



Official Gazette

City of Spokane, Washington

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

Volume 103

OCTOBER 2, 2013

Issue 40



MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

MICHAEL A. ALLEN (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

NANCY McLAUGHLIN (DISTRICT 3)

STEVE SALVATORI (DISTRICT 3)

JON SNYDER (DISTRICT 2)

AMBER WALDREF (DISTRICT 1)

The Official Gazette

(USPS 403-480)

Published by Authority of City Charter Section 39

The Official Gazette is published weekly by the Office of the City Clerk
5th Floor, Municipal Building, Spokane, WA 99201-3342

Official Gazette Archive:

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

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The Official Gazette

USPS 403-480

0% Advertising

Periodical postage paid at
Spokane, WA**POSTMASTER:****Send address changes to:**

Official Gazette

Office of the Spokane City Clerk

808 W. Spokane Falls Blvd.

5th Floor Municipal Bldg.

Spokane, WA 99201-3342

Subscription Rates:

Within Spokane County:

\$4.75 per year

Outside Spokane County:

\$13.75 per year

**Subscription checks made
payable to:**

City Treasurer

Address Change:

Official Gazette

Office of Spokane City Clerk

808 W. Spokane Falls Blvd.

5th Floor Municipal Bldg.

Spokane, WA 99201-3342

Statement of Ownership

STATEMENT OF OWNERSHIP**MANAGEMENT AND CIRCULATION**

THE *OFFICIAL GAZETTE* is published weekly at 808 W. Spokane Falls Blvd., Spokane, Spokane County, Washington, 99201-3342.

General business headquarters located at 808 W. Spokane Falls Blvd., Spokane, Washington, 99201-3342.

Published by City of Spokane, Washington, 808 W. Spokane Falls Blvd., Spokane, Washington, 99201-3342.

Editor and Managing Editor, Terri L. Pfister, 808 W. Spokane Falls Blvd., Spokane, Washington, 99201-3342.

Owned by City of Spokane, Washington, 808 W. Spokane Falls Blvd., Spokane, Washington, 99201-3342.

Average No. Copies Each Issue During Pre- ceding 12 Months	Actual No. Copies of Single Issue Published Nearest to Filing Date
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Total No. of Copies (Net Press Run)	6 WEEKLY	8 WEEKLY
<u>Paid Circulation (By Mail and Outside the Mail):</u>		
Paid or Requested Outside-County	0	0
Paid in-County Subscriptions	3	5
Paid Distribution including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution (Outside the Mail)	0	0
Other Classes Mailed Through the USPS	0	0
Total Paid Distribution	3	5
<u>Free or Nominal Rate Distribution (By Mail and Outside the Mail)</u>		
Outside-County	0	0
In-County	0	0
Other Classes Mailed Through the USPS	0	0
Free Distribution Outside the Mail	0	0
Total Free or Nominal Rate Distribution	0	0
Total Distribution	3	5
<u>Copies not Distributed</u>	2	2
Total (of Total Distribution and Copies not Distributed)	5	7
Percent Paid	100%	100%

I certify that the statements made by me above are true and complete.

September 30, 2013 TERRI L. PFISTER, Editor

Minutes

MINUTES OF SPOKANE CITY COUNCIL Monday, September 23, 2013

BRIEFING SESSION

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

Roll Call

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

City Administrator Theresa Sanders, Assistant City Attorney Mike Piccolo, and Deputy City Clerk Laurie Farnsworth were also present on the dais.

Advance Agenda Review

Council received input from staff on the September 30, 2013, Advance Agenda items.

Resolution 2013-0066 Regarding the Development of the PFC Joe E. Mann U.S. Army Reserve Center

Council President Stuckart advised that, as the U.S. Army has consequently rejected three proposals from the City and that the City will not be purchasing the property, the resolution can be tabled indefinitely. Subsequently, the following action was taken:

Motion by Council Member Fagan, seconded by Council Member Snyder, **to table** indefinitely Resolution 2013-0066, **carried unanimously (Council Member McLaughlin absent).**

Final Reading Ordinances C35032 through C35036, C35038, and C35039

It was noted that Final Reading Ordinances C35032 through C35036, C35038, and C35039 were missing from the September 30 Advance Agenda due to an inadvertent clerical oversight. The ordinances will be added to the agenda when the City Clerk's Office converts the September 30 Advance Agenda to the Current Agenda. (First Reading of the ordinances was held during this evening's 6:00 p.m. Legislative Session.)

Action to Approve September 16, 2013, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the September 30, 2013, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Allen, seconded by Council Member Waldref, **to approve** the Advance Agenda for Monday, September 30, 2013, as amended; **carried unanimously (Council Member McLaughlin absent).**

ADMINISTRATIVE SESSION

Current Agenda Review

Council reviewed items on the September 23, 2013, Current Agenda for any changes and/or additions.

