



# Official Gazette

## City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

Volume 103

**FEBRUARY 6, 2013**

Issue 6



### MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

MICHAEL A. ALLEN (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

NANCY McLAUGHLIN (DISTRICT 3)

STEVE SALVATORI (DISTRICT 3)

JON SNYDER (DISTRICT 2)

AMBER WALDREF (DISTRICT 1)

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# Minutes

**MINUTES OF SPOKANE CITY COUNCIL****Monday, January 28, 2013****BRIEFING SESSION**

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:30 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

**Roll Call**

On roll call, Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, Snyder, and Waldref were present.

Gerry Gemmill, Director of Local Government and Labor Relations; Assistant City Attorney Mike Piccolo; and City Clerk Terri Pfister were also present on the dais.

**Advance Agenda Review**

Council received input from staff on the February 4, 2013, Advance Agenda items.

Final Reading Ordinance C34951 Ordering Street Improvements (LID 2012093/ORD C34951/PRO 2012-0048) (deferred from December 17, 2012, Agenda)

During review of Final Reading Ordinance C34951—ordering the street improvements for Rebecca Street from 9<sup>th</sup> Avenue to 7<sup>th</sup> Avenue—City Council members expressed concerns regarding the LID process. Council Members inquired what the content of the letter is that

homeowners receive regarding the LID. Council Members requested to receive before next Monday a copy of the letter that went to property owners who live in the area of the LID. Business and Developer Services Division Director Jan Quintrall noted that staff is revamping the entire LID process and staff will have a presentation regarding the process at the next PCED (Planning, Community, and Economic Development) Committee meeting. She noted that under the new proposed process a “no response” will not be counted as a “yes.”

**ADMINISTRATIVE SESSION****Current Agenda Review**

The City Council received input from staff on the January 28, 2013, Current Agenda items.

First Reading Ordinance C34955 Relating to Marijuana

**Motion** by Council Member Snyder, seconded by Council Member Waldref, **to defer** First Reading Ordinance C34955—relating to marijuana—to February 4, 2013; **carried unanimously**.

Interlocal Agreement to Form the Spokane Regional Transportation Council (SRTC) (OPR 2013-0052)

Kevin Wallace, SRTC Executive Director, provided an overview of the Interlocal Agreement with Spokane County, City of Spokane Valley, Washington State Department of Transportation, Spokane Transit Authority, Spokane Airport Board, and other cities and towns within Spokane County to form the Spokane Regional Transportation Council, define its organization and powers, and its jurisdictional area; and he responded to Council inquiries. Council Member McLaughlin stated that after discussion with some Council Members today there is some discomfort under Section 6 on the meetings and voting portion. She stated she feels there should be an actual majority membership of the SRTC to pass those things under that section (which are listed as a, b, and c). In addition, she stated she found more discomfort with the paragraph that reads: “The appointment or discharge of the Executive Director shall require the affirmative vote of ten (10) Board members.” Council Member McLaughlin stated that would be 10 out of the 14 members, and there’s concern that threshold might be a little too large.

Council Member Snyder noted his concerns go farther than what Council Member McLaughlin discussed. He stated he does not like the whole dilution of the City of Spokane’s representation on the SRTC and feels it’s much less than other

boards that the Council sits on. He noted he brought up all his concerns this morning at the PCED (Planning, Community, and Economic Development) Committee meeting. Council Member Snyder stated if the Council could get the supermajority on the ED (executive director) and also remove the restrictions against weighted voting on those three other hard votes then he could support this. Council Member Allen also remarked on the voting and suggested the voting be consistent so it's cleaner and doesn't require special bylaws and keeps the existing percentage and allows other members to come in. Subsequent to further Council discussion, with input by Mr. Wallace, the following actions were taken:

**Motion** by Council Member McLaughlin, seconded by Council President Stuckart, that the City Council **defer** this (Interlocal Agreement) until the 25<sup>th</sup> of February, with sending a letter to SRTC asking that the appointment or discharge of the executive director come under as a letter "d" under the a, b, c of that section (Section 6) so it is one of those that would require a majority of the voting membership of the board; not 10 out of the 14 board members; **carried unanimously**.

**Motion** by Council Member Snyder, seconded by Council President Stuckart, to request SRTC to remove the restrictions on weighted voting so it can be used in all situations as Council Member Allen described; **with amendment** by Council Member Allen and accepted by Council Member Snyder and Council President Stuckart, that rather than taking the hard position to remove it, to request during this deferral period that they (SRTC) provide reasoning why those three exceptions (a, b, and c under Section 6) are necessary so the City Council can have a further discussion; **carried unanimously**.

Mr. Wallace inquired if his understanding is correct that the motion just passed is for the three items only (a, b, and c under Section 6), and is not to implement weighted voting on all situations. Council President Stuckart stated the Council has deferred the agreement for another vote for one month, until February 25, and the Council has said it will write a letter that requests SRTC to allow a majority to remove the executive director; and the Council will request information/reasoning behind the three a, b, c exceptions. He noted the Council will get the letter to Mr. Wallace immediately.

Letter Regarding Allocation of State Capital Funds for Relocation of Peaceful Valley Community Center Youth Program (CPR 2013-0016)

**Motion** by Council Member McLaughlin, seconded by Council Member Waldref, to suspend the Council Rules; **carried unanimously**.

**Motion** by Council Member McLaughlin, seconded by Council Member Fagan, to add the letter—regarding allocation of State Capital Funds for the relocation of the Peaceful Valley Community Center Youth Program to All Saints Church in the Browne's Addition Neighborhood—to the Council's January 28 Current Consent Agenda; **carried unanimously**.

