



Official Gazette

City of Spokane, Washington

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

Volume 103

MARCH 6, 2013

Issue 10—Part I of II



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, February 25, 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, Salvatori, Snyder, and Waldref were present. Council Member McLaughlin was absent.

City Administrator Theresa Sanders, 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 March 4, 2013, Advance Agenda items.

Resolution 2013-0017 Amending City Council Rules of Procedure

Council Members Allen and Salvatori, as the sponsors, provided an overview and explanation of Resolution 2013-0017. Council President Stuckart expressed concern regarding the proposed change to Rule 5.5, and he suggested the amendments be separated. Council Member Salvatori stated he would be willing to separate these proposed amendments into two separate issues (resolutions). Council President Stuckart commented that he would appreciate it if the amendments could be separated into two resolutions.

(Clerical Note: The proposed amendment to Council Rule 5.5.7 will maintain the assigned Resolution No. 2013-0017, and the proposed amendment to Council Rule 7.3 has been assigned Resolution No. 2013-0018.)

Action to Approve March 4, 2013, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the March 4, 2013, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Salvatori, seconded by Council Member Allen, to approve the Advance Agenda for Monday, March 4, 2013; **carried unanimously (Council Member McLaughlin absent).**

ADMINISTRATIVE SESSION**Current Agenda Review**

Council received input from staff on the February 25, 2013, Current Agenda items.

Contract Amendment with Community-Minded Enterprises (OPR 2006-0976)

Utilities Communications Manager Marlene Feist provided an overview of the Contract Amendment with Community-Minded Enterprises, and she responded to Council inquiries. Subsequent to Council and staff discussion, the following action was taken:

Motion by Council Member Allen, seconded by Council President Stuckart, to defer Item No. 7 (Contract Amendment with Community-Minded Enterprises) for three weeks (to March 18, 2013); **carried unanimously (Council Member McLaughlin absent).**

Contract with Pepsi Bottling Group (OPR 2013-0128)

Upon review of the contract with Pepsi Bottling Group, Council Member Allen requested clarification as it relates to the RFP for citywide pouring rights and the separation into two separate contracts, one with Parks and one contract for the rest of the departments throughout the City, to ensure there is no conflict between the two contracts and the original RFP. Subsequent to further Council and staff discussion, the following action was taken:

Motion by Council Member Allen, seconded by Council President Stuckart, to defer the Contract with Pepsi Bottling Group for one week (to March 4, 2013, in order to allow staff to obtain clarification); **carried unanimously (Council Member McLaughlin absent).**

Suspension of the Rules to Add Two Additional Items to the February 25 Current Agenda (OPR 2013-0133 and CPR 2013-0016)

The City Council considered additions to the February 25, 2013, Current Agenda.

Motion by Council Member Fagan, seconded by Council Member Waldref, to suspend the (Council) Rules; carried unanimously (Council Member McLaughlin absent).

Motion by Council Member Fagan, seconded by Council Member Waldref to add the two items (Purchase of laptops and vehicle cradles from Itronix and Letter of Support for SNAP and the capital campaign) to the Council's (February 25) Consent Agenda; **carried unanimously (Council Member McLaughlin absent).**

Action to Approve February 25, 2013, Current Agenda

Following staff reports and Council inquiry and discussion regarding the February 25, 2013, Current Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Fagan, seconded by Council Member Waldref, to approve the Current Agenda for Monday, February 25, 2013; **carried unanimously (Council Member McLaughlin absent).**

CONSENT AGENDA

Upon motion of Council Member Fagan, seconded by Council Member Allen, Council unanimously (Council Member McLaughlin absent) approved Staff Recommendations for the following:

Interlocal with Spokane County, City of Spokane Valley, Washington State Department of Transportation, STA, Spokane Airport Board, and other cities and towns within Spokane County, to form the SRTC, define its organization and powers, and its jurisdictional area. (Deferred from January 28, 2013, Agenda) (OPR 2013-0052)

Blanket Order Renewal with Flint Trading (Thomasville, NC) for Preformed Thermoplastic Products for the Street Department—Sign and Markers—estimated annual expenditure \$52,000 (including tax). (OPR 2013-0134/ BID 3845-12)

Value Blanket Order with Alpine Products (Auburn, WA) for traffic paint, using Washington State Contract No. 07609—estimated annual expenditure not to exceed \$83,000 (including tax). (OPR 2013-0120)

Low bid meeting specifications of:

- a. Zumar Industries (Tacoma, WA) for an annual supply of miscellaneous Aluminum Sign Blanks and Stop Signs to be purchased on an "as needed" basis—estimated annual expenditure not to exceed \$66,000 (including tax). (Note: This is the second lowest bidder.) (OPR 2013-0121 / BID 3909-13)
- b. Wilbert Vault (Spokane, WA) for miscellaneous concrete products—\$47,449.72 (including tax). (OPR 2013-0122 / BID 3911-13)
- c. HD Fowler (Spokane, WA) for Item No. 3—Repair Lids—\$3,996.05 (including tax). (OPR 2013-0123 / BID 3907-13)
- d. East Jordan Iron Works (Spokane, WA) for Item No. 4—Manhole Rings and TNR Lids—\$30,726.23 (including tax). (OPR 2013-0138/BID 3907-13)
- e. Consolidated Supply (Spokane, WA) for Item No. 1—Valve Box Sections and Lids and Item No. 2—Service (Curb) Boxes and Lids—\$36,328.77 (including tax). (OPR 2013-0139 / BID 3907-13)
- f. HD Fowler (Spokane, WA) for Item No. 7—DITJ Pipe and Item No. 10—Allthread—\$25,164.81 (including tax). (OPR 2013-0124 / BID 3906-13)

- g. Ferguson WW (Spokane, WA) for Item No. 4–DI Fittings and Item No. 12–Butterfly Valves—\$20,616.32 (including tax). (OPR 2013-0140 / BID 3906-13)
- h. Consolidated Supply (Spokane, WA) for Item No. 5–Megalugs and Drop Gaskets and Item No. 6–Copper Pipe—\$72,308.44 (including tax). (OPR 2013-0141 / BID 3906-13)
- i. HD Supply Waterworks (Spokane, WA) for Item Nos. 1–Brass; 2–Clamps; 3–Compressed Brass; 8–Tapping Sleeves; 9–Saddles; 11–Valves and 13–Poly Pipe—\$174,684.54 (including tax). (OPR 2013-0142 / BID 3906-13)

(Items b through i above are all for the Water & Hydroelectric Services Department.)

Purchases from Clyde West, Inc. (Spokane, WA) for the Fleet Services Department, as replacement units for the Street Department, of:

- a. One Tymco Street Sweeper—\$249,966.52. (OPR 2013-0125)
- b. One Volvo all wheel drive motor grader—\$253,351.88. (OPR 2013-0126)

Agreement with Chapman Financial Services of WA, Inc. for collection services of overdue accounts for two years, with the option to extend for three additional one-year contract periods. (OPR 2013-0127 / RFP 3900-12)

Contract with Pacific Steel & Recycling (Spokane, WA) and Waste Management of Washington, Inc. (Spokane, WA) for processing and marketing of recyclables from recycling centers from January 1, 2013 through December 31, 2014—estimated annual revenue \$150,000. (OPR 2013-0128 / RFP 3894-12)

Multiple Family Housing Property Tax Exemption Agreements with:

- a. A Company of Brothers, LLP for 12 townhome and apartment units located at 2832 South Garfield Street, Parcel Number 35294.1608. (OPR 2013-0130)
- b. MGD@GU, LLC for 12 townhome and apartment units located at 722 North Superior Street, Parcel Number 35174.0219. (OPR 2013-0131)

Interlocal Operation Agreement with the Northeast Public Development Authority and referenced work plan. (OPR 2013-0132)

Low Bids of:

- a. Clearwater Construction and Management (Spokane, WA) for City of Spokane / Kendall Yards Joint Stormwater Facility—\$844,300. An administrative reserve of \$84,430, which is 10% of contract price, will be set aside. (PRO 2013-0002 / ENG 2010119)
- b. Red Diamond Construction, Inc., (Spokane, WA) for 11th Avenue from Latah Bridge to Coeur d'Alene Street; 12th Avenue from Spruce Street to Inland Empire Way; and Spruce Street from 12th Avenue to 11th Avenue—\$338,842. An administrative reserve of \$33,842.20, which is 10% of the contract price, will be set aside. (PRO 2011-0030 / ENG 2011162)
- c. Inland Asphalt Company (Spokane, WA) for Francis Avenue from Crestline Street to Haven Street—\$1,137,685.25. An administrative reserve of \$113,765.82, which is 10% of the contract price, will be set aside. (PRO 2013-0003 / ENG2005052)
- d. Spokane Rock Products, Inc. (Spokane Valley, WA) for Wall Street: Riverside Avenue, 4th Avenue to 5th Avenue Intersections—\$503,652.78. An administrative reserve of \$50,365.27, which is 10% of the contract price, will be set aside. (PRO 2013-0004 / ENG 2012117)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through February 18, 2013, total \$8,406,650 (Warrant Nos. 461935 -462723; ACH Payment Nos. 9551 - 9683), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$8,185,569.14. (CPR 2012-0002)
- b. Payroll claims of previously approved obligations through February 16, 2013: \$5,560,935.88. (CPR 2012-0003) (Payroll Check Nos. 5510856 – 511069)

Purchase from Itronix (Sunrise, FL) of Laptops and Vehicle Cradles for the Police Department using Interlocal Agreement with Spokane County Contract P6808/3705-10—\$103,069.07 (including tax). (OPR 2013-0133)

Letter of support for SNAP and its capital campaign to purchase a building to house their programs and offices. (CPR 2013-0016)

Executive Session/Council Recess

The City Council adjourned to an Executive Session at 5:13 p.m. for approximately 20 minutes to discuss pending and potential litigation. Assistant City Attorneys Mike Piccolo and Sam Faggiano and Special Counsel Mike Patterson were present during the Executive Session. The Council reconvened at 6:00 p.m. for the Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, Salvatori, Snyder, and Waldref present. Council Member McLaughlin was absent. Assistant City Attorney Mike Piccolo and City Clerk Terri Pfister were also present.

LEGISLATIVE SESSION

Words of Inspiration

There were no Words of Inspiration.

Pledge of Allegiance

The Pledge of Allegiance was led by Council President Stuckart.

Roll Call

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

There were no **Appointments**.

CITY ADMINISTRATION REPORT

Office of Police Ombudsman 2012 Annual Report

Police Ombudsman Tim Burns provided an overview of the Office of Police Ombudsman 2012 Annual Report "Back to Basics," and he responded to Council inquiries, along with Assistant Police Chief Craig Meidl. Mr. Burns highlighted 2012 Police Ombudsman recommendations, accomplishments and the next steps for 2013. New recommendations for 2013 include:

- Implement a School Resource Officers Program.
- Improved service delivery related to Public Records Requests.
- Medical Examiner Inquests.
- County Prosecutor's Office Investigator (creation of an investigative position for the most high profile and serious investigations).

The Ombudsman's Annual Report is available online at www.spdombdusman.com.

COUNCIL COMMITTEE REPORTS

Public Works Committee

Council Member Salvatori reported on the Public Works Committee meeting held earlier today (February 25). 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.

OPEN FORUM

Mr. Rick Bocoook spoke regarding First Amendment rights.

Ms. Annie Boyd commented on the Dream Act for Washington State, which allows undocumented immigrant students to be able to access financial aid which would make college education more affordable for those who want to further their education.

Ms. Jennifer Cook, Ms. Amy Cazean, and Ms. Danelle Gries spoke regarding local and state governments across the nation that are facing budget cuts and are reducing critical services that are needed to support healthy communities. In addition, they commented on the Smart Justice Campaign which is a broad coalition of organizations who believe our county's current criminal justice system relies too heavily on incarceration.

Ms. Adina Eichorst expressed thanks for changing the stages for snow removal and noted she is now able to get off the hill where she lives in a snow emergency. She also invited Council Members and the Police Department to the Spokane Fire Department's Cares Symposium that is happening on February 26 at the Fire Department's Training Center from 9 a.m. to 4 p.m.

Mr. Kelly Cruz expressed concern that there was no public participation on a map that shows potential locations of marijuana shops that showed up in *The Spokesman-Review* the day after the meeting he attended for the State Liquor Control Board. Council Member Snyder noted that actually the citizens of the State of Washington created that map as a result of Initiative 502, and the map was drawn directly from the zoning regulations in the initiative.

Ms. Jamie Pillers commented on the Spokane Police Department's Strategic Plan for making Spokane a safer city. She noted that overall the strategic plan appears to have a plausible outline for implementation and she is excited for the upcoming years to see what the Police Department can accomplish. In addition, she addressed the collaboration portion of the strategic plan.

Mr. John Lemus commented that in his job he hears from many people with developmental disabilities who are still having interactions with the Police Department that are not so great. He noted he is having a hard time trying to get in touch with Police Chief Frank Straub and Sheriff Ozzie Knezovich, and he requested the City Council's help in getting some time with them. In addition, he spoke regarding the training called "Right Response" and feel it's something the Police Department should consider.

Mr. Tim Connor complimented Ombudsman Tim Burns on his report and endorsed his new recommendations, as presented this evening. In addition, he applauded the Council on getting Proposition 1 on the ballot and passed this year. He feels this will address the major flaw in the Ombudsman process, which is the fact that the Ombudsman has not really been allowed to be independent and conduct independent investigations and issue independent reports.

