



# Official Gazette

## City of Spokane, Washington

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

Volume 103

**JULY 24, 2013**

Issue 30



### 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, July 15, 2013****BRIEFING SESSION**

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

**Roll Call**

On roll call, Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, and Snyder were present. Council Member Waldref arrived at 3:34 p.m. 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 July 22, 2013, Advance Agenda items.

Low Bid of Hoffman Contractors, Inc. (OPR 2013-0526)

Upon review of the Low Bid of Hoffman Contractors, Inc. for Riverside Park Water Reclamation Facility Package B-Digester Gas, Solids Process Equipment, and Standby Power Improvements, Council Member Salvatori and Council President Stuckart requested the matter be moved to the Legislative Session for consideration during next week's (July 22) meeting.

Low Bid meeting specifications of Wingfoot Commercial Tire Systems, LLC (OPR 2013-0528)

On behalf of staff, City Administrator Theresa Sanders requested a 30-day deferral on the Low Bid meeting specifications of Wingfoot Commercial Tire Systems, LLC, for miscellaneous retread tires and tire-related services, pending review of some vendor comments regarding the bidder process. Subsequently, the following action was taken:

**Motion** by Council Member McLaughlin, seconded by Council Member Waldref, **to defer** the Low Bid meeting specifications of Wingfoot Commercial Tire Systems, LLC, for 30 days (to August 26, 2013); **carried unanimously.**

Resolution 2013-0060 Providing for Intergovernmental Transfer of Surplus Property

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

**Motion** by Council Member Fagan, seconded by Council Member Allen, to add Resolution 2013-0060—providing for the Intergovernmental Transfer of surplus City property (land adjacent to Joe Albi Stadium)—to the July 22, 2013, (Legislative) Agenda; **carried unanimously.**

Resolutions 2013-0056, 2013-0057, 2013-0058, and 2013-0059 Requesting the Spokane County Auditor to hold a Special Election (Advisory Votes—Regarding Envision Spokane Initiative and Spokane Moves to Amend Initiative)

Council Member Allen requested to delay Resolutions 2013-0056 through 2013-0059 as there is a court date set for July 26th, so these resolutions may or may not be necessary. Subsequently, the following action was taken:

**Motion** by Council Member Allen, seconded by Council Member McLaughlin, **to postpone** Resolutions 2013-0056 through Resolution 2013-0059, to the July 29, 2013, Agenda; **carried unanimously.**

Final Reading Ordinance C34990 Relating to On-Street Parking Regulations

Council President Stuckart requested a motion to table Ordinance C34990 indefinitely. He noted there were concerns brought up by the Police Department regarding event parking. Subsequently, the following action was taken:

**Motion** by Council Member Allen, seconded by Council Member Fagan, **to table** Ordinance C34990—relating to on-street parking regulations—indefinitely; **carried unanimously.**

**Action to Approve July 22, 2013, Advance Agenda**

Following staff reports and Council inquiry and discussion regarding the July 22, 2013, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

**Motion** by Council Member McLaughlin, seconded by Council Member Fagan, **to approve** the Advance Agenda for Monday, July 22, 2013, (as modified); **carried unanimously**.

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

Council considered the July 15, 2013, Current Agenda.

**CONSENT AGENDA**

**Upon motion of Council Member Fagan, seconded by Council Member Waldref, Council unanimously approved Staff Recommendations for the following:**

Low Bid of Red Diamond Construction, Inc. (Spokane, WA) for 15th Avenue from Lindeke Street to Cochran Street and Cochran Street from 16th Avenue to 15th Avenue—\$160,417.65. An administrative reserve of \$16,041.76, which is 10% of the contract price, will be set aside. (PRO 2012-0050 / LID 2012099)

Contract Amendments/Extensions, to increase funds and extend Housing and Essential Needs program grant award through December 31, 2013, with:

- a. Washington State Department of Commerce—increase of \$1,050,078 revenue. (OPR 2011-0739)
- b. Salvation Army (Spokane, WA)—increase of \$1,050,078. (OPR 2011-0855)

(Both items relate to Emergency Budget Ordinance C35012.)

Contract with Merchant First (Reno, NV) for credit card transaction processing services in conjunction with the Duncan Parking Technologies, Inc. contract (OPR 2013-0460)—\$112,500. (OPR 2013-0512)

Contract with Parkeon (Moorestown, NJ) for multi-space parking meters—\$63,000. (OPR 2013-0513)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through July 8, 2013 total \$3,315,403.96 (Check Nos. 471890-472221; ACH Payment Nos. 11009-11081), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$3,273,851.58. (CPR 2013-0002)
- b. Payroll claims of previously approved obligations through July 6, 2013: \$6,248,936.30 (Payroll Check Nos. 514486-514900). (CPR 2013-0003)

**Executive Session/Council Recess**

The City Council adjourned to an Executive Session at 3:56 p.m. for approximately 30 minutes to discuss labor negotiations. Assistant City Attorney Erin Jacobson was present during the Executive Session. The City Council reconvened again at 6:00 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, Snyder, and Waldref 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, McLaughlin, Salvatori, Snyder, and Waldref were present.

**CITY ADMINISTRATION REPORT****Monthly Police Ombudsman Report**

Police Ombudsman Tim Burns presented the highlights of the Police Ombudsman monthly report, which he also presented during the Public Safety Committee meeting held earlier today. The reporting period is for June 1 to June 30, 2013. In June, the Office was contacted a total of 91 times. Since January, the Office has been contacted 588 times. In June, the Office received 15 potential complaints; and, since January 1, the Office has processed 68 complaints. In June, 5 additional complaints were referred to their appropriate jurisdiction of authority. Since January 1, there have been 20 complaints that have been referred. In June, the Office received a total of 15 complaints: 7 for inadequate response, 3 for demeanor, 1 for harassment, 1 for excessive force, 1 for procedural issues, 1 for alleged conspiracy, and 1 for perjury.

In June, six completed Internal Affairs investigations were certified as timely, thorough, and objective. There was one completed investigation that was not certified on a technical basis in that it was not timely. In June, Mr. Burns noted he participated with Internal Affairs staff in the interviewing of 22 officers and 5 witnesses. He further noted he independently interviewed 9 complainants. Mr. Burns stated he, along with Internal Affairs staff, participated collaboratively in one closing interview with a former complainant. There were no critical incidents reported during the reporting period. No complaints were resolved through the mediation process during the reporting period, and there were no recommendations made to the Office of the Police Chief during the reporting period.

Mr. Burns stated that during the month of June, the Office continued its efforts to present the 2012 Annual Police Ombudsman Report to the neighborhoods. The report has been presented to 24 of the 27 neighborhood councils. During the reporting period, the Office received one commendation for an officer's performance Downtown.

Upon the request of Council Member Snyder, Mr. Burns provided an overview of why the one investigation was not certified. Mr. Burns noted it was an investigation that came in October 2012, and it was an alleged excessive force complaint and an inadequate response complaint. The excessive force component was that an officer placed hands on a woman during an investigation follow-up at the hospital. The results of the investigation revealed that actually it was a hospital security person. The inadequate response part of the complaint was regarding a traffic accident that lead to the law enforcement initial contact. Mr. Burns noted his investigation certification revealed that the investigation was thorough and objective, but it wasn't timely in that it took about seven months from the point of receiving to completion, and part of that was based simply on the fact that staff has turned over in the Internal Affairs Unit at the end of last year and the beginning of this year as a result of promotions and so it was one that got unnecessarily delayed as far as he was concerned.

**COUNCIL COMMITTEE REPORTS****Planning, Community, and Economic Development (PCED) Committee**

Council President Stuckart reported on the PCED Committee meeting held earlier today (July 15). Minutes of the PCED Committee meetings are filed with the City Clerk's Office and are available for review following approval of the PCED Committee.

**Public Safety Committee**

Council Member McLaughlin reported on the Public Safety Committee meeting held earlier today (July 15). Minutes of the Public Safety Committee meetings are filed with the City Clerk's Office and are available for review following approval of the Public Safety Committee.

There were no **Council Appointments**.

**OPEN FORUM**

**Mr. Henry Valder** stated he is moving. He commented on marijuana dispensaries, homeless vets, and other matters.

**Mr. George McGrath** spoke regarding the (George) Zimmerman trial (that took place in Florida). He requested the Council enact a resolution in support of the jury for that trial.

**LEGISLATIVE AGENDA****EMERGENCY BUDGET ORDINANCE**

**Emergency Budget Ordinance C35012 and Emergency Budget Ordinance C35013** Subsequent to the opportunity for public testimony and Council comment, with no citizens or Council Members requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote** the City Council **passed** the following **Emergency Budget Ordinances** 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:

**ORD C35012** Human Services Grants Fund  
FROM: Department of Commerce, \$1,050,078;  
TO: Contractual Services, same amount.

(This action budgets additional grant funds for administration of the Housing and Essential Needs Program.) (Relates to OPR 2011-0739 and OPR 2011-0855)

**ORD C35013** Under Freeway Parking Fund  
FROM: Unappropriated Reserves, \$115,000;  
TO: Contractual Services, same amount.

(This action budgets for new parking meter implementation.)

## EMERGENCY ORDINANCE

### Emergency Ordinance C35008

The City Council considered Emergency Ordinance C35008—an interim ordinance relating to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processors and retailers. Council Members Snyder and Fagan, as the sponsors, provided an overview of the ordinance. Public testimony was received and Council and staff comment held. Subsequently, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Emergency Ordinance C35008**—an interim ordinance relating to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processors and retailers; amending SMC Sections 1.05.170 and 4.04.020; adopting a new Section 8.02.0233 to chapter 8.02 SMC; adopting new Chapters 10.49 and 10.50 to Title 10 SMC and new Chapter 17C.347 to Title 17C of the Spokane Municipal Code; providing for a public hearing within sixty days and declaring an emergency.

## RESOLUTIONS

### Resolution 2013-0054 and Resolution 2013-0055

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

**Upon Unanimous Roll Call Vote**, the City Council **adopted** the following Resolutions:

**RES 2013-0054** Setting Formation Hearing before the Hearing Examiner for August 13, 2013, on LID No. 2013080 at 1:30 p.m. for improvements of the alley between Princeton Avenue and Heroy Avenue from Addison Street to Standard Street. (PRO 2013-0018 / LID 2013080)

**RES 2013-0055** Setting Formation Hearing before the Hearing Examiner for August 13, 2013, on LID No. 2013113 at 2:30 p.m. for the street, storm, sewer and water improvements in Poplar Street from 16th Avenue to 15th Avenue and 15th Avenue from U.S. 195 to Latah Creek Park. (PRO 2013-0019 / LID 2013113)

## FINAL READING ORDINANCES

### Final Reading Ordinance C35009

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

**Upon Unanimous Roll Call Vote**, the City Council **passed Final Reading Ordinance C35009** relating to the Northeast Public Development Authority; amending Ordinance No. C34813.

### Final Reading Ordinance C35010

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

**Upon Unanimous Roll Call Vote**, the City Council **passed Final Reading Ordinance C35010** relating to parking non-passenger vehicles in residence zones; amending SMC Section 16A.61.562. (Removes undefined standard of "habitual parking" replacing with a precise and measurable guideline.)

There were no **First Reading Ordinances**.

There were no **Special Considerations**.

There were no **Hearings**.

No individuals spoke during the **second Open Forum**.

#### **ADJOURNMENT**

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 6:54 p.m.

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### **MINUTES OF SPOKANE CITY COUNCIL** **Thursday, July 18, 2013**

A Special Meeting of the Spokane City Council was held on the above date at 4:05 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 McLaughlin and Waldref were present. Council Member Salvatori arrived at 4:15 p.m. Council Members Allen, Fagan and Snyder were absent.

The following topic was discussed:

- Economic Incentives

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 4:45 p.m.

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### **PUBLIC WORKS COMMITTEE MINUTES** **Monday, April 22, 2013**

#### **Attendance:**

##### **Committee Members Present:**

Council Member Michael A. Allen, Acting Committee Chair  
Council Member Nancy McLaughlin  
Council Member Jon Snyder  
Council Member Amber Waldref  
Council Member Mike Fagan

##### **Committee Members Absent:**

Council Member Steve Salvatori

##### **Staff Present:**

Rick Romero, Director, Utilities Division  
Dale Arnold, Director, Wastewater Management  
Rae-Lynn Barden, Legislative Assistant, City Council  
Mark Cleveland, Operations Supervisor, Water Department  
Marlene Feist, Division Communications Manager  
Ken Gimpel, Business Director, Spokane Regional Solid Waste System

Gene Jakubczak, Director, Fleet Services  
Dan Kegley, Acting Water Operations Director  
Katherine Miller, Principal Engineer, Capital Programs  
Barbara Patrick, Administrative Secretary, Utilities Division  
Elizabeth Schoedel, Assistant City Attorney

**Guest Present:**

None

Council Member Allen called the meeting to order at 1:30 p.m.

