Name of Certifying Official (Type or Print)                    | <hr/> Signature                     |
| <hr/> Title of Certifying Official (Type or Print)                   | <hr/> Date (Type or Print)          |

**SCHEDULE A-1**  
***Tax Classification: Sales tax shall be included in unit prices***

| <b>ITEM NO.</b> | <b>ITEM DESCRIPTION</b>             | <b>ESTIMATED QUANTITIES</b> | <b>UNIT PRICE</b> | <b>TOTAL</b> |
|-----------------|-------------------------------------|-----------------------------|-------------------|--------------|
| 1               | ADA FEATURES SURVEYING              | 1.00 LS                     | \$ 3,000.00       | \$ 3,000.00  |
| 2               | APPRENTIC UTILIZATION               | 1.00 LS                     | \$ 5,000.00       | \$ 5,000.00  |
| 3               | REIMBURSEMENT OF THIRD PARTY DAMAGE | 1.00 EST                    | \$ 1.00           | \$ 1.00      |
| 4               | SPCC PLAN                           | 1.00 LS                     | \$ 600.00         | \$ 600.00    |
| 5               | POTHOLING                           | 6.00 EA                     | \$ 650.00         | \$ 3,900.00  |
| 6               | PUBLIC LIAISON REPRESENTATIVE       | 1.00 LS                     | \$ 6,500.00       | \$ 6,500.00  |
| 7               | MOBILIZATION                        | 1.00 LS                     | \$ 50,000.00      | \$ 50,000.00 |
| 8               | PROJECT TEMPORARY TRAFFIC CONTROL   | 1.00 LS                     | \$ 40,000.00      | \$ 40,000.00 |
| 9               | SPECIAL SIGNS                       | 80.00 SF                    | \$ 25.00          | \$ 2,000.00  |
| 10              | SEQUENTIAL ARROW SIGNS              | 1,100.00 HR                 | \$ 4.50           | \$ 4,950.00  |
| 11              | PORTABLE CHANGEABLE MESSAGE SIGN    | 350.00 HR                   | \$ 7.00           | \$ 2,450.00  |
| 12              | TYPE III BARRICADE                  | 11.00 EA                    | \$ 100.00         | \$ 1,100.00  |

|    |  |              |    |           |    |           |
|----|--|--------------|----|-----------|----|-----------|
| 13 | CLEARING AND GRUBBING                            | 1.00 LS      | \$ | 15,000.00 | \$ | 15,000.00 |
| 14 | TREE ROOT TREATMENT                              | 9.00 EA      | \$ | 800.00    | \$ | 7,200.00  |
| 15 | TREE PROTECTION ZONE                             | 16.00 EA     | \$ | 300.00    | \$ | 4,800.00  |
| 16 | REMOVE TREE, CLASS II                            | 1.00 EA      | \$ | 2,000.00  | \$ | 2,000.00  |
| 17 | REMOVE TREE, CLASS III                           | 1.00 EA      | \$ | 4,500.00  | \$ | 4,500.00  |
| 18 | TREE PRUNING                                     | 10.00 EA     | \$ | 300.00    | \$ | 3,000.00  |
| 19 | REMOVAL OF STRUCTURE AND OBSTRUCTION             | 1.00 LS      | \$ | 2,500.00  | \$ | 2,500.00  |
| 20 | REMOVE EXISTING CURB                             | 970.00 LF    | \$ | 10.00     | \$ | 9,700.00  |
| 21 | REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY     | 525.00 SY    | \$ | 20.00     | \$ | 10,500.00 |
| 22 | SAWCUTTING CURB                                  | 46.00 EA     | \$ | 30.00     | \$ | 1,380.00  |
| 23 | SAWCUTTING RIGID PAVEMENT                        | 1,100.00 LFI | \$ | 1.45      | \$ | 1,595.00  |
| 24 | SAWCUTTING FLEXIBLE PAVEMENT                     | 8,000.00 LFI | \$ | 1.00      | \$ | 8,000.00  |
| 25 | ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL | 1.00 EA      | \$ | 1,000.00  | \$ | 1,000.00  |
| 26 | REMOVE UNSUITABLE FOUNDATION MATERIAL            | 5.00 CY      | \$ | 20.00     | \$ | 100.00    |
| 27 | REPLACE UNSUITABLE FOUNDATION MATERIAL           | 5.00 CY      | \$ | 40.00     | \$ | 200.00    |

|    |  |           |    |          |    |           |
|----|--|-----------|----|----------|----|-----------|
| 28 | CONTROLLED DENSITY FILL  | 10.00 CY  | \$ | 100.00   | \$ | 1,000.00  |
| 29 | CSTC FOR SIDEWALK AND DRIVEWAYS                                  | 145.00 CY | \$ | 105.00   | \$ | 15,225.00 |
| 30 | COMMERCIAL HMA FOR TRANSITION, 2 INCH THICK                      | 33.00 SY  | \$ | 70.00    | \$ | 2,310.00  |
| 31 | HMA FOR PAVEMENT REPAIR CL. 1/2 IN. HEAVY TRAFFIC, 6 INCH THICK  | 98.00 SY  | \$ | 100.00   | \$ | 9,800.00  |
| 32 | HMA FOR PAVEMENT REPAIR CL. 1/2 IN. MEDIUM TRAFFIC, 4 INCH THICK | 485.00 SY | \$ | 80.00    | \$ | 38,800.00 |
| 33 | PAVEMENT REPAIR EXCAVATION INCL. HAUL                            | 583.00 SY | \$ | 44.00    | \$ | 25,652.00 |
| 34 | COMMERCIAL CONCRETE  | 10.00 CY  | \$ | 140.00   | \$ | 1,400.00  |
| 35 | CEMENT CONCRETE CURB WALL  | 30.00 LF  | \$ | 96.00    | \$ | 2,880.00  |
| 36 | CATCH BASIN TYPE 1   | 1.00 EA   | \$ | 4,000.00 | \$ | 4,000.00  |
| 37 | RETROFIT SURFACE INLET CB WITH FRAME & VANED GRATE               | 5.00 EA   | \$ | 950.00   | \$ | 4,750.00  |
| 38 | MH OR DW FRAME AND COVER (STANDARD)                              | 1.00 EA   | \$ | 1,000.00 | \$ | 1,000.00  |
| 39 | VALVE BOX AND COVER  | 1.00 EA   | \$ | 600.00   | \$ | 600.00    |
| 40 | ADJUST EXISTING VALVE BOX, MON, OR CO IN ASPHALT                 | 1.00 EA   | \$ | 500.00   | \$ | 500.00    |
| 41 | ADJUST EXISTING VALVE BOX, MON, OR CO IN CONCRETE                | 1.00 EA   | \$ | 500.00   | \$ | 500.00    |

|    |   |             |    |        |    |           |
|----|---|-------------|----|--------|----|-----------|
| 42 | ADJUST EXISTING MH, CB, DW, OR INLET IN ASPHALT   | 1.00 EA     | \$ | 600.00 | \$ | 600.00    |
| 43 | ADJUST EXISTING MH, CB, DW, OR INLET IN CONCRETE  | 10.00 EA    | \$ | 600.00 | \$ | 6,000.00  |
| 44 | CLEANING EXISTING DRAINAGE STRUCTURE              | 7.00 EA     | \$ | 850.00 | \$ | 5,950.00  |
| 45 | REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL        | 5.00 CY     | \$ | 20.00  | \$ | 100.00    |
| 46 | REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL       | 5.00 CY     | \$ | 20.00  | \$ | 100.00    |
| 47 | IMPORTED BACKFILL                                 | 10.00 CY    | \$ | 50.00  | \$ | 500.00    |
| 48 | TRENCH SAFETY SYSTEM                              | 1.00 LS     | \$ | 400.00 | \$ | 400.00    |
| 49 | CATCH BASIN DI SEWER PIPE 8 IN. DIA.              | 22.00 LF    | \$ | 250.00 | \$ | 5,500.00  |
| 50 | CONNECT 8 IN. DIA. PIPE TO EXISTING CB, DW, OR MH | 1.00 EA     | \$ | 900.00 | \$ | 900.00    |
| 51 | PLUGGING EXISTING PIPE                            | 1.00 EA     | \$ | 150.00 | \$ | 150.00    |
| 52 | ESC LEAD  | 1.00 LS     | \$ | 600.00 | \$ | 600.00    |
| 53 | INLET PROTECTION                                  | 16.00 EA    | \$ | 100.00 | \$ | 1,600.00  |
| 54 | TOPSOIL TYPE A, 2 INCH THICK                      | 1,440.00 SY | \$ | 14.00  | \$ | 20,160.00 |
| 55 | HYDROSEEDING                                      | 560.00 SY   | \$ | 7.00   | \$ | 3,920.00  |
| 56 | SOD INSTALLATION                                  | 880.00 SY   | \$ | 21.00  | \$ | 18,480.00 |

|    |  |             |    |           |    |            |
|----|--|-------------|----|-----------|----|------------|
| 57 | 2 IN. PVC IRRIGATION SLEEVE                              | 21.00 LF    | \$ | 25.00     | \$ | 525.00     |
| 58 | REMOVE AND REPLACE EXISTING<br>SPRINKLER HEADS AND LINES | 1.00 LS     | \$ | 4,000.00  | \$ | 4,000.00   |
| 59 | CEMENT CONCRETE CURB                                     | 1,040.00 LF | \$ | 40.00     | \$ | 41,600.00  |
| 60 | CEMENT CONCRETE CURB AND GUTTER                          | 100.00 LF   | \$ | 50.00     | \$ | 5,000.00   |
| 61 | CEMENT CONCRETE DRIVEWAY                                 | 220.00 SY   | \$ | 85.00     | \$ | 18,700.00  |
| 62 | CEMENT CONCRETE DRIVEWAY<br>TRANSITION                   | 85.00 SY    | \$ | 85.00     | \$ | 7,225.00   |
| 63 | CLASSIFICATION AND PROTECTION OF<br>SURVEY MONUMENTS     | 1.00 LS     | \$ | 6,500.00  | \$ | 6,500.00   |
| 64 | REFERENCE AND REESTABLISH SURVEY<br>MONUMENT             | 3.00 EA     | \$ | 900.00    | \$ | 2,700.00   |
| 65 | CEMENT CONCRETE SIDEWALK                                 | 1,985.00 SY | \$ | 74.00     | \$ | 146,890.00 |
| 66 | RAMP DETECTABLE WARNING                                  | 140.00 SF   | \$ | 28.00     | \$ | 3,920.00   |
| 67 | PEDESTRIAN HYBRID BEACON SYSTEM                          | 1.00 LS     | \$ | 65,000.00 | \$ | 65,000.00  |
| 68 | COMMUNICATION CONDUIT SYSTEM                             | 1.00 LS     | \$ | 35,000.00 | \$ | 35,000.00  |
| 69 | COMMUNICATION CABLES AND<br>INTERFACES                   | 1.00 LS     | \$ | 6,000.00  | \$ | 6,000.00   |
| 70 | VIDEO & DATA TRANSMISSION AND<br>DISTRIBUTION SYSTEM     | 1.00 LS     | \$ | 14,000.00 | \$ | 14,000.00  |

|                              |   |           |    |           |    |                   |
|------------------------------|---|-----------|----|-----------|----|-------------------|
| 71                           | DIRECTIONAL BORING                                    | 600.00 LF | \$ | 65.00     | \$ | 39,000.00         |
| 72                           | SIGNING, PERMANENT - CONTRACTOR<br>MANUFACTURED SIGNS | 1.00 LS   | \$ | 23,500.00 | \$ | 23,500.00         |
| 73                           | REMOVAL OF EXISTING PAVEMENT<br>MARKINGS              | 124.00 SF | \$ | 7.00      | \$ | 868.00            |
| 74                           | PAVEMENT MARKING - DURABLE HEAT<br>APPLIED            | 244.00 SF | \$ | 15.00     | \$ | 3,660.00          |
| 75                           | HANDRAILS FOR STEPS                                   | 1.00 LS   | \$ | 4,500.00  | \$ | 4,500.00          |
| 76                           | STAIRWAY  | 1.00 LS   | \$ | 3,500.00  | \$ | 3,500.00          |
| 77                           | TRAFFIC ISLAND CONCRETE                               | 4.00 SY   | \$ | 200.00    | \$ | 800.00            |
| <b>Schedule A-1 Subtotal</b> |   |           |    |           | \$ | <u>797,241.00</u> |



**SCHEDULE A-2**  
**Tax Classification:**

| <b>ITEM<br/>NO.</b>         | <b>ITEM DESCRIPTION</b> | <b>ESTIMATED<br/>QUANTITIES</b> | <b>UNIT PRICE</b> | <b>TOTAL</b>         |
|-----------------------------|-------------------------|---------------------------------|-------------------|----------------------|
| <i>Summary of Bid Items</i> |                         |                                 | <i>Bid Total</i>  | \$ <u>797,241.00</u> |