LEGISLATIVE AGENDA

EMERGENCY ORDINANCE

Emergency Ordinance C34968 Adopting a Moratorium on the Establishment of Medical Cannabis Collective Gardens and Licensed Dispensaries

City Council took the following actions in order to consider Emergency Ordinance C34968 sponsored by Council Member Snyder:

Motion by Council Member Allen, seconded by Council Member Snyder, to suspend the Council Rules; **carried unanimously (Council Member McLaughlin absent).**

Motion by Council Member Fagan, seconded by Council Member Allen, to so move (to add an ordinance of the City of Spokane, Washington, adopting a moratorium on the establishment of medical cannabis collective gardens and licensed dispensaries on the agenda); **carried unanimously (Council Member McLaughlin absent).**

Council President Stuckart commented the reason the City Council is considering this ordinance this evening is because conversations have started regarding I-502, and I-502 has very specific regulations that regulate where dispensaries are going to be starting in December. He noted the City has no regulations on medical marijuana currently and so the City Council needs to get that synced up. He further noted that part of what this ordinance does is to have a hearing within 60 days so that City Council can receive input on this matter. Council Member Snyder also commented on the ordinance. The City Clerk then read the ordinance into the record (since it had not been on file for at least three business days, per Council Rule 7.1.2).

Assistant City Attorney Mike Piccolo noted that the ordinance as drafted has a space under Section 5 to schedule a required public hearing within 60 days on this ordinance. He noted the City Council does not have to select the date tonight, but the hearing has to be held within 60 days. He further stated the Council can fill in the date now or insert language such as the Clerk read "on a date to be selected." Subsequently, the following action was taken:

Motion by Council Member Snyder, seconded by Council Member Salvatori, to change the date (space for the date under Section 5) to read "on a date to be selected," as suggested by Mr. Piccolo; **carried unanimously (Council Member McLaughlin absent).**

Council President Stuckart called for public testimony on Ordinance C34968, as amended, with no individuals requesting to speak. The following action was then taken:

Upon Unanimous Roll Call (Council Member McLaughlin absent), the City Council **passed Emergency Ordinance C34968, as amended,** of the City of Spokane, Washington, adopting a moratorium on the establishment of medical cannabis collective gardens and licensed dispensaries; establishing a work plan for reviewing and development of regulations relating to the establishment of medical cannabis collective gardens and licensed dispensaries; and declaring an emergency.

EMERGENCY BUDGET ORDINANCE

Emergency Budget Ordinance C34962

Subsequent to an opportunity for public testimony and Council comment, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent), the City Council **passed Ordinance No. C34962** amending Ordinance No. C34947 passed the City Council December 10, 2012, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund—City Council

FROM: Interfund Other General Government, \$9,930;

TO: City Council Assistant, same amount.

(This action increases a City Council Assistant, from 3.75 to 4.0 FTE.)

RESOLUTIONS

Resolution 2013-0014 Setting Street Vacation Hearing

Subsequent to the opportunity for public testimony and Council comment, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent) the City Council **adopted Resolution 2013-0014,** setting a hearing before City Council on March 25, 2013, for the vacation of Garnet Avenue from Rebecca Street to Myrtle Street and Myrtle Street from North Line of Alley North of Courtland Avenue to Garnet Avenue (requested by Parks Department).

Resolution 2013-0015 (ENG 2011074)—Removal of Certain Parking Spaces

Council President Stuckart requested a motion to defer Resolution 2013-0015—approving the removal of certain parking spaces for the Downtown Bicycle Network Completion Project—for three months. Subsequently, the following action was taken:

Motion by Council Member Fagan, seconded by Council Member Allen, to so move (to defer Resolution 2013-0015 for three months); **carried unanimously (Council Member McLaughlin absent).**

Clerical Note: A three-month deferral indicates this matter should be placed on the City Council's regular meeting agenda for Tuesday, May 28, 2013. (Monday, May 27, is Memorial Day and a recognized City holiday). However, the City Council meeting for May 28 is canceled. Therefore, this matter will be scheduled instead to be placed back on the City Council's regular meeting agenda for Monday, June 3, 2013.

FINAL READING ORDINANCES

Final Reading Ordinance C34960—Relating to the Chase Youth Commission

Subsequent to the opportunity for public testimony and Council comment, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent) the City Council **passed Final Reading Ordinance C34960** relating to the Chase Youth Commission, amending SMC Sections 4.23.020, 4.23.030 and 4.23.080.

For Council action on Final reading Ordinance C34961, see section of minutes under "Hearings."

FIRST READING ORDINANCE**First Reading Ordinance C34963**

The following Ordinance was read the First Time with further action deferred:

ORD C34963 Relating to adult bookstores, adult video stores, and sex paraphernalia stores; amending SMC Sections 17A.020.010, 17A.020.190, 17C.305.010 and 17C.305.020; adopting a new Section 17C.210.100 to Chapter 17C.210 of the Spokane Municipal Code; providing for a public hearing within sixty days and declaring an emergency. (Note: This ordinance will be placed under "Emergency Ordinances" on Final Reading.)

There were no **Special Considerations**.

HEARINGS**Final Reading Ordinance C34961 Relating to Street Development Standards**

City Planner Julie Neff provided an overview of Final Reading Ordinance C34961 relating to street development standards. Subsequent to public testimony and Council comment, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent) the City Council **passed Final Reading Ordinance C34961** relating to street development standards to clarify language with regard to sidewalks, planting strips, and street trees; amending SMC Sections 17C.110.410, 17C.120.230, 17C.122.110, 17C.124.230, 17C.130.230, 17C.200.040, 17C.200.050, 17H.010.050 and 17H.010.190; and repealing SMC Section 17C.122.140.

SECOND OPEN FORUM

Mr. George McGrath spoke regarding political ethics.

Dr. John Howard, a forensic pathologist, spoke against the recommendation for coroner inquests and feels they are seriously outdated and that most jurisdictions throughout the country have not held one for decades. He further stated the purpose of an inquest is greatly misunderstood and an inquest does not determine if a death was or was not justifiable.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 7:35 p.m.

MINUTES OF SPOKANE CITY COUNCIL
Thursday, February 28, 2013

A Special Meeting of the Spokane City Council was held on the above date at 3:30 p.m. in the City Council Briefing Center, Lower Level - City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. Council President Stuckart and Council Members Fagan, Snyder and Waldref were present. Council Members Allen, McLaughlin and Salvatori were absent.

The following topic was discussed:

- Smart Codes/Form Based Codes

The discussion item regarding Boards and Commissions Report-Outs was postponed due to lack of full Council.

The meeting was open to the public but was conducted in a workshop format. No public testimony was taken and discussion was limited to appropriate officials and staff.

The meeting adjourned at 4:30 p.m.

PUBLIC WORKS COMMITTEE MINUTES
January 14, 2013

Attendance:**Committee Members Present:**

Council Member Steve Salvatori, Acting Committee Chair
Council Member Mike Fagan
Council Member Nancy McLaughlin
Council Member Jon Snyder
Council President Ben Stuckart
Council Member Amber Waldref

Committee Members Absent:

Council Member Michael A. Allen

Staff Present:

Rick Romero, Director, Utilities Division
Mark Cleveland, Operations Supervisor, Water Department
Rae-Lynn Conger, Legislative Assistant, City Council
Gerry Gemmill, Director, Local Government & Labor Policy
Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Susan Hardie, Utility Billing
Lars Hendron, Principal Engineer, Wastewater Management
Lori Kinnear, Legislative Assistant
Ron Nicodemus, Manager, Utility Billing
Barbara Patrick, Administrative Secretary, Utilities Division
Debra Robole, Budget & Performance Analyst, City Council
Elizabeth Schoedel, Assistant City Attorney
Mike Taylor, Director, Engineering Services
Paul Van Sickle, Fleet Maintenance
Scott Windsor, Director, Solid Waste Management

Council Member Salvatori called the meeting to order at 1:32 p.m.

Review and Approval of Minutes:➤ **Action Taken:**

- Council Member McLaughlin moved to approve the minutes of the December 10, 2012 meeting as presented; the motion was seconded by Council Member Fagan. The minutes were approved unanimously.

Other Updates/Reports:Upriver Dam Boat Launch Policy:

Rick Romero introduced Mark Cleveland, Operations Supervisor for the Upriver Dam. Mark and Elizabeth Schoedel discussed the recently updated dam safety plan. As part of the safety plan the dam is considered critical energy infrastructure and the access to the boat launch was identified as an issue. Mark discussed the history of the boat launch access to the group of residents upstream of the dam. Mark discussed the options available to residents including obtaining private property, or airport property access that the residents would need to negotiate with the respective owners/operators. Elizabeth reviewed the proposed Upriver Dam Boat Launch policy that would phase out public access by fall 2013. The next steps will be to notify the property owners.

➤ **Action Taken:**

- None

Community Gardens at Ray/Hartson and Crestline/Hoffman:

Mark Cleveland discussed the Five Year Sanitary Survey done by the Department of Health. During inspection of the source wells it was found that community gardens were allowed to be placed near two of the well sites at Ray Street and at Hoffman Street. The water department is working with Neighborhood Services and the user groups to relocate the gardens to alternative sites that would allow the Water department to return to being compliant with the Department of Health.

➤ **Action Taken:**

- None

Mark Cleveland left the meeting at 1:50 p.m.

Study of Source Metering:

Rick Romero updated the Committee that the Water Department will be conducting an assessment of the water system loss by assessing the source meters and defining the unmetered water use.

- **Action Taken:**
- None

Update on U-Help Program and Communication:

Council President Stuckart requested an update on the Utilities Division match to the donations and the public communication plan. Ron Nicodemus reviewed the history of the U-Help program. Rick Romero said the match has been implemented and \$17,000 in each of the three utilities has been reserved. Ron said that there is the ability to put information on the bills and into the utility bill inserts. Susan Hardie updated the Committee that the Salvation Army has received an \$11,412 grant from the Federal Emergency Food and Shelter Program to be used for U-Help. Discussion was had on donation trends and donation sources.

- **Action Taken:**
- None

Ron Nicodemus and Susan Hardie left the meeting at 2:05 p.m.

Recycling Collection Discussion:

Council Member Waldref began the discussion by inquiring if the Solid Waste Department has considered every other week collection to reduce operation costs. Scott Windsor discussed the various service models and said that they are evaluating the participation rates and would consider a neighborhood pilot program in the future. Currently, the citizens can put the recycling containers out for collection when the containers are full and the routes can be lengthened.

Scott reviewed the collection data on recycling tonnage comparing 2009 through 2012 in October through December. In November 2012, the recycling collection doubled. Discussion was had on the required container sizes for multi-family homes. Scott said that the department will announce that pizza boxes will now be accepted in the recycling.

- **Action Taken:**
- None

Purchase of Automated Solid Waste Collection Vehicles:

Scott Windsor presented the request to recommend the approval of purchasing eight Solid Waste Collection vehicles. Previously, staff had recommended purchasing 12 replacement vehicles. However, after discussion and consideration the request will be reduced by four to anticipate the design/build of the Maintenance and Operations Center and the opportunity for Compressed Natural Gas vehicles in the future.

- **Action Taken:**
- None

Contract for Special Environmental Counsel with Craig Trueblood:

Elizabeth Schoedel presented the contract for Special Environmental Counsel, Craig Trueblood with K&L Gates. Elizabeth reviewed the contract and the work Craig Trueblood has done to represent the City and work on issues such as water quality.

- **Action Taken:**
- None

Spokane Regional Solid Waste System Tipping Fee:

Ken Gimpel shared a PowerPoint overview of the Spokane Regional Solid Waste System funding. Ken reviewed the history of the tipping fees and the proposed reduction in 2014 fees and to increase the minimum transaction to \$15. Ken reviewed the interlocal agreements and comparable system pricing. The Liaison board approved the proposal and the next steps will be to seek the County and City approval.

- **Action Taken:**
- None

Integrated Strategy:

Rick Romero reviewed with the Committee the work being done by the Integrated Strategy team. He also updated the committee on the human resources that are being aligned to assist the program particularly in engineer/contract management and communications positions.

- **Action Taken:**
- None

Gerry Gemmill joined the meeting at 2:55 p.m.

Rae-Lynn Conger, Ken Gimpel, Lars Hendron, Lori Kinnear, Barbara Patrick, Debra Robole, Elizabeth Schoedel, Paul Van Sickle, and Scott Windsor left the meeting at 2:55 p.m.

Executive Session: Discussion on Real Estate Issue:

Council Member Salvatori called an executive session at 2:58 p.m. to discuss a pending settlement. The meeting was reconvened at 3:08 p.m.

Adjournment

The meeting adjourned at 3:08 p.m.

Prepared by:

Barbara Patrick, Administrative Secretary

(Attachments are on file for review in the Office of the City Clerk.)

PUBLIC WORKS COMMITTEE MINUTES
January 28, 2013

Attendance:**Committee Members Present:**

Council Member Steve Salvatori, Committee Chair
Council Member Mike Fagan
Council Member Nancy McLaughlin
Council Member Jon Snyder
Council Member Amber Waldref

Committee Members Absent:

Council Member Michael A. Allen

Staff Present:

Rick Romero, Director, Utilities Division
Dale Arnold, Director, Wastewater Management
Rae-Lynn Conger, Legislative Assistant, City Council
Marcia Davis, Associate Engineer, Capital Programs
Katherine Miller, Principal Engineer, Capital Programs
Barbara Patrick, Administrative Secretary, Utilities Division
Elizabeth Schoedel, Assistant City Attorney
Mike Taylor, Director, Engineering Services
Scott Windsor, Director, Solid Waste Management

Guest Present:

Rick Evans, Organizer, Laborers Union
Kevin Flynn, Organizer, Laborers Union

Council Member Salvatori called the meeting to order at 1:31 p.m.