Review and Approval of Minutes:

Council Member Allen asked for a motion to approve the minutes of the April 8, 2013 meeting.

➤ **Action Taken:**

- Council Member McLaughlin moved to approve the minutes of the April 8, 2013 meeting as presented; the motion was seconded by Council Member Fagan. The minutes were approved unanimously.

Contract for Processing and Marketing of Scrap Metal:

Ken Gimpel presented the proposed contract with Pacific Hide and Fur Depot, Inc. D.B.A. Pacific Steel and Recycling to process and market recyclable scrap metals collected at Spokane Regional Solid Waste System Waste to Energy Facility, transfer stations and recycling centers. Ken reviewed the information about the contract that was provided in the briefing paper. Discussion was had on the bidding process, Pacific Steel and Recycling was the only response to the bid request. Ken answered questions on other contracts for the Regional Solid Waste System.

➤ **Action Taken:**

- None

Purchase Replacement Switchgear for Switchyard No. 1 at Upriver Dam:

Mark Cleveland presented the request to recommend the purchase of replacement switchgear for switchyard number 1 at Upriver Dam. Mark reviewed the information provided in the briefing paper and discussed the bid process. Seven responses were received to the bid request with Myers Power Products as the low bidder. Mark explained the next steps that include working with a local firm for removal and installation. Council Member McLaughlin inquired about the warranty and life of the new switchgear. Mark said that the contract has a one-year warranty and the life of the unit is 30 years. The existing switchgear is 25 years old but was not weatherproof.

Council Member Allen requested an update on the condition and replacement plan for the concrete at Upriver Dam. Rick said that the Department is working on the 6-year plan and will update then.

➤ **Action Taken:**

- None

Sole Source Vendor for Pressure Washing Equipment:

Gene Jakubczak presented the request to recommend declaring Hotsy of Spokane a sole source vendor for the maintenance, service and product supplier for the Hotsy brand pressure washing equipment utilized by Fleet Services. Gene reviewed the information provided in the briefing paper.

➤ **Action Taken:**

- None

Purchase 3 Replacement Single Axle Cab and Chassis for Street Department:

Gene Jakubczak presented the request to recommend the purchase of 3 replacement single axle cab and chassis and 3 replacement tandem axle cab and chassis for the street department.

Discussion was had on the solid waste collection vehicle conversion to compressed natural gas. Rick Romero said the fueling source and the ability to maintain CNG vehicles will be included with the design and build of the Nelson Service Center and the replacement vehicles will be phased into the schedule.

{Subsequent to this meeting an email was sent to the Committee members to notify them that the purchase request will be reduced to one single axle cab and chassis due to budget considerations.}

- **Action Taken:**
- None

Purchase 3 Replacement Tandem Axle Cab and Chassis for Street Department:

This item was discussed with the item above.

- **Action Taken:**
- None

Revision of SMC Chapter 13.02 regarding Construction, Demolition, and Land-clearing Waste Management Requirements:  
Due to Scott Windsor absence this item was requested to be deferred to the next meeting on May 13, 2013.

- **Action Taken:**
- None

Discussion on Financial Merger of Water and Wastewater:

Rick Romero distributed a briefing paper that described combining the water and wastewater funds as well as related organizational changes. Rick reviewed a PowerPoint presentation with the committee that outlined the holistic planning of the water management system for the City of Spokane. Rick also reviewed the organizational changes within water and wastewater departments. Rick and Dale discussed the treatment facility system daily flow capacity and the work on the Integrated Clean Water Plan that includes right-sizing the Combined Sewer Overflow systems.

Rick reviewed the draft ordinance. Effective the date of the merge the two funds will be one fund and that the fund balance that is currently in each fund will be utilized for the original fund.

Discussion was had on the organizational changes and the rate structures of the funds. Rick said he anticipates having a clearer direction for the Integrated Clean Water Plan by the end of the year that may direct the composition of the rates in the future.

- **Action Taken:**
- None

Discussion on Water Service Areas:

Rick Romero distributed a confidential draft water policy outline. This draft is to outline five different service options. Council Member Snyder inquired if this is an executive session subject and if we have had or are expecting any litigation based on the policies that we currently have or policies we may change in the future. Elizabeth Schoedel replied that at this time it is not in executive session because there is not anything challenging the policy. Rick reviewed the draft for informational and comment purposes only.

Rick reviewed the five different service areas. The areas include: inside City boundaries, inside City boundaries/within the empowerment zone, outside city boundaries/within the Urban Growth Area (UGA)/inside water service area, outside UGA/inside water service area, outside UGA/outside water service area. Rick discussed the next steps, including additional discussions with the city administration, to define the policy around whether service would be extended in those areas. Discussion was had on the current municipal codes and the water services areas.

- **Action Taken:**
- None

Integrated Clean Water Plan – Standing Update:

Rick Romero briefly updated the committee that the Mayor, City Administrator and he met with Ecology Director, Maia Bellon, last week about the Integrated Clean Water Plan and the coordination work being done with local Ecology staff. They also met with the Region 10 Director of Environmental Protection Agency, Dennis McLerran, to discuss the integrated approach. They received positive feedback from both meetings.

- **Action Taken:**
- None

Other Updates/Reports - Utility Billing Staff Annual Chili Cook Off to Benefit U-Help:

Rick Romero reported that the Utility Billing employees raised over \$1,700 by holding a chili cook off to benefit the U-Help fund that assists low income utility customers with paying their bill in times of need.

- **Action Taken:**
- None

Executive Session:

None

**Adjournment**

The meeting adjourned at 2:25 p.m.

Prepared by:

Barbara Patrick, Administrative Secretary

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

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**PUBLIC WORKS COMMITTEE MINUTES**  
**Monday, May 13, 2013**

**Attendance:****Committee Members Present:**

Council Member Steve Salvatori, Committee Chair  
Council Member Michael A. Allen  
Council Member Nancy McLaughlin  
Council Member Jon Snyder  
Council Member Amber Waldref  
Council Member Mike Fagan

**Committee Members Absent:**

None

**Staff Present:**

Rick Romero, Director, Utilities Division  
Rae-Lynn Barden, Legislative Assistant, City Council  
Marlene Feist, Division Communications Manager  
Gene Jakubczak, Director, Fleet Services  
Barbara Patrick, Administrative Secretary, Utilities Division  
Angel Spell, Urban Forester  
Scott Windsor, Director, Solid Waste Management

**Guest Present:**

None

Council Member Salvatori called the meeting to order at 1:33 p.m.

Review and Approval of Minutes:

Council Member Salvatori asked for a motion to approve the minutes of the April 22, 2013 meeting.

- **Action Taken:**
- Council Member Fagan moved to approve the minutes of the April 22, 2013 meeting as presented; the motion was seconded by Council Member Snyder. The minutes were approved unanimously.

Urban Forestry Tree Inventory Update:

Angel Spell, Urban Forester for the City of Spokane, gave a presentation to the Committee that reviewed the Public Tree Inventory.

Council Member Waldref joined the meeting at 1:35 p.m.

Angel reviewed the background for the project funding that began by a City Council action in 2011 to fund the project out of the stormwater budget. Angel described the types, condition and value rating of the trees in the public right-of-way, including park trees.

Council Member Allen joined the meeting at 1:40 p.m.

Angel discussed the stormwater mitigation and air quality benefits that are provided by street trees and green infrastructure. Urban Forestry is working on an implementation strategy with the Integrated Clean Water Plan for including green infrastructure in stormwater reduction. She described the searchable data base of the inventory that can be used to identify gaps, planting strip sizes and locations of swales. The next steps will be to analyze the data. Angel answered questions on the value assessment of street trees, maintenance, the use of native species such as Ponderosa Pine and other related questions.

- **Action Taken:**
- None

Angel Spell left the meeting at 2:05 p.m.

Purchase Used Pavement Grinder for Streets Department:

Gene Jakubczak presented the request to approve the purchase of a used pavement grinder for the Street Department. This slightly used model is larger than the one it is replacing with higher productivity and function

- **Action Taken:**
- None

Purchase Two Motorcycles for Police Department:

Gene Jakubczak presented the request to purchase two motorcycles for the Police Department. Gene reviewed the information provided in the briefing paper.

- **Action Taken:**
- None

Value Blanket Order for the purchase of Automotive Lubricants:

Gene Jakubczak presented the request to recommend approval of the Value Blanket Order with Connell Oil to supply lubricants. Gene reviewed the information provided in the briefing paper.

- **Action Taken:**
- None

Value Blanket Order Renewal for the purchase of Refuse Carts:

Scott Windsor presented the request to recommend approval of the Value Blanket Order renewal with Otto Environmental Systems, LLC for the purchase of refuse carts. Scott reviewed the information provided in the briefing paper.

- **Action Taken:**
- None

Value Blanket Order Renewal for the purchase of Yard Waste Carts:

Scott Windsor presented the request to recommend approval of the Value Blanket Order renewal with Otto Environmental Systems, LLC for the purchase of yard waste carts. Scott reviewed the information provided in the briefing paper.

- **Action Taken:**
- None

Revision of SMC Chapter 13.02 regarding Construction, Demolition, and Land-clearing Waste Management Requirements:

Scott Windsor reviewed the proposed changes to the Spokane Municipal code chapter 13.02 regarding construction, demolition and land-clearing waste management requirements.

Scott discussed the key changes to the code with the committee. Discussion was had on the process for use of roll-off containers at construction sites and the permits. The revision will remove the requirement that all construction, demolition and land-clearing waste had to be disposed of at the Waste to Energy Facility. The proposed change would allow the waste to go to a system permitted by the Heath District within Spokane County for the type of debris, providing a savings to the construction companies. Discussion was had on Code Enforcement addressing the infractions that are not corrected within a reasonable time period. Council Member Snyder asked for additional information about the building/demolition permits, particularly for historic buildings and enforcement on illegal demolitions that are done without permits. Rick Romero replied that we will work further with Code Enforcement to address the concerns.

- **Action Taken:**
- None

#### Discussion on Water Service Policy:

Rick Romero distributed a confidential draft water policy outline. This draft is an outline of the five different service extension areas. Rick discussed the intent of the policy that would address the set of guidelines that water service would be extended. In addition, a separate group, including Jan Quintrall, Council Member Waldref and Council Member McLaughlin, will work on outlining the guidelines are used to set incentives for developments requiring water service extensions.

Rick Romero began the discussion with a review of a map that outlined the five service areas. The areas include: inside City boundaries, inside City boundaries/within the empowerment zone, outside city boundaries/within the Urban Growth Area (UGA)/inside water service area, outside UGA/inside water service area, outside UGA/outside water service area. Rick reviewed the options of providing services in the different areas and the types of agreements that would need to be negotiated in each scenario. Requests for service outside the UGA would be approved by City Council. Rick discussed the process for wholesale service agreements that are also approved by the City Council.

- **Action Taken:**
- None

#### Integrated Clean Water Plan – Standing Update:

Rick Romero briefly updated the committee on the discussions with the County in regards to the capacity purchased by the County and the overall capacity of the facility and the pipes. These discussions will greatly assist in the process of right-sizing the Combined Sewer Overflow tanks.

Council Member Waldref inquired if there was an update on the Community Gardens issue that has been discussed at previous Public Works Committee meetings. Rick said that staff is continuing towards a resolution and is making progress toward addressing the two community gardens that are within the wellhead areas. It was agreed with the Health Department to take up to a one-year window to resolve the issues, collaboratively. The property at Ray Street is large enough that the garden can be located far enough outside the 100 foot zone of the wellhead. The garden located at the Crestline Street wellhead is exploring options on new locations and possibly working toward relocating the garden to a local park.

Rick told the Committee that an agreement with WSDOT will be on the Council agenda to request approval of a reimbursement to the Water Department for work done to relocate a waterline during construction of highway 195 and Cheney-Spokane Road.

- **Action Taken:**
- None

#### Executive Session:

None

#### **Adjournment**

The meeting adjourned at 3:05 p.m.