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

**Project Number**      2021087

**Project Description**    Greene-Carlisle Pedestrian Hybrid Beacon

**Original Date**

12/5/2022 3:54:00 PM

| <b>Project Number: 2021087</b>             |  |                | <b>Engineer's Estimate</b> |               | BACON CONCRETE INC<br>(Submitted) |               | CAMERON-REILLY LLC<br>(Submitted) |               | HALME<br>CONSTRUCTION INC<br>(Submitted) |               | DW EXCAVATING INC<br>(Submitted) |               | INLAND<br>INFRASTRUCTURE LLC<br>(Submitted) |               | LARIVIERE INC<br>(Submitted) |               | WM WINKLER<br>COMPANY<br>(Submitted) |               |
|--|--|----------------|----------------------------|---------------|-----------------------------------|---------------|-----------------------------------|---------------|--|---------------|----------------------------------|---------------|---|---------------|------------------------------|---------------|--------------------------------------|---------------|
| <b>Item No</b>                             | <b>Bid Item Description</b>                  | <b>Est Qty</b> | <b>Unit Price</b>          | <b>Amount</b> | <b>Unit Price</b>                 | <b>Amount</b> | <b>Unit Price</b>                 | <b>Amount</b> | <b>Unit Price</b>                        | <b>Amount</b> | <b>Unit Price</b>                | <b>Amount</b> | <b>Unit Price</b>                           | <b>Amount</b> | <b>Unit Price</b>            | <b>Amount</b> | <b>Unit Price</b>                    | <b>Amount</b> |
| <b>Tax Classification</b>                  |  |                |                            |               |                                   |               |                                   |               |  |               |                                  |               |   |               |                              |               |                                      |               |
| Sales tax shall be included in unit prices |  |                |                            |               |                                   |               |                                   |               |  |               |                                  |               |   |               |                              |               |                                      |               |
| 1  | ADA FEATURES SURVEYING                       | 1 LS           | 10,000.00                  | 10,000.00     | 3,000.00                          | \$3,000.00    | 5,000.00                          | \$5,000.00    | 2,000.00                                 | \$2,000.00    | 1,650.00                         | \$1,650.00    | 2,750.00                                    | \$2,750.00    | 1,463.00                     | \$1,463.00    | 2,500.00                             | \$2,500.00    |
| 2  | APPRENTIC UTILIZATION                        | 1 LS           | 5,000.00                   | 5,000.00      | 5,000.00                          | \$5,000.00    | 1,000.00                          | \$1,000.00    | 10,000.00                                | \$10,000.00   | 5,200.00                         | \$5,200.00    | 3,835.00                                    | \$3,835.00    | 5,839.00                     | \$5,839.00    | 50,858.00                            | \$50,858.00   |
| 3  | REIMBURSEMENT OF THIRD PARTY DAMAGE          | 1 EST          | 1.00                       | 1.00          | 1.00                              | \$1.00        | 1.00                              | \$1.00        | 1.00                                     | \$1.00        | 1.00                             | \$1.00        | 1.00  | \$1.00        | 1.00                         | \$1.00        | 1.00                                 | \$1.00        |
| 4  | SPCC PLAN                                    | 1 LS           | 1,200.00                   | 1,200.00      | 600.00                            | \$600.00      | 500.00                            | \$500.00      | 5,000.00                                 | \$5,000.00    | 1,000.00                         | \$1,000.00    | 550.00                                      | \$550.00      | 1,822.00                     | \$1,822.00    | 768.50                               | \$768.50      |
| 5  | POTHOLING                                    | 6 EA           | 1,000.00                   | 6,000.00      | 650.00                            | \$3,900.00    | 600.00                            | \$3,600.00    | 750.00                                   | \$4,500.00    | 650.00                           | \$3,900.00    | 665.00                                      | \$3,990.00    | 777.00                       | \$4,662.00    | 637.00                               | \$3,822.00    |
| 6  | PUBLIC LIAISON REPRESENTATIVE                | 1 LS           | 15,000.00                  | 15,000.00     | 6,500.00                          | \$6,500.00    | 5,000.00                          | \$5,000.00    | 10,000.00                                | \$10,000.00   | 3,000.00                         | \$3,000.00    | 5,400.00                                    | \$5,400.00    | 1,976.00                     | \$1,976.00    | 6,090.00                             | \$6,090.00    |
| 7  | MOBILIZATION                                 | 1 LS           | 79,000.00                  | 79,000.00     | 50,000.00                         | \$50,000.00   | 80,000.00                         | \$80,000.00   | 83,000.00                                | \$83,000.00   | 89,000.00                        | \$89,000.00   | 85,000.00                                   | \$85,000.00   | 79,817.00                    | \$79,817.00   | 96,395.00                            | \$96,395.00   |
| 8  | PROJECT TEMPORARY TRAFFIC CONTROL            | 1 LS           | 30,000.00                  | 30,000.00     | 40,000.00                         | \$40,000.00   | 25,000.00                         | \$25,000.00   | 30,000.00                                | \$30,000.00   | 40,000.00                        | \$40,000.00   | 45,000.00                                   | \$45,000.00   | 23,060.00                    | \$23,060.00   | 72,713.00                            | \$72,713.00   |
| 9  | SPECIAL SIGNS                                | 80 SF          | 25.00                      | 2,000.00      | 25.00                             | \$2,000.00    | 60.00                             | \$4,800.00    | 30.00                                    | \$2,400.00    | 23.00                            | \$1,840.00    | 22.50                                       | \$1,800.00    | 28.00                        | \$2,240.00    | 20.00                                | \$1,600.00    |
| 10   | SEQUENTIAL ARROW SIGNS                       | 1100 HR        | 8.00                       | 8,800.00      | 4.50                              | \$4,950.00    | 2.00                              | \$2,200.00    | 3.00                                     | \$3,300.00    | 2.00                             | \$2,200.00    | 2.00  | \$2,200.00    | 4.50                         | \$4,950.00    | 7.80                                 | \$8,580.00    |
| 11   | PORTABLE CHANGEABLE MESSAGE SIGN             | 350 HR         | 8.00                       | 2,800.00      | 7.00                              | \$2,450.00    | 4.50                              | \$1,575.00    | 8.00                                     | \$2,800.00    | 4.00                             | \$1,400.00    | 4.25  | \$1,487.50    | 8.50                         | \$2,975.00    | 13.70                                | \$4,795.00    |
| 12   | TYPE III BARRICADE                           | 11 EA          | 120.00                     | 1,320.00      | 100.00                            | \$1,100.00    | 225.00                            | \$2,475.00    | 70.00                                    | \$770.00      | 55.00                            | \$605.00      | 55.00                                       | \$605.00      | 26.00                        | \$286.00      | 138.00                               | \$1,518.00    |
| 13   | CLEARING AND GRUBBING                        | 1 LS           | 20,000.00                  | 20,000.00     | 15,000.00                         | \$15,000.00   | 30,000.00                         | \$30,000.00   | 15,000.00                                | \$15,000.00   | 20,000.00                        | \$20,000.00   | 30,000.00                                   | \$30,000.00   | 8,594.00                     | \$8,594.00    | 24,808.00                            | \$24,808.00   |
| 14   | TREE ROOT TREATMENT                          | 9 EA           | 800.00                     | 7,200.00      | 800.00                            | \$7,200.00    | 1,000.00                          | \$9,000.00    | 800.00                                   | \$7,200.00    | 825.00                           | \$7,425.00    | 845.00                                      | \$7,605.00    | 988.00                       | \$8,892.00    | 810.00                               | \$7,290.00    |
| 15   | TREE PROTECTION ZONE                         | 16 EA          | 300.00                     | 4,800.00      | 300.00                            | \$4,800.00    | 400.00                            | \$6,400.00    | 400.00                                   | \$6,400.00    | 300.00                           | \$4,800.00    | 300.00                                      | \$4,800.00    | 362.00                       | \$5,792.00    | 297.00                               | \$4,752.00    |
| 16   | REMOVE TREE, CLASS II                        | 1 EA           | 2,000.00                   | 2,000.00      | 2,000.00                          | \$2,000.00    | 2,600.00                          | \$2,600.00    | 2,500.00                                 | \$2,500.00    | 2,100.00                         | \$2,100.00    | 2,100.00                                    | \$2,100.00    | 2,504.00                     | \$2,504.00    | 2,052.00                             | \$2,052.00    |
| 17   | REMOVE TREE, CLASS III                       | 1 EA           | 3,500.00                   | 3,500.00      | 4,500.00                          | \$4,500.00    | 4,000.00                          | \$4,000.00    | 3,500.00                                 | \$3,500.00    | 3,200.00                         | \$3,200.00    | 3,225.00                                    | \$3,225.00    | 3,769.00                     | \$3,769.00    | 3,089.00                             | \$3,089.00    |
| 18   | TREE PRUNING                                 | 10 EA          | 350.00                     | 3,500.00      | 300.00                            | \$3,000.00    | 500.00                            | \$5,000.00    | 300.00                                   | \$3,000.00    | 300.00                           | \$3,000.00    | 300.00                                      | \$3,000.00    | 362.00                       | \$3,620.00    | 297.00                               | \$2,970.00    |
| 19   | REMOVAL OF STRUCTURE AND OBSTRUCTION         | 1 LS           | 15,000.00                  | 15,000.00     | 2,500.00                          | \$2,500.00    | 10,000.00                         | \$10,000.00   | 5,000.00                                 | \$5,000.00    | 6,000.00                         | \$6,000.00    | 10,000.00                                   | \$10,000.00   | 9,984.00                     | \$9,984.00    | 4,774.00                             | \$4,774.00    |
| 20   | REMOVE EXISTING CURB                         | 970 LF         | 14.00                      | 13,580.00     | 10.00                             | \$9,700.00    | 9.00                              | \$8,730.00    | 10.00                                    | \$9,700.00    | 4.00                             | \$3,880.00    | 11.00                                       | \$10,670.00   | 9.50                         | \$9,215.00    | 12.00                                | \$11,640.00   |
| 21   | REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY | 525 SY         | 25.00                      | 13,125.00     | 20.00                             | \$10,500.00   | 20.00                             | \$10,500.00   | 10.00                                    | \$5,250.00    | 11.00                            | \$5,775.00    | 24.00                                       | \$12,600.00   | 22.00                        | \$11,550.00   | 36.10                                | \$18,952.50   |