Council President Stuckart has removed himself from the Public Works Committee meeting due to his schedule for other committee meetings and commitments.

Council Member Allen has finished his term as Chair.

- **Action Taken:**
- Council Member Snyder nominated Council Member Salvatori as Chair and the motion was seconded by Council Member McLaughlin. The nomination was approved unanimously.

Review and Approval of Minutes:

- **Action Taken:**
- Council Member McLaughlin moved to approve the minutes of the January 14, 2013 meeting as presented; the motion was seconded by Council Member Snyder. The minutes were approved unanimously.

Contract with Zonar Systems for GPS Data Acquisition:

Scott Windsor presented the request to approve the contract with Zonar Systems to provide data acquisition of the GPS hardware for Solid Waste Management collection vehicles. The information allows monitoring of vehicle locations. Scott said they were able to monitor which routes were running behind due to the weather last week and put more assets on those routes to increase efficiency. He said the system also has real time texting of information on the route such as cans not out, extra bags and integration with fleet management for vehicle diagnostics

- **Action Taken:**
- None

Washington State Water Pollution Control Revolving Fund Loan Agreements:Hazel's Creek Downstream Conveyance and Combined Sewer Overflow Basin 41 Control Facility:

Marcia Davis presented the loan agreements for the Hazel's Creek Downstream Conveyance and Combined Sewer Overflow Basin 41 Control Facility. Marcia reviewed the loan terms as described in the briefing papers and discussed the projects. Councilman Snyder inquired about traffic issues at 37th Avenue and Myrtle Street and if the project would assist in alleviating the issue. Katherine responded that they anticipate being able to address the situation during the discussion on the Hazel's Creek project. Marcia discussed the option to use the loan for CSO Basin 41 for another CSO that may offer better water quality to reduce CSO's from the Spokane River. Rick and Marcia discussed the use of Ecology Loans for the Integrated Clean Water Plan projects.

- **Action Taken:**
- None

Mike Taylor joined the meeting at 1:55 p.m.

Integrated Clean Water Plan – Standing Update:

Rick Romero discussed priorities on the stormwater and combined sewer overflow projects to remove pollutants from going to the Spokane River. Rick reviewed the recent discussions with the Parks and Recreation Department to utilize Downriver Golf Course to address the stormwater from Cochran Basin. Marcia reviewed the area and how the stormwater could potentially be addressed on the site of Downriver Golf Course. Discussion was had on the treatment processes and pollutants.

- **Action Taken:**
- None

Elizabeth Schoedel joined the meeting at 2:10 p.m.

Other Updates/Reports:

Rick Romero discussed with the Committee the Emergency Budget Ordinance that will be second reading at Council tonight. He reviewed the information provided with the revised EBO to Council.

- **Action Taken:**
- None

Rick Evans, Kevin Flynn, Rae-Lynn Conger, Marcia Davis, Katherine Miller, Barbara Patrick, and Scott Windsor left the meeting at 2:20 p.m.

Executive Session: Discussion on Real Estate Issue:

Council Member Salvatori called an executive session at 2:20 p.m. to discuss a real estate issue. The meeting was reconvened at 2:30 p.m.

Adjournment

The meeting adjourned at 2:30 p.m.

Prepared by:

Barbara Patrick, Administrative Secretary

(Attachments are on file for review in the Office of the City Clerk.)

PUBLIC WORKS COMMITTEE MINUTES
February 11, 2013

Attendance:**Committee Members Present:**

Council Member Steve Salvatori, Committee Chair
Council Member Mike Fagan
Council Member Nancy McLaughlin
Council Member Jon Snyder

Committee Members Absent:

Council Member Michael A. Allen
Council Member Amber Waldref

Staff Present:

Rick Romero, Director, Utilities Division
Dale Arnold, Director, Wastewater Management
Rae-Lynn Conger, Legislative Assistant, City Council
Dan Kegley, Water Services Supervisor
Lori Kinnear, Legislative Assistant
Katherine Miller, Principal Engineer, Capital Programs
Mark Papich, Associate Engineer, Capital Programs
Barbara Patrick, Administrative Secretary, Utilities Division
Lynn Shupe, Water Superintendent, Water Department

Council Member Salvatori called the meeting to order at 1:31 p.m.

Review and Approval of Minutes:➤ **Action Taken:**

- Council Member Fagan moved to approve the minutes of the January 28, 2013 meeting as presented; the motion was seconded by Council Member Snyder. The minutes were approved unanimously.

Purchase of Miscellaneous Waterworks Products:

Dan Kegley presented the request to recommend approval of the purchase of miscellaneous waterworks products. Dan reviewed the information provided in the briefing paper. These purchases are for the parts used by the water department during repairs and new construction connections throughout the year.

➤ **Action Taken:**

- None

Purchase of Replacement Tymco Street Sweeper for Street Department:Purchase Replacement Volvo All Wheel Drive Motor Grader for Street Department:

Gene Jakubczak presented the request to recommend approval to purchase a replacement Tymco Street Sweeper and a Volvo All Wheel Drive Motor Grader for the street department. Gene reviewed the information provided in the briefing papers and discussed the replacement schedule and funding for equipment purchases.

➤ **Action Taken:**

- None

Washington State Water Pollution Control Revolving Fund Loan Agreement for Riverside Park Water Reclamation Facility Energy Generation Project:

Katherine Miller introduced Mark Papich, Associate Engineer for Capital Programs. Mark reviewed the information provided in the briefing paper and discussed the terms of the loan to construct an energy generation component that would collect methane gas from the digesters and convert it into electricity. Dale Arnold discussed the project, the regulations on the methane gas, the anticipated energy production and the cost of the loan. Dale distributed a diagram of Residuals Management that outlines the process and uses of solids from the Riverside Park Water Reclamation Facility.

➤ **Action Taken:**

- None

Integrated Clean Water Plan – Standing Update:

Rick Romero gave a brief update to the Committee on some preliminary data on the Big 3 projects for the Integrated Clean Water Plan that include the Cochran Basin, Combined Sewer Overflow Basin numbers 26 and 34. The data uses Spokane’s volume with the element makeup of Seattle’s stormwater and Combined Sewer Overflows to show the potential reduction in pollutants by completing the Big 3 projects compared to only Combined Sewer Overflow basins.

- **Action Taken:**
- None

Other Updates/Reports:

Rick Romero updated the Committee that the Governor has appointed Maia Bellon as Ecology Director for the State of Washington. Rick will be meeting with Ecology staff on February 28, 2013 to discuss the Integrated Approach. In addition, staff will attend the Community Assembly meeting on March 1, 2013 and the Clean Water Forum on March 26, 2013 to begin the public discussion on the Integrated Clean Water Plan.

- **Action Taken:**
- None

Executive Session:

None

Adjournment

The meeting adjourned at 2:10 p.m.

Prepared by:

Barbara Patrick, Administrative Secretary

(Attachments are on file for review in the Office of the City Clerk.)

General Notices

**CITY OF SPOKANE WASHINGTON
CALL FOR PAYMENT OF CONSOLIDATED
LOCAL IMPROVEMENT DISTRICT BONDS**

PURSUANT TO RCW 34.45.050 NOTICE IS HEREBY GIVEN THAT THE CITY OF SPOKANE, WASHINGTON CALLS FOR THE PAYMENT OF THE FOLLOWING CONSOLIDATED LOCAL IMPROVEMENT DISTRICT BONDS **MARCH 15, 2013.**

<u>CLID</u>	<u>BOND NO.</u>	<u>RATE</u>	<u>MATURITY</u>
209	205-207	5.50%	3/15/2014

Interest will cease to accrue on these bonds **March 15, 2013.**

February 28, 2013

PAM DOLAN
DIRECTOR OF ACCOUNTING

Publish: March 6 and 13, 2013

Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

(NOTE: Ordinances C34941 and C34950 are being republished to reflect passage by the Voters at the February 12, 2013, Special Election. The effective date for each of these ordinances is February 26, 2013.)

ORDINANCE NO. C34941

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.

PASSED by the City Council on December 17, 2012.

(Delivered to the Mayor on the 20th of December 2012.)

PASSED by Voters at the February 12, 2013, Special Election.

ORDINANCE NO. C34950

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.

PASSED by the City Council on December 17, 2012.

(Delivered to the Mayor on the 20th of December 2012.)

PASSED by Voters at February 12, 2013, Special Election.

ORDINANCE NO. C34960

AN ORDINANCE relating to the Chase Youth Commission; amending SMC sections 4.23.020, 4.23.030 and 4.23.080.

The City of Spokane does ordain:

Section 1. That SMC section 4.23.020 is amended as follows:

4.23.020 Membership

- A. The commission consists of ~~((fifteen))~~ ten members of the Spokane community.
 - 1. ~~((Seven))~~ Five members are residents of the City of Spokane, nominated by the mayor and appointed by the council~~((:))~~ ; and
 - 2. ~~((Seven))~~ Five members are residents of other cities in the county and of the unincorporated areas of Spokane County, appointed by the board of county commissioners~~((; and~~
 - 3. ~~One member may be a resident anywhere in the county, appointed by the commission with the approval of the city council and the board of county commissioners)).~~
- B. The commission is comprised of ~~((:))~~ youths, thirteen through eighteen years of age.
 - ~~((1. seven "youths," thirteen through eighteen years of age; and~~
 - 2. eight "adults", nineteen and over)).
- C. The council president serves as official liaison between the commission and the city council and the chair of the board of county commissioners serves as official liaison to the board.

Section 2. That SMC section 4.23.030 is amended as follows:

4.23.030 Term

- A. Except that a member may be removed for cause by the appointing authority, ~~((adult members serve staggered terms of three years, and))~~ youth members serve terms of one year, and until his successor assumes office.
- B. Terms end on June 30th of the appropriate year from time of appointment to the commission.
- C. No ~~((adult may serve more than two consecutive terms, to a maximum of six years. No))~~ youth may serve more than six consecutive terms, to a maximum of six years.

Section 3. That SMC section 4.23.080 is amended as follows:

4.23.080 Staff Support

Under the direction of the mayor the commission receives staff support as necessary. ~~((In particular, the director of the youth department serves as executive secretary of the commission and provides direct staff support.))~~ The city attorney provides legal counsel.

PASSED by the City Council on February 25, 2013.

(Delivered to the Mayor on the 27th of February 2013.)

Note: For Ordinance No. C34961, See Part II of this Issue (Issue 10) of the *Official Gazette*.

ORDINANCE NO. C34962

An ordinance amending Ordinance No. C-34947, passed the City Council December 10, 2012, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2013 budget Ordinance No. C-34947, as above entitled, and which passed the City Council December 10, 2012, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	0320-36130 99999-34919	General Fund – City Council Interfund Other General Gov't	<u>\$ 9,930</u>
TO:	0320-36130 11600-07360 11600-52110 11600-52210	General Fund – City Council City Council Assistant (from 3.75 to 4 FTE) Social Security/Medicare Retirement	8,600 660 670 <u>\$ 9,930</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to move one Council Assistant position from part-time to full-time, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

PASSED by the City Council on February 25, 2013.

(Delivered to the Mayor on the 27th of February 2013.)

ORDINANCE NO. C34968

AN ORDINANCE of the City of Spokane, Washington, adopting a moratorium on the establishment of medical cannabis collective gardens and licensed dispensaries; establishing a work plan for reviewing and development of regulations relating to the establishment of medical cannabis collective gardens and licensed dispensaries; and declaring an emergency.