#### Prepared by:

Barbara Patrick, Administrative Secretary

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

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**PUBLIC WORKS COMMITTEE MINUTES****Monday, June 10, 2013****Attendance:****Committee Members Present:**

Council Member Steve Salvatori, Committee Chair  
Council Member Michael A. Allen  
Council Member Nancy McLaughlin  
Council Member Amber Waldref  
Council Member Mike Fagan

**Committee Members Absent:**

Council Member Jon Snyder

**Staff Present:**

Rick Romero, Director, Utilities Division  
Rae-Lynn Barden, Legislative Assistant, City Council  
Marlene Feist, Division Communications Manager  
Ken Gimpel, Business Director, Spokane Regional Solid Waste System  
Lars Hendron, Principal Engineer, Wastewater Management  
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Barbara Patrick, Administrative Secretary, Utilities Division  
Chris Peterschmidt, Principal Engineer, Water Department  
Lynn Schmidt, Stormwater Permit Coordinator, Wastewater Management  
Elizabeth Schoedel, Assistant City Attorney  
Blaine Stum, Legislative Assistant  
Scott Windsor, Director, Solid Waste Management

**Guest Present:**

Wayne Carlson, Associate Principle with AHBL  
Rachel Hodgson, Intern with AHBL  
Heidi Groover, Inlander

Council Member Salvatori called the meeting to order at 1:30 p.m.

**Review and Approval of Minutes:**

Council Member Salvatori asked for a motion to approve the minutes of the May 13, 2013 meeting.

➤ **Action Taken:**

- Council Member Fagan moved to approve the minutes of the May 13, 2013 meeting as presented; the motion was seconded by Council Member Allen. The minutes were approved unanimously.

**Low Impact Development Training for Elected Officials Presentation with AHBL:**

Lynn Schmidt, Stormwater Permit Coordinator, introduced Wayne Carlson and Rachel Hodgson of AHBL. AHBL has been traveling the State to talk to elected officials about the Low Impact Development (LID) and (NPDES) permits, holding LID training sessions.

Council Member Waldref joined the meeting at 1:33 p.m.

Wayne discussed Low Impact Development and the new NPDES permits issued beginning in 2012. The 5-year, 2012 permits supersede permits issued in 2007 and are based on a legal standard of maximum treatment practicable and the maximum treatment levels change with technology.

Wayne reviewed the history of how the treatment levels have evolved and how they have been applied. The new 2012 permit becomes effective August, 2014. The new focus of the permit has changed from "should encourage" to "shall allow" LID. The intent of the change is to increase the feasibility for projects using LID best management practices.

Elizabeth Schoedel discussed the Spokane Municipal code that requires property developers to maintain stormwater on-site. However, the property can utilize a long-term dedicated plan attached to the property for offsite stormwater mitigation, such as Hazel's Creek.

Wayne continued the discussion by reviewing a PowerPoint that outlined the particulars of the permits, timelines, and examples of stormwater mitigation such as bio-retention, permeable pavement, rain gardens, vegetated roofs and others. In some communities the new permits will require code changes to parking and building heights. Wayne discussed the maintenance manual that Ecology has developed and is holding trainings. The LID manual for Eastern Washington will be available in July. Ecology is asking for elected officials for feedback in regards to training or other resources that are needed for implementation.

- **Action Taken:**
- None

#### Draft Low Impact Development Ordinance:

Lynn Schmidt discussed with the committee the draft Low Impact Development Ordinance and briefed the council on the adoption timeline. The PCB consent decree with the Spokane Riverkeeper requires the development of a draft ordinance to be presented to the City Council by August 19, 2013 that encourages and incentivizes the use of low impact development. This draft ordinance provides for commercial stormwater fee discounts with the use of LID. Lynn reviewed the discounts in the draft ordinance and the stakeholders meetings. The Committee asked Lynn to provide the minutes or notes and attendance from the stakeholders meetings. Rick Romero suggested scheduling a study session to review the ordinance and the financial impact projections. Discussion was had on the use of rain gardens and rain barrels. Lynn continued the review of the other items in the ordinance and the permitting process. Council Member Fagan requested more information on permeable pavement and width of streets during the study session.

- **Action Taken:**
- None

#### Presentation on Distribution System Leak Detection:

Dan Kegley reviewed a PowerPoint presentation on the Water Departments distribution system leak detection. Recently, a night detection crew targeted the oldest water mains, located mostly in Downtown, and found two leaks in 10 miles of water main. The small number of leaks located told them that the age of the pipe was not an indication of finding more or less leaks. He spoke about the process and technology the crew uses to assess the water infrastructure, beginning with a visual inspection of the valve, exercising the valves, and using tools to listen for leaks. Leaks can be more prevalent in areas of frost, truck traffic and construction. The crews test before and after construction. Leaks that are identified are then passed on to a work crew for repair. Discussion was had on the distribution system loss and leaks on private property. Property owners are notified about potential leaks in pipes from the main to the meters which are normally located in the basement of the home or building.

Rick Romero said in addition to the leak detection work, the department is upgrading source meters as a part of the Capital Plan.

- **Action Taken:**
- None

#### Sole Source Resolution for Automated Meter Reading Equipment and Encoder Receiver Transmitters from Itron, Inc.:

Dan Kegley presented the request to declare Itron, Inc. as a sole source providing automated meter reading equipment and encoder receiver transmitters. Dan reviewed the information provided in the briefing paper.

- **Action Taken:**
- None

#### Purchase of Two Pumps for Lincoln Heights Booster Station:

Chris Peterschmidt presented the request to purchase two pumps and medium voltage motor control center for the Lincoln Heights Booster Station. Chris reviewed the information provided in the briefing papers.

- **Action Taken:**
- None

Purchase of Medium Voltage Motor Control Center for Lincoln Heights Booster Station:

This item was presented with the item above.

- **Action Taken:**
- None

Public Works Trust Fund Loan for Garden Park Booster Station:

Mark Papich presented the request to approve the Public Works Trust Fund and Energy Efficiency loan for the Garden Park Booster Station. Mark reviewed the information provided in the briefing paper and stated that the correct repayment period is 24 years. Mark discussed the potential savings of \$20,000 per year in electrical costs by replacing the booster station and the terms of the loan. Mark said that due to the short approval turn around requested, this item will be on the agenda for the advanced briefing at today's City Council meeting. Council Member Fagan inquired about the efficiency rating of the equipment. Chris Peterschmidt discussed the ratings between the pumps and the motors.

- **Action Taken:**
- None

Waste to Energy Facility 2013 Capital Projects:

Russ Menke discussed the proposal to increase the 2013 capital budget by \$6.3 million to reschedule capital projects to reduce ongoing maintenance costs, and improve facility reliability. Russ discussed the cost savings by improving the schedule for fabricating the waterwall panels at the Waste to Energy Facility.

- **Action Taken:**
- None

Purchase of 20 Replacement Ford Police Interceptor Patrol Vehicles:

Gene Jakubczak presented the request to purchase 20 replacement vehicles for the Police Department. Gene reviewed the information provided in the briefing paper. Council Member Waldref inquired whether capital funds were being used for this purchase. Gene said he would find out and get the information to the Committee.

- **Action Taken:**
- None

Value Blanket for the Purchase of Police Tires:

Gene Jakubczak presented the request to establish a value blanket with Wingfoot Commercial Tire using the State contract for the purchase of tires for the Police Department. As well as to establish a value blanket with TDS Tires, Inc. for fleet tires on an as needed basis. Gene reviewed the information provided in the briefing papers. Gene said that he would be bringing a value blanket for retread tires to the Committee at another date.

- **Action Taken:**
- None

Value Blanket for the Purchase of Miscellaneous Tires:

This item was briefed with the item above.

- **Action Taken:**
- None

Contract Renewal for the Purchase of Magnesium Hydroxide for the Riverside Park Water Reclamation Facility:

Lars Hendron presented the request to renew the contract with Inland Environmental Resources, Inc. to supply liquid Magnesium Hydroxide for the Riverside Park Water Reclamation Facility. Lars reviewed the information provided in the briefing paper.

- **Action Taken:**
- None

Sole Source Resolution for ISCO Flow Monitoring System with Whitney Equipment Company, Inc.:

Lars Hendron presented the request to declare Whitney Equipment Company as a sole source provider of ISCO flow monitoring systems. Lars discussed the use of the flow monitoring systems to collect data in the sewer lines and combined sewer overflows. This system is critical for compliance with regulations and to the Integrated Strategy planning.

- **Action Taken:**
- None

Contract with Spokane County for Use of Geiger Work Crews:

Scott Windsor presented the contract with Spokane County for use of work crews from the Geiger Corrections Facility. Scott reviewed the information provided in the briefing paper. The crews provide a variety of services including sorting the recycled batteries that are collected, litter control services at properties including the transfer stations.

- **Action Taken:**
- None

Integrated Clean Water Plan – Standing Update:

Due to the length of the meeting this item was not discussed, however, Rick remarked that the Integrated Clean Water Plan is making good progress.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

**Adjournment**

The meeting adjourned at 3:15 p.m.

Prepared by:

Barbara Patrick, Administrative Secretary

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

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**PUBLIC WORKS COMMITTEE MINUTES**  
**Monday, June 24, 2013**

**Attendance:****Committee Members Present:**

Council Member Steve Salvatori, Committee Chair  
Council Member Michael A. Allen  
Council Member Mike Fagan  
Council Member Nancy McLaughlin  
Council Member Jon Snyder  
Council Member Amber Waldref

**Staff Present:**

Rick Romero, Director, Utilities Division  
Dale Arnold, Director, Wastewater Management  
Rae-Lynn Barden, Legislative Assistant, City Council  
Barb Burns, Assistant City Attorney  
Marlene Feist, Division Communications Manager  
Ken Gimpel, Business Director, Spokane Regional Solid Waste System  
Lars Hendron, Principal Engineer, Wastewater Management  
Gene Jakubczak, Director, Fleet Services  
Lori Kinnear, Legislative Assistant  
Ashley Marshal, Legal Department

Russ Menke, Facilities Director, Spokane Regional Solid Waste System  
Tim Szambelan, Assistant City Attorney  
Mike Taylor, City Engineer/Contract Manager  
Scott Windsor, Director, Solid Waste Management  
Barbara Patrick, Administrative Secretary, Utilities Division

**Guest Present:**

Scot Frazer, Western Systems  
Heidi Groover, Inlander

Council Member Salvatori called the meeting to order at 1:30 p.m.

Review and Approval of Minutes:

Council Member Salvatori asked for a motion to approve the minutes of the June 10, 2013 meeting.

➤ **Action Taken:**

- Council Member Fagan moved to approve the minutes of the June 10, 2013 meeting as presented; the motion was seconded by Council Member McLaughlin. The minutes were approved unanimously.

Repealing Spokane Municipal Code Chapter 14 Lists of Franchises to City:

Barb Burns, Assistant City Attorney, discussed with the Committee the proposal to repeal Title 14 that lists the franchises. (Agenda item name is corrected to be Title 14 not Chapter.) The reason for the repeal is that it is of no substance or value and is updated about every 20 years to list the franchises with the City and was quickly outdated. Tim Szambelan spoke about the main ways that citizens and city staff obtain the information on franchises either through the City website or the City Clerk's office.

Council Member Allen and Lori Kinnear joined the meeting at 1:35 p.m.

➤ **Action Taken:**

- None

Purchase Replacement Flusher/De-Icer Unit for Street Department:

Gene Jakubczak presented the request to purchase a replacement flusher/de-icer unit for the Street Department. Gene reviewed the information provided in the briefing paper.

➤ **Action Taken:**

- None

Purchase Replacement Cab and Chassis for Sewer Cleaner Jet-Rodder Truck:

Gene Jakubczak presented the request to purchase a replacement cab and chassis as well as the purchase of the replacement body for the sewer cleaner jet-rodder truck. Gene reviewed the information provided in the briefing papers.

➤ **Action Taken:**

- None

Purchase Replacement Body for Sewer Cleaner Jet-Rodder Truck:

This item was discussed with the item above.

➤ **Action Taken:**

- None

Award Low Bid for Package B – Riverside Park Water Reclamation Facility Upgrade:

Lars Hendron reviewed the information provided in the briefing paper. This new bid is replacing a bid last year that was rejected. The "Package B" was reduced to only the highest priority projects that include the digester gas system, process equipment, flammable fluids storage, gravity belt thickeners and adding standby power.

Amber Waldref joined the meeting at 1:38 p.m.

Lars discussed the history of the bids and the items that were pulled out of the current bid, such as the building rehabilitation for the solids processing area, and cogeneration. The department plans to brief the award of the bid to

Hoffman Contractors at the City Council briefing session on July 8, 2013. Lars distributed a letter, from Garco Construction, disputing the planned award. Staff will continue to work with Legal Department to resolve this issue.