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

| <b>Project Number: 2021087</b> |  |                | <b>Engineer's Estimate</b> |               | <b>BACON CONCRETE INC<br/>(Submitted)</b> |               | <b>CAMERON-REILLY LLC<br/>(Submitted)</b> |               | <b>HALME<br/>CONSTRUCTION INC<br/>(Submitted)</b> |               | <b>DW EXCAVATING INC<br/>(Submitted)</b> |               | <b>INLAND<br/>INFRASTRUCTURE LLC<br/>(Submitted)</b> |               | <b>LARIVIERE INC<br/>(Submitted)</b> |               | <b>WM WINKLER<br/>COMPANY<br/>(Submitted)</b> |               |
|--------------------------------|--|----------------|----------------------------|---------------|---|---------------|---|---------------|---|---------------|--|---------------|--|---------------|--------------------------------------|---------------|---|---------------|
| <b>Item<br/>No</b>             | <b>Bid Item Description</b>                                      | <b>Est Qty</b> | <b>Unit<br/>Price</b>      | <b>Amount</b> | <b>Unit<br/>Price</b>                     | <b>Amount</b> | <b>Unit<br/>Price</b>                     | <b>Amount</b> | <b>Unit<br/>Price</b>                             | <b>Amount</b> | <b>Unit<br/>Price</b>                    | <b>Amount</b> | <b>Unit<br/>Price</b>                                | <b>Amount</b> | <b>Unit<br/>Price</b>                | <b>Amount</b> | <b>Unit<br/>Price</b>                         | <b>Amount</b> |
| 22                             | SAWCUTTING CURB  | 46 EA          | 45.00                      | 2,070.00      | 30.00                                     | \$1,380.00    | 25.00                                     | \$1,150.00    | 45.00   | \$2,070.00    | 30.00                                    | \$1,380.00    | 27.50  | \$1,265.00    | 54.00                                | \$2,484.00    | 37.80   | \$1,738.80    |
| 23                             | SAWCUTTING RIGID PAVEMENT  | 1100 LFI       | 1.50                       | 1,650.00      | 1.45                                      | \$1,595.00    | 1.50                                      | \$1,650.00    | 1.50  | \$1,650.00    | 0.79                                     | \$869.00      | 0.75   | \$825.00      | 1.50                                 | \$1,650.00    | 1.20  | \$1,320.00    |
| 24                             | SAWCUTTING FLEXIBLE PAVEMENT                                     | 8000 LFI       | 1.00                       | 8,000.00      | 1.00                                      | \$8,000.00    | 0.50                                      | \$4,000.00    | 0.50  | \$4,000.00    | 0.38                                     | \$3,040.00    | 0.40   | \$3,200.00    | 2.00                                 | \$16,000.00   | 0.40  | \$3,200.00    |
| 25                             | ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL                 | 1 EA           | 800.00                     | 800.00        | 1,000.00                                  | \$1,000.00    | 1,250.00                                  | \$1,250.00    | 1,500.00  | \$1,500.00    | 640.00                                   | \$640.00      | 1,825.00   | \$1,825.00    | 608.00                               | \$608.00      | 811.50  | \$811.50      |
| 26                             | REMOVE UNSUITABLE FOUNDATION MATERIAL                            | 5 CY           | 20.00                      | 100.00        | 20.00                                     | \$100.00      | 50.00                                     | \$250.00      | 60.00   | \$300.00      | 33.00                                    | \$165.00      | 50.00  | \$250.00      | 33.00                                | \$165.00      | 80.70   | \$403.50      |
| 27                             | REPLACE UNSUITABLE FOUNDATION MATERIAL                           | 5 CY           | 50.00                      | 250.00        | 40.00                                     | \$200.00      | 65.00                                     | \$325.00      | 65.00   | \$325.00      | 76.00                                    | \$380.00      | 45.00  | \$225.00      | 52.00                                | \$260.00      | 126.50  | \$632.50      |
| 28                             | CONTROLLED DENSITY FILL  | 10 CY          | 150.00                     | 1,500.00      | 100.00                                    | \$1,000.00    | 150.00                                    | \$1,500.00    | 200.00  | \$2,000.00    | 275.00                                   | \$2,750.00    | 230.00   | \$2,300.00    | 289.00                               | \$2,890.00    | 320.50  | \$3,205.00    |
| 29                             | CSTC FOR SIDEWALK AND DRIVEWAYS                                  | 145 CY         | 220.00                     | 31,900.00     | 105.00                                    | \$15,225.00   | 110.00                                    | \$15,950.00   | 160.00  | \$23,200.00   | 167.00                                   | \$24,215.00   | 145.00   | \$21,025.00   | 78.00                                | \$11,310.00   | 257.00  | \$37,265.00   |
| 30                             | COMMERCIAL HMA FOR TRANSITION, 2 INCH THICK                      | 33 SY          | 120.00                     | 3,960.00      | 70.00                                     | \$2,310.00    | 51.00                                     | \$1,683.00    | 62.00   | \$2,046.00    | 56.00                                    | \$1,848.00    | 55.00  | \$1,815.00    | 71.00                                | \$2,343.00    | 55.10   | \$1,818.30    |
| 31                             | HMA FOR PAVEMENT REPAIR CL. 1/2 IN. HEAVY TRAFFIC, 6 INCH THICK  | 98 SY          | 35.00                      | 3,430.00      | 100.00                                    | \$9,800.00    | 77.00                                     | \$7,546.00    | 94.00   | \$9,212.00    | 85.00                                    | \$8,330.00    | 80.00  | \$7,840.00    | 101.00                               | \$9,898.00    | 83.20   | \$8,153.60    |
| 32                             | HMA FOR PAVEMENT REPAIR CL. 1/2 IN. MEDIUM TRAFFIC, 4 INCH THICK | 485 SY         | 30.00                      | 14,550.00     | 80.00                                     | \$38,800.00   | 49.00                                     | \$23,765.00   | 60.00   | \$29,100.00   | 54.00                                    | \$26,190.00   | 50.00  | \$24,250.00   | 65.00                                | \$31,525.00   | 52.90   | \$25,656.50   |
| 33                             | PAVEMENT REPAIR EXCAVATION INCL. HAUL                            | 583 SY         | 55.00                      | 32,065.00     | 44.00                                     | \$25,652.00   | 25.00                                     | \$14,575.00   | 45.00   | \$26,235.00   | 44.00                                    | \$25,652.00   | 51.00  | \$29,733.00   | 36.00                                | \$20,988.00   | 26.90   | \$15,682.70   |
| 34                             | COMMERCIAL CONCRETE  | 10 CY          | 150.00                     | 1,500.00      | 140.00                                    | \$1,400.00    | 150.00                                    | \$1,500.00    | 225.00  | \$2,250.00    | 390.00                                   | \$3,900.00    | 225.00   | \$2,250.00    | 659.00                               | \$6,590.00    | 797.00  | \$7,970.00    |
| 35                             | CEMENT CONCRETE CURB WALL  | 30 LF          | 100.00                     | 3,000.00      | 96.00                                     | \$2,880.00    | 75.00                                     | \$2,250.00    | 125.00  | \$3,750.00    | 124.00                                   | \$3,720.00    | 135.00   | \$4,050.00    | 100.00                               | \$3,000.00    | 164.00  | \$4,920.00    |
| 36                             | CATCH BASIN TYPE 1   | 1 EA           | 3,500.00                   | 3,500.00      | 4,000.00                                  | \$4,000.00    | 5,000.00                                  | \$5,000.00    | 3,500.00  | \$3,500.00    | 3,100.00                                 | \$3,100.00    | 2,500.00   | \$2,500.00    | 3,901.00                             | \$3,901.00    | 2,016.00                                      | \$2,016.00    |
| 37                             | RETROFIT SURFACE INLET CB WITH FRAME & VANED GRATE               | 5 EA           | 1,200.00                   | 6,000.00      | 950.00                                    | \$4,750.00    | 2,500.00                                  | \$12,500.00   | 1,000.00  | \$5,000.00    | 1,330.00                                 | \$6,650.00    | 975.00   | \$4,875.00    | 1,737.00                             | \$8,685.00    | 673.50  | \$3,367.50    |
| 38                             | MH OR DW FRAME AND COVER (STANDARD)                              | 1 EA           | 1,000.00                   | 1,000.00      | 1,000.00                                  | \$1,000.00    | 1,500.00                                  | \$1,500.00    | 1,000.00  | \$1,000.00    | 1,365.00                                 | \$1,365.00    | 1,330.00   | \$1,330.00    | 1,679.00                             | \$1,679.00    | 949.00  | \$949.00      |
| 39                             | VALVE BOX AND COVER  | 1 EA           | 500.00                     | 500.00        | 600.00                                    | \$600.00      | 1,500.00                                  | \$1,500.00    | 700.00  | \$700.00      | 845.00                                   | \$845.00      | 600.00   | \$600.00      | 1,108.00                             | \$1,108.00    | 627.50  | \$627.50      |
| 40                             | ADJUST EXISTING VALVE BOX, MON, OR CO IN ASPHALT                 | 1 EA           | 500.00                     | 500.00        | 500.00                                    | \$500.00      | 1,000.00                                  | \$1,000.00    | 700.00  | \$700.00      | 670.00                                   | \$670.00      | 600.00   | \$600.00      | 968.00                               | \$968.00      | 1,048.00                                      | \$1,048.00    |

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

| <b>Project Number: 2021087</b> |   |                | <b>Engineer's Estimate</b> |               | <b>BACON CONCRETE INC<br/>(Submitted)</b> |               | <b>CAMERON-REILLY LLC<br/>(Submitted)</b> |               | <b>HALME<br/>CONSTRUCTION INC<br/>(Submitted)</b> |               | <b>DW EXCAVATING INC<br/>(Submitted)</b> |               | <b>INLAND<br/>INFRASTRUCTURE LLC<br/>(Submitted)</b> |               | <b>LARIVIERE INC<br/>(Submitted)</b> |               | <b>WM WINKLER<br/>COMPANY<br/>(Submitted)</b> |               |
|--------------------------------|---|----------------|----------------------------|---------------|---|---------------|---|---------------|---|---------------|--|---------------|--|---------------|--------------------------------------|---------------|---|---------------|
| <b>Item<br/>No</b>             | <b>Bid Item Description</b>                           | <b>Est Qty</b> | <b>Unit<br/>Price</b>      | <b>Amount</b> | <b>Unit<br/>Price</b>                     | <b>Amount</b> | <b>Unit<br/>Price</b>                     | <b>Amount</b> | <b>Unit<br/>Price</b>                             | <b>Amount</b> | <b>Unit<br/>Price</b>                    | <b>Amount</b> | <b>Unit<br/>Price</b>                                | <b>Amount</b> | <b>Unit<br/>Price</b>                | <b>Amount</b> | <b>Unit<br/>Price</b>                         | <b>Amount</b> |
| 41                             | ADJUST EXISTING VALVE BOX, MON, OR CO IN CONCRETE     | 1 EA           | 500.00                     | 500.00        | 500.00                                    | \$500.00      | 1,000.00                                  | \$1,000.00    | 700.00  | \$700.00      | 670.00                                   | \$670.00      | 600.00   | \$600.00      | 889.00                               | \$889.00      | 1,048.00                                      | \$1,048.00    |
| 42                             | ADJUST EXISTING MH, CB, DW, OR INLET IN ASPHALT       | 1 EA           | 500.00                     | 500.00        | 600.00                                    | \$600.00      | 1,000.00                                  | \$1,000.00    | 700.00  | \$700.00      | 800.00                                   | \$800.00      | 600.00   | \$600.00      | 1,033.00                             | \$1,033.00    | 253.00  | \$253.00      |
| 43                             | ADJUST EXISTING MH, CB, DW, OR INLET IN CONCRETE      | 10 EA          | 500.00                     | 5,000.00      | 600.00                                    | \$6,000.00    | 250.00                                    | \$2,500.00    | 700.00  | \$7,000.00    | 800.00                                   | \$8,000.00    | 600.00   | \$6,000.00    | 1,779.00                             | \$17,790.00   | 253.00  | \$2,530.00    |
| 44                             | CLEANING EXISTING DRAINAGE STRUCTURE                  | 7 EA           | 1,000.00                   | 7,000.00      | 850.00                                    | \$5,950.00    | 1,000.00                                  | \$7,000.00    | 700.00  | \$4,900.00    | 475.00                                   | \$3,325.00    | 355.00   | \$2,485.00    | 461.00                               | \$3,227.00    | 225.00  | \$1,575.00    |
| 45                             | REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL            | 5 CY           | 20.00                      | 100.00        | 20.00                                     | \$100.00      | 50.00                                     | \$250.00      | 55.00   | \$275.00      | 33.00                                    | \$165.00      | 50.00  | \$250.00      | 40.00                                | \$200.00      | 340.50  | \$1,702.50    |
| 46                             | REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL           | 5 CY           | 50.00                      | 250.00        | 20.00                                     | \$100.00      | 65.00                                     | \$325.00      | 66.00   | \$330.00      | 58.00                                    | \$290.00      | 45.00  | \$225.00      | 52.00                                | \$260.00      | 428.00  | \$2,140.00    |
| 47                             | IMPORTED BACKFILL                                     | 10 CY          | 50.00                      | 500.00        | 50.00                                     | \$500.00      | 100.00                                    | \$1,000.00    | 35.00   | \$350.00      | 40.00                                    | \$400.00      | 45.00  | \$450.00      | 45.00                                | \$450.00      | 121.00  | \$1,210.00    |
| 48                             | TRENCH SAFETY SYSTEM                                  | 1 LS           | 2,000.00                   | 2,000.00      | 400.00                                    | \$400.00      | 250.00                                    | \$250.00      | 2,000.00  | \$2,000.00    | 6.00                                     | \$6.00        | 1,750.00   | \$1,750.00    | 264.00                               | \$264.00      | 190.00  | \$190.00      |
| 49                             | CATCH BASIN DI SEWER PIPE 8 IN. DIA.                  | 22 LF          | 60.00                      | 1,320.00      | 250.00                                    | \$5,500.00    | 200.00                                    | \$4,400.00    | 185.00  | \$4,070.00    | 145.00                                   | \$3,190.00    | 120.00   | \$2,640.00    | 106.00                               | \$2,332.00    | 179.00  | \$3,938.00    |
| 50                             | CONNECT 8 IN. DIA. PIPE TO EXISTING CB, DW, OR MH     | 1 EA           | 300.00                     | 300.00        | 900.00                                    | \$900.00      | 1,000.00                                  | \$1,000.00    | 800.00  | \$800.00      | 1,285.00                                 | \$1,285.00    | 875.00   | \$875.00      | 518.00                               | \$518.00      | 523.00  | \$523.00      |
| 51                             | PLUGGING EXISTING PIPE                                | 1 EA           | 700.00                     | 700.00        | 150.00                                    | \$150.00      | 1,000.00                                  | \$1,000.00    | 275.00  | \$275.00      | 280.00                                   | \$280.00      | 185.00   | \$185.00      | 462.00                               | \$462.00      | 186.00  | \$186.00      |
| 52                             | ESC LEAD  | 1 LS           | 2,500.00                   | 2,500.00      | 600.00                                    | \$600.00      | 2,500.00                                  | \$2,500.00    | 2,000.00  | \$2,000.00    | 1,200.00                                 | \$1,200.00    | 10,000.00  | \$10,000.00   | 1,147.00                             | \$1,147.00    | 1,194.00                                      | \$1,194.00    |
| 53                             | INLET PROTECTION                                      | 16 EA          | 110.00                     | 1,760.00      | 100.00                                    | \$1,600.00    | 200.00                                    | \$3,200.00    | 75.00   | \$1,200.00    | 100.00                                   | \$1,600.00    | 80.00  | \$1,280.00    | 248.00                               | \$3,968.00    | 292.00  | \$4,672.00    |
| 54                             | TOPSOIL TYPE A, 2 INCH THICK                          | 1440 SY        | 15.00                      | 21,600.00     | 14.00                                     | \$20,160.00   | 7.00                                      | \$10,080.00   | 18.00   | \$25,920.00   | 12.00                                    | \$17,280.00   | 7.50   | \$10,800.00   | 10.00                                | \$14,400.00   | 7.55  | \$10,872.00   |
| 55                             | HYDROSEEDING  | 560 SY         | 2.00                       | 1,120.00      | 7.00                                      | \$3,920.00    | 5.00                                      | \$2,800.00    | 3.00  | \$1,680.00    | 2.25                                     | \$1,260.00    | 5.00   | \$2,800.00    | 4.50                                 | \$2,520.00    | 4.85  | \$2,716.00    |
| 56                             | SOD INSTALLATION                                      | 880 SY         | 22.00                      | 19,360.00     | 21.00                                     | \$18,480.00   | 14.00                                     | \$12,320.00   | 16.00   | \$14,080.00   | 12.50                                    | \$11,000.00   | 15.00  | \$13,200.00   | 24.00                                | \$21,120.00   | 15.10   | \$13,288.00   |
| 57                             | 2 IN. PVC IRRIGATION SLEEVE                           | 21 LF          | 15.00                      | 315.00        | 25.00                                     | \$525.00      | 25.00                                     | \$525.00      | 30.00   | \$630.00      | 16.00                                    | \$336.00      | 25.00  | \$525.00      | 13.00                                | \$273.00      | 128.50  | \$2,698.50    |
| 58                             | REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES | 1 LS           | 6,000.00                   | 6,000.00      | 4,000.00                                  | \$4,000.00    | 10,250.00                                 | \$10,250.00   | 5,500.00  | \$5,500.00    | 11,000.00                                | \$11,000.00   | 5,250.00   | \$5,250.00    | 15,988.00                            | \$15,988.00   | 5,184.00                                      | \$5,184.00    |
| 59                             | CEMENT CONCRETE CURB                                  | 1040 LF        | 45.00                      | 46,800.00     | 40.00                                     | \$41,600.00   | 35.00                                     | \$36,400.00   | 45.00   | \$46,800.00   | 48.00                                    | \$49,920.00   | 50.00  | \$52,000.00   | 51.00                                | \$53,040.00   | 51.50   | \$53,560.00   |
| 60                             | CEMENT CONCRETE CURB AND GUTTER                       | 100 LF         | 45.00                      | 4,500.00      | 50.00                                     | \$5,000.00    | 40.00                                     | \$4,000.00    | 50.00   | \$5,000.00    | 50.00                                    | \$5,000.00    | 60.00  | \$6,000.00    | 60.00                                | \$6,000.00    | 52.00   | \$5,200.00    |
| 61                             | CEMENT CONCRETE DRIVEWAY                              | 220 SY         | 75.00                      | 16,500.00     | 85.00                                     | \$18,700.00   | 70.00                                     | \$15,400.00   | 90.00   | \$19,800.00   | 97.00                                    | \$21,340.00   | 100.00   | \$22,000.00   | 128.00                               | \$28,160.00   | 121.00  | \$26,620.00   |