WHEREAS, Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998, and now codified as chapter 69.51A RCW, created an affirmative defense for “qualifying patients” to the charge of possession of marijuana (cannabis); and

WHEREAS, in 2011, the Washington State Legislature considered a bill (E2SSB 5073) that would have authorized the licensing of medical cannabis dispensaries, production facilities and processing facilities; and

WHEREAS, on April 29, 2011, former governor Christine Gregoire vetoed the portions of E2SSB 5073 that would have provided the legal basis for legalizing and licensing medical cannabis dispensaries, processing facilities and production facilities, thereby making these activities illegal; and

WHEREAS, RCW 69.51A.085 authorizes qualifying patients to create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use subject to specific conditions set forth in RCW 69.51A.085; and

WHEREAS, Initiative Measure No. 502, approved by the voters of Washington State on November 6, 2012, calls for the establishment of a regulatory system licensing producers, processors and retailers of recreational marijuana for adults 21 years of age and older, legalizes the possession and private recreational use of marijuana and requires the Washington State Liquor Control Board to adopt procedures and criteria by December 1, 2013 for issuing licenses to produce, process and sell marijuana; and

WHEREAS, the establishment of additional medical cannabis collective gardens and licensed dispensaries in light of the uncertainty created by the veto by former Governor Gregoire of portions of E2SSB 5073 and the pending implementation of Initiative Measure No. 502 by the Washington State Liquor Control Board may allow the development of inconsistent and incompatible land use activities and create unanticipated public health, safety and welfare concerns; and

WHEREAS, RCW 69.51A.140 authorizes cities to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction and that nothing in chapter 181, Laws of 2011 is intended to limit the authority of cities to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction; and

WHEREAS, RCW 36.70A.390 provides that, “A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal”; and

WHEREAS, 35.63.200 provides a similar process for adopting and extending land use moratoriums; and

WHEREAS, moratoriums and interim zoning controls enacted under RCW 35.63.200 and/or RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, RCW 35.63.200 and RCW 36.70A.390 both authorize the enactment of a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the Spokane Municipal Code does not currently have a specific provision addressing the establishment of medical cannabis collective gardens and licensed dispensaries; and

WHEREAS, in conformity with the responsibilities of the City of Spokane to provide for public health, safety and welfare requirements and zoning and land use regulations pursuant to state law, and City's authority to regulate land use activity within its corporate limits, the City intends to develop appropriate public health, safety and welfare requirements and zoning and land use regulations and for the establishment of medical cannabis collective gardens and licensed dispensaries; and

WHEREAS, the City Council has determined it needs additional time to conduct appropriate research to analyze the effects of current state law pertaining to the establishment of medical cannabis collective gardens and licensed dispensaries especially in light of the pending rules and regulations to be established by the Washington State Liquor Control Board pursuant to Initiative Measure No. 502; and

WHEREAS, a moratorium will provide the City with additional time to review and amend its public health, safety and welfare requirements and zoning and land use regulations related to the establishment of medical cannabis collective gardens and licensed dispensaries consistent with the provisions of chapter 69.51A RCW and Initiative Measure No. 502; and

WHEREAS, Washington State law, including Sections 35A.63.220 and 36.70A.390 of the Revised Code of Washington, (RCW) authorizes Washington cities to adopt moratoriums and provides for a process for a public hearing which must be held within sixty days of the dates of the adoption of the moratorium; and

WHEREAS, the City Council concludes that the City does have that authority to establish a moratorium and that the City must adopt a moratorium concerning the establishment of medical cannabis collective gardens and licensed dispensaries to act as a stop-gap measure: (a) to provide the City with an opportunity to study the issues concerning the establishment of medical cannabis collective gardens and licensed dispensaries and prepare appropriate revisions to the City's codes and regulations; (b) to protect the health, safety, and welfare of the citizens of Spokane by avoiding and ameliorating negative impacts and unintended consequences of additional medical cannabis collective gardens and licensed dispensaries and (c) to avoid applicants possibly establishing vested rights contrary to and inconsistent with any revisions the City may make for its rules and regulations as a result of the City's study of this matter; and

WHEREAS, the City Council adopts the foregoing as its findings of facts justifying the adoption of this ordinance; and

WHEREAS, the City Council finds that the moratorium imposed by this Ordinance is necessary for the immediate preservation of the public peace, health or safety and for the immediate support of city government and its existing public institutions; Now, Therefore

The City of Spokane does ordain:

Section 1—Moratorium established.

A moratorium is imposed on the establishment with the City of any new medical cannabis collective gardens and licensed dispensaries, whether for profit or not for profit, asserted to be authorized or actually authorized pursuant to Chapter 69.51A RCW or any other laws of the State of Washington. No building permits, occupancy permits, business license, development permits or approval or any other city-issued license or permit shall be issued for any of the purposes or activities related to the establishment of medical cannabis collective gardens and licensed dispensaries.

Section 2—Term of Moratorium.

The moratorium imposed by this ordinance shall become effective on the date hereof and shall continue in effect for an initial period not to exceed six months, unless repealed, extended or modified by the City Council after subsequent public hearing(s) and entry of appropriate findings of fact, pursuant to RCW 36.70A.390, provided that the moratorium shall automatically expire upon the effective date of the adoption by the City Council of public health, safety and welfare requirements and zoning and land use regulations to address regulation of the establishment of medical cannabis collective gardens and licensed dispensaries in the City of Spokane.

Section 3—Preliminary Findings.

The preambles to this ordinance are hereby adopted as the City Council's findings of fact in support of the moratorium.

Section 4—Work Plan.

That the following work plan is adopted to address the issues involving the establishment of medical cannabis collective gardens and licensed dispensaries.

- A. That the City of Spokane Plan Commission shall be authorized and directed to hold public hearings and public meetings to fully receive and consider statements, testimony, positions and other documentation or evidence related to amendments to the Spokane Municipal Code regarding adoption of public health, safety and welfare requirements and zoning and land use regulations for the establishment of medical cannabis dispensaries and collective gardens.
- B. That the City of Spokane Plan Commission shall work with City staff and the citizen of the City to develop proposals for regulations pertaining to the establishment of medical cannabis collective gardens and licensed dispensaries to be forwarded in their recommendations to the City Council for inclusion in ordinances and ultimate adoption as a part of the City Code of the City of Spokane.

Section 5—Public Hearing.

A public hearing shall be scheduled for 6:00 p.m. or as soon thereafter as the matter may be heard, on a date to be determined at the City Council Chambers, at West 808 Spokane Falls Blvd. Spokane, WA, 99201 to hear and consider the comments and testimony of those wishing to speak at such public hearing regarding the moratorium.

Section 6—Notice.

Notice of and hearing on this ordinance in the normal course would undermine effective City planning by allowing the establishment of additional medical cannabis collective gardens and licensed dispensaries between the time notice was published and the time the ordinance was adopted, which may be inadequate to protect the public health, safety and welfare.

Section 7—Severability.

If any provision of this ordinance, or its application to any person, entity or circumstance, is for any reason held to be invalid by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provisions to other persons, entities or circumstances, is not affected.

Section 8—Emergency Ordinance.

This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public peace, health and safety and for the immediate support of city government and its existing institutions, shall be effective immediately upon its passage.

PASSED by the City Council on February 25, 2013.

(Delivered to the Mayor on the 27th of February 2013.)

Job Opportunities

The City of Spokane is an Equal Employment Opportunity Employer

CUSTOMER SERVICE SPECIALIST SPN 105 PROMOTIONAL ONLY EXAMINATION

SALARY: \$31,988 annual salary, payable bi-weekly, to a maximum of \$45,518
DATE OPEN: Monday, March 4, 2013
DATE CLOSED: Applications will be accepted until the close of business on Friday, March 15, 2013.
OFFICE HOURS: 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

DUTIES:

Performs moderately difficult and varied work interacting with customers to provide information, handle complaints and receive payment for various City services. Work requires the application of some independent judgment based on considerable knowledge of the functions within the City of Spokane.

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

Completion of two years of service with the City in any clerical classification.

EXAMINATION:

The examination will be conducted on the 4th floor of City Hall in the Civil Service Test Room on Thursday, March 28, 2013, at 9:00 a.m. Approximate duration of the test is 2 hours. The examination will consist of a written test and a promotional evaluation. Weights are assigned as follows: written test 80% and promotional evaluation 20%.

The written test may include such subjects as: Customer Service; Computer Knowledge; Business Math; Written Communication; Accuracy & Error Detection.

NOTE: Electronic calculators are recommended for the examination and will be furnished by the City. Candidates are encouraged to familiarize themselves with the calculators prior to the examination.

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. 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. Please verify if application is needed under PROMOTIONAL REQUIREMENTS.****

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 27th day of February 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

AMENDMENT**SENIOR ENGINEER SPN 233**
(Announcement of February 25, 2013)

The above titled announcement is hereby amended to read:

DATE CLOSED: Applications will be accepted until the close of business on Friday, March 22, 2013. Applicants who have filed a basic application will have until the close of business on Monday, March 25, 2013 to return the Training and Experience Evaluation form.

WASTE WATER TREATMENT PLANT OPERATOR III SPN 645
PROMOTIONAL ONLY EXAMINATION

SALARY: \$45,330 annual salary, payable bi-weekly, to a maximum of \$68,674
DATE OPEN: Monday, March 4, 2013
DATE CLOSED: Applications will be accepted until the close of business on Friday, March 15, 2013.
OFFICE HOURS: 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

DUTIES:

Performs responsible supervisory and technical work in directing the operations of a secondary waste water treatment plant on an assigned shift. Responsible for training and supervising one or more crews of semi-skilled to skilled workers. Employee may be required to work on a shift basis, on weekends and holidays.

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

Completion of at least two years service with the City in the classification of Waste Water Treatment Plant Operator II (SPN 642). Applicants must possess a valid Class III Waste Water Operator's Certificate as issued by the State of Washington. Applicants must possess a valid driver's license.

EXAMINATION:

The examination will be conducted on the 4th floor of City Hall in City Conference Room 4B on Thursday, March 28, 2013, at 9:00 a.m. Approximate duration of the test is 2 hours. The examination will consist of a written test and a promotional evaluation. Weights are assigned as follows: written test 80% and promotional evaluation 20%.

The written test may include such subjects as: Technical Knowledge; Terminology & Equipment; Supervision & Administration; Public Relations; Safety.

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. Please include: 1) your full name, 2) present classification, 3) department and phone number, 4) driver's license number and expiration date; **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. Please verify if application is needed under PROMOTIONAL REQUIREMENTS.**

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 27th day of February 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

**WASTE WATER TREATMENT PLANT MAINTENANCE MECHANIC SPN 649
PROMOTIONAL ONLY EXAMINATION**

SALARY: \$41,488 annual salary, payable bi-weekly, to a maximum of \$59,633
DATE OPEN: Monday, March 11, 2013
DATE CLOSED: Applications will be accepted until the close of business on Friday, March 22, 2013.
OFFICE HOURS: 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

DUTIES:

Performs skilled journey-level work in the installation, maintenance and repair of equipment and facilities in a secondary wastewater treatment plant. May supervise the work of one or two laborers assigned to assist on repair or maintenance work. May be required to operate equipment occasionally on an assigned shift or respond to emergency calls during equipment breakdowns.

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

Two years service with the City in the classification of Waste Water Treatment Plant Operator I or II, and possession of a valid certification as a Water Pollution Control Plant Operator I or higher. Applicants must possess a valid driver's license and must obtain a Class "B" Commercial Driver's License (CDL) within one year of appointment.

EXAMINATION:

The examination will be conducted on the 4th floor of City Hall in the Civil Service Test Room on Thursday, April 4, 2013, at 9:00 am. Approximate duration of the test is 2 hours. The examination will consist of a written test and a promotional evaluation. Weights are assigned as follows: written test 80% and promotional evaluation 20%.

The written test may include such subjects as: General Mechanics; Measurements & Calculations; Motors & Generators; Pumps & Valves; Plant Operations & Safety; Supervision & Training.

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. Please include: 1) your full name, 2) present classification, 3) department and phone number, 4) driver's license number and expiration date; 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. Please verify if application is needed under PROMOTIONAL REQUIREMENTS.**

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 27th day of February, 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

**PARK CARETAKER SPN 692
OPEN & PROMOTIONAL EXAMINATION**

SALARY: \$33,470 annual salary, payable bi-weekly, to a maximum of \$47,773
DATE OPEN: Monday, March 11, 2013
DATE CLOSED: Applications will be accepted until the close of business on Friday, March 22, 2013.
OFFICE HOURS: 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

DUTIES:

Performs routine maintenance work and simple gardening tasks in one or more municipal parks during the summer season and general laboring tasks during the cool season. Employee has regular contact during the summer with the general public using park facilities. Physical demands vary from light to heavy work depending upon the season and tasks assigned to perform. Cleans tools, tool houses, and rest rooms. Operates light trucks, power and hand tools as required. Instructs and directs the work of helpers when assigned. May be required to work on weekends.

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

Ability to read and write; AND, at least six months of experience in grounds work, park maintenance, or nursery work. All applicants must possess a valid driver's license.

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

At least six months of experience with the Park Department in a lower classification position.

NOTE: All applicants must possess a valid driver's license.

EXAMINATION:

The initial examination will be conducted on the 4th floor of City Hall in the Civil Service Test Room on Tuesday, April 2, 2013 at 1:00 p.m. Approximate duration of the test is 2 hours. The examination will consist of a written test and, for promotional applicants, a promotional evaluation. Weights are assigned as follows: for open applicants, written test 100%; for promotional applicants, written test 80% and promotional evaluation 20%.

The written test may include such subjects as: Park Care & Maintenance; Tools, Equipment, & Materials; City Park System Knowledge; Public/Employee Relations.

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:

To apply online or download and print an application, go to www.spokanecity.org. **Current City employees who apply promotionally 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. Please include: 1) your full name, 2) present classification, 3) department and phone number, 4) driver's license number and expiration date; 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. Please verify if application is needed under PROMOTIONAL REQUIREMENTS.** 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 27th day of February 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

Notice for Bids

Paving, Sidewalks, Sewer, etc.

CALL FOR BIDS

LINCOLN HEIGHTS BOOSTER STATION

Engineering Services File No. 2010070

This project consists of 36'-0" x 79'-4" x 23'-4" high CMU booster station building, a 16'-8" x 18'-8" valve vault building, 24" to 42" dia. site piping, interior 24" dia. piping, installation of five City furnished vertical turbine line shaft pumps and motors (two 400 HP, three 600 HP), installation of city furnished motor control center, electrical, excavation, site grading and restoration.

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., March 25, 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. 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.

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.

CALL FOR BIDS**3RD AVENUE FROM DIVISION STREET TO ARTHUR STREET****Engineering Services File No. 2010121**

This project consists of the construction of approximately 10,370 cubic yards of excavation and embankment, 734 linear feet of storm sewer, 23 drainage structures, 1,656 linear feet of sidewalk, 22,773 square yards of 3 inch, 5 inch or 7 inch thick HMA pavement, 4,004 linear feet of 12 In. water pipe, 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., March 18, 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. 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.