## CONSENT AGENDA

**Upon motion of Council Member Salvatori and seconded by Council Member Allen, Council unanimously approved Staff Recommendations for the following:**

Contract Extension with Alternative Service Concepts, LLC (Nashville, TN) for liability claims administration from February 1, 2013 through October 31, 2013—\$201,549.79. (OPR 2008-0050)

Change Order No. 1 to contract with McKinstry Essentions, Inc. for lighting upgrade at East Central Community Center and Property Evidence Facility—\$101,269. (OPR 2009-0978)

Contract with Spokane Transit Authority for employee bus pass program for 2013—\$58,930. (OPR 2013-0050)

Memorandum of Agreement with Spokane County regarding the reconciliation of wastewater treatment charges and payments—\$3,000,000. (OPR 2013-0051)

Report of the Mayor of pending:

Claims and payments of previously approved obligations, including those of Parks and Library, through January 21, 2013, total \$12,145,714.71 (Warrant Nos. 460166-461169; ACH Payment Nos. 9260-9428), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$11,708,998.98. (CPR 2013-0002)

Payroll claims of previously approved obligations through January 19, 2013: \$5,584,173.68 (Payroll Check Nos. 51031-510537). (CPR 2013-0003)

Letter regarding allocation of State Capital Funds for the relocation of the Peaceful Valley Community Center Youth Program to All Saints Church in the Browne's Addition Neighborhood. (CPR 2013-0016)

### **Executive Session/Council Recess**

The City Council adjourned to an Executive Session at 5:11 p.m. to discuss a pending litigation matter for five minutes. Assistant City Attorneys Mike Piccolo and Sam Faggiano were present during the Executive Session. The City Council reconvened at 6:03 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, Snyder, and Waldref present. Assistant City Attorney Mike Piccolo and City Clerk Terri Pfister were also present on the dais.

## **LEGISLATIVE SESSION**

### **TOWN HALL SESSION**

#### **Invocation**

Pastor Alan Eschenbacher, All Saints Lutheran Church, Browne's Addition, provided an invocation.

#### **Pledge of Allegiance**

The Pledge of Allegiance was led by Gary Pollard, Chair, Riverside Neighborhood Council.

#### **Roll Call**

Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, Snyder, and Waldref were present.

There were no **Appointments**.

### **CITY ADMINISTRATION REPORTS**

#### **Presentation Regarding SKILS'KIN**

John Lemus, Community Relations Facilitator, provided an overview of SKILS'KIN. He advised that SKILS'KIN is a developmental disability non-profit that does the following: offers integrated employment services; 24/7 person centered supported living services in five different homes across the Spokane community; provides representative payee services to over 1,000 people, with 700 of those in Spokane; and is one of the largest employers of individuals with disabilities in the Inland Northwest through the Ability One program. The mission of SKILS'KIN is to provide support and services to adults with disabilities to expand their employment and living opportunities. Mr. Lemus commented on SKILS'KIN's vision and values and highlighted some of its services. For more information, visit [www.skills-kin.org](http://www.skills-kin.org).

### **ANNOUNCEMENT**

Council President Stuckart announced the following public meetings that will be held in each district on the Comprehensive Plan review and update:

- Council District 1 - Wednesday, February 27, from 5:30 p.m. to 7:30 p.m., at the Northeast Youth Center Council;
- Council District 2, Monday, February 11, from 5:30 p.m. to 7:30 p.m., at ESD 101 on Regal; and
- Council District 3, Tuesday, February 19, from 5:30 p.m. to 7:30 p.m., at Shadle Public Library.

### **COUNCIL COMMITTEE REPORTS**

#### **Public Works Committee**

Council Member Salvatori reported on the Public Works Committee meeting held earlier today (January 28). Minutes of the Public Works Committee meetings are filed with the City Clerk's Office and are available for review following approval by the Public Works Committee.

## **TOWN HALL FORUM**

**Ms. Kelly MacKay** commented on the implementation of the crises intervention training that is about to happen with the Police Department and noted she will actually be taking the training herself.

**Stephanie Towner** commented on police harassment towards people who are homeless and living in their cars. She stated it is important to remember that a lot of people who are homeless are U.S. veterans and they have fought for our country. She further stated she believes they deserve to be helped and respected. She suggested the City needs to do something to fix the issue of homelessness and suggested the City find a new plan to help people who are homeless.

**Mr. Henry Valder** commented on medical marijuana.

**Mr. Mike Rowles** spoke regarding the condition of the sidewalk on way to red wagon (in Riverfront Park) and noted his friend twisted her ankle. Council President Stuckart suggested that after the meeting Mr. Rowles speak to him, along with Council Member Allen, regarding the matter.

## LEGISLATIVE AGENDA

There were no **Emergency Budget Ordinances**.

There were no **Emergency Ordinances**.

## RESOLUTIONS

### **RES 2013-0003—Supporting a Change of State Law to Reduce Firearm Violence**

Council Member Snyder provided an overview of Resolution 2013-0003, which urges support of House Bill 1096 (for the proposed changes for unlawful possession of a firearm by a juvenile, to make it so any violator will face more serious consequences for transgressing the law) and House Bill 1114 (that would make it easier to civilly commit violent offenders who are not competent to stand trial but do not currently meet the definition of incompetent that would allow commitment for a period of time instead of immediate release). Council Member Salvatori presented a motion to postpone this (Resolution 2013-0003) indefinitely on the grounds that it is not appropriate subject matter for City Council. He referenced Council Rule 7.3 and stated that, in the State of Washington, the City of Spokane is preempted from basically doing any kind of gun control as the State RCW takes precedent. Council Member Salvatori noted he agrees with both points in Council Member Snyder's resolution, and he stated he has agreed to sign on to a letter and use whatever good graces he has with State legislators to promote this bill, but it is not something he feels the City Council should be addressing.