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

| <i>Project Number: 2021087</i> |  |                | <i>Engineer's Estimate</i> |                     | BACON CONCRETE INC<br>(Submitted) |                     | CAMERON-REILLY LLC<br>(Submitted) |                     | HALME CONSTRUCTION INC<br>(Submitted) |                     | DW EXCAVATING INC<br>(Submitted) |                     | INLAND INFRASTRUCTURE LLC<br>(Submitted) |                     | LARIVIERE INC<br>(Submitted) |                     | WM WINKLER COMPANY<br>(Submitted) |                     |
|--------------------------------|--|----------------|----------------------------|---------------------|-----------------------------------|---------------------|-----------------------------------|---------------------|---------------------------------------|---------------------|----------------------------------|---------------------|--|---------------------|------------------------------|---------------------|-----------------------------------|---------------------|
| <i>Item No</i>                 | <i>Bid Item Description</i>                        | <i>Est Qty</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>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>       |
| 62                             | CEMENT CONCRETE DRIVEWAY TRANSITION                | 85 SY          | 75.00                      | 6,375.00            | 85.00                             | \$7,225.00          | 76.00                             | \$6,460.00          | 90.00                                 | \$7,650.00          | 97.00                            | \$8,245.00          | 85.00                                    | \$7,225.00          | 113.00                       | \$9,605.00          | 112.00                            | \$9,520.00          |
| 63                             | CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS  | 1 LS           | 2,000.00                   | 2,000.00            | 6,500.00                          | \$6,500.00          | 8,500.00                          | \$8,500.00          | 2,000.00                              | \$2,000.00          | 6,500.00                         | \$6,500.00          | 6,750.00                                 | \$6,750.00          | 7,775.00                     | \$7,775.00          | 6,480.00                          | \$6,480.00          |
| 64                             | REFERENCE AND REESTABLISH SURVEY MONUMENT          | 3 EA           | 1,500.00                   | 4,500.00            | 900.00                            | \$2,700.00          | 1,000.00                          | \$3,000.00          | 350.00                                | \$1,050.00          | 715.00                           | \$2,145.00          | 700.00                                   | \$2,100.00          | 857.00                       | \$2,571.00          | 702.00                            | \$2,106.00          |
| 65                             | CEMENT CONCRETE SIDEWALK                           | 1985 SY        | 70.00                      | 138,950.00          | 74.00                             | \$146,890.00        | 60.00                             | \$119,100.00        | 75.00                                 | \$148,875.00        | 86.00                            | \$170,710.00        | 85.00                                    | \$168,725.00        | 91.00                        | \$180,635.00        | 71.50                             | \$141,927.50        |
| 66                             | RAMP DETECTABLE WARNING                            | 140 SF         | 28.00                      | 3,920.00            | 28.00                             | \$3,920.00          | 35.00                             | \$4,900.00          | 45.00                                 | \$6,300.00          | 38.00                            | \$5,320.00          | 45.00                                    | \$6,300.00          | 51.00                        | \$7,140.00          | 25.00                             | \$3,500.00          |
| 67                             | PEDESTRIAN HYBRID BEACON SYSTEM                    | 1 LS           | 70,000.00                  | 70,000.00           | 65,000.00                         | \$65,000.00         | 85,000.00                         | \$85,000.00         | 70,000.00                             | \$70,000.00         | 64,000.00                        | \$64,000.00         | 60,000.00                                | \$60,000.00         | 76,666.00                    | \$76,666.00         | 62,834.00                         | \$62,834.00         |
| 68                             | COMMUNICATION CONDUIT SYSTEM                       | 1 LS           | 30,000.00                  | 30,000.00           | 35,000.00                         | \$35,000.00         | 45,000.00                         | \$45,000.00         | 15,000.00                             | \$15,000.00         | 35,000.00                        | \$35,000.00         | 33,000.00                                | \$33,000.00         | 41,891.00                    | \$41,891.00         | 34,333.00                         | \$34,333.00         |
| 69                             | COMMUNICATION CABLES AND INTERFACES                | 1 LS           | 10,000.00                  | 10,000.00           | 6,000.00                          | \$6,000.00          | 8,000.00                          | \$8,000.00          | 15,000.00                             | \$15,000.00         | 5,000.00                         | \$5,000.00          | 5,000.00                                 | \$5,000.00          | 5,996.00                     | \$5,996.00          | 4,914.00                          | \$4,914.00          |
| 70                             | VIDEO & DATA TRANSMISSION AND DISTRIBUTION SYSTEM  | 1 LS           | 10,000.00                  | 10,000.00           | 14,000.00                         | \$14,000.00         | 20,000.00                         | \$20,000.00         | 15,000.00                             | \$15,000.00         | 11,000.00                        | \$11,000.00         | 11,000.00                                | \$11,000.00         | 13,177.00                    | \$13,177.00         | 10,800.00                         | \$10,800.00         |
| 71                             | DIRECTIONAL BORING                                 | 600 LF         | 100.00                     | 60,000.00           | 65.00                             | \$39,000.00         | 55.00                             | \$33,000.00         | 60.00                                 | \$36,000.00         | 58.00                            | \$34,800.00         | 55.00                                    | \$33,000.00         | 69.00                        | \$41,400.00         | 56.90                             | \$34,140.00         |
| 72                             | SIGNING, PERMANENT - CONTRACTOR MANUFACTURED SIGNS | 1 LS           | 20,000.00                  | 20,000.00           | 23,500.00                         | \$23,500.00         | 23,000.00                         | \$23,000.00         | 19,000.00                             | \$19,000.00         | 18,000.00                        | \$18,000.00         | 17,500.00                                | \$17,500.00         | 21,446.00                    | \$21,446.00         | 23,385.00                         | \$23,385.00         |
| 73                             | REMOVAL OF EXISTING PAVEMENT MARKINGS              | 124 SF         | 10.00                      | 1,240.00            | 7.00                              | \$868.00            | 9.00                              | \$1,116.00          | 10.00                                 | \$1,240.00          | 9.00                             | \$1,116.00          | 9.00                                     | \$1,116.00          | 11.00                        | \$1,364.00          | 6.85                              | \$849.40            |
| 74                             | PAVEMENT MARKING - DURABLE HEAT APPLIED            | 244 SF         | 15.00                      | 3,660.00            | 15.00                             | \$3,660.00          | 9.00                              | \$2,196.00          | 10.00                                 | \$2,440.00          | 9.50                             | \$2,318.00          | 9.50                                     | \$2,318.00          | 11.00                        | \$2,684.00          | 15.00                             | \$3,660.00          |
| 75                             | HANDRAILS FOR STEPS                                | 1 LS           | 1,500.00                   | 1,500.00            | 4,500.00                          | \$4,500.00          | 4,961.00                          | \$4,961.00          | 15,000.00                             | \$15,000.00         | 3,800.00                         | \$3,800.00          | 4,750.00                                 | \$4,750.00          | 19,041.00                    | \$19,041.00         | 5,143.00                          | \$5,143.00          |
| 76                             | STAIRWAY   | 1 LS           | 5,000.00                   | 5,000.00            | 3,500.00                          | \$3,500.00          | 7,500.00                          | \$7,500.00          | 4,200.00                              | \$4,200.00          | 5,000.00                         | \$5,000.00          | 3,000.00                                 | \$3,000.00          | 7,923.00                     | \$7,923.00          | 2,700.00                          | \$2,700.00          |
| 77                             | TRAFFIC ISLAND CONCRETE                            | 4 SY           | 100.00                     | 400.00              | 200.00                            | \$800.00            | 650.00                            | \$2,600.00          | 90.00                                 | \$360.00            | 88.00                            | \$352.00            | 225.00                                   | \$900.00            | 245.00                       | \$980.00            | 389.00                            | \$1,556.00          |
| <b>Bid Total</b>               |  |                |                            | <b>\$866,271.00</b> |                                   | <b>\$797,241.00</b> |                                   | <b>\$807,808.00</b> |                                       | <b>\$832,984.00</b> |                                  | <b>\$833,338.00</b> |  | <b>\$849,975.50</b> |                              | <b>\$933,398.00</b> |                                   | <b>\$939,901.30</b> |

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

**SCHEDULE SUMMARY**

|                                       | <i>Sched 1</i> | <i>Sched 2</i> | <i>Sched 3</i> | <i>Sched 4</i> | <i>Sched 5</i> | <i>Sched 6</i> | <i>Total</i> |
|---------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|--------------|
| ENGINEER'S ESTIMATE                   | 866,271.00     | 0.00           | 0.00           | 0.00           | 0.00           | 0.00           | 866,271.00   |
| BACON CONCRETE INC (Submitted)        | 797,241.00     | 0.00           | 0.00           | 0.00           | 0.00           | 0.00           | 797,241.00   |
| CAMERON-REILLY LLC (Submitted)        | 807,808.00     | 0.00           | 0.00           | 0.00           | 0.00           | 0.00           | 807,808.00   |
| HALME CONSTRUCTION INC (Submitted)    | 832,984.00     | 0.00           | 0.00           | 0.00           | 0.00           | 0.00           | 832,984.00   |
| DW EXCAVATING INC (Submitted)         | 833,338.00     | 0.00           | 0.00           | 0.00           | 0.00           | 0.00           | 833,338.00   |
| INLAND INFRASTRUCTURE LLC (Submitted) | 849,975.50     | 0.00           | 0.00           | 0.00           | 0.00           | 0.00           | 849,975.50   |
| LARIVIERE INC (Submitted)             | 933,398.00     | 0.00           | 0.00           | 0.00           | 0.00           | 0.00           | 933,398.00   |
| WM WINKLER COMPANY (Submitted)        | 939,901.30     | 0.00           | 0.00           | 0.00           | 0.00           | 0.00           | 939,901.30   |

**Low Bid Contractor:** BACON CONCRETE INC

|                          | <i>Contractor's Bid</i> | <i>Engineer's Estimate</i> | <i>% Variance</i>            |
|--------------------------|-------------------------|----------------------------|------------------------------|
| <i>Schedule 01</i>       | 797,241.00              | 866,271.00                 | 7.97 % Under Estimate        |
| <i>Schedule 03</i>       | 0.00                    | 0.00                       | % Under Estimate             |
| <b><i>Bid Totals</i></b> | <u>797,241.00</u>       | <u>866,271.00</u>          | <u>7.97 % Under Estimate</u> |



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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/15/2022    |
| <b>Clerk's File #</b> | RES 2023-0001 |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    |               |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  |               |

|                           |  |
|---------------------------|--|
| <b>Submitting Dept</b>    | CITY COUNCIL                                   |
| <b>Contact Name/Phone</b> | CM WILKERSON X6269                             |
| <b>Contact E-Mail</b>     | BWILKERSON@SPOKANECITY.ORG                     |
| <b>Agenda Item Type</b>   | Resolutions                                    |
| <b>Agenda Item Name</b>   | 0320 - FORMER EAST SIDE LIBRARY RFI RESOLUTION |

**Agenda Wording**  
 Specifying a process, timeline and criteria for a request for information ("RFI") from the community to lease the former library building in East Central Neighborhood commonly known as 524 S. Stone Street or formerly the East Side Library.