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: February 27, March 6 and 13, 2013

Notice for Bids

Supplies, Equipment, Maintenance, etc.

FERTILIZER AND TURF CHEMICALS Parks & Recreation Department

BID #3913-13

Sealed bids will be opened at 1:15 p.m., **MONDAY, MARCH 11, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for FERTILIZER AND TURF CHEMICALS for the City of Spokane Parks and Recreation Department.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org.

Submittal Instructions:

Bid proposal forms may be submitted to the Purchasing Division **until 1:00 p.m. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original and one (1) copy of response to:

Division of Purchasing
City of Spokane
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked: **“FERTILIZER AND TURF CHEMICALS, BID #3913-13, DUE MARCH 11, 2013”**.

Thea Prince
Purchasing Division

Publish: February 27 and March 6, 2013

REQUEST FOR PROPOSALS

AIR EMISSIONS COMPLIANCE TEST PROGRAM Spokane Regional Solid Waste System Department

RFP #3914-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, MARCH 18, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for AIR EMISSIONS COMPLIANCE TEST PROGRAM for the Spokane Regional Solid Waste System Department.

The Request for Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, March 18, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with: **“RFP #3914-13, AIR EMISSIONS COMPLIANCE TEST PROGRAM, DUE 3/18/13”**.

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: February 27 and March 6, 2013

REQUEST FOR PROPOSALS

TRANSPORTING, PROCESSING, AND COMPOSTING OF RESIDENTIAL YARD DEBRIS AND FOOD WASTE

Solid Waste Management Department

RFP #3916-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, MARCH 11, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for TRANSPORTING, PROCESSING, AND COMPOSTING OF RESIDENTIAL YARD DEBRIS AND FOOD WASTE for the City of Spokane Solid Waste Management Department.

The Request for Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, March 11, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late.

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (thumb drive or CD) of the Proposal to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all Proposals and to waive any informalities in the Proposals.

All response packages are to be clearly marked with: **“RFP #3916-13, TRANSPORTING, PROCESSING, AND COMPOSTING OF RESIDENTIAL YARD DEBRIS AND FOOD WASTE, DUE 3/11/2013”**

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: February 27 and March 6, 2013

REQUEST FOR QUALIFICATIONS AND PROPOSALS**NELSON SERVICE CENTER DESIGN-BUILD CONSULTING SERVICES**

City of Spokane Facilities Management

RFQ/P #3920-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, MARCH 11, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for NELSON SERVICE CENTER DESIGN-BUILD CONSULTING SERVICES for City of Spokane Facilities Management.

The Request for Qualifications and Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, March 11, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with: **“RFQ/P #3920-13, NELSON SERVICE CENTER DESIGN-BUILD CONSULTING SERVICES, DUE 3/11/13”**.

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: February 27 and March 6, 2013

REQUEST FOR BIDS**FERRIC CHLORIDE SOLUTION 40% AS FeCl3**

City of Spokane Riverside Park Water Reclamation Facility

BID #3923-13

Sealed Bids will be opened at the 1:15 p.m. public bid opening on **MONDAY, MARCH 11, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for FERRIC CHLORIDE SOLUTION 40% AS FeCl3 for the City of Spokane Riverside Park Water Reclamation Facility.

The Request for Bids document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Bid Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, March 11, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be tabulated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all bids and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with: **“BID #3923-13, FERRIC CHLORIDE SOLUTION 40% AS FeCl₃, DUE 3/11/2013”**

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: February 27 and March 6, 2013

REQUEST FOR BIDS

ALLIS CHALMERS PUMP

City of Spokane Riverside Park Water Reclamation Facility

BID #3924-13

Sealed Bids will be opened at the 1:15 p.m. public bid opening on **MONDAY, MARCH 11, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for ALLIS CHALMERS PUMP for the City of Spokane Riverside Park Water Reclamation Facility.

The Request for Bids document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Bid Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, March 11, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be tabulated.**

Submit one (1) paper original and one (1) reproducible digital copy (CD or thumb drive) to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all bids and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with: **“BID #3924-13, ALLIS CHALMERS PUMP, DUE 3/11/2013”**

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: February 27 and March 6, 2013



Official Gazette

City of Spokane, Washington

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

Volume 103

MARCH 6, 2013

Issue 10—Part II of II



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)

The Official Gazette

(USPS 403-480)

Published by Authority of City Charter Section 39

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Official Gazette Archive:

<http://www.spokanecity.org/services/documents>

To receive the Official Gazette by e-mail, send your request to:
clerks@spokanecity.org

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ORDINANCES 262

CONTINUED FROM PART I

OF THIS ISSUE

The Official Gazette
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Spokane, WA 99201-3342

Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

ORDINANCE NO. C34961

An ordinance relating to street development standards to clarify language with regard to sidewalks, planting strips, and street trees; amending SMC sections 17C.110.410, 17C.120.230, 17C.122.110, 17C.124.230, 17C.130.230, 17C.200.040, 17C.200.050, 17H.010.050 and 17H.010.190; and repealing SMC section 17C.122.140.

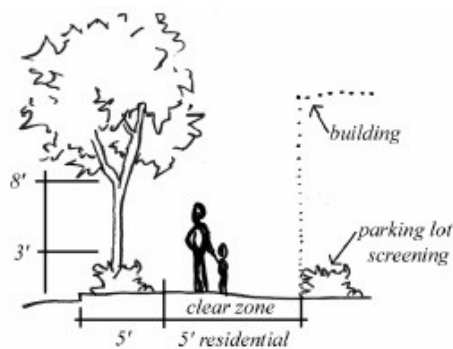
The City of Spokane does ordain

Section 1. That SMC 17C.110.410 is amended to read as follows:

17C.110.410 Sidewalks

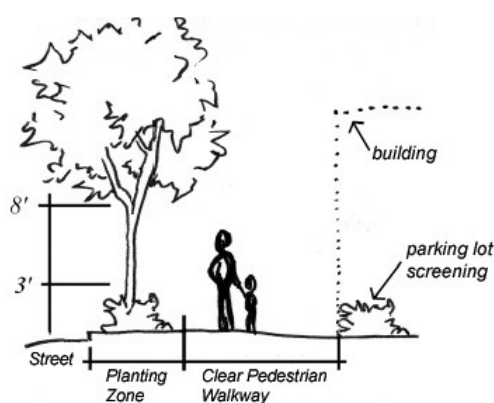
- A. Purpose.
To provide continuous, safe, and consistent pedestrian system with connectivity to the street right-of-way and the neighborhood.

((Delete graphic below))



Street trees located between the walking route of the sidewalk and curb edge

(Add new graphic below)



B. Sidewalk Implementation.

1. Sidewalks shall have the minimum dimension of five feet, even if part of the width is located on private property. This dimension shall be applied to the clear, unobstructed pathway between the planting zone for street trees per SMC 17C.200.050 ~~((behind the curb))~~ and building facades or parking lot screening. (R)
 2. Sidewalks shall be continuous, without gaps between developments. (R)
 3. Unless otherwise required or where larger plaza areas are provided, sidewalk paving materials shall be consistent with the street frontage improvements of adjacent developments. (P)
 4. Sidewalks within the public right-of-way shall be concrete, two-foot grid, standard sidewalk color and float finish. (R)
- ~~((5. Landscape areas between the curb and sidewalk shall be maintained, or plant material shall be chosen to maintain a clear zone between three and eight feet from ground level. (P)))~~

((Delete graphic below))



Section 2. That SMC 17C.120.230 is amended to read as follows:

17C.120.230 Setbacks and Sidewalks

A. Purpose.

The required structure setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The setback requirements for areas that abut single-family residential zones promote commercial development that will maintain light, air and the potential for privacy for adjacent single-family residential zones. The sidewalk standards provide a continuous, safe, and consistent street frontage character along the street right-of-way.

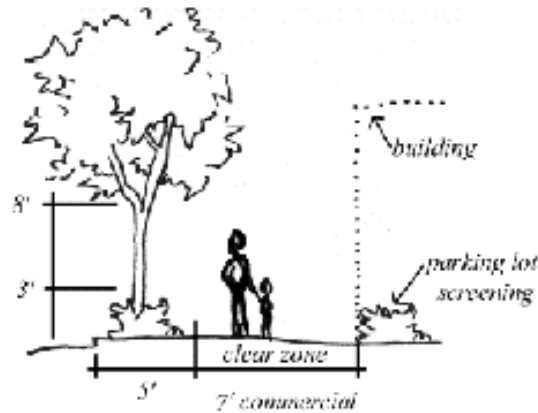
B. Setback and Required Sidewalk Width Standards.

1. The setback standards for all structures are stated in Table 17C.120-2 and as stated below.
2. Structures shall be no closer than twelve feet from the back of the curb except as provided in subsection (B)(4) of this section.
3. Sidewalks are required to be constructed and shall be at least twelve feet wide and consist of a clear walking path at least seven feet wide (in addition to ~~((a minimum five-foot wide))~~ planting zone for street trees per SMC 17C.200.050). Part of the sidewalk width may be located on private property. The sidewalk dimension shall be measured from back of curb to ~~((applied to the clear, unobstructed pathway between the planting behind the curb and))~~ building facades or parking lot screening.
4. The required sidewalk width may be reduced by approval of the planning director if the existing sidewalk (distance between the curb and the building) is less than twelve feet wide between the back of curb and the existing building setback line of adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street.
5. Unless otherwise required or where larger plaza areas are provided, sidewalk paving material shall be concrete, two-foot grid, standard sidewalk color, and float finish.

C. Exception to the Setback Standards.

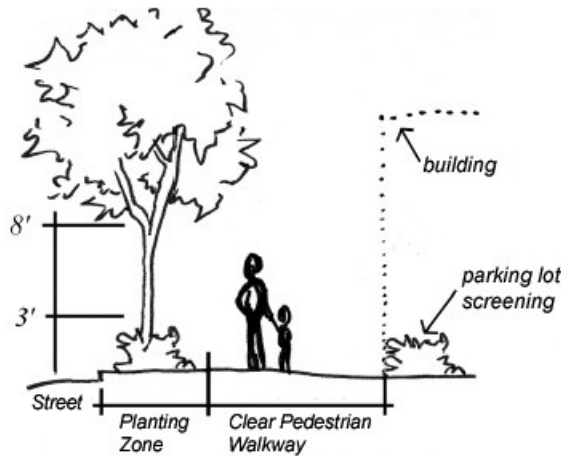
1. Where a site is split between more than one zone and a structure is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.
2. Detached Accessory Structures.
The setback standards for detached accessory structures are stated in SMC 17C.120.300. Fences are addressed in SMC 17C.120.310. Sign standards are in chapter 11.17 SMC, Signs.

((Delete new graphic below))



Street trees located between the walking route of the sidewalk and curb edge

(Add new graphic below)



D. Extensions Into Required Structure Setbacks.

The following features attached to structures are allowed as exceptions to the setback standards except they shall not reduce the required sidewalk width of subsection (B) of this section.

1. Minor Projections of Features Attached to Structures.

a. Minor Projections Allowed.

Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps and uncovered decks or balconies, may extend into a required structure setback up to twenty percent of the depth of the setback. However, they may not be within three feet of a lot line when a setback is required. Bays and bay windows extending into the setback also must meet the following requirements:

- i. Each bay and bay window may be up to twelve feet long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent of the area of the facade.
- ii. At least thirty percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block.
- iii. Bays and bay windows must cantilever beyond the foundation of the structure; and
- iv. The bay may not include any doors.

b. Full Projection Allowed.

In addition to subsection (D)(1)(a) of this section, the following features are allowed to project farther into required structure setbacks:

- i. Canopies, marquees, awnings and similar features may fully extend into a street setback and may extend into the public right-of-way subject to the requirements of SMC 17F.040.140.
- ii. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback.
- iii. Uncovered decks and stairways that are no more than forty-two inches above the ground may fully extend into a required structure setback; and
- iv. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than forty-two inches above the average sidewalk elevation may fully extend into a required structure setback.
- v. Balconies may extend into public rights-of-way as allowed in the building code.

c. Projections Not Allowed.

Attached mechanical structures such as heat pumps, air conditioners, emergency generators and water pumps are allowed in a street setback but not in a required setback from an abutting residential zone.

2. Underground structures are permitted in all setbacks.

Section 3. That SMC 17C.122.110 is amended to read as follows:

17C.122.110 Setbacks and Required Sidewalk Width

- A. The minimum setback from street lot lines is zero feet and buildings shall be no closer than twelve feet from the back of the curb except as provided in subsection (C) of this section.
- B. Sidewalks shall be at least twelve feet wide and consist of a clear walking path at least eight feet wide (in addition to a ~~((minimum four-foot wide))~~) planting zone for street trees per SMC 17C.200.050) except as provided in subsection (C) of this section.
- C. This width may be reduced, by approval of the planning director, if the existing sidewalk is less than twelve feet wide between the back of curb and the existing building setback line of adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street.

D. Other development standards are found in Table 17C.122-4, Development Standards.

TABLE 17C.122-4 DEVELOPMENT STANDARDS [1]			
STANDARD	TYPE 1	TYPE 2	TYPE 4
Minimum setback from street lot line	0 ft. [2]	0 ft. [2]	0 ft. [3]
Minimum setback from single-family and two-family zoned lots [4]	10 ft.	10 ft.	10 ft.
Setback from lot line abutting an O, OR, NR, NMU, CB, GC, Downtown, CC, LI or HI zoned lot [4]	0 ft.	0 ft.	0 ft.
Minimum front lot line	10 ft.	10 ft.	10 ft.
Landscaping required [5]	Yes	Yes	Yes
Parking required [6]	Yes	Yes	Yes

Notes:

[1] Plan district or overlay zone standards may supersede these standards.