Council Member Snyder inquired which of these items were crucial for the Next Level of Treatment at the facility. Lars replied that none are crucial but the gravity belt thickeners add some capacity to the process. The pulled-out projects will be reevaluated into the 20-year plan. Rick Romero discussed the agreement with the County for 10/44th of capacity and capital improvements to the facility.

- **Action Taken:**
- None

Waste to Energy Facility 2013 Capital Projects:

Russ Menke discussed with the Committee the 2013 Capital projects. He reviewed the briefing that was given at City Council advanced agenda briefing on June 17, 2013, where there were concerns that the local Boilermakers were not able to bid on this work. Since that time Russ was able to talk to Wheelabrator and even though it is not in the contract for the City to be able to select their contractors, they agreed to receive bids from two local contractors and evaluate them. The contract addendum had a few minor clarifications and a new copy has been submitted to the Clerk's office for the June 24, 2013 meeting. Barb Burns offered clarification that on this type of contract for the Waste to Energy Facility is not subject to the open public bidding process.

- **Action Taken:**
- None

Integrated Clean Water Plan – Standing Update:

Rick Romero discussed with the Committee the conditional use permit that has been granted for the Combined Sewer Overflow (CSO) tank at 21st Avenue and Ray Street. Mike Taylor discussed the right-of-way issue that was resolved with the Hearing Examiner. He also gave an overview of the site improvements and the paving on Fiske. Council Member Snyder asked for specific details that were decided on to be able to speak to any citizens that ask. Rick reviewed the Underhill Park conditional use permit process.

Rick discussed the Integrated Clean Water Plan work on finding solutions to removing the most volume of pollutants from the river with the focus on volume rather than frequency of discharges. He discussed the work to provide multiple solutions for stormwater from the Cochran Basin by utilizing Downriver Golf Course for infiltration and storage by using non-play areas. Council Member Allen requested additional information and more details will be given at the next Public Works Committee meeting.

Council Member Snyder inquired if there were any new developments regarding CSO 26. Rick replied that staff has just received draft illustrations that could be viewed at the next Public Works Committee meeting.

Rick discussed the modeling and the work being explored for resizing of the tanks in the CSO programs. Staff are meeting with Ecology once a month to review the process and working collaboratively.

- **Action Taken:**
- None

Other Updates/Reports - Update on Regional Solid Waste System:

Ken Gimpel discussed the recent discussions with Spokane County and Spokane Valley. Bruce Rawls has retired from the County and is working as a contract employee to help facilitate the issue with the Regional Solid Waste System. HDR Engineering has been hired by the County and Spokane Valley to explore options for the System. The work with the consultants has gone well and they anticipate giving a presentation on August 28, 2013.

Executive Session:  
None

**Adjournment**

The meeting adjourned at 2:15 p.m.

Prepared by:  
Barbara Patrick, Administrative Secretary

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

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**CIVIL SERVICE COMMISSION MEETING****Tuesday, July 16, 2013**

Mary Doran, Chair, called the regular meeting to order at 9:30 a.m. All Commission members were present, except Jim DeWalt and Craig Hult, who were excused.

**Agenda Item I.****Approval of Minutes:**

Ms. Doran introduced the Minutes from the regular meeting of June 18, 2013, for approval. Hearing no changes or corrections to the minutes, Ms. Doran stated that the minutes would stand approved as prepared.

**Agenda Item II.****Staff Activities:**

Glenn Kibbey, Chief Examiner, stated that prior to the regular report he wanted to note that Judy Destito, Clerk III, will receive her 35 year service pin this month. Mr. Kibbey said that while Judy couldn't be present today, he wanted to note the milestone for the record and express appreciation to Judy for her decades of service to the citizens of Spokane.

Mr. Kibbey stated that June had been another busy month for staff with several job announcements issued, a considerable number of examinations administered, including the Firefighter physical agility exam, and several classification surveys in progress, plus Civil Service Rule Review, etc. The Chief Examiner reported that with the loss of Brian Miyamoto due to retirement, the analyst staff is currently at about half of our normal level. It was also noted that the loss of Jennifer Quick to a transfer also put an additional burden on support staff, and that Judy and Lori are also appreciated.

Mr. Kibbey reported that the Civil Service Rule Review Committee expects to complete their review next week, and that he would like to schedule a working session for the Commission and the committee around the beginning of August to discuss proposed changes prior to placing them on the agenda for consideration. He noted that during the last committee meeting, management reps had indicated that they would notify Council President Stuckart, and Business/Economic Development Director Quintrall, who are also reviewing Civil Service processes, so that they might forward any recommendations as well.

The Chief Examiner also reported that with no real method of tracking specific departments that employees are assigned to, issues continue to arise in eligible list certification and other daily functions that may lead to appeals in the future. Mr. Kibbey stated his concern that the current lack of information could lead to abuse, where departments might manipulate their organizations in order to affect promotional hiring as well as lay off processes. Mr. Kibbey noted that staff has been requesting such a system for the past year and a half without success. Ms. Doran asked who had been contacted with regard to this issue. Mr. Kibbey responded that staff had initially met with City Administrator Theresa Sanders in early 2012, then CFO Gavin Cooley, Budget Director Tim Dunivant, and more recently, IT Director Mike Sloon and members of his staff, as well as HR staff.

The following statistics were reported for June, 2013:

Announcements issued	12	Classifications under review	0
Examinations	82	Classifications reviewed	2
Requisitions received	36	Classifications revised	2
Requisitions certified	35	Classifications New/Deleted	0/0
Requisitions pending	4	Title Changes	0
Requisitions cancelled	0	Surveys completed/cancelled/pending	1/0/4

Average days from departmental initiation to receipt of requisitions in Civil Service = 5.9

Average days from requisition receipt to certification = 1.3

Percentage of Requisitions Certified within 24 hours of receipt = 69.4%

Mr. Kibbey also provided a progress report on job announcement and requisition statistics for the year through June, and provided comparisons to ten-year averages, and ten-year highs as information to the Commission. Phyllis Gabel stated that the information is helpful, and looks good, considering the shortage of staff. Mr. Kibbey replied that he appreciates the long hours some of the staff are putting in to accomplish these functions. Ms. Doran also requested that the Chief Examiner inform Ms. Destito that the Commission appreciates her 35 years of service, and that sentiment was echoed by the other members.

The Chief Examiner reported additional details regarding examinations administered, classification surveys in progress; and, reported on qualification changes to the classifications Police Officer and Building Engineer I, which had the concurrence of management and the affected bargaining units. Commission members asked for clarification regarding the college English requirement for Police Officer, and Mr. Kibbey responded to their satisfaction.

**Agenda Item III.**

## Classification Resolution:

Mr. Kibbey stated that the resolution provides for deletion of the classifications of Crime Prevention Practitioner, Statistician, Workforce Development Program Specialist, Golf Course Groundskeeper, Medic, and Fire Equipment Officer, which are not anticipated to be used in the foreseeable future.

Mr. Kibbey stated that the resolution also provides for the addition of three classifications of Building Inspector, Plumbing Inspector, and Electrical/Mechanical Inspector, designed to replace the existing consolidated Inspector classification in order to address issues affecting lay off and return from lay off seniority order so that the proper skill-set is retained.

Mr. Kibbey stated that the deletions and new classifications have concurrence of management and the affected bargaining units; and, that he would recommend adoption. Ms. Gabel moved for adoption. The motion was seconded by Cheryl Beckett, and passed unanimously.

**Agenda Item IV.**

## Other Business:

Mr. Kibbey stated he was not aware of any other business, unless attorney Mike Piccolo had any updates to report regarding litigation that might affect the Commission. Mr. Piccolo stated that there was nothing new to report, and noted that such litigation can take months or longer to resolve. Ms. Doran requested that Mr. Piccolo keep the Commission updated.

Hearing no further business to come before the Commission, Ms. Doran adjourned the meeting at 9:46 a.m.

Glenn Kibbey  
Chief Examiner

# Hearing Notices

**FORMATION HEARING NOTICE**

**RESOLUTION 2013-0054  
PRO 2013-0018  
LID NO. 2013080**

WHEREAS, In accordance with RCW 35.43, a local improvement may be ordered only by an ordinance of the City Council of the City of Spokane, pursuant to either a resolution or petition therefore; and

WHEREAS, Said resolution must set forth certain information as required by law; -- NOW, THEREFORE,

BE IT RESOLVED By the City Council of the City of Spokane that it is the intention of said Council, and such intention is hereby declared, to order the **Alley Improvements between Princeton Avenue and Heroy Avenue from Addison Street to Standard Street.**

BE IT FURTHER RESOLVED That the nature and territorial extent of said proposed improvement is as stated above.

BE IT FURTHER RESOLVED That the cost and expense of the said improvement is to be borne in whole or in part by the property specially benefited thereby, and the boundaries of the proposed assessment district are particularly described as follows:

All that property described as follows:

<u>LOTS</u>	<u>BLOCK</u>	<u>ADDITION</u>
North half of Vacated Block	21	Lidgerwood Heights Addition
South half of Vacated Block	21	Lidgerwood Heights Addition

Situated in the NW Quarter of Section 05, Township 25, Range 43 East of the Willamette Meridian.

BE IT FURTHER RESOLVED That a hearing on the said proposed improvement will be held before the Hearing Examiner of the City of Spokane, in the Second Floor Conference Room, Municipal Building, West 808 Spokane Falls Boulevard, on the **13th day of August, 2013 at 1:30 p.m.**, at which time and place all persons who may desire to object thereto may appear and present such objections, if any they have.

BE IT FURTHER RESOLVED That the City Engineer is directed to submit to the Hearing Examiner at or prior to the time fixed for said hearing the estimated cost and expense of said improvement and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate actual valuation of the real estate, including twenty-five percent of the actual valuation of the improvements in said district according to the valuation last placed upon it for the purpose of general taxation, together with a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby, and the estimated amount of cost and expense of such improvement to be borne by each lot, tract, or parcel of land or other property, together with a statement showing the amount of special assessments outstanding and unpaid on the property within the proposed assessment district. The actual assessments levied for this improvement may vary from the assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

**ADOPTED by the City Council on July 15, 2013.**

Terri L. Pfister  
Spokane City Clerk

**The Hearing before the Hearing Examiner shall be the only hearing held on the Formation of the Proposed Local Improvement District and the City Council will act on the Hearing Examiner's recommendation based upon the record. A copy of the Report of the Engineering Services Department to the Hearing Examiner may be obtained at the Engineering Services Department seven days prior to the hearing. Additional information may be obtained by contacting the Engineering Services Department, 808 West Spokane Falls Boulevard, Spokane, Washington 99201; (509) 625-6700; Attention Ken Brown, P.E., Principal Engineer-Design.**

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may call, write, or email Gita George-Hatcher at (509) 625-7083; 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [ggeorge-hatcher@spokanecity.org](mailto:ggeorge-hatcher@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us at least forty-eight (48) hours before the meeting date.

Publish: July 17 and 24, 2013

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## FORMATION HEARING NOTICE

### RESOLUTION 2013-0055 PRO 2013-0019 LID NO. 2013113

WHEREAS, In accordance with RCW 35.43, a local improvement may be ordered only by an ordinance of the City Council of the City of Spokane, pursuant to either a resolution or petition therefore; and

WHEREAS, Said resolution must set forth certain information as required by law; -- NOW, THEREFORE,

BE IT RESOLVED By the City Council of the City of Spokane that it is the intention of said Council, and such intention is hereby declared, to order the **Street, Storm, Sewer and Water Improvements in Poplar Street from 16th Avenue to 15th Avenue and 15th Avenue from U.S. 195 to Latah Creek Park.**

BE IT FURTHER RESOLVED That the nature and territorial extent of said proposed improvement is as stated above.

BE IT FURTHER RESOLVED That the cost and expense of the said improvement is to be borne in whole or in part by the property specially benefited thereby, and the boundaries of the proposed assessment district are particularly described as follows:

All that property described as follows:

<u>LOTS</u>	<u>BLOCK</u>	<u>ADDITION</u>
13 – 14 & a portion of 15 & 16	B	Queen Anne Addition
5 – 9	C	Queen Anne Addition
12 – 13 & a portion of 10, 11, & 14	E	Queen Anne Addition
1 – 7 & 12 - 15	F	Queen Anne Addition

Situated in the NW Quarter of Section 25, Township 25, Range 42 East of the Willamette Meridian.