Subsequent to Council debate, the following action was taken:

**\*Motion** by Council Member Salvatori, seconded by Council Member Allen, **to postpone** this (Resolution 2013-0003) indefinitely on the grounds that it is not appropriate subject matter for City Council (per Council Rule 7.3); **carried 4-3 (Council President Stuckart and Council Members Snyder and Waldref voting "no").**

### **Resolution 2013-0004 Regarding the Second Amendment Right to Keep and Bear Arms**

Council Member Fagan provided an overview of Resolution 2013-0004 which expresses the City Council's affirmation of the constitutional right to keep and bear arms under the U.S. Constitution and the Washington State Constitution. He noted the resolution further sets forth the City Council's opposition to the enactment of any legislation that would infringe upon the right of the people to keep and bear arms and to consider such laws to be unconstitutional and beyond lawful legislative authority. Subsequent to Council debate, the following action was taken:

**\*Motion** by Council Member Snyder, seconded by Council Member Salvatori, **to postpone** this (Resolution 2013-0004) indefinitely; **rejected 3-4 (Council President Stuckart and Council Members Fagan, Snyder, and Waldref voting "no.")**

\*(Clerical Note: Assistant City Attorney Mike Piccolo clarified that, on both Resolution 2013-0003 and Resolution 2013-0004, the motion should be to "postpone indefinitely"— it's not to table or to defer; it's to postpone indefinitely. The language stated by Council Member Salvatori on the motion relating to Resolution 2013-0003 was "to table this indefinitely" and the language stated by Council Member Snyder on the motion relating to Resolution 2013-0004 was "to defer this indefinitely." The City Clerk has corrected the record so both motions read "to postpone this indefinitely.")

The City Council received public testimony on Resolution 2013-0004.

**(During the public testimony, following the first speaker, the City Council took a recess at 6:51 p.m. and reconvened at 6:59 p.m.)**

Council discussion and debate then ensued. Council Member Salvatori stated he feels the City Council does not have the jurisdiction to vote on this (Resolution 2013-0004) under the Council Rules, and he inquired if that gives him grounds to abstain. Assistant City Attorney Mike Piccolo explained that usually when a Council Member abstains it is for issues of conflict of interest, not simply to not partake in the vote. Mr. Piccolo further stated that Council Members can express a no vote on the motion, just like what was explained, but trying to abstain would open up the door for other members to abstain, and then the Council is below the required numbers to even conduct a council meeting. Council Member Allen also noted that he feels this (resolution) is a clear violation of the Council Rules. Subsequent to additional Council comments, the following action was taken:

**Upon 2-3 Roll Call Vote (Council Members Fagan and Waldref voting “aye,” Council President Stuckart and Council Members Snyder and Waldref voting “no,” and Council Members Allen and Salvatori abstaining), the City Council rejected Resolution 2013-0004 regarding the Second Amendment right to keep and bear arms.**

Council Member Fagan introduced a motion requesting the City Council to send a letter to our Federal delegation (in relation to the subject matter of Resolution 2013-0004). Council President Stuckart stated there will need to be a suspension of the rules for placement of (such) a letter on the agenda and the Council can consider that next Monday. Council Member Fagan stated he would accept that.

#### **RES 2013-0005 Amending the City Council Rules of Procedure (Rule 1.2 Duty of Mutual Respect)**

Council President Stuckart requested a motion to defer Resolution 2013-0005—amending the City Council Rules of Procedures—for one week. Subsequently, the following action was taken:

**Motion** by Council Member Waldref, seconded by Council Member McLaughlin, **to defer** Resolution 2013-0005 for one week (to February 4, 2013); **carried unanimously.**

There were no **Final Reading Ordinances.**

#### **FIRST READING ORDINANCES**

**For Council action on First Reading Ordinance C34955, see section of minutes under 3:30 p.m. Administrative Session.**

There were no **Special Considerations.**

There were no **Hearings.**

#### **NEIGHBORHOOD REPORTS**

Office of Neighborhood Services Director Heather Trautman provided introductory and welcoming remarks. In addition, she expressed thanks and appreciation to the neighborhood volunteers who spend time during the day and evenings going to neighborhood council meetings, volunteering for activities and programs to make their neighborhood a better place, such as the clean-up program or traffic calming, or as simple as organizing a wonderful neighborhood event, such as Concert under the Pines, the Hillyard Festival, or Garland Street Fair. Ms. Trautman then introduced Rod Minarik from the Office of Neighborhood Services who facilitated the presentation of neighborhood reports, as follows:

1. Gary Pollard reported on Riverside.
2. Bridget Walden reported on West Hills.
3. Mary Moltke reported on Browne's Addition.
4. Mr. Minarik noted a representative of the Latah/Hangman Valley Neighborhood was unable to be present this evening.
5. Betty Findley and Christy Hamilton reported on Greater Spokane C.O.P.S.
6. Mr. Minarik provided brief comments on the Grandview/Thorpe Neighborhood. Unfortunately, the representative from this neighborhood was unable to be present this evening.
7. Steve Spickard and Patricia Hansen reported on Cliff/Cannon
8. Jan Loux reported on Peaceful Valley.



9. Mark Reilly, Director, reported on Peaceful Valley Community Center and provided a presentation displaying and providing the reasons why for the proposed move of the Peaceful Valley Community Center Youth Program to All Saints Church in the Browne's Addition Neighborhood. Kim Ferraro, Director of the West Central Community Center, who was accompanied by Kate Greene, Executive Director of the Northeast Youth Center, spoke regarding the launching of "Spokane Playhouse," a public-private collaboration, whereby an event will be held to auction off playhouses. One playhouse will be raffled off. The beneficiaries of funds raised will be West Central Community Center, Northeast Youth Center, and the Peaceful Valley Community Center. Ms. Ferraro noted a kickoff breakfast for the event will be held Wednesday, January 30, at 8 a.m. at the West Central Community Center. For further information, contact Kim Ferraro at 323-7480 or [kferraro@wccda.net](mailto:kferraro@wccda.net).

No individuals spoke during the second **Town Hall Forum**.

## **ADJOURNMENT**

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 8:53 p.m.