[2] Buildings over seventy feet tall must follow chapter 17C.250 SMC.

[3] When abutting single-family and two-family residential zoning, the minimum structure setback from the street lot line is the same as the abutting residential zoning district for the first sixty feet from the boundary of the abutting residential zoning district. See SMC 17C.120.230 for additional standards and exceptions. This does not apply when a zone boundary is within the public right-of-way.

[4] Structure setbacks are measured from the lot line.

[5] This part of the table is for general information purposes only; see chapter 17C.200 SMC, Landscaping and Screening, for the specific standards.

[6] This part of the table is for general information purposes only; see chapter 17C.230 SMC, Parking and Loading, for the specific standards.

Section 4. That SMC section 17C.122.140 is repealed:

~~**(17C.122.140 Street Trees**~~

- ~~A. Street trees shall be planted between the curb and the walking path of the sidewalk.~~
- ~~B. Large trees with overhanging canopies or branches are desirable. However, species of street trees shall be of a type approved by the City.~~
- ~~C. Street trees should be located in planting areas or in tree wells with a minimum width of four feet.~~
- ~~D. Street trees shall be a minimum of two and one-half inch caliper at time of planting and shall be spaced no further apart than twenty-five feet (thirty feet for sidewalks twelve feet wide or greater).~~
- ~~E. Street tree planting shall consider the location of existing utilities, lighting and proposed signs.~~
- ~~F. Along arterial streets, tree grates shall be used. On other streets, either tree grates or a continuous planting strip along the curb are acceptable.))~~

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Tree grates are required for street trees along arterial streets.

Section 5. That SMC 17C.124.230 is amended to read as follows:

17C.124.230 Structure Setbacks, Sidewalks, and Street Trees

A. Purpose.

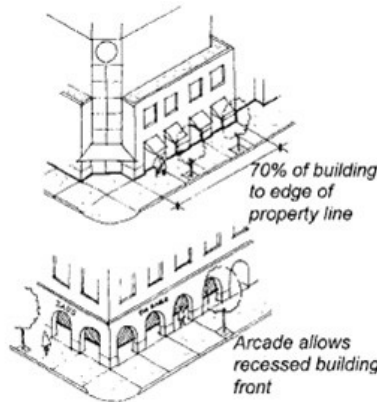
The required structure setbacks promote streetscapes that are consistent with the desired character of the different downtown zones and the character of the complete street designation of the adjacent street. The sidewalk standards provide a continuous, safe, and consistent street frontage character along the street right-of-way.

B. Structure Setbacks – Setback and Required Sidewalk Width Standards.

1. The setback standards for all structures are stated in Table 17C.124-2 and as stated below.
2. When the existing sidewalk width is less than twelve feet structures shall be allowed no closer than twelve feet from the back of the curb.
 - a. Exception to Maintain Existing Historic Character.
The required sidewalk width may be reduced by approval of the planning director if the existing sidewalk (distance between the curb and the building) is less than twelve feet wide between the back of curb and the existing historic building setback line of existing adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street. In no case shall the building encroach into the public right-of-way.
3. When the existing sidewalk width is greater than the bare minimum of twelve feet the sidewalk environment shall be designed to meet the intent of the complete street designation of the street. Existing sidewalk width shall not be reduced or encroached upon by new development.
4. For buildings facing the streets designated in Table 17.124.-3 and not containing residential units on the ground floor, at least seventy percent of the first floor of the front of buildings must come up to the edge of the property line.

Exceptions:

- a. The building may be setback from the edge of the property line for the purpose of providing a publicly accessible “plaza,” “courtyard,” or recessed pedestrian entrance that contains landscaping and/or other pedestrian-oriented amenities. Building setbacks may not be used for automobile parking or storage.
- b. One hundred percent of the building along a street lot line may be recessed up to twelve feet for an arcade if the second floor comes up to edge of the property line.

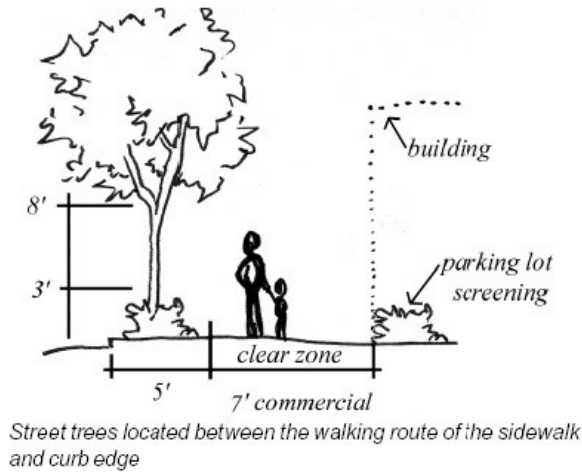


**TABLE 17C.124-3
BUILDING SETBACKS & COMPLETE STREETS [1]**

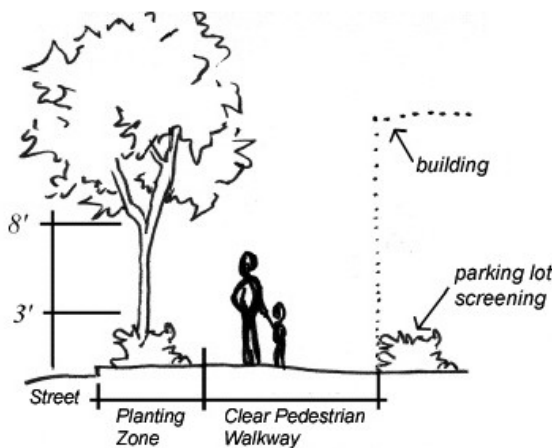
DTC (Downtown Core)	DTG (Downtown General)	DTU (Downtown University)	DTS (Downtown South)
All Streets	Type I, II	Type I, II, IV	Type I, II, IV
Notes: [1] Plan district or overlay zone standards may supersede these standards.			

- C. Sidewalks are required to be constructed and shall be at least twelve feet wide and consist of a clear walking path at least seven feet wide (in addition to a ((minimum five-foot wide)) pedestrian buffer zone and planting zone for street trees per SMC 17C.200.050). Part of the sidewalk width may be located on private property. The sidewalk dimension shall be measured from back of curb to ((applied to the clear, unobstructed pathway between the planting behind the curb and)) building facades or parking lot screening and other landscaping.
 1. A clear distance (unobstructed width) is required for all sidewalks along public streets. For sidewalks fourteen feet or wider the minimum clear distance is eight feet. For sidewalks with a width of less than twelve feet the minimum clear distance is six feet.
 2. Within the clear walking path sidewalk paving material shall be concrete, two-foot grid, standard sidewalk color, and float finish. Variations from this standard must seek a design deviation as specified in SMC 17C.124.015.

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- D. Street Trees.
Street trees must be installed and maintained by the adjacent property in all streets bordering development. Requirements for street trees and landscaping are stated in chapter 17C.200 SMC, Landscaping and Screening.
- E. Exception to the Setback Standards.
 1. Where a site is split between more than one zone and a structure is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.
 2. Detached Accessory Structures.
The setback standards for detached accessory structures are stated in SMC 17C.124.300. Fences are addressed in SMC 17C.124.310. Sign standards are in chapter 17C.240 SMC, Signs.

F. Extensions Into Required Structure Setbacks.

The following features attached to structures are allowed as exceptions to the setback standards except they shall not reduce the required sidewalk width of subsection (B) of this section.

1. Minor Projections of Features Attached to Structures.

- a. Minor projections, such as eaves, fire escapes, and balconies are allowed to extend into the right-of-way when they are greater than fourteen feet above the adjacent right-of-way grade and comply with the building code and the requirements of SMC 17F.040.140.
- b. Minor features of a structure, such as bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required structure setback up to twenty percent of the depth of a required setback. However, they may not extend off the site. Bays and bay windows extending into the setback also must meet the following requirements:
 - i. Each bay and bay window may be up to twelve feet long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent of the area of the facade.
 - ii. At least thirty percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block.
 - iii. Bays and bay windows must cantilever beyond the foundation of the structure; and
 - iv. The bay may not include any doors.
- c. Full Projection Allowed.
In addition to subsection (F)(1)(b) of this section, the following features are allowed to project farther into required structure setbacks:
 - i. Canopies, marquees, awnings, and similar features may fully extend into a street setback and may extend into the public right-of-way subject to the requirements of SMC 17F.040.140.
 - ii. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback, but not into the public right-of-way.
 - iii. Uncovered decks and stairways that are no more than forty-two inches above the ground may fully extend into a required structure setback; and
 - iv. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than forty-two inches above the average sidewalk elevation may fully extend into a required structure setback.
 - v. Balconies may extend into public rights-of-way as allowed in the building code.
- d. Projections Not Allowed.
Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed between the street lot line and buildings or within any required setback from an abutting residential zone.

2. Underground structures are permitted in required setbacks.

Section 6. That SMC 17C.130.230 is amended to read as follows:

17C.130.230 Setbacks and Sidewalks

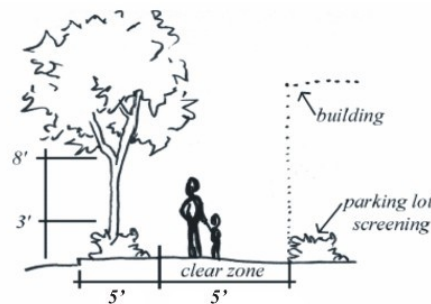
A. Purpose.

The required structure setbacks promote streetscapes that are consistent with the desired character of the different industrial zones. The setback requirements for areas that abut single-family residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent single-family residential zones. The sidewalk standards provide a continuous, safe, and consistent street frontage character along the street right-of-way.

B. Setback and Required Sidewalk Width Standards.

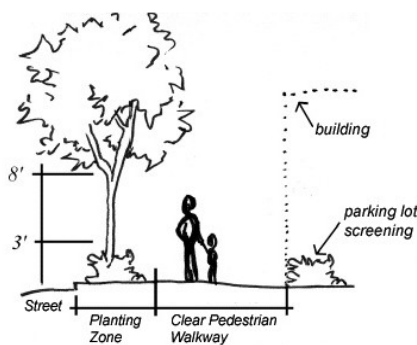
1. The setback standards for all structures are stated in Table 17C.130-2 and as stated below.
2. Structures shall be no closer than twelve feet from the back of the curb except as provided in subsection (B)(4) of this section.
3. Sidewalks are required to be constructed and shall consist of a clear walking path at least five feet wide (in addition to a ~~((minimum five foot wide))~~ planting zone for street trees per SMC 17C.200.050). Part or all of the sidewalk width may be located on private property. The sidewalk dimension shall be applied to the clear, unobstructed pathway between the planting zone behind the curb and building facades or parking lot screening.
4. The required sidewalk width may be reduced by approval of the planning director if the existing sidewalk (distance between the curb and the building) is less than twelve feet wide between the back of curb and the existing building setback line of adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street.
5. Unless otherwise required or where larger plaza areas are provided, sidewalk-paving material shall be concrete, two-foot grid, standard sidewalk color and float finish.

((Delete graphic below))



Street trees located between the walking route of the sidewalk and curb edge

(Add new graphic below)



C. Exceptions to the Setback Standards.

1. Where a site is split between more than one zone and a structure is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.
2. Detached Accessory Structures.
The setback standards for detached accessory structures are stated in SMC 17C.130.300. Fences are addressed in SMC 17C.130.310. Sign standards are in chapter 17C.240 SMC, Signs.

D. Extensions into Required Structure Setbacks.

The following features attached to structures are allowed as exceptions to the setback standards except they shall not reduce the required sidewalk width of SMC 17C.130.230.

1. Minor Projections of Features Attached to Structures.

a. Minor Projections Allowed.

Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies may extend into a required structure setback up to twenty percent of the depth of the setback. However, they may not be within three feet of a lot line when a setback is required. Bays and bay windows extending into the setback also must meet the following requirements:

- i. Each bay and bay window may be up to twelve feet long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent of the area of the facade.
- ii. At least thirty percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block.
- iii. Bays and bay windows must cantilever beyond the foundation of the structure; and
- iv. The bay may not include any doors.

b. Full Projection Allowed.

In addition to subsection (D)(1)(a) of this section, the following features are allowed to project farther into required structure setbacks:

- i. Canopies, marquees, awnings, and similar features may fully extend into a street setback and may extend into the public right-of-way subject to the requirements of SMC 17F.040.140.
- ii. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback.
- iii. Uncovered decks and stairways that are no more than forty-two inches above the ground may fully extend into a required structure setback; and
- iv. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than forty-two inches above the average sidewalk elevation may fully extend into a required structure setback.
- v. Balconies may extend into public rights-of-way as allowed in the building code.

c. Projections Not Allowed.

Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not in a required setback from an abutting residential zone.