BE IT FURTHER RESOLVED That a hearing on the said proposed improvement will be held before the Hearing Examiner of the City of Spokane, in the Second Floor Conference Room, Municipal Building, West 808 Spokane Falls Boulevard, on the 13th day of August, 2013 at 2:30 p.m., at which time and place all persons who may desire to object thereto may appear and present such objections, if any they have.

BE IT FURTHER RESOLVED That the City Engineer is directed to submit to the Hearing Examiner at or prior to the time fixed for said hearing the estimated cost and expense of said improvement and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate actual valuation of the real estate, including twenty-five percent of the actual valuation of the improvements in said district according to the valuation last placed upon it for the purpose of general taxation, together with a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby, and the estimated amount of cost and expense of such improvement to be borne by each lot, tract, or parcel of land or other property, together with a statement showing the amount of special assessments outstanding and unpaid on the property within the proposed assessment district. The actual assessments levied for this improvement may vary from the assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

**ADOPTED by the City Council on July 15, 2013.**

Terri L. Pfister  
Spokane City Clerk

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Publish: July 17 and 24, 2013

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#### **NOTICE OF PLAN COMMISSION PUBLIC HEARING AND SEPA DETERMINATION**

Notice is hereby given that there will be a public hearing before the City of Spokane Plan Commission on **Wednesday, August 14, 2013 at 3 p.m.** in the City Council Chambers, lower level of City Hall at 808 West Spokane Falls Boulevard, Spokane, WA on the matter of a Comprehensive Plan Land Use Map Change File Z1200043. Any person may submit written comments on the proposed actions or call for additional information at:

Planning & Development Services  
Attn: Tirrell Black, Assistant Planner  
808 West Spokane Falls Boulevard  
Spokane, WA 99201-3333  
Phone (509) 625-6185  
[tblack@spokanecity.org](mailto:tblack@spokanecity.org)

Agent: Mike Stanicar, [mstanicar@bwarch.com](mailto:mstanicar@bwarch.com); 509-838-4511

Documents relating to this proposal at: [www.spokaneplanning.org](http://www.spokaneplanning.org)

**Location:** The proposal is generally bordered to the west by S. Sheridan Street, to the north by 5th Avenue, to the east by Hatch Street (with additional parcels located east of Hatch Street with frontage on 5th Avenue) and to the south by Hartson Avenue. Parcel numbers are: 35201.5303-.5306; 35201.5345; 35202.4801-4805, .4808-.4812, .4814-.4819, .4824-.4828.

**Description of Proposal:** The application is for a Comprehensive Plan text and map amendment to clarify supporting policy text and change the Land Use Designation of the subject property(s) from Residential 15-30 to Office. The approximate combined size is 3.3 acres.

**SEPA:** A DNS was issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days. Comments regarding this DNS must be submitted no later than 5 p.m., August 13, 2013 if they are intended to alter the DNS.

**Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.**

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may contact Gita George-Hatcher 48 hours before the meeting date at (509) 625-7083, 808 W. Spokane Falls Blvd., Spokane WA, 99201, or [ggeorge-hatcher@spokanecity.org](mailto:ggeorge-hatcher@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1.

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### NOTICE OF PLAN COMMISSION PUBLIC HEARING AND SEPA DETERMINATION

Notice is hereby given that there will be a public hearing before the City of Spokane Plan Commission on **Wednesday, August 14, 2013 at 3 p.m.** in the City Council Chambers, Lower Level of City Hall at 808 West Spokane Falls Boulevard, Spokane, WA on the matter of a Comprehensive Plan Land Use Map Change File Z1200044COMP (Carlberg). Any person may submit written comments on the proposed action or call for additional information to:

Planning & Development Services  
Attn: Tirrell Black, Assistant Planner  
808 West Spokane Falls Boulevard  
Spokane, WA 99201-3333  
(509) 625-6185; [tblack@spokanecity.org](mailto:tblack@spokanecity.org)

Agent: Dwight Hume, [dhume@spokane-landuse.com](mailto:dhume@spokane-landuse.com); 509-435-3108

Documents relating to this proposal at: [www.spokaneplanning.org](http://www.spokaneplanning.org)

**Location:** The parcel addresses are 614 E. 31st Avenue; 603, 607, and 611 E. 32nd Avenue. (NW 1/4 of Section 32, T25N, R42.W.M.) The parcel numbers are 35322.1602; 35322.1607; 35322.1606; and 35322.1605.

**Description of Proposal:** This proposal is to change the land use of two parcels from "Office" to "CC Core" and to change the land use on two additional parcels from "Residential, 4 to 10 units per acre" to "CC Core". The approximate combined size of the four lots is .64 acres. The applicant owns two additional parcels in this vicinity that are designated "CC Core" on the City of Spokane Land Use Map. If approved, the zoning for all four parcels would be Centers & Corridors, Type 1 – District Center (CC1-DC).

**SEPA:** A DNS was issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days. Comments regarding this DNS must be submitted no later than 5 p.m., August 13, 2013 if they are intended to alter the DNS.

**Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.**

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may contact Gita George-Hatcher 48 hours before the meeting date at (509) 625-7083, 808 W. Spokane Falls Blvd., Spokane WA, 99201, or [ggeorge-hatcher@spokanecity.org](mailto:ggeorge-hatcher@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1.

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### **NOTICE OF PLAN COMMISSION PUBLIC HEARING AND SEPA DETERMINATION**

Notice is hereby given that there will be a public hearing before the City of Spokane Plan Commission on **Wednesday, August 14, 2013 at 3 p.m.** in the City Council Chambers, Lower Level of City Hall at 808 West Spokane Falls Boulevard, Spokane, Washington on the matter of a Comprehensive Plan Land Use Map Change; File 1200045COMP (Alton). Any person may submit written comments on the proposed actions or call for additional information at:

Planning & Development  
Attn: Andrew Worlock  
808 West Spokane Falls Boulevard  
Spokane, WA 99201-3333  
Phone (509) 625-6991  
[aworlock@spokanecity.org](mailto:aworlock@spokanecity.org)

Agent: Dwight Hume, [dhume@spokane-landuse.com](mailto:dhume@spokane-landuse.com); 509-435-3108

Documents relating to this proposal at: [www.spokaneplanning.org](http://www.spokaneplanning.org)

**Location:** The property consists of two lots totaling approximately 12,400 square feet located at the southeast corner of the Fiske Street and 29th Avenue intersection. The assigned addresses are 3102 and 3108 E 29th Avenue in the City and County of Spokane, WA, in the NW 1/4 of Section 34, T25N, R43 E.W.M. The parcel numbers are 35342.0301 and 35342.0302.

**Description of Proposal:** This proposal is to change the land use designation of the subject property from "Residential 15-30" to "General Commercial." If approved, the parcel would be zoned Center and Corridor, Type 2, District Center (CC2-DC) and could be developed with future development consistent with the retail, business, service and other uses permitted within that zoning category. No specific development proposal has been offered at this time.

**SEPA:** A DNS was issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days. Comments regarding this DNS must be submitted no later than 5 p.m., August 13, 2013 if they are intended to alter the DNS.

**Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.**

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may contact Gita George-Hatcher 48 hours before the meeting date at (509) 625-7083, 808 W. Spokane Falls Blvd., Spokane WA, 99201, or [ggeorge-hatcher@spokanecity.org](mailto:ggeorge-hatcher@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1.

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### **NOTICE OF PLAN COMMISSION PUBLIC HEARING AND SEPA DETERMINATION**

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Planning Services Department  
Attn: Ken Pelton, Senior Planner  
808 West Spokane Falls Boulevard  
Spokane, WA 99201-3333  
[kpelton@spokanecity.org](mailto:kpelton@spokanecity.org)  
509-625-6300

Agent: Stacy Bjordahl, Parsons/Burnett/Bjordahl/Hume, LLP, 509-252-5066

**Location:** This proposal is for a total area of roughly 9.8 acres located generally at the southwest corner of 29th & Southeast Boulevard. The project is bound on the west by Martin Street. (N 1/2 Section 33, T 25N, R 43E). A map is available at [www.spokaneplanning.org](http://www.spokaneplanning.org)

**Description of Proposal:** This proposal is to change the land use map designation of parcels from "Office" and "Residential, 4 to 10 units per acre" to "CC Core" (approximately 9.8 acres in size). If approved, the applicant has requested zoning for all "CC Core" land use designated parcels be Centers & Corridors, Type 2 – District Center (CC2-DC). Maps and documents are available for review at [www.spokaneplanning.org](http://www.spokaneplanning.org).

**SEPA:** A non-project MDNS was issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days. Comments regarding this MDNS must be submitted no later than 5 p.m., August 13, 2013 if they are intended to alter the MDNS.

**Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.**

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may contact Gita George-Hatcher 48 hours before the meeting date at (509) 625-7083, 808 W. Spokane Falls Blvd., Spokane WA, 99201, or [ggeorge-hatcher@spokanecity.org](mailto:ggeorge-hatcher@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1.

# 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 **August 1, 2013**.

CLID	BOND NO.	RATE	MATURITY
215	60-63	4.75%	8/1/2018

Interest will cease to accrue on these bonds **August 1, 2013**.

July 17, 2013

PAM DOLAN  
DIRECTOR OF ACCOUNTING

Publish: July 24 and 31, 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*.**

## ORDINANCE NO. C35008

An interim ordinance relating to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processors and retailers; amending SMC sections 1.05.170 and 4.04.020; adopting a new section 8.02.0233 to chapter 8.02 SMC; adopting new chapters 10.49 and 10.50 to Title 10 SMC and new chapter 17C.347 to Title 17C of the Spokane Municipal Code; providing for a public hearing within sixty days and declaring an emergency.

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government's categorization of marijuana as having a "high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment." *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq; and

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, the intent of Initiative 692 was that qualifying "patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law,"(RCW 69.51A.005), but that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes" (RCW 69.51A.020); and

WHEREAS, the Washington State Legislature passed ESSB 5073 in 2011, which provides that a qualifying patient or his/her designated care provider are presumed to be in compliance, and not subject to criminal or civil sanctions/penalties/consequences, if they possess no more than 15 cannabis plants, no more than 24 ounces of usable cannabis (other qualifications apply); and

WHEREAS, on April 29, 2011, former governor Christine Gregoire vetoed all of the provisions of E2SSB 5073 relevant to medical marijuana dispensaries that would have provided the legal basis for legalizing and licensing medical cannabis dispensaries, processing facilities and production facilities, thereby making these activities illegal but left the provisions relating to cultivation of marijuana for medical use by qualified patients individually and in collective gardens; and

WHEREAS, RCW 69.51A.085 permitted qualifying patients "to create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use," provided no more than ten qualifying patients participate, a collective garden does not contain more than 15 plants per patient up to a total of 45 plants per garden, and the garden does not contain more than 24 ounces of useable cannabis per patient and up to a total of 72 ounces of useable cannabis; and

WHEREAS, under RCW 69.51A.060(1), it is a class 3 civil infraction to display medical cannabis in a manner or place which is open to view of the general public, which would include growing plants; 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, Pursuant to RCW 69.51A.130, no civil or criminal liability may be imposed by any court on cities, towns, or counties or other municipalities and their officers and employees for actions taken in good faith under this chapter and within the scope of their assigned duties.