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## **2013 CITY COUNCIL RETREAT SUMMARY** **January 17, 2013**

Council President Stuckart began the retreat at 2:00 p.m. with an ice breaker activity for council and staff.

Council Members Present: Ben Stuckart, Amber Waldref, Steve Salvatori, Nancy McLaughlin, Mike Fagan, and Mike Allen; Jon Snyder could not attend

Staff Present: Debra Robole, Mike Piccolo, Rae-Lynn Conger, Susan King, Sheryl McGrath, Lori Kinnear, Blaine Stum, and Jennifer Westfall

### **I. Introductory Comments/Agenda Review**

- CP Stuckart provided an overview of the agenda for the afternoon noting that the ATS contract discussion would be moved to the section of the agenda dedicated to 2013 targeted focus.

### **II. Public Notice/Communications**

- CP Stuckart provided an update that the Mayor's Office will continue to be the point of contact for all press releases issued on behalf of the City. Marlene Feist will continue to serve in her current role until someone has been hired to take her place.

### **III. 2013 Standing Committee Membership**

- CM Allen requested to be removed from Public Safety and Public Works. At the next Public Works meeting CM Salvatori will be nominated to serve as Chair.
- CM McLaughlin will evaluate her committee assignments and report back if need be.
- CP Stuckart requested to be removed from the Public Works Committee.
- Notification was made that CM Fagan will be assuming CM Allen's role on the Spokane Local Emergency Planning Committee.
- CM Waldref requested that she be removed from the Finance Committee.

### **IV. Process Revisions/Improvements**

- CM Salvatori proposed that small items be handled at the front end of the Legislative sessions in order to minimize the amount of time that staff is required to wait to brief items that are routine in nature and require only minutes in front of Council.
- CM Waldref recommended that the agenda be reviewed prior to the legislative meeting in order to determine if any of the items should be moved to the front end.

**Council Action:** CP Stuckart will evaluate the agenda to determine if moving items would be of benefit during a given meeting. CM Waldref offered to assist with this process if needed.

- CM Salvatori also proposed that the Ombudsman Report be provided quarterly as opposed to monthly during the legislative meetings. The discussion also included if it was necessary to present at both the Public Safety Committee meeting, as well as before Council during the 6:00pm session. The discussion continued and it was determined that more robust conversations take place during the PSC meetings and that, therefore, it was beneficial to present in both locations as it allows for public presentation and adequate time for question and discussion.
- CP Stuckart checked in with all to see if there were any issues related to the office set-up. No changes were recommended.

#### **V. State Legislative Agenda Action Planning**

- Discussion included the proposal by CP Stuckart that Council members should be traveling to Olympia in pods regularly to visit with our State Legislators during the months of February, March, and April. An update provided that the Mayor's Office intends to have staff there on a weekly basis during session. Visits by Council members would then supplement those being made by the Mayor's Office, and create a presence in Olympia. It was determined that travel would be best if Council Members were paired together.
  - CM Allen agreed to make a trip to Olympia monthly.
  - CM Waldref is unable to travel additionally during that time due to pre-planned travel.
  - CM Fagan plans to travel there.
  - CM Salvatori will make an additional trip beyond the GSI trip in late January.
- The discussion of an annual summit to foster relationships with our state legislators was proposed. It was discussed that this was attempted over the summer of 2012 with little success.

**Council Action:** CM Fagan volunteered to look into such a get together and check back in with the group.

#### **VI. Review of 2012 Council Goals**

- The discussion included the goals set forth in January of 2012 and their current status. The goals as well as current status are listed below:
- Goals (Updates):
  - Performance Measures implementation (Relies on Mayor's Strategic Plan)
  - Police oversight/reform (Ongoing)
  - Water rate structure (Complete)
  - Enterprise Funds-rates
  - Capital Plan & personnel (Complete)
  - Greenway Pilot Project (Ongoing)
  - Street Bond (Move Forward to 2013)
  - Permit streamlining/Change of Use (PCED Committee)
  - Ridpath (Moved Beyond Council Action/Involvement)
  - Parking rates/meters (DSP/City Roundtable, Study Session with 2013 implementation)
  - Reducing regulations/pilot project (Complete)
  - Waste to Energy as Renewable (Legislative)
  - Binding Arbitration Bill (Legislative)

#### **VII. 2013 Individual Goals & Targeted Focus**

- The individual Council Member goals are listed below as they were presented to the group. Please note that there was overlap of goals in many instances but they have been listed only once unless specific reference was made to them with a different focused approach or concern.
  - Jon Snyder-police reform, marijuana reform, street bond
  - Mike Allen-LID process improvement, Fire District, Civil Service, Port District, ballot initiatives



- Nancy McLaughlin-Civil Service, street bond, police reform implementation, resolution on adult entertainment, passage of Prop 2, 2014 budget: no new taxes, economic development support, work on State Legislative Agenda, combining economic development efforts to grow our tax base-Business Centers, PDAs
- Amber Waldref-economic development-targeted growth & implementation, pass form-based code-Logan Neighborhood as a pilot, resourcing police & police reform implementation, resourcing the NE PDA
- Mike Fagan-Regional Solid Waste System, Public Safety Bond-police & fire
- Steve Salvatori-parking/meter system, Regional Solid Waste System, body cameras/police reform, water-technology investments, developing a policy for co-op sidewalk repair, Cloud Info in MIS
- Ben Stuckart-urban food economy/urban farming ordinance/conference
- The exercise then included the Council Members applying 12 Dots each to their top priorities in order to determine the items that would be shared goals for the upcoming year. This exercise then led to the following topics with those assigned to shepherd their process reflected in parenthesis next to the item. Listed in no particular order:
  1. Police Reform and Resources—body cameras, public safety bond, etc. (Public Safety Committee)
  2. Marijuana Reform (Snyder & Allen)
  3. Street Bond (Snyder & Waldref)
  4. Regional Solid Waste System (Salvatori & Fagan)
  5. Parking/Meters (Salvatori & Allen)
  6. Civil Service (Allen & McLaughlin)
  7. Targeted Economic Development---comprehensive strategy, targeted growth priorities, role of City, Neighborhood Business Centers, etc. (Allen, Waldref, & Salvatori)
  8. Photo Red (McLaughlin, Stuckart, & Snyder---driven by Council not Administration)
  9. 2013 City of Spokane Legislative Agenda strategy (Full Council)
  10. Creation of a 2014 Budget with no new taxes (Full Council)

The retreat concluded at 4:00 p.m.