2. Underground structures are permitted in all setbacks.

Section 7. That SMC 17C.200.040 is amended to read as follows:

17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

A. Street Frontages.

1. The type of plantings as specified below shall be provided inside the property lines:
 - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050. Remaining setback areas shall be planted in L3.
 - b. along all downtown, CC1, CC2, and CC4 zoned properties except where buildings are built with no setback from the property line: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050, Street Tree Requirements. Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.
 - c. in the heavy industrial zone, along a parking lot, outdoor sales, or
 - d. outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050. Remaining setback areas shall be planted in L3.
 - e. in industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.
 - f. along all RA, RSF, RTF, RMF, and RHD zones, except for single-family residences and duplexes: six feet of L3 open area landscaping, including street trees as prescribed in SMC 17C.200.050. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of SMC 17C.120.310 for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.
2. Except for attached and detached single-family residences and duplexes, plantings may not exceed ((~~thirty~~) thirty-six) inches in height or hang lower than ninety-six inches within the clear view triangle at street intersections on corner lots and at driveway entries to public streets. The clear view triangle is defined in SMC 17C.120.310. The director of engineering services may further limit the height of plantings, landscaping structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.



B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a five-foot wide planting strip, they together could provide one five-foot wide planting strip, so long as the required planting type, as indicated in the matrix, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:

SUBJECT PROPERTY ZONE (vertical)	ADJACENT PROPERTY ZONE (horizontal)												
	RA	RSF	RTF	RMF	RHD	O, OR	NR, NMU	CB	GC	CC	LI, PI	HI	DT
RA	--	--	--	--	--	--	--	--	--	--	--	--	--
RSF	--	--	--	--	--	--	--	--	--	--	--	--	--
RTF	--	--	--	--	--	--	--	--	--	--	--	--	--
RMF	L2	L2	L2	L3	L2	L2	L2	L1	L1	L1	--	--	L1
RHD	L2	L2	L2	L2	L3	L2	L2	L2	L2	L2	--	--	L2
O, OR	L2	L2	L2	L2	L2	L3	L2	L2	L2	--	--	--	L2
NR, NMU	L2	L1	L2	L2	L2	L2	L3	L3	L2	--	--	--	L3
CB	L1	L1	L1	L1	L2	L2	L3	L3	L3	--	--	--	L3
GC	L1	L1	L1	L1	L2	L2	L2	L3	L3	--	--	--	L3
CC	L1	L1	L1	L1	L2	--	--	--	--	--	--	--	--
LI, PI [1]	L1	L1	L1	L1	L1	L1	L2	--	--	--	--	--	--
HI [1]	L1	L1	L1	L1	L1	L1	L1	--	--	--	--	--	--
DT	L1	L1	L1	L1	L1	L2	L2	L3	L3	--	--	--	--

Notes:

[1] In the industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.

C. Planning Director Discretion.

The planning director shall have the discretion to waive or reduce the requirements of subsections (A)(1) and (B) of this section based on the following factors:

1. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.
2. The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.
3. Xeriscape landscaping is utilized in designated stormwater control areas.
4. When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this chapter.

D. Other Areas.

All other portions of a site not covered by structures, hard surfaces, or other prescribed landscaping shall be planted in L3 open area landscaping until the maximum landscape requirement threshold is reached (see SMC 17C.200.080).

E. Parking Lot Landscaping Design.

1. Purpose.

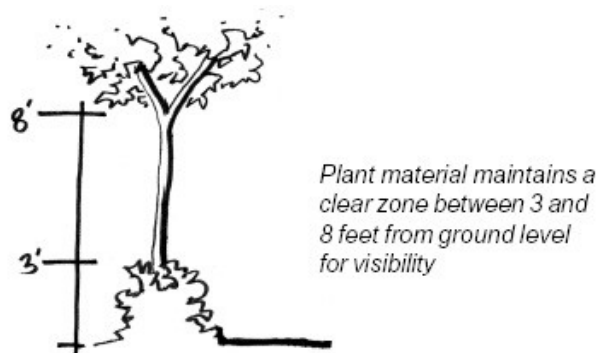
To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.

2. Parking Lot Landscaping Design Implementation.

This section is subject to the provisions of SMC 17C.120.015, Design Standards Administration.

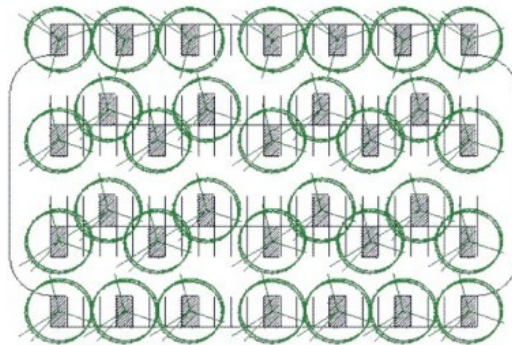


3. The parking lot landscape shall reinforce pedestrian and vehicle circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots. (P)
4. Planted areas next to a pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between three and eight feet from ground level. (R)



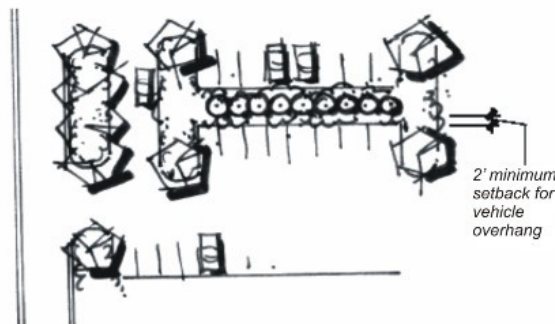
5. Low walls and raised planters (a maximum height of three feet), trellises with vines, architectural features, or special interest landscape features shall be used to define entrances to parking areas. Where signs are placed on walls, they shall be integrated into the design and complement the architecture or character of other site features. (P)
 6. Landscape plant material size, variety, color, and texture within parking lots should be integrated with the overall site landscape design. (C)
- F. Parking, Outdoor Sales, and Outdoor Display Areas.
1. In residential, commercial and center and corridor zones, a six-foot wide planting area of L2 see-through buffer landscaping shall be provided between any parking lot, outdoor sales, outdoor display area, and a street right-of-way. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, raised masonry planters, or L1 visual screen landscaping shall be used to screen parking lots from adjacent streets and walkways (overall height including any plantings or structures shall not exceed three feet). Trees required as a part of the L2 landscape strip shall be located according to the standards for street trees in SMC 17C.200.050, Street Tree Requirements.
 2. In residential, commercial and center and corridor zones all parking stalls shall be within sixty feet of a planted area with L3 open area landscaping. All individual planting areas within parking lots shall be at least one hundred fifty square feet in size.
 3. In residential, commercial and center and corridor zones all paved parking areas on a site with more than fifty cumulative parking spaces shall have plantings that satisfies one of the following options:

- a. Option 1.
Interior landscaping consisting of L3 open area landscaping, including trees amounting to at least ten percent of the total area of the paved parking area, excluding required perimeter and street frontage strips. A minimum of one interior tree shall be planted for every six parking spaces.
- b. Option 2.
Tree plantings shall be spaced in order that tree canopies cover a minimum of seventy percent of the entire paved area of the parking lot within fifteen years of project completion. Canopy coverage shall be measured in plan view, and be based on projected mature size of the selected tree species. All individual planting areas within parking lots shall be a minimum of eight feet in width, be at least one hundred fifty square feet in size, and in addition to the required trees, shall be planted with a living groundcover. See the "Landscape Plants for the Inland Northwest" issued by the Washington State University Cooperative Extension and the U.S. Department of Agriculture, available from the City planning services department, for acceptable mature tree size to be used when calculating canopy size.



**Example of 70% shade cover option.
(8.4% interior space used)**

- 4. Where parking lots are located between the building and a street, the amount of required interior landscaped area shall be increased by fifty percent and the minimum amount of tree shade cover shall increase to eighty percent. Where parking lots are behind buildings, the amount of interior landscaping may be decreased by fifty percent of what the code requires and the minimum amount of tree shade cover shall decrease to fifty percent.
- 5. A planting strip of five feet in depth with L1 visual screen landscaping or site-obscuring decorative wood, iron, etc. fences or masonry walls at least six feet in height shall be installed along property lines where any adjacent single-family residential zone would have views of parking or service areas.
- 6. A minimum of two-foot setback shall be provided for all trees and shrubs where vehicles overhang into planted areas.

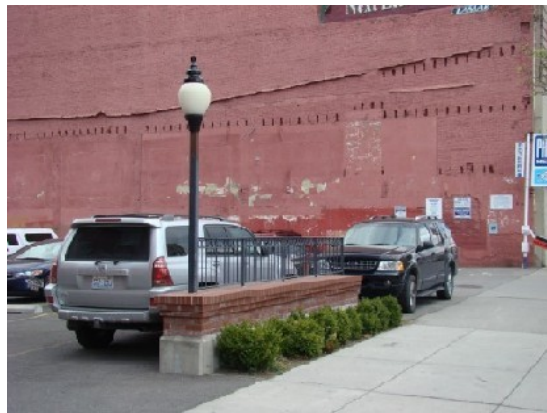


Landscape used to define vehicular circulation

- 7. In industrial zones, parking lots, outdoor sales, and outdoor display areas that are abutting or across the street from residential zones are subject to all of the requirements of subsections (E) and (F) of this section.

8. In industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zones.
9. In downtown zones an applicant must demonstrate to the director that the following required elements meet the intent of the Downtown Design Guidelines. Key design elements for these features include integrating storm water facilities, improving the pedestrian environment, and adding public amenities next to surface parking; outdoor sales and outdoor display areas so that they help to define space and contribute to a more active street environment.
 - a. Surface Parking Lot Liner Walls in the Downtown Zones.

Surface parking lots must have a solid, decorative concrete or masonry wall adjacent to a complete street and behind a sidewalk. The wall must have a minimum height above the surface of the parking lot of two and one-half feet and a maximum height of three feet. The wall shall screen automobile headlights from surrounding properties. A wrought iron fence may be constructed on top of the wall for a combined wall and fence height of six feet. An area with a minimum width of two feet, measured from the property line, must be provided, landscaped and maintained on the exterior of the required wall. Such walls, fences, and landscaping shall not interfere with the clear view triangle. Pedestrian access through the perimeter wall shall be spaced to provide convenient access between the parking lot and the sidewalk. There shall be a pedestrian access break in the perimeter wall at least every one hundred fifty feet and a minimum of one for every street frontage. Any paving or repaving of a parking lot over one thousand square feet triggers these requirements.



Parking Liner Walls With Plantings Contribute an Interesting Pedestrian Environment. This parking liner wall and screen is enhanced by larger wall sections near automobile crossing points and a change in sidewalk scoring pattern. Both give cues to pedestrians and drivers.



- b. Surface parking lots in the Downtown zones are subject to the interior parking lot landscaping standard sections (F)(2) through (F)(6).

- c. The exterior boundary of all surface parking lots adjacent to any public right-of-way must include trees spaced no more than twenty-five feet apart. The leaves of the trees or any other landscaping features at maturity shall not obscure vision into the parking lot from a height of between three and eight feet from the ground. The species of trees shall be selected from the city's street tree list. If street trees exist or are provided consistent with SMC 17C.200.050 then this landscaping strip may be omitted.
- d. Outdoor sales and display areas shall contribute to an interesting streetscape by providing the following:
 - i. Monument Features or Artistic Elements Along the Street Edge between the Outdoor Display Area and the Sidewalk.
These shall be integrated with display area lighting and pedestrian amenities.
 - ii. Additional Streetscape Features in the Sidewalk Environment.
Items may include elements that improve the health of street trees and plantings, improve storm water management, or artistic features that improve the pedestrian environment. This may include items such as permeable pavers in the pedestrian buffer strip, increased soil volumes for street trees, suspended sidewalks around the street tree to increase the amount of uncompacted soils, and engineered soils to support larger and healthier trees.

Section 8. That SMC 17C.200.050 is amended to read as follows:

17C.200.050 Street Tree Requirements

A. Purpose.

To provide consistent street frontage character within the street right-of-way. The street tree standards also maintain and add to Spokane's tree canopy and enhance the overall appearance of commercial and neighborhood development. Trees are an integral aspect of the Spokane landscape and add to the livability of Spokane. They provide aesthetic and economic value to property owners and the community at large.