CONSENT AGENDA

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

Low bid meeting specifications of Wingfoot Commercial Tire Systems (Spokane Valley, WA) LLC for Tire Related Services—\$200,000 (incl. tax). (OPR 2013—0675)

Low Bid of MDM Construction, Inc. (Hayden, ID) for Main Avenue Sewer Repair—\$131,990.50 (plus tax). An administrative reserve of \$13,199.05 (plus tax), which is 10% of the contract price plus sales tax, will be set aside. (OPR 2013-0676 / ENG 2013141)

First of two one-year extensions to Value Blanket Order with Allied Envelope Co., Griffin Publishing, Inc., and Lawton Printing, Inc. (Spokane, WA) for printing services—annual estimated expenditure \$270,000 (incl. tax). (OPR 2010-0649)

First of two one-year extensions to Value Blanket Order with Standard Digital Print Co. and Abadan Reprographics (Spokane, WA) for quick copy services—annual estimated expenditure \$140,000 (incl. tax). (OPR 2010-0650 / RFP 3713-10)

Grant Management Agreement with Spokane Transit Authority to construct sidewalk and curb ramps utilizing Federal Transit Funding—\$252,396 revenue. (WA-57-X023 "Connect to Transit Hardscape Improvements" FTA New Freedoms Grant) (OPR 2013-0677)

Housing and Essential Needs (HEN) Contract Amendment with the Washington State Department of Commerce—\$297,474 revenue increase. (Relates to Consent Agenda Item No. 8 and Emergency Budget Ordinance C35041) (OPR 2011-0739)

Contract amendment with The Salvation Army (Spokane, WA) to operate the HEN program—increase of \$294,500. (Relates to Consent Agenda Items No. 7 and Emergency Budget Ordinance C35041) (OPR 2011-0855)

Integrated Planning Grant Agreement G1400031 with the State of Washington Department of Ecology for the South University District—\$200,000 revenue. (OPR 2013-0678)

Contract amendment with the Department of Corrections to increase funding for the COPS program from \$19,811.25 to \$23,411.25 per annum. (OPR 2009-0882)

Contract with Spokane County to support the Spokane Regional Drug Task Force with interdicting drugs and reimburse salaries and benefits for two FTE's from July 1, 2013, to June 30, 2014—\$192,303. (OPR 2013-0679)

Grant funding from the Washington State Office of Public Defense for \$80,250 effective January 1, 2013, and \$3,750 effective September 23, 2013, for use by the City Public Defenders Office. Total grant funding—\$84,000. (OPR 2013-0680)

Contract with Alternative Service Concepts, LLC (Nashville TN) for liability claims administration for three years beginning November 1, 2013, through October 31, 2016, with the option of a 2-year extension—\$276,795 for the first year, with a 3% increase each year. (OPR 2013-0681 / BID 3939-13)

Agreement with Aegis ITS, Inc. (Anaheim, CA) to provide the North Division Adaptive Signal Control Technology System—\$260,030.45 (incl. tax). System deployment is expected by year-end and testing is anticipated to run through 2014. (OPR 2013-0682)

Agreement regarding the Spokane River Stewardship Partners funding cost share allocations. (OPR 2013-0683)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through September 16, 2013, total \$5,875,279.01 (Check Nos.: 476208-476592; ACH Payment Nos.: 11641-11102), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$5,304,312.21. (CPR 2013-0002)
- b. Payroll claims of previously approved obligations through September 14, 2013: \$5,931,323.87 (Payroll Check Nos: 516684-517002). (CPR 2013-0003)

Executive Session/Council Recess

The City Council adjourned at 3:46 p.m. No Executive Session was held. The Council reconvened at 6:00 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, Salvatori, Snyder, and Waldref present. Council Member McLaughlin was absent, although she participated telephonically during later portions of the meeting (during consideration of Emergency Ordinance C35037 and Final Reading Ordinance C35027). Assistant City Attorney Mike Piccolo and Deputy City Clerk Laurie Farnsworth were also present.

LEGISLATIVE SESSION

Words of Inspiration

There were no Words of Inspiration.

Pledge of Allegiance

The Pledge of Allegiance was led by Council President Stuckart.

Roll Call

Council President Stuckart and Council Members Allen, Fagan, Salvatori, Snyder, and Waldref were present. Council Member McLaughlin was absent at roll call, although she participated telephonically during portions of the meeting.

CITY ADMINISTRATION REPORT

Emergency Preparedness – “You Can Be a Hero.”

Pete Hartmann of Spokane Department of Emergency Management spoke about the importance of personal preparedness in conjunction with National Preparedness Month. Mr. Hartmann advised that on September 9 he was the recipient of a Mayoral proclamation, presented by Council Member Allen, proclaiming September 2013 as National Preparedness Month (as proclaimed by President Barack Obama on August 30, 2013), and that his purpose tonight was to follow up with practical information and suggestions regarding personal and community preparedness. Mr. Hartmann shared basic preparedness steps and stressed the importance of understanding the risks of emergency events faced at home, schools, and in the workplace.