Respectfully submitted,

Jennifer Westfall  
Senior Executive Assistant to the City Council

# Notice of Election

## February 12, 2013

**CITY OF SPOKANE  
NOTICE OF ELECTION  
TO BE HELD FEBRUARY 12, 2013**

**PROPOSITION NO. 1**

**ORDINANCE NO. C - 34941**

An ordinance submitting a ballot proposition to the voters of the City of Spokane to amend the Charter of the City of Spokane by adding two new sections regarding the Office of Police Ombudsman, the Police Ombudsman Commission, the independent investigative authority of both entities and other related powers.

WHEREAS, the City of Spokane has been pursuing the establishment of a police ombudsman for several years, which has included the enactment of various ordinances and negotiations with the Spokane Police Guild;

WHEREAS, over 120 other mid sized cities have successfully introduced independent civilian police oversight models; and

WHEREAS, it is widely believed that independent civilian police oversight leads to increased community trust in it's police force and improved relationships between the citizen and police communities, which result in increased public and officer safety; and

WHEREAS, the City Council has continuously called for the City and the Police Guild to negotiate additional terms related to the police ombudsman in order to provide the police ombudsman with independent investigative authority; and

WHEREAS, it is the opinion of the City Council that the establishment and operation of an effective police ombudsman with independent investigative authority is of such importance to the community that the citizens should be given the opportunity to vote to amend the City Charter to include such provisions.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SPOKANE ORDAIN:

Section 1. That the City Charter of the City of Spokane shall be amended by adding two new sections regarding the Office of Police Ombudsman, the Police Ombudsman Commission, the independent investigative authority of both entities and other related powers to read as follows:

ARTICLE XVI OFFICE OF POLICE OMBUDSMAN AND  
POLICE OMBUDSMAN COMMISSION

Section 129      Office of Police Ombudsman

A. The office of police ombudsman (OPO) is established in order to:

1. help ensure that investigation of complaints against police officers are accomplished in a timely, fair, and thorough manner;
2. provide visible, professional, independent civilian oversight of \_police officers;
3. provide policy makers with recommendations on improvements to police policy, training and recruitment; and
4. reassure the public that investigations into complaints and allegations of police misconduct are conducted in a timely, thorough, and objective manner.

B. The OPO shall have the following responsibilities, as well as other duties and functions established by ordinance:

1. The OPO shall actively monitor all police department internal investigations;
2. The OPO shall act as an observer to any administrative or civil investigation conducted by or on behalf of the police department when an employee of the police department is involved as a principal, victim, witness, or custodial officer, where death or serious bodily injury results, or where deadly force was used regardless of whether any injury or death resulted.
3. The OPO shall independently investigate any matter necessary to fulfill its duties under subsection A of Section 129, within the limits of the Revised Code of Washington, Washington State case law, Public Employment Relations Commission decisions, the Spokane Municipal Code, and any collective bargaining agreements in existence at the time this amendment takes effect, but only until such agreement is replaced by a successor agreement.
4. The OPO shall publish reports of its findings and recommendations regarding any complaints it investigates.

C. The police ombudsman and any employee of the OPO must, at all times, be totally independent. Any findings, recommendations, reports, and requests made by the OPO must reflect the independent views of the OPO.

D. The duties and functions of the OPO shall be established by ordinance consistent with the city charter. All authority, duties and functions granted to the OPO shall be consistent with the City's managerial prerogative authority under Washington State labor law.

- E. If any portion of Section 129 is found to be pre-empted by any existing collective bargaining agreement, it shall be deemed severed from this section and unenforceable until such time as the applicable collective bargaining agreement has been replaced by a successor agreement.
- F. The City shall not enter into any collective bargaining agreement that limits the duties or powers of the OPO as set forth in Section 129 unless such limitation is required to comply with existing federal or state law.

#### Section 130 Police Ombudsman Commission

- A. The office of police ombudsman commission ("commission") is established in order to determine whether the OPO has performed his or her duties consistent with this charter, the SMC and applicable collective bargaining agreements in existence at the time this amendment takes effect, but only until such agreement is replaced by a successor agreement. The commission may direct the OPO to complete specific functions required under the charter, SMC or collective bargaining agreement, including performing additional investigative actions necessary for the OPO to comply with his or her duties and responsibilities.
- B. The commission shall consist of a minimum of five members, two nominated by the mayor and appointed by the city council and one member from each of the three city council districts nominated and appointed by the city council. Members shall serve for a three year term and may be appointed for additional three year terms. The commission shall select its own chair from its membership who shall be responsible for the administrative functions of the commission. The duties and functions of the commission, procedures for increasing the size of the commission by adding additional commissioners and the minimum qualifications for commissioners shall be established by ordinance consistent with the city charter. All authority, duties and functions granted to the commission shall be consistent with the City's managerial prerogative authority under Washington State labor law.

Section 2. That this ordinance be submitted to the voters of the City of Spokane for their approval or rejection at the election to be held on February 12, 2013 in conjunction with the scheduled special election, as the following proposition:

### **PROPOSITION NO. 1**

#### **CITY OF SPOKANE**

#### **AMENDMENT TO CITY CHARTER REGARDING A POLICE OMBUDSMAN AND COMMISSION**

This proposition will amend the Spokane City Charter by adding two new sections to provide for the establishment of an Office of Police Ombudsman, a Police Ombudsman Commission and the independent investigative authority of both entities, as set forth in Ordinance No. C - 34941.