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 in light of the preclusion of licensed dispensaries 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 could create inconsistent and incompatible land use activities and create unanticipated public health, safety and welfare concerns; and

WHEREAS, the City of Spokane adopted Ordinance No. 34968 on February 25, 2013, imposing a moratorium on the establishment of medical cannabis collective gardens and licensed dispensaries because of the impact on the public health safety and welfare; and

WHEREAS, the Washington State Liquor Control Board has announced that it will adopt its rules pertaining to the licensing of marijuana producers, processors and retailers by August 14, 2013, with an effective date of September 14, 2013 and begin accepting applications for license types on September 14, 2013;

WHEREAS, the City currently does not have specific zoning regulations pertaining to medical cannabis collective gardens and state-licensed producers, processors and retailers of state-licensed recreational marijuana; and

WHEREAS, the City Council conducted a public hearing on April 15, 2013 as required by Ordinance No. C-34968 to take public testimony regarding the establishment of the moratorium; and

WHEREAS, the City Council and the City Plan Commission held a joint meeting on May 16, 2013 to discuss the implementation of the work plan called for in the Ordinance No. C-34968 establishing the moratorium; and

WHEREAS, the City Plan Commission held a workshop on July 10, 2013 to review this proposed interim ordinance; and

WHEREAS, the City Council has studied the land use impacts collective gardens and state-licensed marijuana producers, processors and retailers and has now prepared this interim ordinance to address these impacts; and

WHEREAS, the City Council finds that it is necessary to adopt this interim ordinance in order to avoid unanticipated negative impacts on the community and the public health, safety and welfare associated with medical cannabis collective gardens and state-licensed marijuana producers, processors and retailers; and

WHEREAS, the City Council decided to adopt this interim ordinance and to formally repeal the moratorium on medical cannabis collective gardens established in Ord. No. C-34968; 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, 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 City Council finds that the regulatory licensing requirements established by this ordinance are 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. That there is adopted a new chapter 10.49 to Title 10 SMC to read as follows:

**Chapter 10.49**  
**Medical Cannabis Collective Garden Regulatory License**

**Sections:**

- 10.49.010 Findings**
- 10.49.020 Purpose**
- 10.49.030 Definitions**
- 10.49.040 License Required**
- 10.49.050 Application, Transfer and Renewal**
- 10.49.060 Medical Cannabis Collective Garden Requirements**
- 10.49.070 Violation**
- 10.49.080 Nuisance Abatement**

**10.49.010 Findings**

The city council adopts the preamble to this ordinance as findings to support this chapter and further finds that nothing in this chapter 10.49 SMC shall be construed to supersede Washington state or federal law pertaining to the acquisition, possession, manufacture, sale or use of cannabis for nonmedical purposes. Nothing in this chapter 10.49 SMC shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for nonmedical purposes.

**10.49.020 Purpose**

The purpose of this Medical Cannabis Collective Garden Regulatory License chapter is to mitigate potential impacts of medical cannabis collective gardens as authorized under chapter 69.51A RCW on nearby properties and to promote the public health, safety welfare through coordinated implementation of zoning and licensing regulations of medical cannabis collective gardens under chapter 69.51A RCW.

**10.49.030 Definitions**

Definitions established in chapters 69.50, 69.51, and 69.51A RCW and chapter 314-55 WAC are incorporated by reference in this chapter, including the following definitions:

- A. "Collective Garden" means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use.
- B. "Designated Provider" shall have the definition as provided in RCW 69.51A.010(1) as currently states or as may be amended.
- C. "Marijuana" shall have the definition as provided in RCW 69.50.101(s) as currently states or as may be amended.
- D. "Marijuana Processor" shall have the definition as provided in RCW 69.50.101(t) as currently states or as may be amended.
- E. "Marijuana Producer" shall have the definition as provided in RCW 69.50.101(u) as currently states or as may be amended.
- F. "Marijuana Retailer" shall have the definition as provided in RCW 69.50.101(w) as currently states or as may be amended.
- G. "Qualified Patient" shall have the definition as provided in RCW 69.51A.010(4) as currently states or as may be amended.

**10.49.040 License Required**

- A. No person may operate a medical cannabis collective garden without first obtaining a medical cannabis collective garden regulatory license under this chapter.
- B. The medical cannabis collective garden regulatory license is a class II license as provided in chapter 4.04 SMC.

- C. Anyone operating a medical cannabis collective garden pursuant to chapter 61.59A RCW is required to have a license or permit issued under this chapter. A medical cannabis collective garden lawfully existing prior to the adoption of chapter 10.49 SMC shall have thirty days to submit an application for the medical cannabis collective garden regulatory license as required by this chapter.
- D. The requirement to obtain a medical cannabis collective garden regulatory license or a business license or to comply with the regulatory and land use zoning provisions of this chapter and chapter 17C.347 RCW shall not apply to a medical cannabis collective garden that:
  - 1. meets the definition and provisions of RCW 69.51A.085,
  - 2. does not operate on a commercial basis,
  - 3. does not engage in any sales,
  - 4. does not engage in any commercial activity, including any type of advertising and
  - 5. does not rotate more than five members of the collective garden within a fifteen day period.
- E. The provisions of this chapter do not apply to or affect the legal rights of an ultimate user as authorized under RCW 69.50.101(z)(bb).
- F. The issuance of a medical cannabis collective garden regulatory license under this chapter, or the issuance of any other permit or license by the City, shall not be deemed as approval or permission from the City to engage in any activity deemed illegal under any applicable law, nor shall it constitute a determination by the City that the manufacture, production, processing, retailing possession, transportation, delivery, dispensing, application, or administration of and use of marijuana engaged in by the licensee or permittee is either legal or illegal under state or federal law.

#### **10.49.050 Application, Transfer and Renewal**

- A. A medical cannabis collective garden regulatory license issued under this chapter shall be obtained prior to operation of any business activity.
- B. The application is filed and all applicable license fees are paid to the office of taxes and licenses.
- C. The chief of police, or designated license officer, does not approve the license until the application has been reviewed by the building services department, the fire department and the planning department and verification has been provided that all applicable requirements have been complied with. A determination regarding the application shall be completed within thirty days from the date of the receipt by the city of the application.
- D. The applicant must provide on the application, the names, dates of birth, addresses and phone numbers for all officers and employees.
- E. The license must be on display on the premises at all times and shall be available for access by law enforcement during normal business hours.
- F. If all requirements for approval are satisfied, the license shall be issued by the chief of police prior to the start of operations.
- G. A license issued under this chapter is not transferable as to person or place.
- H. Renewal of License.
  - 1. Application for renewal must be made no later than thirty days prior to expiration of the license. A determination on the renewal application shall be completed within thirty days from the date of the receipt by the city of the application.
  - 2. The license renewal application shall only be approved by the chief of police, or designated license officer, following a site inspection and verification by the planning department, fire department and building services department that all City requirements have been met must be complied with.
- I. A medical cannabis collective garden regulatory license may be suspended, revoked or denied if:
  - 1. Any datum furnished on the application is false or is not updated in a timely fashion,
  - 2. The structure, facility or property ceases to comply with all applicable building, fire and or zoning provisions,

3. Any condition of the City license or State law has been violated, or
  4. Any provision of this chapter is violated
- J. Any authorized city official may issue a warning order requiring the licensee to correct any condition or practice that presents a threat or hazard to public health or safety.
- K. Authorized city departments may invoke their powers granted under the Spokane Municipal Code to immediately close a facility or business licensed under this chapter if conditions present an imminent threat to public health and safety.
- L. Prior to the issuance of a medical cannabis collective garden regulatory license, the chief of police, or his designee, shall schedule a public hearing to take testimony regarding the issuance of the license. A notice of the hearing on a form proscribed by the City shall be delivered by the applicant to the business and residential occupants located within five hundred feet of the premises at least fourteen days prior to the hearing date.

#### **10.49.060 Medical Cannabis Collective Garden Requirements**

- A. License Requirements for Operators.  
It is unlawful to conduct, operate or maintain a medical cannabis collective garden unless such premises has a current medical cannabis collective garden regulatory license obtained in the manner prescribed in this chapter. "Premises" includes all locations used by a collective garden to grow, store, process, transport, or distribute medical cannabis to its qualified patients.
- B. License Applicant Requirements.  
License applicants and all persons who receive wages, fees, donations or compensation of any kind for performing collective garden activities ("operators") shall meet the following requirements:
1. Must be a qualified patient or designated provider of a qualified patient and must submit valid documentation, or written designation by a qualified patient with that patient's valid documentation and proof of identification deemed acceptable by the clerk.
  2. Must be at least eighteen years of age.
  3. May have no felony convictions of state or federal laws within the ten years preceding date of application.
  4. No one with law enforcement or regulatory authority related to medical cannabis collective gardens employed by the City of Spokane shall be permitted to obtain a medical cannabis collective garden regulatory license.
- C. Premises Requirements.  
Collective garden premises must operate in compliance with the following conditions:
1. All premises or vehicles used or operated by the collective garden shall have no greater aggregate quantities of cannabis, cannabis plants or cannabis-containing products than are allowed under RCW 69.51A.085.
  2. No more than ten qualifying patients may participate in a single collective garden at any time. A copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden.
  3. No cannabis from the collective garden may be delivered to anyone other than a qualifying patient participating in the collective garden or that patient's designated provider.
  4. No cannabis, cannabis plants or representations of cannabis plants shall be used in signage or advertising or be visible to public view.
  5. From a public right of way, there shall be no exterior display of medical cannabis cultivation visible outside of the premises.
  6. A collective garden shall be entirely within a permanent enclosed structure with a roof. The structure shall comply with all applicable code requirements.
  7. Areas where cannabis is grown, stored or dispensed must be provided with ventilation/air filtration systems so that no odors are detectable off the premises.

8. All premises must comply with the noise control requirements of SMC 10.08D.070.
  9. No minors shall be permitted on any collective garden premises unless accompanied by a parent or guardian.
  10. Consumption of cannabis, products containing cannabis or alcohol on the premises is prohibited.
  11. The premises shall be closed to any distribution of cannabis between the hours of ten p.m. and seven a.m.
  12. Any transportation or delivery of cannabis from a collective garden shall be conducted by the garden members or designated provider so that quantities of medical cannabis allowed by RCW 69.51A.040 are never exceeded. Vehicles used to deliver cannabis may have the name of the collective garden printed on the vehicle along with related identifying information such as an address and phone number. There shall be no depiction of cannabis, cannabis plants or representations of cannabis plants used as signage or advertising on the vehicle.
  13. The premises of the medical cannabis collective garden shall be identified on the application and subsequently on the regulatory license by its physical street address regardless of whether the product provided to the members of the collective garden is delivered to the member or if the member receives the product at the collective garden's physical location.
  14. A licensed premise must have installed on the premises a security and alarm system that is monitored twenty-four hours a day to include a video recording system that monitors production, storage and point of sale areas. All video recordings must be continuously recorded twenty-four hours a day and must be kept for a minimum of thirty days on the licensee's recording device. All videos are subject to inspection by the City police department upon request.
- D. Land Use/Zoning Regulations.  
Medical cannabis collective gardens shall comply with all applicable zoning and land use regulations set forth in Title 17C SMC.

#### **10.49.070 Violation**

- A. This chapter is subject to the administrative provision of chapter 4.04 SMC.
- B. Licensees under this chapter must comply with all state laws under chapter 69.51A RCW for medical marijuana.
- C. A violation of this chapter is a class 1 civil infraction. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

#### **10.49.080 Nuisance Abatement**

In addition to any other available remedy or penalty, any violation of this chapter, is declared to be a public nuisance per se, and may be abated under the applicable provisions of the Spokane Municipal Code and state law.

Section 2. That there is adopted a new chapter 10.50 to Title 10 SMC to read as follows:

### **Chapter 10.50 State-Licensed Marijuana Producers, Processors and Retailers**

#### **Sections:**

#### **10.50.010 Marijuana Producer, Processor and Retailer**

#### **10.50.010 Marijuana Producer, Processor and Retailer**

A marijuana producer, processor or retailer licensed by the State of Washington Liquor Control Board shall be required to comply with all applicable regulations established by the City including, but not limited to, all building and fire code regulations and zoning regulations and shall be required to provide a copy of the state-issued license to the City upon request.

Section 3. That there is adopted a new chapter 17C.347 to Title 17C SMC to read as follows:

### **Chapter 17C.347 Medical Cannabis Collective Garden or a Retail Outlet for Recreational Marijuana**

**Sections:****17C.347.010 Purpose****17C.347.020 Description****17C.347.030 Regulations for a Medical Cannabis Collective Garden and State-Licensed Marijuana Producers, Processors and Retailers****17C.347.010 Purpose**

This chapter provides zoning standards for the establishment of a medical cannabis collective garden established pursuant to chapter 69.51A RCW and for producer, processor and retailer of recreational marijuana licensed by the state pursuant to chapter 314-55 WAC.

**17C.347.020 Description**

For the purpose of describing activities and other characteristics of a medical cannabis collective garden or a state-licensed recreational marijuana producer, processor or retailer, the definitions of SMC 10.49.030 are applicable.