((Delete graphic below))

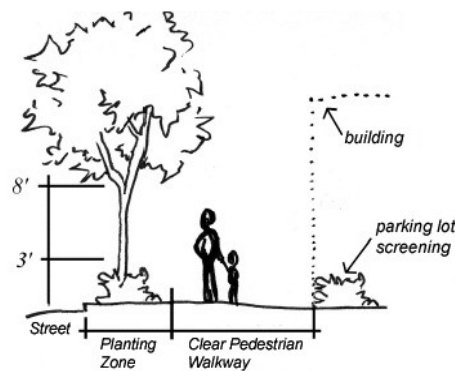


Trees within tree vaults

B. Street Tree Implementation.

1. Street trees are required along all City streets in downtown, commercial, center and corridor, industrial zones, and ~~((along arterials))~~ in residential zones.
2. Street trees shall be planted between the curb and the walking path of the sidewalk. ~~((Either five-foot by five-foot pits with tree grates or a continuous planting strip with groundcover that is at least five feet wide may be used. Where tree grates are used, they shall be ADA accessible and have a similar size and material as tree grates found in adjacent developments.))~~

(Add new graphic below)



~~((3. Larger shade trees with spreading canopies or branches are desirable where possible. Species of street trees within the public rights-of-way shall be approved by the City urban forester and reviewed by the director of engineering services. Refer to the urban forester's list of appropriate street trees for available planting strip widths. See the "Landscape Plants for the Inland Northwest" issued by the Washington State University Cooperative Extension and the U.S. Department of Agriculture, available from the City planning services department.))~~

((Delete graphic below))



Trees within planting strip

- ~~((4. Street trees shall meet the most recent ANSI standards for a two-inch caliper tree at the time of planting and shall be spaced in order to provide continuous canopy coverage within ten years of planting.~~
5. Street tree plantings shall consider the location of existing utilities, lighting, and existing and proposed signs.
6. ~~If overhead power lines are present, street trees shall be limited to a mature height of twenty-five feet to avoid conflict with utility lines and maintenance crews.))~~
3. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner.
4. ~~((7.))~~ If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should ((match the)) be of a similar form, character and planting pattern ((and species)).
5. For a full list of approved trees in the City of Spokane, see the urban forestry program's approved street tree list. Species selection should be guided by individual site conditions including hydrology, soil, solar orientation, and physical constraints.
- ~~((8. Landscape areas between the curb and sidewalk shall be maintained or plant material chosen to maintain a clear view zone between three and eight feet from ground level.))~~

C. Planting Zones

1. Provide continuous planting strips or individual planting areas per Table 17C.200.050-1.

TABLE 17C.200.050-1 TREE PLANTING AREA DIMENSIONAL STANDARDS							
<u>ZONE</u>	<u>DOWNTOWN</u>	<u>CC</u>	<u>COMMERCIAL</u>	<u>INDUSTRIAL</u>	<u>RA, RSF, RTF</u>	<u>RMF, RHD</u>	<u>SCHOOL/CHURCH LOADING ZONE</u>
<u>Continuous Planting Strip</u> – minimum width as measured from back of curb.	Individual Planting Areas (tree vaults) required [1]	5 feet	5 feet	6 feet	6 feet	6 feet	Not Applicable [4]
<u>Individual Planting Area</u> – width as measured from back of curb	4 ft min. 6 ft max. [2]	4 ft min. 6 ft max. [2]	4 ft min. 6 ft max. [2]	Continuous Planting Strip required [3]	Continuous Planting Strip required	Continuous Planting Strip required [3]	4 ft min. 6 ft max. [2][4]

Notes:

[1] Individual Planting Areas (tree vaults) are the standard for the Downtown Zones. Proposals for Continuous Planting Strips may be evaluated on a case by case basis.

[2] Un-compacted soils are necessary for street trees. Individual planting areas (or tree vaults) must be of a size to accommodate a minimum of 100 cubic feet of un-compacted soils per tree at a maximum depth of three feet. Refer to the Engineering Design Standards for examples of potential options in individual planting areas.

[3] Continuous Planting Strips are the standard for Industrial and Residential Zones. However, individual planting areas meeting the CC standard may be proposed and evaluated on a case by case basis in Industrial, RMF and RHD Zones.

[4] In all zones, within a school/church loading zone, street tree location may vary from the standard as long as street trees are located within the right-of-way.

[5] In all zones, when a continuous planting strip will double as a stormwater swale, the minimum width shall be 6.5 feet.

2. Continuous Planting Strips.

(Add new graphic below)



- a. Continuous planting strips may be planted with living ground cover or low plantings that are maintained at a height less than three feet from ground level.
- b. When auto traffic is immediately adjacent to the curb, new street trees must be planted at least three feet from the edge of the automobile travel way.

3. Individual Planting Areas.

(Add four new graphics below)



Tree Grates



Tree Grate and Tree Guard

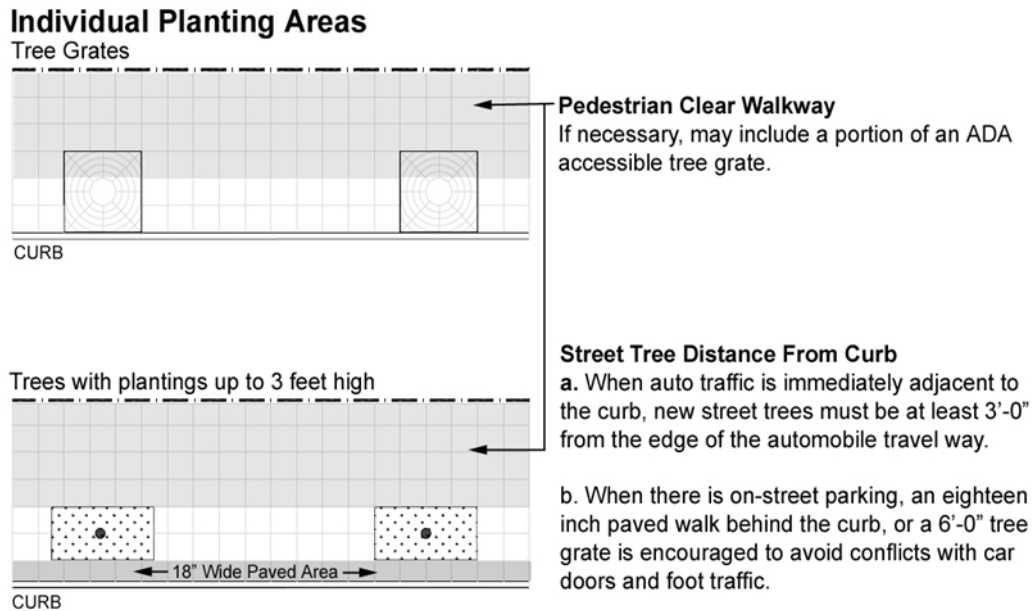


Street trees with plantings up to 3 feet high.

- a. When an individual planting area is not symmetrical, the longer dimension shall run along the curb.
- b. Tree grates or plantings are acceptable. However, when there is on-street parking, a tree grate or a paved walk eighteen inches wide behind the curb are encouraged to help avoid conflicts with car doors and foot traffic. The minimum clear pedestrian walking path as required for the zone shall be maintained.

- c. Where tree grates are used, they shall be ADA accessible and have a similar size and material as tree grates found in adjacent developments. Where tree grates are used, tree guards are encouraged for tree protection.
- d. Uncompacted soils are necessary for street trees. A minimum of one hundred cubic feet per tree at a maximum depth of three feet is required. See Engineering Design Standards for examples of potential options in individual planting areas and for retrofitting sidewalks.

(Add new graphic below)



D. Size Requirements for New Street Trees.

1. Street trees shall meet the most recent ANSI standards for a two-inch caliper tree at the time of planting
2. Larger shade trees with spreading canopies or branches are desirable where possible. Species of street trees within the public rights-of-way shall be approved by the City urban forester and reviewed by the director of engineering services.
3. If overhead power lines are present, street trees shall be limited to a mature height of twenty-five feet to avoid conflict with utility lines and maintenance crews.

E. Spacing Requirements for Street Tree Spacing. The objective is to create a continuous tree canopy over the sidewalk.

1. Continuous planting strips.
Average spacing shall be twenty five feet for small and columnar trees and thirty feet for canopy trees. The planning director may allow increased spacing for exceptionally large trees or upon the recommendation of the urban forester.
2. Individual planting areas.
Average spacing for all tree sizes and types shall be twenty five feet. Trees planted adjacent to parallel parking stalls with meters may be spaced twenty feet apart.
3. Street tree plantings shall consider the location of existing utilities, lighting, driveways, business entrances and existing and proposed signs. See the Engineering Design Standards for required dimensions.

F. Clear View Zone.

1. Landscape areas between the curb and sidewalk, as well as landscaped areas within the clear view triangle as defined in SMC 17C.120.310 shall be maintained or plant material chosen to maintain a vertical clear view zone between three and eight feet from ground level.

(Add new graphic below)



Clear view between three and eight feet.

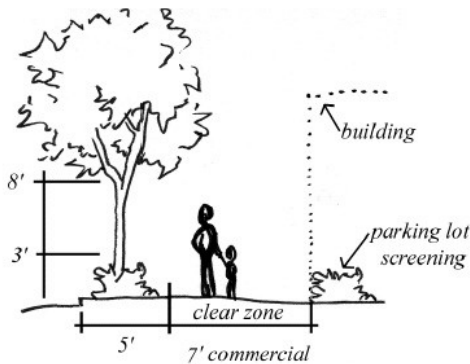
~~9. In center and corridor zones:~~

- ~~a. street trees shall be planted between the curb and the walking path of the sidewalk.~~
- ~~b. street trees shall be located in planting areas or in tree wells with a minimum width of four feet.~~
- ~~c. along arterial streets, tree grates shall be used. On other streets, either tree grates or a continuous planting strip along the curb are acceptable.~~

~~10. In downtown zones:~~

- ~~a. street trees shall be planted between the curb and the walking path of the sidewalk along all streets bordering development. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner.~~
- ~~b. street trees shall be spaced no more than twenty-five feet apart except when driveways prohibit this spacing. If existing development prevents in ground planting, trees shall be planted in tubs equipped with irrigation. When large canopy street trees are used the planning director may allow for increased spacing of up to thirty-five feet between street trees depending on the tree species mature crown spread. The tree spacing objective is to create a continuous tree canopy over the sidewalk.~~
- ~~c. street trees shall be located in planting areas or in tree wells with a minimum width of five feet. When the required clear sidewalk width cannot be achieved with a five-foot tree well, the tree well width dimension encroaching into the sidewalk may be reduced to four feet as long as the planting length running along the curb is six feet or greater.~~
- ~~d. achieving a minimum of one hundred cubic feet of uncompacted soils, within a maximum depth of three feet, for street trees is desired. See the City policy guidance for soils and street trees.)~~

~~((Delete graphic below))~~



~~Street trees located between the walking route of the sidewalk and curb edge~~

Section 9. That SMC 17H.010.050 is amended to read as follows:

17H.010.050 Right-of-way

- A. Public right-of-way widths shall be in accordance with the city's comprehensive plan, the city's engineering design standards or as directed by the director of engineering services. Minimum right-of-way widths are as shown in Table 17H.010-1. The right-of-way width varies based on the required street elements including number of lanes, on-street parking, bike lanes, medians, turn lanes, roadside swales, pedestrian buffer strips and street trees.
- B. Where infill development occurs on partially constructed blocks, the proposed right-of-way width shall at least match the existing right-of-way width for the rest of the block and adjoining blocks.
- C. Private streets shall be located on a tract; street easements are not permitted. The width of the tract for private streets shall meet the minimum right-of-way widths designated in Table 17H.010-1.
- D. Public rights-of-way or private tracts shall contain all street elements including paving, curbing, gutters and pedestrian buffer strips or swales in accordance with the city's design standards.
- E. Sidewalks may be located on easements on private property ((for local access streets)).
- F. Narrower right-of-way widths may be allowed at the discretion of the director of engineering services. Variance requests will be evaluated based on topography, traffic circulation, emergency vehicle access, zoning, existing development and on-street parking requirements.

**TABLE 17H.010-1
RIGHT-OF-WAY AND STREET WIDTHS**

	MINIMUM RIGHT-OF-WAY WIDTH [1]		MINIMUM STREET WIDTH
	Sidewalks in ROW	Sidewalks on Easements	Curb to Curb
ARTERIAL			
Principal	6 lane – 110 ft. 4 lane – 90 ft.	NA	Varies [2]
Minor	4 lane – 102 ft. 2 lane – 75 ft.	NA	Varies [2]
Collector	65 ft.	NA	40 ft.
LOCAL ACCESS			
Commercial	65 ft.	55 ft.	40 ft.
Residential Standard	60 ft.	50 ft.	36 ft.
Residential Low Density [3]	56 ft.	46 ft.	32 ft.
Residential Restricted Parking [3, 4]	51 ft.	41 ft.	27 ft.
Hillside Development [4, 5]	40 ft.	35 ft.	27 ft.
Cul-de-sac (radius)	56 ft.	51 ft.	50 ft.
Alley [6]	20 ft.	20 ft.	12 ft.

Notes:

- [1] Additional right-of-way may be required if roadside swales are used to control storm drainage.
- [2] Curb-to-curb width varies depending on street features including number of lanes, on-street parking, bike lane, median and turn lanes.
- [3] Narrow streets are appropriate only in low density (four to ten units per acre) residential neighborhoods. Adequate emergency vehicle access and staging areas must be provided as discussed in SMC 17H.010.140.
- [4] Parking is allowed on one side of the street only. Refer to SMC 17H.010.120 for on-street parking requirements.
- [5] Refer to SMC 17H.010.110 for more information.
- [6] Alleys do not require sidewalk or curb. The widths shown apply to right-of-way and pavement width.

Section 10. That SMC 17H.010.090 is amended to read as follows:

17H.010.190 Pedestrian Buffer Strips

- A. Pedestrian buffer strips are required on both sides of all streets between the sidewalk and the curb. The width and type of pedestrian buffer strip for each street shall comply with the requirements of the comprehensive plan and the city's design standards.
- B. Planted strips are required on residential local access streets. A minimum three-foot wide concrete pedestrian buffer strip may be allowed in place of the (~~six-and-one-half-foot~~) planted strip for certain land uses such as churches and schools that require passenger loading and unloading. These will be evaluated on a case-by-case basis and allowed at the discretion of the director of engineering services.
- C. In situations where a separation between the sidewalk and the street is constrained by topography, narrow right-of-way or existing development, a variance from this standard may be granted by the director of engineering services.
- D. In cases where sidewalk has been omitted on one side of the street, the pedestrian buffer strip may also be omitted on that side.
- E. Pedestrian buffer strips may be omitted around the bulb of cul-de-sacs.

PASSED BY THE CITY COUNCIL on February 25, 2013.

(Delivered to the Mayor on the 27th of February 2013.)