Should this measure be enacted into law?

Yes .....

No .....

#### Section 3. Effective Date.

This ordinance, if approved by the voters, shall take effect and be in full force upon the issuance of the certificate of election by the Spokane County Auditor's Office.

Publish: January 16, 23, 30 and February 6, 2013

**CITY OF SPOKANE  
NOTICE OF ELECTION  
TO BE HELD FEBRUARY 12, 2013**

**PROPOSITION NO. 2**

**ORDINANCE NO. C - 34950**

An ordinance submitting a ballot proposition to the voters of the City of Spokane to amend the Charter of the City of Spokane by adding a new section to require a majority plus one vote of the City Council to approve all new councilmanic tax measures and increases thereto.

WHEREAS, pursuant to Section 84 of the City Charter, the City Council, of its own motion, may submit to popular vote for adoption or rejection at any election, any proposed ordinance or measure, in the same manner and with the same force and effect as provided in the article for submission on petition; and

WHEREAS, pursuant to Section 125 of the City Charter, the City Council, of its own motion, may submit to popular vote for adoption or rejection at any election, proposed amendments to the City Charter; and

WHEREAS, the City Council believes that any new councilmanic tax measure and any increases thereto should be imposed only upon the affirmative vote of a majority plus one of the City Council; and

WHEREAS, the City Council believes that an amendment to the City Charter to require an affirmative vote of a majority plus one of the City Council to approve any new taxes and increases thereto will serve the needs and best interest of the citizens of the City of Spokane.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SPOKANE ORDAIN:

Section 1. That the City Charter of the City of Spokane shall be amended by adding a new section to require that any new councilmanic tax measure may be levied or increased only by a majority plus one vote of the City Council to read as follows:

Section 21.5 Councilmanic Tax Measures and Increases

After March 1, 2013, a new councilmanic tax may be levied and an existing councilmanic tax increased only by a majority plus one vote of the city council. For purposes of this section, "new councilmanic tax" means a tax for which the city council has the authority to levy but has not or is granted to the city council after March 1, 2013. A councilmanic tax does not include fees, rates and charges, or special assessments. This section does not apply to existing councilmanic taxes levied by the city council as of March 1, 2013 or any renewal or reauthorization of those taxes that does not increase the tax rate.

Section 2. That this ordinance be submitted to the voters of the City of Spokane for their approval or rejection at the election to be held on February 12, 2013 in conjunction with the scheduled special election, as the following proposition:

**PROPOSITION NO. 2**

**CITY OF SPOKANE**

**AMENDMENT TO CITY CHARTER REGARDING CITY COUNCIL  
APPROVAL OF TAXES**

This proposition will amend the Spokane City Charter by adding a new section to require that, after March 1, 2013, any "new councilmanic tax," as defined in Ordinance No. C- 34950, may be levied or increased only by a majority plus one vote of the City Council; all as set forth in Ordinance No. C- 34950.

Should this measure be enacted into law?

Yes .....

No .....

Section 3. Effective Date.

This ordinance, if approved by the voters, shall take effect and be in full force upon the issuance of the certificate of election by the Spokane County Auditor's Office.

Publish: January 16, 23, 30 and February 6, 2013

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**CITY OF SPOKANE  
NOTICE OF ELECTION  
TO BE HELD FEBRUARY 12, 2013**

**PROPOSITION NO. 3**

**RESOLUTION NO. 2012-0106**

A RESOLUTION OF THE CITY OF SPOKANE PROPOSING AN INCREASE IN THE REGULAR PROPERTY TAX LEVY FOR A PERIOD OF FOUR YEARS BEGINNING IN 2014 IN AN AMOUNT EXCEEDING THE LIMITATIONS OF CHAPTER 84.55 RCW TO PROVIDE FUNDING FOR LIBRARY OPERATIONS; PROVIDING FOR THE SUBMISSION OF THE PROPOSITION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION; REQUESTING THE SPOKANE COUNTY AUDITOR TO HOLD A SPECIAL ELECTION FOR THE PROPOSITION ON FEBRUARY 12, 2013 IN CONJUNCTION WITH THE SCHEDULED SPECIAL ELECTION; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of Spokane, Washington, (the "City") is a first-class city duly organized and existing under and by virtue of the Constitution and the laws of the state of Washington and its City Charter; and

WHEREAS, the City has authority to enact a regular annual property tax levy and such other levy or levies as may be approved by the electorate, subject to applicable limitations thereon, as required by law; and

WHEREAS, Chapter 84.55 RCW reflects a limitation that the annual rate of increase of the dollar amount of the regular property tax levy set by the City Council may not exceed the lesser of the rate of inflation or one percent, all as further reflected in Chapter 84.55 RCW; and

WHEREAS, RCW 84.55.050 permits an election to authorize a levy above the limit factor specified in Chapter 84.55 RCW, upon majority approval by the voters, subject to any otherwise applicable statutory dollar rate limitation, said election to be held not more than twelve months prior to the date on which the proposed excess levy is to be made, except as further provided in said statute for multi-year levies; and

WHEREAS, over the past two years, the City has experienced a downturn in the economy resulting in less revenue being collected from the various tax revenue sources available to the City, such as property and sales tax; and

WHEREAS, the City has adopted annual budgets that have significantly reduced the City's expenditures to match the reduced revenue, which have resulted in a reduction in the level of services, including services provided by the Spokane Public Library; and

WHEREAS, the City anticipates that the level of revenue received by the City for the 2014 budget year will be less than the anticipated expenses resulting in additional budget reductions; and

WHEREAS, the City Council desires to increase funding for library operations by submitting to the voters a proposition to increase the regular property tax levy in excess of the amount permitted by state law of \$0.07 per \$1,000 of assessed valuation in 2014 and to have the increase levy amount remain in place for four years to raise approximately \$1,043,429 per year;

WHEREAS, pursuant to Section 84 of the City Charter, the City Council, of its own motion, may submit to popular vote for adoption or rejection at any election, any proposed ordinance or measure.