**Summary (Background)**  
 In the 1960s, houses, grocery stores, and even houses of worship were demolished in the East Central Neighborhood to make way for the Freeway. Prior to that, East Central was redlined and chronically disinvested and is still classified as an "Area of Persistent Poverty." The former East Side Library, located at 524 S Stone Street was vacated in February 2021 and is now a police precinct. This process for a Request for Information (RFI) aims to put this building back in the hands of the community

|                      |                   |                       |
|----------------------|-------------------|-----------------------|
| Lease? NO            | Grant related? NO | Public Works? NO      |
| <b>Fiscal Impact</b> |                   | <b>Budget Account</b> |
| Neutral \$           |                   | #                     |
| Select \$            |                   | #                     |
| Select \$            |                   | #                     |
| Select \$            |                   | #                     |

|                             |                   |                              |                          |
|-----------------------------|-------------------|------------------------------|--------------------------|
| <b>Approvals</b>            |                   | <b>Council Notifications</b> |                          |
| <b>Dept Head</b>            | ALLERS, HANNAHLEE | <b>Study Session\Other</b>   | 12/12/22 UE              |
| <b>Division Director</b>    |                   | <b>Council Sponsor</b>       | CM Wilkerson, CM Kinnear |
| <b>Finance</b>              |                   | <b>Distribution List</b>     |                          |
| <b>Legal</b>                |                   | bwilkerson@spokanecity.org   |                          |
| <b>For the Mayor</b>        |                   | mcarlos@spokanecity.org      |                          |
| <b>Additional Approvals</b> |                   |                              |                          |
| <b>Purchasing</b>           |                   |                              |                          |
|                             |                   |                              |                          |
|                             |                   |                              |                          |

**RESOLUTION NO. 2023-\_\_\_\_\_**

A Resolution specifying a process, timeline, and criteria for a request for information (“RFI”) from the community to lease the former library building in East Central Neighborhood commonly known as 524 S Stone Street or formerly the East Side Library.

**WHEREAS**, after many years of providing important human services to the East Central Neighborhood, the building formerly serving as the library became vacant November 2021 providing an opportunity for a new purpose; and

**WHEREAS**, during ongoing community engagement, members of the neighborhood expressed a strong desire to rent the space to an entity that will provide needed services to the neighborhood; and

**WHEREAS**, City Council set out to perform a continuous community input process to identify a variety of human services to provide specific sustainable proposals from potential tenants with the resources to rent the space and provide community services; and

**WHEREAS**, actions by city officials ignored the voices of the community and ignored Council protocol by taking unilateral steps to locate Spokane Police Department into the vacant space; and

**WHEREAS**, on August 29<sup>th</sup>, 2022, City Council enacted Ordinance No. C-36239 that determines the process of siting basic City facilities; amending section 12.05.005; and enacting new sections 12.05.062 and 12.05.063 of the Spokane Municipal Code; declaring an emergency for the immediate preservation of public peace, health, or safety of City Government facilities located after June 25, 2022; and

**WHEREAS**, a request for information (“RFI”) followed by a community open house with responsive proposals would enable the neighborhood to better evaluate potential service providers that could lease the building; and

**WHEREAS**, Council will review the proposals as it aligns with the City’s Sub-Area planning, neighborhood vitality, and overall economic growth; and

**NOW, THEREFORE, BE IT RESOLVED** that the City shall publish an RFI no later than March 6<sup>th</sup>, 2023, for providing neighborhood services at the building pursuant to a lease agreement with a response deadline of no later than July 10<sup>th</sup>, 2023

**BE IT FURTHER RESOLVED** that the Spokane City Council’s Equity Subcommittee shall review responsive proposals to recommend to City Council which entities should be invited to present their proposals at a community open house based on at least these four equally weighted criteria:



1. reflects the cultural vibrancy of the East Central Neighborhood or fulfill essential services that are currently lacking in the neighborhood;
2. affordability of services for those residents;
3. prior experience serving the demographics of those residents; and,
4. financial sustainability outside of any new financial support from the City, including the ability to pay rent.

**BE IT FINALLY RESOLVED** that the City Council and Administration will utilize community input from the community open house and other means to finalize a lease for the building by August 7<sup>th</sup>, 2023.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

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City Clerk

Approved as to form:

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Assistant City Attorney

## Committee Agenda Sheet

### [URBAN EXPERIENCE COMMITTEE]

|  |   |
|--|---|
| <b>Submitting Department</b>               | Council Member Betsy Wilkerson  |
| <b>Contact Name &amp; Phone</b>            | Mark Carlos ext 6269 or 509 828-3838  |
| <b>Contact Email</b>                       | mcarlos@spokanecity.org   |
| <b>Council Sponsor(s)</b>                  | Council Member Betsy Wilkerson  |
| <b>Select Agenda Item Type</b>             | <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion    Time Requested: 5 minutes  |
| <b>Agenda Item Name</b>                    | Request For Information Process for the Former East Side Library  |
| <b>Summary (Background)</b>                | <p>In the 1970s, the East Central Neighborhood was literally torn in half to make way for 90 Freeway. To make space for construction, houses, grocery stores, and even houses of worship were demolished.</p> <p>Prior to that, East Central was redlined and chronically disinvested to the point that its census tract is still classified as an “Area of Persistent Poverty.”</p> <p>The building located at 524 S Stone Street was vacated in the early part of 2021 and used to serve as the East Side Library.</p> <p>This process for a Request for Information (RFI) aims to put this building back into the hands of the community and fill the needs that were created by the building of the freeway while continuing its function as a provider of important human services to the East Central Neighborhood.</p> |
| <b>Proposed Council Action &amp; Date:</b> |   |
| <b>Fiscal Impact:</b>                      |   |
| Total Cost:                                |   |
| Approved in current year budget?           | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A  |

Funding Source       One-time       Recurring

Specify funding source:

Expense Occurrence       One-time       Recurring

Other budget impacts: (revenue generating, match requirements, etc.)

**Operations Impacts**

What impacts would the proposal have on historically excluded communities?

This resolution can potentially help solve inequities in this impoverished census tract that has been historically divested and was formerly redlined. Whether it be addressing the fact that East Central lacks an urgent care center, basic medical services other than a recently opened dental clinic, services for historically marginalized communities (many of which live in the neighborhood at a higher rate compared to the rest of the City) or addressing the fact that East Central is a so called “food desert.”

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The RFI will have basic demographics collected along those lines.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

It will go through a process that is established to be fair, equitable and transparent including a full review and recommendation by the Equity Subcommittee which is made up of community members who also represent underrepresented populations.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

It is a continuation of Resolution 2021-0022 that and Ordination No. C-36239 that determines the process of siting basic City facilities and seeks public input.

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

01/09/2023

**Date Rec'd**

12/28/2022

**Clerk's File #**

RES 2023-0002

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

CITY COUNCIL

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

CP BEGGS X6254

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

BBEGGS@SPOKANECITY.ORG

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

Resolutions

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

0320 - 2023 BOARDS &amp; COMMISSIONS APPOINTMENTS

**Agenda Wording**

Appointing City Council Members to boards, committees, and commissions for 2023.

**Summary (Background)**

SMC & Council Rules state that CMs must be appointed to annual boards and commissions no later than the second meeting of each year. The attachment to this resolution is in progress but will be added for Council consideration before they vote on the 9th.

Lease? NO

Grant related? NO

Public Works? NO

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

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

ALLERS, HANNAHLEE

**Study Session\Other**

12/12 Urban Experience

**Division Director****Council Sponsor**

CP Beggs; CM Kinnear

**Finance****Distribution List****Legal**

hallery@spokanecity.org

**For the Mayor****Additional Approvals****Purchasing**

## RESOLUTION NO. 2023-0002

A resolution appointing City Council Members to boards, committees, and commissions for 2023.

**WHEREAS**, City Council members are appointed to serve on various boards, committees, and commissions, including City Council standing committees, inter-governmental boards, and various other boards and committees; and

**WHEREAS**, City Council standing committee appointments are governed by chapter 02.005 of the Spokane Municipal Code and Rule 9 of the City Council's Rules of Procedure; and

**WHEREAS**, Section 02.005.010(D)(6) of the Spokane Municipal Code provides that standing committee membership shall be determined at the second legislative session of the City Council of each calendar year and memorialized by resolution of the City Council; and

**WHEREAS**, City Council members are included as members of several inter-governmental boards and committee and serve on other city boards and committees pursuant to various inter-local agreements, provisions of the Spokane Municipal Code, and state statutes.

**NOW, THEREFORE, BE IT RESOLVED** that the Spokane City Council approves the attached list of appointments to the City Council standing committees, inter-governmental boards and commissions, and other board as committees as specified in the attached list.

**BE IT ALSO RESOLVED** that each appointment will be in place until the City Council adopts 2024 appointments via resolution except for the Airport Board, on which the Council President shall serve a 3-year term, per their bylaws, from the date of passage of this resolution.

**BE IT FURTHER RESOLVED** that all Council Members are formally appointed to serve as alternates on any listed board, commission, or committee when an appointed Council Member cannot attend. Alternate Council Members will be chosen at the discretion of the Council President. The Mayor is also appointed as an additional alternate to the Spokane Transit Authority Board of Directors.

**BE IT FINALLY RESOLVED** that subsequent changes to the appointments on the attached list may occur at any time via resolution.

Passed by the City Council this \_\_\_\_ day of January, 2023.

---

City Clerk

Approved as to form:

---

Assistant City Attorney

DRAFT

## Committee Agenda Sheet

### Urban Experience

|   |  |
|---|--|
| <b>Submitting Department</b>  | City Council   |
| <b>Contact Name &amp; Phone</b>   | Hannahlee Allers   |
| <b>Contact Email</b>  | <a href="mailto:hallers@spokanecity.org">hallers@spokanecity.org</a>   |
| <b>Council Sponsor(s)</b>   | CP Beggs, CM Kinnear   |
| <b>Select Agenda Item Type</b>  | <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion    Time Requested:   |
| <b>Agenda Item Name</b>   | Resolution Appointing CMs to 2023 Boards and Commissions   |
| <b>Summary (Background)</b>   | SMC & Council Rules state that CMs must be appointed to annual boards and commissions no later than the second meeting of each year. The attachment to this resolution may not be available until closer to the end of the year, but we're getting this to committee now so that it can be filed in OnBase in time to meet the Council Rules deadline. |
| <b>Proposed Council Action &amp; Date:</b>  | Will file for either 1/9 or 1/16   |
| <b>Fiscal Impact:</b> None<br>Total Cost:<br>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A<br><br>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring<br>Specify funding source:<br><br>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring<br><br>Other budget impacts: (revenue generating, match requirements, etc.) |  |
| <b>Operations Impacts</b>   |  |
| What impacts would the proposal have on historically excluded communities?<br>N/A – these are annual appointments for Council Members to serve on various boards and commissions  |  |
| How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?<br>N/A – these are annual appointments for Council Members to serve on various boards and commissions  |  |
| How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?<br>N/A – these are annual appointments for Council Members to serve on various boards and commissions   |  |
| Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?<br>N/A – these are annual appointments for Council Members to serve on various boards and commissions  |  |



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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/28/2022    |
| <b>Clerk's File #</b> | RES 2023-0003 |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    |               |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  |               |

|                           |                           |
|---------------------------|---------------------------|
| <b>Submitting Dept</b>    | CITY COUNCIL              |
| <b>Contact Name/Phone</b> | BREEAN BEGGS X6254        |
| <b>Contact E-Mail</b>     | BBEGGS@SPOKANECITY.ORG    |
| <b>Agenda Item Type</b>   | Resolutions               |
| <b>Agenda Item Name</b>   | 0320 - 2023 COUNCIL RULES |

**Agenda Wording**  
 Adopting various amendments to the City Council's Rules of Procedure.

**Summary (Background)**  
 This resolution updates the City Council's Rules of Procedure for 2023. The final Rules document is still in review but will be added for Council consideration prior to their vote on the 9th.

|                      |                   |                       |
|----------------------|-------------------|-----------------------|
| Lease? NO            | Grant related? NO | Public Works? NO      |
| <b>Fiscal Impact</b> |                   | <b>Budget Account</b> |
| Neutral \$           |                   | #                     |
| Select \$            |                   | #                     |
| Select \$            |                   | #                     |
| Select \$            |                   | #                     |

|                             |                   |                              |                         |
|-----------------------------|-------------------|------------------------------|-------------------------|
| <b>Approvals</b>            |                   | <b>Council Notifications</b> |                         |
| <b>Dept Head</b>            | ALLERS, HANNAHLEE | <b>Study Session\Other</b>   | 12/16 Council Retreat   |
| <b>Division Director</b>    |                   | <b>Council Sponsor</b>       | CP Beggs; CM Kinnear    |
| <b>Finance</b>              |                   | <b>Distribution List</b>     |                         |
| <b>Legal</b>                |                   |                              | hallery@spokanecity.org |
| <b>For the Mayor</b>        |                   |                              |                         |
| <b>Additional Approvals</b> |                   |                              |                         |
| <b>Purchasing</b>           |                   |                              |                         |
|                             |                   |                              |                         |
|                             |                   |                              |                         |



**RESOLUTION NO. 2023-0003**

A Resolution adopting various amendments to the City Council's Rules of Procedure.

**WHEREAS**, the City Council's Rules of Procedure may be amended by resolution and are amended from time to time, normally on an annual basis; and

**WHEREAS**, the City Council intends to amend its Rules of Procedure by the adoption of this resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Spokane City Council hereby amends its City Council Rules of Procedure by adopting the attached 2023 City Council Rules of Procedure.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

Approved as to form:

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



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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/27/2022    |
| <b>Clerk's File #</b> | RES 2023-0004 |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    |               |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  |               |

|                           |   |
|---------------------------|---|
| <b>Submitting Dept</b>    | HUMAN RESOURCES   |
| <b>Contact Name/Phone</b> | MIKE PICCOLO 6237   |
| <b>Contact E-Mail</b>     | MPICCOLO@SPOKANECITY.ORG  |
| <b>Agenda Item Type</b>   | Resolutions   |
| <b>Agenda Item Name</b>   | 0620 - RESOLUTION TO APPOINT DAVID MOSS AS HUMAN RESOURCES DIRECTOR |

**Agenda Wording**

Resolution to appoint David Moss as Human Resources Director

**Summary (Background)**

David Moss was selected for appointment to the position by Mayor Woodward and is being presented for confirmation to the Human Resources Director.