**17C.347.030 Regulations for a Medical Cannabis Collective Garden and State-Licensed Marijuana Producers, Processors and Retailers****A. City Zoning.**

1. A medical cannabis collective garden shall comply with the requirements of SMC 10.49.060.

- a. No person may conduct business within the City as a medical cannabis collective garden or a facility for delivery of cannabis produced by the garden unless the medical cannabis collective garden or a facility for delivery of cannabis produced by the garden is located within the CC1, CC2, CC3, CB, GC, DTC, DTG, DTU, DTS, LI, HI and PI Zones in accordance with Title 17, Unified Development Code. A medical cannabis collective garden is classified as a Manufacturing and Production land use as described in chapter 17C.190 SMC, Use Category Descriptions. Manufacturing and Production uses are limited as provided in Table 17C.120-1, Table 17C.130-1, and Table 17C.124-1. In Table 17C.122-1, for Center and Corridor Zones, a medical cannabis collective garden is classified as a Limited Industrial land use and is subject to the standards for a Limited Industrial use.
- b. A licensed medical cannabis collective garden or facility for delivery of cannabis produced by the garden may not be located within one thousand feet of the perimeter of the grounds of any of the following entities. The owner or operator of the medical cannabis collective garden shall have the responsibility to demonstrate that the collective garden is not within the one thousand foot perimeter:
  - i. any other licensed medical cannabis collective garden operator or delivery site;
  - ii. any marijuana processor, producer or retailer licensed by the Washington State liquor control board;
  - iii. elementary or secondary school;
  - iv. playground;
  - v. recreational center or facility;
  - vi. child care center;
  - vii. public park;
  - viii. public transportation center;
  - ix. library;
  - x. any game arcade where admission is not restricted to persons age twenty-one or older; or
  - xi. a drug treatment facility certified by the State of Washington.
- c. The prohibition set forth in subsection (1)(a) and (c) above shall not apply to a medical cannabis collective garden legally operating prior to the effective date of this ordinance that is going to convert from a collective garden to a state-licensed retailer.

- d. Medical cannabis cultivation and sale are prohibited as a home occupation and are not considered as an accessory use in residential zones.
- e. Notwithstanding the provisions of chapter 17C.210, an existing collective garden in operation as of the effective date of this chapter shall be brought into full compliance with the provisions of this chapter within one year of the effective date of the ordinance.

2. State-Licensed Marijuana Producers, Processors and Retailers.

- a. No person may conduct business within the City of Spokane as a state-licensed marijuana producer, processor and retailer unless they are located within the CC1, CC2, CC3, CB, GC, DTC, DTG, DTU, DTS, LI, HI and PI Zones in accordance with Title 17 Unified Development Code and licensed under this chapter. A state-licensed marijuana producer or processor is classified as a Manufacturing and Production land use as described in chapter 17C.190 SMC, Use Category Descriptions. Manufacturing and Production uses are limited as provided in Table 17C.120-1, Table 17C.130-1, and Table 17C.124-1. In Table 17C.122-1, for Center and Corridor Zones, a state-licensed marijuana producer or processor is classified as a Limited Industrial land use and is subject to the standards for a Limited Industrial use. A state-licensed marijuana retailer is classified as a Retail Sales and Service land use as described in chapter 17C.190 SMC, Use Category Descriptions. In Table 17C.122-1, for Center and Corridor Zones, a state-licensed marijuana retailer is classified as a Commercial land use and is subject to the standards for a Commercial use.
- b. A state-licensed marijuana producer, processor and retailer may not be located within one thousand feet of the perimeter of the grounds of any of the following entities. The owner or operator of the state-licensed marijuana producer, processor and retailer shall have the responsibility to demonstrate that the state-licensed marijuana producer, processor and retailer is not within the one thousand foot perimeter:
  - i. elementary or secondary school;
  - ii. playground;
  - iii. recreational center or facility;
  - iv. child care center;
  - v. public park;
  - vi. public transportation center;
  - vii. library; or
  - viii. any game arcade where admission is not restricted to persons age twenty-one or older.

B. Waste products must be disposed of in a secure manner that would prevent exposure to the public or create a nuisance.

C. Measurement.

- 1. The measurement of the separation distance in subsection (1)(c) and (2)(b) above shall be taken in a straight line from the point on the property line of the protected uses specified in subsection (1)(c) and (2)(b) above closest to the production and processing facility, collective garden or retail outlets to the nearest physical point of the tenant space or structure housing a production or processing or retailer outlet or collective garden.
- 2. A protected use specified in subsection (1)(c) and (2)(b) above shall not benefit from the separation requirements of this subsection if the use chooses to locate within the required separation distance from a lawfully located production or processing facility, collective garden or retailer outlet.

Section 4. That SMC section 1.05.170 is amended to read as follows:

**1.05.170 Penalty Schedule – Business Regulations**

A. For each subsequent violation by a person the classification of infraction advances by one class.

B. Infraction/Violation Class.

<b>SMC 1.05.170 PENALTY SCHEDULE—BUSINESS REGULATIONS</b>		
<b>Infraction</b>		<b>Violation Class</b>
<b>General</b>		
SMC 4.04.020	Engaging in licensed activity without license	2
SMC 4.04.060	Failure to display license or insigne	3
SMC 8.01.070 SMC 10.40.020	Engaging in business without registration or itinerant vendor license or permit	1
SMC 8.12.020	No amusement device license, no amusement device operators or owners license	3
SMC 8.12.060	No current list of amusement device locations	3
SMC 10.23A.030(G)	Entertainment facility establishment operator/owner	1
SMC 10.25.010	Pruning, planting, or removing a public tree without a license	1
SMC 10.29.010(A)	Conducting an improper blasting operation	1
SMC 10.29.030	Heating mechanic	1
SMC 10.29.060(A)	Providing fire equipment service without Spokane Fire Department registration	1
SMC 10.34.020	Own, operate for-hire vehicle	2
SMC 10.34.110(D)	Owner of for-hire vehicle, allowing a non-licensed for-hire driver to operate his or her vehicle	1
<u>SMC 10.49.040</u>	<u>Owning, operating or maintaining a medical cannabis collective garden pursuant to chapter 10.49 SMC</u>	<u>1</u>
SMC 10.41A.040	Special police officer	2
SMC 10.45.040	Deal in used goods	2
SMC 10.48.050	Failure to register alarm system	2
SMC 10.48.170	Unlawful use of a security alarm system	3
SMC 13.02.0204	Solid waste collection or disposal	2
SMC 17G.010.100(C)(3)	Sewer installation	1
<b>Fireworks</b>		
SMC 10.33A.020(A)(2)	Conducting public display without a permit	Up to \$1,000
SMC 10.41A.040	Employ non-commissioned special police officer	3
SMC 10.41A.090	Violation of code by special police officer	1
<b>Fire Code</b>		
IFC 105.6.14 Chapter 33 IFC Chapter 10.33A SMC SMC 17F.080.060	Manufacture, storage, use, sale, handling of blasting agents, explosives without proper permit	1
IFC 105.6 IFC 105.7 SMC 17F.080.060	Conducting regulated code activities, operations, functions without permit	2
IFC 105.6.41	Conducting spraying or dipping application of flammable or combustible finishes (liquids or powders) for floor finishing or surfacing operations without a permit	2
IFC 2703.3	Unauthorized release, discharge of flammable, combustible liquids, petroleum waste products	1
SMC 15.01.500	Fail to comply with notice and order under Commute Trip Reduction Program	2
SMC 15.03.030	Fail to comply with requirement of posting restaurant's smoking designation	2

Section 5. That SMC section 4.04.020 is amended to read as follows:

**4.04.020 Activities Requiring Registrations and Licenses**

- A. A person, including principals and agents, needs a current and valid license issued under this chapter to begin or to continue, directly or indirectly, any activity provided for in Division II of Title 10 SMC, whether as a commercial business or for nonprofit or charitable purposes.
- B. Persons pursuing ordinary vocations and businesses on private property by private means need a class I license and registration, for such activities as:
  - 1. peddling merchandise, and
  - 2. solicitation of money or things of value.
- C. Persons conducting activities which have a potential to cause social or economic evil, or useful occupations which may under certain circumstances become a public or private nuisance offensive or dangerous to health, safety, morals, or good order, need a class II license for such activities as:
  - 1. maintaining places and devices of amusement, including teen clubs, cabarets, and entertainment facilities;
  - 2. keeping of animals;
  - 3. building relocation;
  - 4. certain contracting;
  - 5. commercial use and sale of fireworks;
  - 6. private or special police;
  - 7. dealing in used goods; ~~((and))~~
  - 8. operating for-hire vehicles. The for-hire license shall be issued by the City of Spokane taxes and licenses division to coincide with the issuance of the business registration through the Washington State business license service. The for-hire license will have the same renewal date as the business registration; and
  - 9. owning, operating or maintaining a medical cannabis collective garden pursuant to Chapter 61.59A RCW.
- D. Persons claiming a private right in or making extraordinary use of public property need a class III license for such activities as:
  - 1. moving buildings;
  - 2. operating cable television;
  - 3. certain contracting;
  - 4. collecting garbage or commercial recyclables (SMC 13.02.0204);
  - 5. distributing natural gas;
  - 6. maintaining mechanical newspaper vendors;
  - 7. parades, special events, and demonstrations;
  - 8. operating telephone and telegraph equipment;
  - 9. operating sidewalk cafes; and
  - 10. doing commercial tree work.

Section 6. That there is adopted a new section 8.02.0233 to chapter 8.02 SMC to read as follows:

**8.02.0233 Medical Cannabis Collective Garden Regulatory License**

The fee for a medical cannabis collective garden regulatory license under SMC 10.49.040 is two hundred and fifty dollars to support the regulatory program.

Section 7. Findings. The City Council adopts the preamble to this ordinance as its findings for the enactment of this interim ordinance.

Section 8. Time Period of Interim Regulation Regarding Medical Cannabis Collective Gardens and State-Licensed Marijuana Producers, Processors and Retailers: Amortization Period Runs from Date Hereof.

- A. The interim regulation imposed by this ordinance shall be for a period not to exceed ninety days so as to allow enough time to adequately address the issues described herein.
- B. Pursuant to RCW 36.70A.390, the plan commission shall conduct a public hearing on the interim regulation within sixty days of the adoption of this ordinance. The foregoing notwithstanding, the length of interim regulation may need to be longer than ninety days in such event, the City shall have a hearing prior to the passage of ninety days and adopt if necessary an extension of the interim regulations adopted herein.
- C. The City shall provide an opportunity for a public hearing regarding the adoption of a permanent ordinance. Public notice and participation in accordance with the local government's standard practices should be followed.

Section 9. Repealing Moratorium established pursuant to Ordinance No. C34968.

The moratorium on the establishment of medical cannabis collective gardens established pursuant to Ordinance No. C34968 on February 25, 2013 is repealed.

Section 10. Severability. If any provision of this ordinance, or its application to any person, entity or circumstance, is for any reason held invalid, the remainder of the ordinance, or the application of the provisions to other persons, entities or circumstances, is not affected.

Section 11. Emergency Clause. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public peace, health, safety and property and for the immediate support of city government and its existing institutions, shall be effective immediately upon its passage.

**PASSED by the City Council on July 15, 2013.**

(Delivered to the Mayor on the 18th day of July 2013.)

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**ORDINANCE NO. C35009**

AN ORDINANCE relating to the Northeast Public Development Authority; amending Ordinance No. C34813.

WHEREAS, on December 12, 2011, the City Council approved Ordinance No. C34813 creating the Northeast Public Development Authority (NEPDA), which authorized a charter and bylaws for the NEPDA; and

WHEREAS, Article IX Section 9 of the NEPDA Charter provides that amendments to the Charter must adopted by the NEPDA Board of Directors and subsequently submitted to the City Council for approval by ordinance; and

WHEREAS, on May 10, 2013, the NEPDA Board of Directors approved the Charter amendment set forth in this ordinance; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That Article IV of the charter for the Northeast Public Development Authority located as an attachment in Ordinance No. C34813 is amended to read as follows:

#### ARTICLE IV

##### Purpose

The purpose of the Authority is to provide a legal entity organized under RCW 35.21.730 - .757 and Chapter 4.25 SMC, to undertake, assist with and otherwise facilitate the acquisition, construction, development equipping, leasing, operation and maintenance of public benefit projects ("the Projects") within ((City Council District No. 1 of)) or outside of the City of Spokane, Spokane County in order to assist the City in its ability to improve the economic conditions in the urban areas in and around the City. To the extent appropriate and consistent with the needs and objectives of the City, the Authority will acquire and manage real property, secure financing, undertake the construction and development of and otherwise accomplish all purposes required for development and operation of the Projects.

To the extent appropriate and consistent with the needs and objectives of the City and to facilitate or provide for the Projects, the Authority will undertake and accomplish all activities necessary or convenient for the development, operation and implementation of the Projects.

For the purpose only of securing the exemption from federal income taxation for interest on obligations of the Authority, the Authority constitutes an authority an instrument of the City of Spokane (within the meaning of those terms in regulations of the United States Treasury and ruling of the Internal Revenue Service prescribed pursuant to Section 103 of the Internal Revenue Code of 1998, as amended).