NOW, THEREFORE, be it resolved by the City Council of the City of Spokane that:

Section 1. The Spokane County Auditor is hereby requested pursuant to RCW 29A.04.330 to hold a special election on February 12, 2013, in conjunction with the scheduled special election for the purpose of submitting to the voters of the City of Spokane for the approval or rejection a property tax levy to provide funding for library operations.

Section 2. The following proposition shall be submitted in the following form:

**CITY OF SPOKANE**

**PROPOSITION NO. 3**

**LIBRARY OPERATIONS LEVY**

THE CITY OF SPOKANE ADOPTED RESOLUTION NO. 2012-0106, PROVIDING FOR AN INCREASE IN THE REGULAR PROPERTY TAX LEVY IN EXCESS OF STATE LAW BEGINNING IN 2014 IN WHICH THE FUNDING WOULD BE ALLOCATED ONE HUNDRED PERCENT FOR LIBRARY OPERATIONS. THIS PROPOSITION AUTHORIZES AN INCREASE IN THE REGULAR PROPERTY TAX LEVY FOR 2014 BY \$0.07 PER \$1,000 OF ASSESSED VALUATION FOR A LEVY RATE NOT TO EXCEED \$3.08. THE INCREASE IN THE PROPERTY TAX LEVY WOULD REMAIN IN EFFECT FOR A PERIOD OF FOUR YEARS.

SHOULD THIS PROPOSITION BE APPROVED?

YES .....

NO .....

Section 3. In the event the proposition specified in Section 2 above is approved by the qualified electors of the City as required by the Constitution and laws of the state of Washington, there shall be levied and collected annual excess property tax levies in the amount as authorized by said voter approval. Such tax levies will be in excess of the regular annual tax levies permitted by law without voter approval.

Section 4. The City hereby requests pursuant to RCW 29A.04.330 the Spokane County Auditor, as *ex officio* Supervisor of Elections for the City, to call, conduct and hold within the City a special election on Tuesday, February 12, 2013 in conjunction with the scheduled special election to be held on the same date, for the purpose of submitting to the qualified electors of the City for their approval or rejection, the proposal set forth above. The City Clerk of the City of Spokane is hereby authorized and directed to deliver a certified copy of this resolution to the Spokane County Auditor, as *ex officio* Supervisor of Elections for the City, no later than December 28, 2012.

Section 5. If any one or more of the provisions of this resolution shall be declared by any court of competent jurisdiction to be unconstitutional or invalid for any reason, then such provision shall be null and void, and shall be deemed separable from the remaining provisions of this resolution, and shall in no way affect the validity of the other provisions of this resolution.

Section 6. The levy lid lift in the property tax levy rate shall be a temporary single year increase, which shall begin in 2014 and continue through 2017.

Section 7. The City Attorney is authorized to make such minor adjustments to the wording of the proposition as may be necessary to effectuate the intent of the resolution or upon recommendation of the Spokane County Auditor, as long as the intent of the proposition remains clear and consistent with the intent of this resolution as approved by the City Council.

Section 8. This resolution shall take effect and be in full force immediately upon its passage.

**ADOPTED by the City Council this 17th day of December 2012.**

Publish: January 16, 23, 30 and February 6, 2013

# Hearing Notices

## NOTICE OF PUBLIC HEARING PROPOSED ORDINANCE C34961

The Spokane City Council will hold a Public Hearing on **Monday, February 25, 2013**, beginning at 6:00 p.m. in the Council Chambers, Lower Level of City Hall, 808 W. Spokane Falls Blvd., to hear public testimony on the following item:

Proposed amendments to the City of Spokane Municipal Code, Title 17C and Title 17H to standardize language within the Spokane Municipal Code with regard to sidewalk widths, planting strips (aka buffer strips) and street trees. These changes are limited to SMC Sections 17C.110.410, 17C.120.230, 17C.122.110, 17C.122.140, 17C.124.230, 17C.130.230, 17C.200.040, 17C.200.050, 17H.010.050, and 17H.010.190. Please go to [www.spokaneplanning.org](http://www.spokaneplanning.org) to view proposed changes. This proposal was reviewed under the State Environmental Policy Act (SEPA) under Spokane Municipal Code Section 17E.050. A Determination of Non-significance (DNS) was issued on September 25, 2012. Additional information is also available by contacting Tirrell Black at (509) 625-6300 or [tblack@spokanecity.org](mailto:tblack@spokanecity.org). The official file is available for viewing between 8am and 5pm, Monday through Friday at Spokane City Hall, 808 W. Spokane Falls Blvd, Spokane, WA 99201.

Any person may submit written comment or appear at the public hearing to give testimony. Written comment may be submitted prior to the public hearing to [citycouncil@spokanecity.org](mailto:citycouncil@spokanecity.org).

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

Publish: February 6, 13, and 20, 2013

# Job Opportunities

The City of Spokane is an Equal Employment Opportunity Employer

## DESKTOP COMPUTER SPECIALIST SPN 142 OPEN ENTRY EXAMINATION

**SALARY:** \$42,114 annual salary, payable bi-weekly, to a maximum of \$60,823  
**DATE OPEN:** Monday, February 11, 2013  
**DATE CLOSED:** Applications will be accepted until the close of business on Friday, February 22, 2013. Applicants who have filed a basic application will have until the close of business on Monday, February 25, 2013 to return the Training and Experience Evaluation form.  
**OFFICE HOURS:** 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

### DUTIES:

Performs specialized technical design, implementation, maintenance, and support work for desktop computers and printers, electrical power management, and communications infrastructure. Duties require analyzing computer interface needs in both hardware and software, to solve problems. May require non-standard work hours.