Lease? NO Grant related? NO Public Works? NO  
**Fiscal Impact** **Budget Account**

|        |    |   |
|--------|----|---|
| Select | \$ | # |
| Select | \$ | # |
| Select | \$ | # |
| Select | \$ | # |

|                             |                 |                              |                                |
|-----------------------------|-----------------|------------------------------|--------------------------------|
| <b>Approvals</b>            |                 | <b>Council Notifications</b> |                                |
| <b>Dept Head</b>            | PICCOLO, MIKE   | <b>Study Session\Other</b>   | Urban Experience<br>01/09/2022 |
| <b>Division Director</b>    | PICCOLO, MIKE   | <b>Council Sponsor</b>       | CP Beggs, CM Stratton          |
| <b>Finance</b>              | BUSTOS, KIM     | <b>Distribution List</b>     |                                |
| <b>Legal</b>                | PICCOLO, MIKE   | rcouch@spokanecity.org       |                                |
| <b>For the Mayor</b>        | ORMSBY, MICHAEL | shenry@spokanecity.org       |                                |
| <b>Additional Approvals</b> |                 | jlargent@spokanecity.org     |                                |
| <b>Purchasing</b>           |                 | jquick@spokanecity.org       |                                |
|                             |                 |                              |                                |
|                             |                 |                              |                                |
|                             |                 |                              |                                |

## Committee Agenda Sheet

### URBAN EXPERIENCE

|  |   |
|--|---|
| <b>Submitting Department</b>   | Human Resources   |
| <b>Contact Name &amp; Phone</b>  | Michael J. Piccolo, Interim Human Resources Director  |
| <b>Contact Email</b>   | <a href="mailto:mpiccolo@spokanecity.org">mpiccolo@spokanecity.org</a> X-6237   |
| <b>Council Sponsor(s)</b>  | Council President Beggs      CM Wilkerson<br>Council Member Stratton  |
| <b>Select Agenda Item Type</b>   | <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion      Time Requested: 5 _____  |
| <b>Agenda Item Name</b>  | Council Confirmation of Mayoral Appointee – Human Resources Director  |
| <b>Summary (Background)</b>  | <ul style="list-style-type: none"> <li>• <u>Appointment of David Moss as the Human Resources Director.</u></li> </ul> <p>David Moss was selected for appointment to the position by Mayor Woodward and is being presented for confirmation to the Human Resources Director.</p> |
| <b>Proposed Council Action &amp; Date:</b>   | Confirm the Appointment of David Moss as the Human Resources Director.  |
| <b>Fiscal Impact:</b><br>Total Cost:<br>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A<br><br>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring<br>Specify funding source:<br><br>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring<br><br>Other budget impacts: (revenue generating, match requirements, etc.) |   |
| <b>Operations Impacts</b>  |   |
| What impacts would the proposal have on historically excluded communities? N/A   |   |
| How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A   |   |
| How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? N/A  |   |
| Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? N/A   |   |

**RESOLUTION 2023 - 0004**

A resolution approving the appointment of David Moss as the Human Resources Director for the City of Spokane.

WHEREAS, Section 24 of the City Charter provides that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, Section 2.14 F of the City Council Rules of Procedures states that approval of appointment of department heads shall be by resolution during the City Council's legislative session; and

WHEREAS, after full consideration, Mayor Nadine Woodward has appointed David Moss as the Human Resources Director for the City of Spokane.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Spokane that it hereby approves the appointment of David Moss as the Human Resources Director for the City of Spokane.

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2023.

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

Approved as to form:

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

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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/28/2022    |
| <b>Clerk's File #</b> | ORD C36348    |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    | RES 2022-0102 |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  |               |

|                           |   |
|---------------------------|---|
| <b>Submitting Dept</b>    | DSC, CODE ENFORCEMENT & PARKING SERVICES                              |
| <b>Contact Name/Phone</b> | ELDON BROWN X6305   |
| <b>Contact E-Mail</b>     | EBROWN@SPOKANECITY.ORG  |
| <b>Agenda Item Type</b>   | Hearings  |
| <b>Agenda Item Name</b>   | 4700 – STREET VACATION OF A PORTION OF 7TH AVE EAST OF GOVERNMENT WAY |

**Agenda Wording**

Vacation of 7th Ave east of Government Way as requested by Catholic Charities.

**Summary (Background)**

At its legislative session held on December 5, 2022 the City Council set a hearing on the above vacation for January 9, 2023 Staff has solicited responses from all concerned parties.

|                      |                   |                       |
|----------------------|-------------------|-----------------------|
| Lease? NO            | Grant related? NO | Public Works? NO      |
| <b>Fiscal Impact</b> |                   | <b>Budget Account</b> |

|         |    |   |
|---------|----|---|
| Neutral | \$ | # |
| Select  | \$ | # |
| Select  | \$ | # |
| Select  | \$ | # |

|                             |                   |                              |                                       |
|-----------------------------|-------------------|------------------------------|---------------------------------------|
| <b>Approvals</b>            |                   | <b>Council Notifications</b> |                                       |
| <b>Dept Head</b>            | PALMQUIST, TAMI   | <b>Study Session\Other</b>   | Urban Experience Committee - 11/14/22 |
| <b>Division Director</b>    | MACDONALD, STEVEN | <b>Council Sponsor</b>       | B. Wilkerson & L. Kinnear             |
| <b>Finance</b>              | ORLOB, KIMBERLY   | <b>Distribution List</b>     |                                       |
| <b>Legal</b>                | RICHMAN, JAMES    | smacdonald@spokanecity.org   |                                       |
| <b>For the Mayor</b>        | ORMSBY, MICHAEL   | tpalmquist@spokanecity.org   |                                       |
| <b>Additional Approvals</b> |                   | edjohnson@spokanecity.org    |                                       |
| <b>Purchasing</b>           |                   | ebrown@spokanecity.org       |                                       |
|                             |                   | kkuchlenz@spokanecity.org    |                                       |
|                             |                   |                              |                                       |
|                             |                   |                              |                                       |

## **AGENDA ITEM PROCESSING SHEET**

**PLEASE FILL IN AS MUCH INFORMATION AS POSSIBLE – IF YOU NEED ASSISTANCE PLEASE CONTACT THE ADMIN GROUP**

City Council Meeting Date: January 9, 2023

Submitting Dept: DSC - Development Services Center      Other:

Name of Staff Member Presenting to Council: Eldon Brown    x6305

Agenda Type: First Reading Ordinance

Agenda Item Name: 4700 – Street Vacation of a portion of 7<sup>th</sup> Ave east of Government Way

Agenda Wording (250 Character Max): Vacation of 7<sup>th</sup> Ave east of Government Way as requested by Catholic Charities.

Summary Background (500 Character Limit): At its legislative session held on December 5, 2022 the City Council set a hearing on the above vacation for January 9, 2023 Staff has solicited responses from all concerned parties.

Grant Related?    Yes     No

Public Works Related?    Yes     No

Fiscal Impact:    Neutral

If Revenue or Expense:

**\*\*** If the item is an expense, please complete & include an Expenditure Control Form with the other documents.

Council Notifications:    Urban Experience Committee – 11/14/22

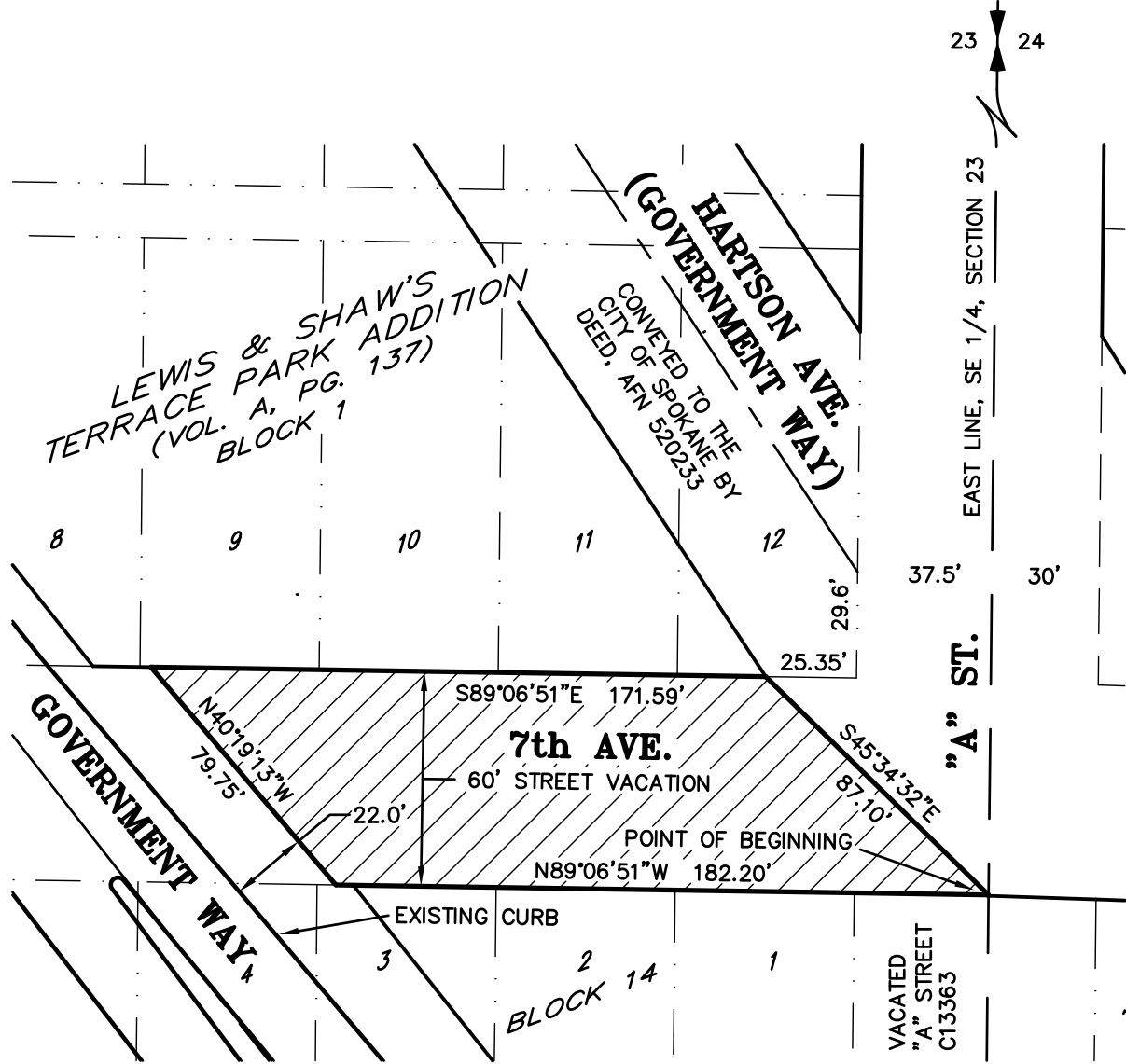
**\*\*** City Council Sponsor: Betsy Wilkerson & Lori Kinnear

Any Additional Approvals Required:

Distribution List: I add the Submitter, Department Head, and Division Head to all agenda submittals.

edjohnson@spokanecity.org, ebrown@spokanecity.org, kbecker@spokanecity.org

**PLEASE PROVIDE DOCUMENTS (ELECTRONIC IF AVAILABLE) THAT NEED TO BE SUBMITTED WITH THE AGENDA ITEM**



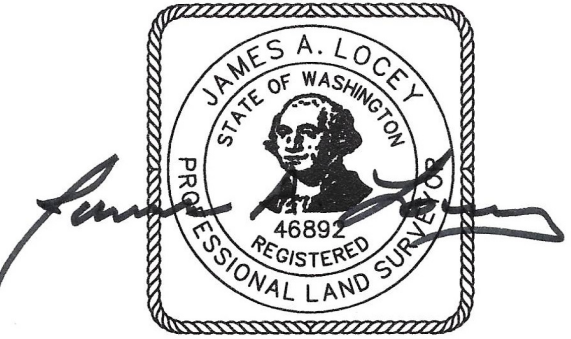
23 24

EAST LINE, SE 1/4, SECTION 23

37.5' 30'

"A" ST.