**PASSED by the City Council on July 15, 2013.**

(Delivered to the Mayor on the 18th day of July 2013.)

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#### ORDINANCE NO. C35010

AN ORDINANCE relating to parking non-passenger vehicles in residence zones; amending SMC section 16A.61.562.

The City of Spokane does ordain:

Section 1. That SMC 16A.61.562 is amended to read as follows:

##### **16A.61.562      Parking Non-passenger Vehicles in Residence Zones**

~~((No street right-of-way in an "R" zone of the City of Spokane, or which is the boundary of any "R" zone, shall be used for the habitual parking of any auto stage, farm vehicle, for hire vehicle, limousine, motor home, motor truck, private carrier bus, road tractor, semitrailer, trailer, park trailer, travel trailer, tractor, truck, truck tractor, boat, or any other commercial vehicle. This section does not prohibit on-street parking of a passenger vehicle, motorcycle, or motor-driven cycle.))~~

It is unlawful to park any vehicle requiring a commercial safety fee, motor home, trailer of any type, camper, watercraft, snowmobile, limousine, any vehicle with over a one ton (thirty-five hundred) rating, or farm vehicle on a street right-of-way in an "R" zone of the City of Spokane, or which is the boundary of any "R" zone for longer than four continuous hours for active loading or unloading. Overnight parking between the hours of nine p.m. and seven a.m. is also unlawful.

**PASSED by the City Council on July 15, 2013.**

(Delivered to the Mayor on the 18th day of July 2013.)

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**ORDINANCE NO. C35012**

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 Human Services Grants Fund, changes which 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 Human Services Grants Fund and the budget annexed thereto with reference to the Human Services Grant Funds, the following changes be made:

FROM:	1540-95460	Human Services Grants Fund	
	99999-33422	Department of Commerce	<u>\$ 1,050,078</u>
TO:	1540-95460	Human Services Grants Fund	
	51200-54201	Contractual Services	<u>\$ 1,050,078</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 budget additional grant funds from the Department of Commerce for the contract with the Salvation Army to administer the Housing and Essential Needs program 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 July 15, 2013.**

(Delivered to the Mayor on the 18th day of July 2013.)

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**ORDINANCE NO. C35013**

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 Under Freeway Parking Fund, changes which 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 Under Freeway Parking Fund and the budget annexed thereto with reference to the Under Freeway Parking Fund, the following changes be made:

FROM:	1450-99999 99999-	Under Freeway Parking Fund Unappropriated Reserves	<u>\$ 115,000</u>
TO:	1450-22050 42650-54201	Under Freeway Parking Fund Contractual Services	<u>\$ 115,000</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 complete the acquisition of new parking citation and management software, single space parking meters, and vehicle sensors, 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 July 15, 2013.**

(Delivered to the Mayor on the 18th day of July 2013.)

# Job Opportunities

**The City of Spokane is an Equal Employment Opportunity Employer**

## **AMENDMENT ENGINEERING TECHNICIAN III (FIELD) SPN 203 (Announcement of 07/03/2012)**

The above titled announcement is hereby amended to read:

**CLOSING DATE:** Applications will be accepted until further notice.

**EXAMINATION:** Applicants will be notified of the date and time of the written examination. Please allow up to four hours to complete the exam. The examination will consist of a written test, performance 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%. Applicants who pass the written exam will be notified when and where to appear for the pass/fail performance exam.

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## **AMENDMENT ENGINEERING TECHNICIAN III (OFFICE) SPN 203 (Announcement of 07/03/2012)**

The above titled announcement is hereby amended to read:

**CLOSING DATE:** Applications will be accepted until further notice.

**EXAMINATION:** Applicants will be notified of the date and time of the written examination. Please allow up to four hours to complete the exam. The examination will consist of a written test, performance 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%. Applicants who pass the written exam will be notified when and where to appear for the pass/fail performance exam.

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**AMENDMENT**  
**ASSISTANT PLANNER SPN 257**  
(Announcement of 07/08/2013)

The above titled announcement is hereby amended to read:

**CLOSING DATE:** Applications will be accepted until the close of business on Friday, August 9, 2013. Applicants who have filed a basic application will have until the close of business on Monday, August 12, 2013, to return the Training and Experience Evaluation form.

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**GARDENER II SPN 687**  
**OPEN & PROMOTIONAL EXAMINATION**

**DATE OPEN:** Monday, July 29, 2013

**DATE CLOSED:** Friday, August 9, 2013

**SALARY:** \$36,581 annual salary, payable bi-weekly, to a maximum of \$52,868

**OFFICE HOURS:** 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

**APPLICATION PACKETS:** Submit the following documents to Civil Service when applying:

- ✓ Completed Civil Service Application
- ✓ Copy of DD 214 for Veteran's Preference (Member 4)
- ✓ Copy of required college transcripts, if applicable
- ✓ Copy of Public Pesticide Operator's License
- ✓ Copy of valid driver's license

**DUTIES:**

Performs skilled and/or minor supervisory work in the propagation, cultivation and care of trees, shrubs and greenhouse plants. Requires considerable knowledge of the methods and practices of gardening, nursery, turf maintenance and greenhouse operations. Employee works under general supervision and is responsible for assigning and checking work of a small crew performing duties of a similar nature. Employee has regular and routine contacts with the public and must be able to work under adverse conditions such as heat and cold. Performs related work as required.

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

Completion of five years of full-time work experience in the propagation and/or maintenance of flowers, plants, turf and trees in a large-scale greenhouse, nursery, park, grounds or garden environment. An associate's degree in horticulture may substitute for up to two years of the experience requirement. Applicants must possess a valid driver's license and a Public Pesticide Operator's license.

**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 Gardener I. Applicants must possess a valid driver's license and a Public Pesticide Operator's license.

**EXAMINATION:**

The examination will be conducted on the 4th floor of City Hall in the Civil Service Test Room on Wednesday, August 21, 2013, at 9:00 a.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: Human and Public Relations; Flowers, Plants, and Trees; Soils and Plant Nutrients; Pests, Diseases and Weeds.

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](http://www.spokanecity.org). To request an application packet be mailed to you, call the Civil Service office at (509) 625-6160. If mailing your application, submit to Civil Service Commission, 808 W. Spokane Falls Blvd., Spokane, WA 99201-3315, post marked no later than the closing date stated above.

**Current City employees** who apply promotionally may send an e-mail to: [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org), no later than 5:00 p.m. on the closing date, requesting your name be added to the Promotional Examination list. **Please include:** 1) your full name, 2) present classification, 3) department and phone number, 4) driver's license number and expiration date, if required; **OR** go to the Civil Service office on the 4<sup>th</sup> floor of City Hall during office hours to sign up on the Promotional Examination list.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 17th day of July 2013.

MARY DORAN  
Chair

GLENN KIBBEY  
Chief Examiner

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**AMENDMENT**  
**POLICE OFFICER – LATERAL ENTRY SPN 901**  
(Announcement of 05/02/2011)

The above titled announcement is hereby amended to read:

**LATERAL ENTRY REQUIREMENTS:** Applicants must possess a state issued Basic Law Enforcement certificate and have two years of sworn, non-military, patrol officer experience. Applicants must be currently employed as a Law Enforcement Officer, OR have been laid off or retired, in good standing, within the past 12 months. Applicants must have completed 45 quarter or 30 semester credit hours of course work from an accredited college or university with a minimum GPA of C or 2.0, which includes at least 5 quarter or 3 semester credit hours of college English. Two additional years of experience as a police officer may be substituted for the college education requirement. Applicants from states other than Washington must have the ability to obtain Basic or Equivalency Law Enforcement certification by the Washington State Criminal Justice Training Commission within the probationary period. Proof of a valid driver's license must be submitted. Applicants must be certified by the Police Physician as physically fit to perform the prescribed duties. Applicants must be U.S. Citizens.

# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

### CALL FOR BIDS

#### FISKE STREET FROM 19TH AVENUE TO 17TH AVENUE

#### Engineering Services File No. 2012079

This project consists of the construction of approximately 870 cubic yards of excavation and embankment, 108 linear feet of storm sewer, 8 drainage structures, 366 square yards of sidewalk, 2002 square yards of 3-inch thick HMA pavement, 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., July 29, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

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

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

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

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

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

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

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

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

Publish: July 10, 17 and 24, 2013

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## CALL FOR BIDS

### GREENE STREET BRIDGE LOAD RATING REPAIR

#### Engineering Services File No. 2012112

This project consists of the installation of fiber reinforced polymer to the deck and floor beams of the bridge to improve the bridge's load rating. Additionally approximately 435 linear feet of dual utility conduit will be hung from the bridge's bottom along with 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., July 29, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

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

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

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

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

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

A prebid conference will be held at the office of the Engineering Services Department, 808 W. Spokane Falls Boulevard at 1:30 p.m. on July 18, 2013.

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

**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: July 10, 17 and 24, 2013

# Notice for Bids

## Supplies, Equipment, Maintenance, etc.

### REQUEST FOR QUALIFICATIONS

#### ARCHAEOLOGICAL SERVICES

The City of Spokane Department of Engineering Services is soliciting interest from consulting firms with expertise in Archaeological and Preservation Services to provide Cultural and Historic Resources Studies in accordance with Section 106 of the National Historic Preservation Act and the Washington State Department of Archaeology & Historic Preservation (DAHP). The successful applicant shall meet qualification standards as established by the Washington State Office of Archaeology and Historic Preservation.

#### **PROJECT DESCRIPTION**

The work performed by the Consultant will consist of various projects, yet to be determined, on an on-call basis over a two (2) year period of time beginning October 31, 2013. In addition, there will be an option for a third year based on mutual consent. Estimated individual project fees are expected to range from \$4,000 to \$10,000 and shall be negotiated for each project, with most projects expected to be in the lower end of the range. Total expenditures over the two or three year life shall not exceed \$250,000. The successful consultant shall be prepared to provide documented expertise in the following areas:

- Cultural and Historic Resources Study Reports
  - o Conduct records searches
  - o Survey the project APE by walking the area and documenting cultural resources
  - o Excavate shovel tests
  - o Document cultural resources through the completion of the appropriate state cultural resource forms, field notes, and photography
  - o Prepare a professional report of findings to satisfy cultural resources identification requirements
  - o Provide information for designing mitigation measures if cultural areas are anticipated to be affected
- Personnel to assist with the project design to avoid affecting cultural areas, as necessary
- Work closely with Spokane Tribal members as coordinated by the City of Spokane Project Manager

Contact Engineering Services at (509) 625-6700, for a copy of the complete Request for Qualifications.

### **SUBMITTAL**

The submittal should document the consultant's expertise and experience in the above areas including project lists, resumes, and other relevant information.

Submittals should include the following information: firm name, phone and fax numbers; name of principal-in-charge and project manager(s) for various areas of work itemized above; and number of employees anticipated to conduct the work.

Submittals will be evaluated and ranked based on the following criteria and weighed as noted:

- |   |     |
|---|-----|
| • Qualifications of key personnel   | 20% |
| • Expertise and approach to the tasks as described above  | 20% |
| • Ability and commitment to respond to work request above,<br>including experience with the City of Spokane   | 15% |
| • Familiarity with the permitting process through DAHP  | 15% |
| • Past performance and ability to work with the City of Spokane,<br>other government agencies, and Tribal interests in a cultural<br>sensitive area | 25% |
| • Any other information having a bearing on the decision to<br>award the contract   | 5%  |

Submittal shall be limited to five (5) pages, excluding project lists and resumes.

The City of Spokane recognizes there is a need to provide the maximum practicable opportunity for increased participation by minority and women-owned business enterprises (MBEs and WBEs). The City therefore establishes the following laudatory goals for this contract:

MBE	6%
WBE	3%
or a combined total of	9%

Selection of the successful applicant will **not** be based on meeting these laudatory goals.

Please submit six (6) copies of your Statement of Qualifications to the Purchasing Department, Fourth Floor City Hall, 808 West Spokane Falls Boulevard, Spokane, WA 99201-3316, by **August 19, 2013**, no later than 1:00 p.m. The submittal shall be clearly labeled "Proposal for Archaeological Services" on the outside of the submittal package. No submittals will be accepted after that date and time and shall be returned unopened to the respondent. Any questions regarding this RFQ should be directed to Gary Nelson at (509) 625-6700.

Publish: July 24, 31, August 7 and 14, 2013

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