**OPEN REQUIREMENTS:** (All requirements must be met at the time of application.)

Two-year (associate) degree from an accredited college in computer or business related field; AND, two years of experience with responsibility for desktop computer support to include installation, configuration, and customer service for hardware and software. Additional experience may be substituted for the education requirement on a year for year basis.

**EXAMINATION:**

The examination will consist of a Training and Experience Evaluation form. Weight is assigned as follows: Training and Experience Evaluation form 100%.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

**NOTE:** Under continuous testing policy, additional examinations may be scheduled with results merged into one eligibility list according to final ratings.

**TO APPLY:**

To apply online or download and print an application, go to [www.spokanecity.org](http://www.spokanecity.org). To request an application packet be mailed to you, call the Civil Service office at (509) 625-6160. If mailing your application, submit to Civil Service Commission, 808 W. Spokane Falls Blvd., Spokane, WA 99201-3315.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 29th day of January 2013.

MARY DORAN  
Chair

GLENN KIBBEY  
Chief Examiner

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**AMENDMENT**  
**SPN 223 MATERIALS TESTING SUPERVISOR**  
(Announcement of 01/28/2013)

The above titled announcement is hereby amended to read:

**EXAMINATION:** The examination will be conducted on the 4th floor of City Hall in the Civil Service Test Room on Tuesday, February 26, 2013, at 1:00 p.m.

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**AMENDMENT**  
**SPN 281 RADIO OPERATOR II**  
(Announcement of 01/28/2013)

The above titled announcement is hereby amended to read:

**PROMOTIONAL REQUIREMENTS:** (All requirements must be met by date of examination)

Completion of one year of experience with the City in the classification of Radio Operator I (SPN: 280); OR, completion of the probationary period in the classification of Police Radio Dispatcher I or higher; OR completion of two years of experience in the Classification of Laborer II assigned to full-time radio operation and possession of a valid Class "B" Commercial Driver's License (CDL).

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**POLICE COMMANDER SPN 918  
PROMOTIONAL ONLY EXAMINATION**

**SALARY:** \$117,972 annual salary, payable bi-weekly, to a maximum of \$144,176  
**DATE OPEN:** Monday, February 4, 2013  
**DATE CLOSED:** Applications will be accepted until the close of business on Friday, February 15, 2013. Applicants who have filed a basic application will have until the close of business on Tuesday, February, 19, 2013 to return the Training and Experience Evaluation form.  
**OFFICE HOURS:** 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

**DUTIES:**

Performs responsible command and administrative duties in directing the activities of a bureau consisting of multiple divisions within the Spokane Police Department.

**PROMOTIONAL REQUIREMENTS:** (All requirements must be met by date of examination.)

Completion of at least three years of experience with the City in the classification of Police Lieutenant (SPN 916) or higher.

**NOTE:** Selection of a Senior Administrative Assistant, Rule V, Section 5, Rules of the Civil Service Commission, applies.

**EXAMINATION:**

The examination will consist of a Training and Experience Evaluation form. Weight is assigned as follows: Training and Experience Evaluation form 100%.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

**TO APPLY:**

Because this is a promotional only recruitment, it is not posted on the City's website. **To apply, you may send an e-mail no later than 5:00 pm on the closing date requesting your name be added to the Promotional Examination list to Civil Service Internet Mailbox which is [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org). Please include: 1) your full name, 2) present classification, 3) department and phone number; OR go to the Civil Service office on the 4th floor of City Hall during office hours to sign up on the Promotional Examination list. APPLICATION IS REQUIRED for this position.**

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 29th day of January 2013.

MARY DORAN  
Chair

GLENN KIBBEY  
Chief Examiner

# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

**WALL STREET - RIVERSIDE AVENUE AND 5TH AVENUE TO 3RD AVENUE**

**Engineering Services File No. 2012117**

**NOTE: THIS PROJECT HAS A TWO WEEK BID PERIOD**

This project consists of the construction of approximately 2,450 cubic yards of excavation and embankment, 222 linear feet of storm sewer, 8 drainage structures, 680 linear feet of sidewalk, 6,236 square yards of 5-inch and 8-inch thick HMA pavement, 1,053 square feet of concrete pavers, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., February 11, 2013**, for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

**Copies of the Contract Documents are available at [www.cityofspokaneplans.com](http://www.cityofspokaneplans.com).** The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: [www.spokaneengineering.org/bid-information](http://www.spokaneengineering.org/bid-information).

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

**Note regarding new specifications:** The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: January 30 and February 6, 2013

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## COS/KENDALL YARDS JOINT STORMWATER FACILITY

### Engineering Services File No. 2010119

This project consists of the construction of buried concrete stormwater storage tank approximately 56' long x 31' wide x 23.5' deep, four submersible pumps installed in the concrete tank, site piping, electrical and associated excavation and shoring.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., February 11, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

**Copies of the Contract Documents are available at [www.cityofspokaneplans.com](http://www.cityofspokaneplans.com).** The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: [www.spokaneengineering.org/bid-information](http://www.spokaneengineering.org/bid-information).

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

The Successful bidder will be required to conform to the wage requirements prescribed by the federal Davis-Bacon and Relate Acts which requires that all laborers and mechanics employed by contractors and subcontractors performing on contracts funded in whole or in part by SRF appropriations in excess of \$2,000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits, and determined by the Secretary of Labor, for corresponding classes of laborers and mechanics employed on similar projects in the area.

It is anticipated that this project will be funded in part by the Washington State Department of Ecology. Neither the State of Washington nor any of its departments or employees are, or shall be, a party to any contract or any subcontract resulting from this solicitation for bids.

**Note regarding new specifications:** The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: January 23, 30 and February 6, 2013

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