VACATED "A" STREET C13363



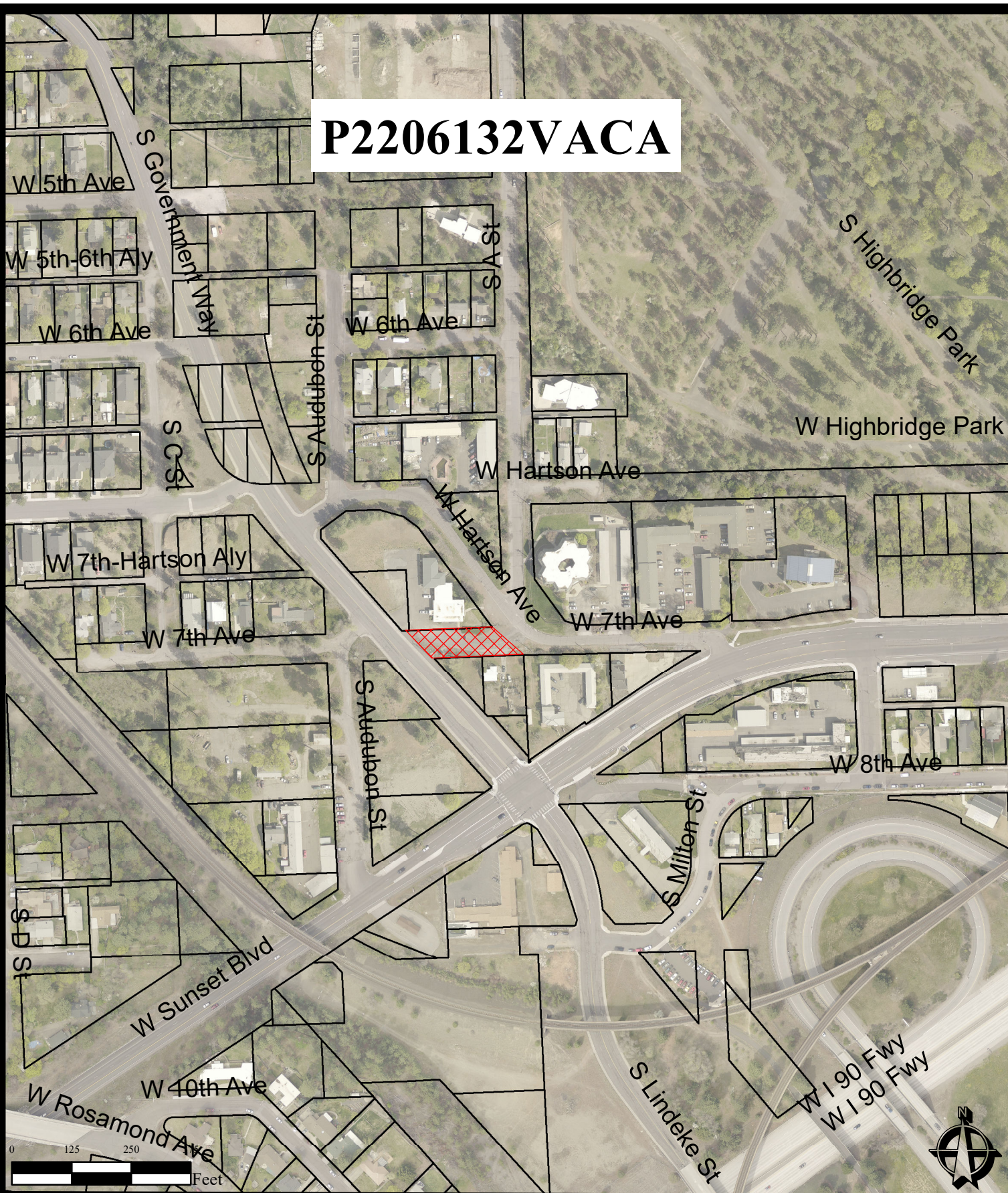
NOTE: THIS DRAWING DOES NOT REPRESENT A LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE STREET VACATION LOCATION.



**STREET VACATION EXHIBIT:**  
 A PORTION OF 7TH AVENUE IN  
 LEWIS & SHAW'S TERRACE PARK ADDITION  
 NE 1/4, SE 1/4, SECTION 23,  
 TOWNSHIP 25 NORTH, RANGE 42 EAST, W.M.  
 CITY AND COUNTY OF SPOKANE, WASHINGTON


**DURYEY & ASSOCIATES**  
 2702 N. Perry Street  
 Spokane, WA 99207  
 JOB NO. 21-3179

# P2206132VACA



**Right-of-way Description:  
A portion of 7th Ave east  
of Government Way**

**Legend**

 Proposed Vacation

*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.*





City of Spokane  
Development Services Center  
808 West Spokane Falls Blvd.  
Spokane, WA 99201-3343  
(509) 625-6300

## ORDINANCE NO. C36348

An ordinance vacating a portion of 7<sup>th</sup> Ave east of Government Way and more particularly described below,

WHEREAS, a petition for the vacation of a portion of 7<sup>th</sup> Ave east of Government Way and more particularly described below, has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

WHEREAS, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That a portion of 7<sup>th</sup> Ave east of Government Way and more particularly described below, is hereby vacated. Parcel number not assigned.

That portion of 7th Avenue (formerly J Street) in Lewis and Shaw's Terrace Park Addition as filed in Volume A of plats at page 137, lying between Government Way on the West and Hartson Avenue (also known as Government Way) on the East, situate in the Northeast quarter of the Southeast quarter of Section 23, Township 25 North, Range 42 East, Willamette Meridian, Spokane County, Washington and being more particularly described as follows:

BEGINNING at the intersection of the East line of said Southeast quarter and the projected North line of Block 14 in said Lewis and Shaw's Terrace Park Addition; thence North 89E06' 51" West along the said projected North line and the North line of said Block 14, a distance of 182.20 feet to a point lying 22.0 feet Northeasterly of the existing face of curb when measured at right angles; thence, leaving said North line, North 40E19' 13" West, parallel with said existing curb line, a distance of 79.75 feet to a point on the South line of Block 1 in said Lewis and Shaw's Terrace Park Addition; thence South 89E06' 51" East along said South line, a distance of 171.59 feet to a point on the South line of Lot 12 in said Block 1 at the intersection of the Southwest line of

Hartson Avenue (Government Way) as conveyed to the City of Spokane by deed recorded under Auditor's File No. 520233; thence, leaving said South line, South 45E34' 32" East, a distance of 87.10 feet to the point of beginning. The hereinabove described portion of 7th Avenue contains 10,614 square feet or 0.244 acres, more or less.

Section 2. An easement is reserved and retained over and through the entire vacated area for the utility services of Avista Utilities, Lumen, and Comcast to protect existing and future utilities.

Passed the City Council \_\_\_\_\_

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

Attest: \_\_\_\_\_  
City Clerk

Approved as to Form:

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

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

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



## CITY OF SPOKANE DEVELOPMENT SERVICES

808 West Spokane Falls Blvd, Spokane WA 99201-3343  
(509) 625-6300 FAX (509) 625-6822

### STREET VACATION REPORT November 15, 2022

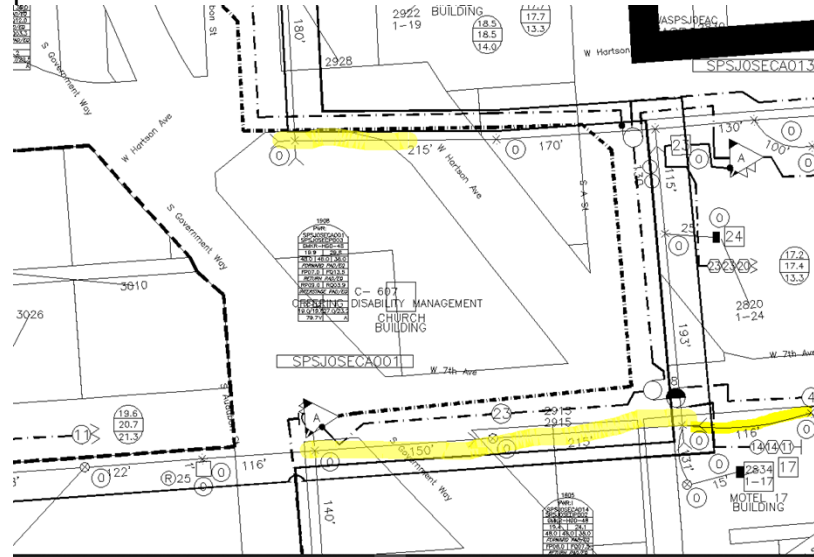
- LOCATION:** 7<sup>th</sup> Ave between the east line of Government Way and the west line of Hartson Ave.
- PROPONENT:** Catholic Charities
- PURPOSE:** To create a larger buildable footprint to accommodate a low-income housing development
- HEARING:** January 9, 2023
- REPORTS:**

#### PRIVATE UTILITY COMPANIES

**AVISTA UTILITIES** – Avista currently has electric and gas facilities within the proposed vacation area, we would like to reserve a utility easement for our existing and future facilities. I attached a GIS map of our existing utility locations below, the green lines represent overhead electric and the blue lines represent gas.



**COMCAST** – Comcast has reviewed the vacation request. Enclosed is our system map showing coax and fiber running down that alley. Comcast can't approve of this vacation due to us needing access to our plant.



**EXTENET** – Area is clear of Extenet utilities near S Government Way & W 7th Ave.

**INLAND POWER** – Inland Power & Light has no facilities with the proposed vacation area.

**LIGHT SPEED NETWORKS** – No comments

**LUMEN** – Lumen has buried fiber on the south side of 7<sup>th</sup> Ave so we will need to retain the easement.

**PORT OF WHITMAN** – It doesn't affect our infrastructure.

**TDS TELECOM** – TDS is good on the vacation

**VERIZON/MCI Metro** - Verizon/MCI metro do not have facilities in this area.

**WHOLESALE NETWORKS** – No comments

**ZAYO COMMUNICATIONS** – Zayo has no comment and or objection to the requested vacation.

### **CITY DEPARTMENTS & E911**

**ADDRESSING** - No comments

**BICYCLE ADVISORY BOARD** – No comments

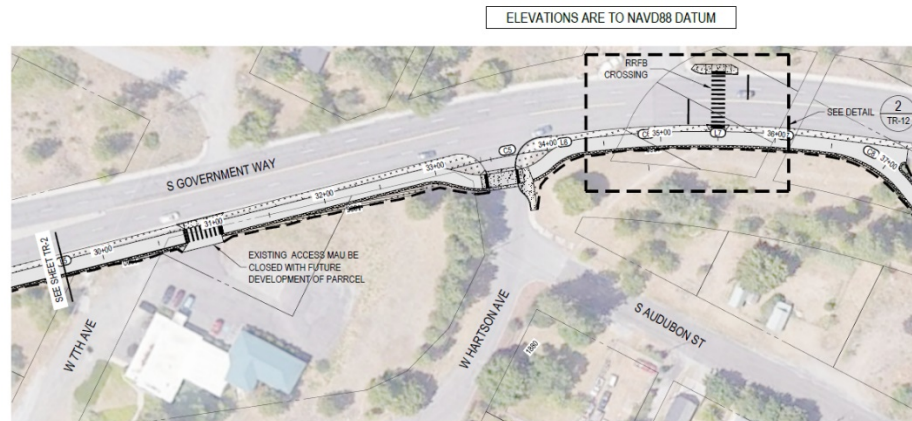
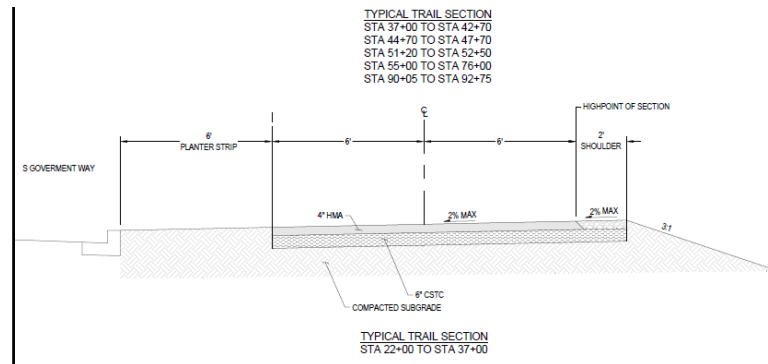
**DEVELOPER SERVICES – CURRENT PLANNING** – Since this is a commercial zone, Planning recommends that the City not vacate the ROW measuring 12' feet from the back of curb. This will ensure adequate space for required sidewalks and street trees as required by SMC 17C.120.230 for new development

**DEVELOPER SERVICES - TRAFFIC** – I have no issues or comments for this vacation.

**FIRE DEPARTMENT** - No comments

**INTEGRATED CAPITAL MANAGEMENT** – Based on the preliminary plans the improvements would go to 20' from back of curb. So I would ask for another 2' as a buffer. Let's say 22' from the curbline for the ROW along most of the frontage. I'd like a condition as part of that vacation that prohibits them from putting a driveway access to Government Way. We don't want additional trail conflicts.

We also show the trail alignment shifting a bit at Hartson. So we will need a bit more ROW in that corner.



**NEIGHBORHOOD SERVICES** – No comments

**PARKS DEPARTMENT** - No comments

**POLICE DEPARTMENT** - No comments

**SOLID WASTE MANAGEMENT** – Solid Waste has no concerns about this vacation.

**SPOKANE REGIONAL EMERGENCY COMMUNICATIONS** – No issues from 911 as long as access is maintained to this parcel at 2915 W 7<sup>th</sup> Ave.



**STREET DEPARTMENT** – The side adjacent to Government Way does not leave a clean right of way line for the existing path.

**WASTEWATER MANAGEMENT** - No comments

**WATER DEPARTMENT** - No comments

**RECOMMENDATION:** That the petition be granted and a vacating ordinance be prepared subject to the following conditions:

1. An easement as requested by Lumen, Avista Utilities, and Comcast shall be retained to protect existing and future utilities.
2. If vacated, the City of Spokane will not permit any new driveway access onto Government Way.

3. The proponent shall pay to the City of Spokane the assessed valuation for the vacated land as defined by the latest information from the County Assessor's Office. This is calculated to be \$52,773.57 and is to be deposited to Budget Account #3200 49199 99999 39510.

Alternatively, the applicant has submitted a letter to City Council requesting that a no cost vacation be considered.

4. That the final reading of the vacation be held in abeyance until all of the above conditions are met and that the above conditions are met by December 1, 2023.

Eldon Brown, P.E.  
Principal Engineer – Developer Services

A handwritten signature in black ink, appearing to read "Eldon W. Brown". The signature is written in a cursive, flowing style.

**From:** Wilkerson, Betsy  
**Sent:** Mon, 31 Oct 2022 21:52:50 +0000  
**To:** Johnson, Erik D.; Kinnear, Lori  
**Cc:** Brown, Eldon  
**Subject:** RE: City Council Sponsors

Yes, I can do that.

---

**From:** Johnson, Erik D. <edjohnson@spokanecity.org>  
**Sent:** Monday, October 31, 2022 1:45 PM  
**To:** Kinnear, Lori <lkinnear@spokanecity.org>; Wilkerson, Betsy <bwilkerson@spokanecity.org>  
**Cc:** Brown, Eldon <ebrown@spokanecity.org>  
**Subject:** FW: City Council Sponsors

Good afternoon,

Sorry to keep pestering you on this but we are still in need of Council Sponsors. Would you be willing to sponsor this item?

Thanks,  
Erik

---

**From:** Johnson, Erik D.  
**Sent:** Thursday, October 20, 2022 2:09 PM  
**To:** Kinnear, Lori <[lkinnear@spokanecity.org](mailto:lkinnear@spokanecity.org)>; Wilkerson, Betsy <[bwilkerson@spokanecity.org](mailto:bwilkerson@spokanecity.org)>  
**Cc:** Brown, Eldon <[ebrown@spokanecity.org](mailto:ebrown@spokanecity.org)>  
**Subject:** City Council Sponsors

Good afternoon,

Developer Services - Engineering needs to place an item on the schedule for the next committee meeting and are in need of City Council Sponsors.

**Background**

Catholic Charities has recently purchased the properties shown below in **green** and they would like to vacate the right-of-way approximately shown below in **Red** in order to accommodate a new low income housing development to be built across the site. Engineering has routed the vacation to all private franchised utility companies and City Departments and have compiled the responses into the attached report document.

The next step is to add this item to a committee meeting. Because this vacation is located within your district, would you be willing to sponsor this item?





Thanks,



**Erik Johnson** | City of Spokane | Engineering Technician IV

☎ Office 509.625.6445 | Cell 509.995.0870 | [edjohnson@spokanecity.org](mailto:edjohnson@spokanecity.org)

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

01/09/2023

|                       |               |
|-----------------------|---------------|
| <b>Date Rec'd</b>     | 12/28/2022    |
| <b>Clerk's File #</b> | ORD C36349    |
| <b>Renews #</b>       |               |
| <b>Cross Ref #</b>    | RES 2022-0103 |
| <b>Project #</b>      |               |
| <b>Bid #</b>          |               |
| <b>Requisition #</b>  |               |

|                           |  |
|---------------------------|--|
| <b>Submitting Dept</b>    | DSC, CODE ENFORCEMENT & PARKING SERVICES                                   |
| <b>Contact Name/Phone</b> | ELDON BROWN X6305  |
| <b>Contact E-Mail</b>     | EBROWN@SPOKANECITY.ORG   |
| <b>Agenda Item Type</b>   | Hearings   |
| <b>Agenda Item Name</b>   | 4700 – STREET VACATION OF THE WEST 3' OF CONKLIN ST. SOUTH OF HARTSON AVE. |

**Agenda Wording**

Vacation of the west 3' of Conklin St. south of Hartson Ave, as requested by Harold &amp; Heather Vanderpool

**Summary (Background)**

At its legislative session held on December 5, 2022 the City Council set a hearing on the above vacation for January 9, 2023. Staff has solicited responses from all concerned parties.

|                      |                   |                       |
|----------------------|-------------------|-----------------------|
| Lease? NO            | Grant related? NO | Public Works? NO      |
| <b>Fiscal Impact</b> |                   | <b>Budget Account</b> |
| Neutral \$           |                   | #                     |
| Select \$            |                   | #                     |
| Select \$            |                   | #                     |
| Select \$            |                   | #                     |

|                             |                   |                              |   |
|-----------------------------|-------------------|------------------------------|---|
| <b>Approvals</b>            |                   | <b>Council Notifications</b> |   |
| <b>Dept Head</b>            | PALMQUIST, TAMI   | <b>Study Session\Other</b>   | Urban Experience Committee - 11/14/2022 |
| <b>Division Director</b>    | MACDONALD, STEVEN | <b>Council Sponsor</b>       | L. Kinnear & B. Wilkerson               |
| <b>Finance</b>              | ORLOB, KIMBERLY   | <b>Distribution List</b>     |   |
| <b>Legal</b>                | RICHMAN, JAMES    | smacdonald@spokanecity.org   |   |
| <b>For the Mayor</b>        | ORMSBY, MICHAEL   | tpalmquist@spokanecity.org   |   |
| <b>Additional Approvals</b> |                   | edjohnson@spokanecity.org    |   |
| <b>Purchasing</b>           |                   | ebrown@spokanecity.org       |   |
|                             |                   | kkuchlenz@spokanecity.org    |   |
|                             |                   |                              |   |
|                             |                   |                              |   |

City of Spokane  
Department of Engineering Services  
808 West Spokane Falls Blvd.  
Spokane, WA 99201-3343  
(509) 625-6700

## ORDINANCE NO. C36349

An ordinance vacating the West 3 feet of Conklin Street, South of Hartson Avenue and further described below,

WHEREAS, a petition for the vacation of the West 3 feet of Conklin Street, South of Hartson Avenue and further described below has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

WHEREAS, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That the West 3 feet of Conklin Street from the South line of Hartson Avenue, to the South end of Conklin Street, and approximately 120 feet in length, as platted in Block B of Hartson's Subdivision of Blocks 3,4,5,6,7, and 8 of Hartson and Townsend's Highland Park Addition to the City of Spokane, and located in the Southeast quarter of Section 20, Township 25 North, Range 43 East, Willamette is hereby vacated. Parcel number not assigned.

Passed the City Council \_\_\_\_\_

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

Attest: \_\_\_\_\_  
City Clerk

Approved as to Form:

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

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

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

# P2206132VACA



**Right-of-way Description:  
The west 3' of Conklin south of Hartson**

**Legend**  
 Proposed Vacation

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.





**CITY OF SPOKANE  
DEVELOPMENT SERVICES**

808 West Spokane Falls Blvd, Spokane WA 99201-3343  
(509) 625-6300 FAX (509) 625-6822

**STREET VACATION REPORT  
November 17, 2022**

**LOCATION:** West 3' of Conklin south of Hartson  
**PROPONENT:** Harold & Heather Vanderpool  
**PURPOSE:** Pre-existing structures are barely in City RW – to clear title  
**HEARING:** January 9, 2023  
**REPORTS:**

**PRIVATE UTILITY COMPANIES**

**AVISTA UTILITIES** – No comments

**COMCAST** – Comcast has reviewed the vacation request. We have no objections to the vacation.

**EXTENET** – No comments

**INLAND POWER** – Comments

**LIGHT SPEED NETWORKS** – No comments

**LUMEN** – Lumen doesn't have any objections to the vacation request.

**PORT OF WHITMAN** – No comments

**TDS TELECOM** - No comments

**VERIZON/MCI Metro** - Verizon/MCI Metro do not have facilities in this area.

**WHOLESALE NETWORKS** – No comments

**ZAYO COMMUNICATIONS** – Zayo has no comment and or objection to the requested vacation.

**CITY DEPARTMENTS & E911**

**ADDRESSING** - No comments

**BICYCLE ADVISORY BOARD** – No comments

**DEVELOPER SERVICES – CURRENT PLANNING** – No comments

**DEVELOPER SERVICES - TRAFFIC** – No comments

**FIRE DEPARTMENT** - No comments

**INTEGRATED CAPITAL MANAGEMENT** – No comments

**NEIGHBORHOOD SERVICES** – No comments

**PARKS DEPARTMENT** - No comments

**PLANNING & ECONOMIC DEVELOPMENT** – No comments

**POLICE DEPARTMENT** - No comments

**SOLID WASTE MANAGEMENT** – Solid Waste has no concerns with this vacation

**SPOKANE REGIONAL EMERGENCY COMMUNICATIONS** – No comments

**STREET DEPARTMENT** – The Street Department has reviewed the document(s), and has no comments.

**WASTEWATER MANAGEMENT** – Provided onsite run off is maintained and treated on site, we have no objection to the vacation.

**WATER DEPARTMENT** - No comments

**RECOMMENDATION:** That the petition be granted and a vacating ordinance be prepared subject to the following conditions:

1. The proponent shall pay to the City of Spokane the assessed valuation for the vacated land as defined by the latest information from the County Assessor's Office. This is calculated to be \$2,695.66 and is to be deposited to Budget Account #3200 49199 99999 39510.
2. That the final reading of the vacation be held in abeyance until all of the above conditions are met and that the above conditions are met by December 1, 2023.

Eldon Brown, P.E.  
Principal Engineer – Developer Services

A handwritten signature in black ink that reads "Eldon W. Brown". The signature is written in a cursive style with a large, stylized initial "E".



## **AGENDA ITEM PROCESSING SHEET**

**PLEASE FILL IN AS MUCH INFORMATION AS POSSIBLE – IF YOU NEED ASSISTANCE PLEASE CONTACT THE ADMIN GROUP**

City Council Meeting Date: January 9, 2023

Submitting Dept: DSC - Development Services Center      Other:

Name of Staff Member Presenting to Council: Eldon Brown    x6305

Agenda Type: First Reading Ordinance

Agenda Item Name: 4700 – Street Vacation of the west 3’ of Conklin St. south of Hartson Ave.

Agenda Wording (250 Character Max): Vacation of the west 3’ of Conklin St. south of Hartson Ave, as requested by Harold & Heather Vanderpool

Summary Background (500 Character Limit): At its legislative session held on December 5, 2022 the City Council set a hearing on the above vacation for January 9, 2023. Staff has solicited responses from all concerned parties.

Grant Related?    Yes     No

Public Works Related?    Yes     No

Fiscal Impact:    Neutral

If Revenue or Expense:

**\*\*** If the item is an expense, please complete & include an Expenditure Control Form with the other documents.

Council Notifications:    Urban Experience Committee – 11/14/22

**\*\*** City Council Sponsor:Lori Kinnear, Betsy Wilkerson

Any Additional Approvals Required:

Distribution List: I add the Submitter, Department Head, and Division Head to all agenda submittals.

edjohnson@spokanecity.org, ebrown@spokanecity.org, tpalmquist@spokanecity.org

**PLEASE PROVIDE DOCUMENTS (ELECTRONIC IF AVAILABLE) THAT NEED TO BE SUBMITTED WITH THE AGENDA ITEM**

**From:** Kinnear, Lori  
**Sent:** Tue, 1 Nov 2022 21:20:19 +0000  
**To:** Johnson, Erik D.  
**Cc:** Wilkerson, Betsy  
**Subject:** RE: City Council Sponsor Request

Sure...I will sponsor.  
lk

---

**From:** Johnson, Erik D. <edjohnson@spokanecity.org>  
**Sent:** Tuesday, November 01, 2022 2:14 PM  
**To:** Kinnear, Lori <lkinnear@spokanecity.org>; Wilkerson, Betsy <bwilkerson@spokanecity.org>  
**Cc:** Brown, Eldon <ebrown@spokanecity.org>  
**Subject:** City Council Sponsor Request

Good afternoon,

Engineering is in need of Council Sponsors for another item prior to scheduling at a committee meeting.

**Background information**

Through a Record of Survey of Parcel 35204.0501, the property owners discovered that an existing garage and accessory structure extend into the Conklin St. RW by approx. 1.7' and also a roof overhangs therefrom. A vacation request of the west 3 feet of Conklin has been applied for so the structures are wholly located on the adjacent property and do not encroach to eliminate any potential title or insurability issues.

Attached is a map of the area.

This is located within your district and I am wondering if you would be willing to sponsor this item?

Thanks,



**Erik Johnson** | City of Spokane | Engineering Technician IV  
☎ Office 509.625.6445 | 📞 Cell 509.995.0870 | [edjohnson@spokanecity.org](mailto:edjohnson@spokanecity.org)

---

Development Services Center is open Monday-Friday 8 am – 5 pm in person, [online](#) or over the phone at 509.625.6300

**From:** Wilkerson, Betsy  
**Sent:** Tue, 1 Nov 2022 21:39:15 +0000  
**To:** Johnson, Erik D.; Kinnear, Lori  
**Cc:** Brown, Eldon  
**Subject:** RE: City Council Sponsor Request

Will sponsor

---

**From:** Johnson, Erik D. <edjohnson@spokanecity.org>  
**Sent:** Tuesday, November 1, 2022 2:14 PM  
**To:** Kinnear, Lori <lkinnear@spokanecity.org>; Wilkerson, Betsy <bwilkerson@spokanecity.org>  
**Cc:** Brown, Eldon <ebrown@spokanecity.org>  
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**Erik Johnson** | City of Spokane | Engineering Technician IV  
📞 Office 509.625.6445 | 📱 Cell 509.995.0870 | [edjohnson@spokanecity.org](mailto:edjohnson@spokanecity.org)

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