COUNCIL COMMITTEE REPORTS

Public Works Committee

Council Member Salvatori reported on the Public Works Committee meeting held earlier today (September 23). Minutes of the Public Works Committee meetings are filed with the City Clerk's Office and are available for review following approval of the Public Works Committee.

OPEN FORUM

Mr. Rick Bocook spoke regarding the inequality of treatment of homeless and disabled individuals and the unconstitutionality of the sit and lie ordinance.

Mr. George McGrath spoke regarding the rights of City of Spokane citizens and he questioned the usefulness of Complete Streets.

Mr. Michael Poulin spoke regarding the sit and lie ordinance and suggested the Downtown Business Alliance use a vacant downtown area to open a recreational center to help address the problems at the core of the sit and lie ordinance.

Mr. Jay Larsen spoke regarding the importance of replacing violence-oriented thinking with peace-oriented thinking. He also spoke regarding his “Peace Recognition” program, providing a few examples which are available on his personal website.

(Note: For Council Appointments, see section of minutes following “Resolutions.”)

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCES

Emergency Budget Ordinance C35041 and Emergency Budget Ordinance C35031

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 (Council Member McLaughlin absent), 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 C35041 Human Services Grant Fund
FROM: Department of Commerce, \$297,474;
TO: Contractual Services, same amount.

(This action budgets additional grant funds for administration of the HEN program.) (Relates to OPR 2011-0739 and OPR 2011-0855)

ORD C35031 Forfeiture and Contributions Fund
FROM: Various Accounts, \$305,000;
TO: Various Accounts, same amount.

(This action budgets funds to fight drug crime, gang crime and property crimes.)

(For "Emergency Ordinance C35037," see section of minutes following "First Reading Ordinances.")

RESOLUTIONS

Resolution 2013-0067 Amending Resolution 2007-0015 Plan for Emergency Expansion of Warming Centers for the Homeless

Subsequent to public testimony, with two citizens requesting to speak, and Council comment, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent), the City Council **adopted Resolution 2013-0067** amending Resolution 2007-0115 Plan for Emergency Expansion of Warming Centers for the Homeless. The proposed resolution would redefine the activation criteria, modify the payment to agencies, and make procedures align with the current system.

Resolution 2013-0068 Setting LID #2013114 Formation Hearing Before the Hearing Examiner

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

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent), the City Council **adopted Resolution 2013-0068** setting LID #2013114 Formation Hearing before the Hearing Examiner for October 22, 2013 at 3:30 p.m. for street, storm and water improvements in Central Avenue, Columbia Avenue and Joseph Avenue from Freya Street to Myrtle Street and Sycamore Street, Julia Street and Myrtle Street from Joseph Avenue to Columbia Avenue.

Resolution 2013-0069 Declaring Sole Source Procurement from Taser International

Subsequent to public testimony, with one citizen requesting to speak, and Council comment, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent) the City Council **adopted Resolution 2013-0069** declaring the joint purchase of the AXON Flex camera system, the Evidence.com data management system, and the TASER X26Ps AXON Flex body camera and conjoining software manufactured by Evidence.com a sole source procurement; and authorizing their purchase from Taser International (Scottsdale, AZ) without public bidding—\$732,655.56 (plus tax and shipping).

COUNCIL APPOINTMENTS

Reappointments and Appointment to Chase Youth Commission (CPR 1985-0131)

Upon Unanimous Voice Vote in the affirmative (Council Member McLaughlin absent), the City Council **confirmed** the following reappointments and appointments:

- Re-Appointment of Hannah Hornbaker to serve a one-year term to begin September 23, 2013, and expire September 22, 2014.
- Re-Appointment of Aaron Ackerman to serve a one-year term to begin September 23, 2013, and expire September 22, 2014.
- Re-Appointment of Bryn Hines to serve a one-year term to begin September 23, 2013, and expire September 22, 2014. Re-Appointment of Hannah Sylvester to serve a one-year term to begin September 23, 2013, and expire September 22, 2014.
- Appointment of Purnima Karki to serve a one-year term to begin September 23, 2013, and expire September 22, 2014.

FINAL READING ORDINANCES**Ordinance C35025 Relating to Exterior Storage on Residential Land**

Boris Borisov of the City's Neighborhood Services and Code Enforcement Department made a presentation of the ordinance and addressed questions from the City Council. Subsequent to public comment, with three citizens requesting to speak, and Council comment, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent) the City Council **passed Final Reading Ordinance C35025** relating to exterior storage on residential land; amending SMC Section 1.05.160 and adopting a new SMC Section 17C.110.270 to Chapter 17C.110 of the Spokane Municipal Code.

For Council action on Final Reading Ordinances C35026 through C35029, see section of minutes under "Hearings."

FIRST READING ORDINANCES

The following Ordinances were read for the First Time with further action deferred:

- ORD C35032** Relating to interference with health care facilities or providers; adopting a new Section 10.07.060 to Chapter 10.07 of the Spokane Municipal Code.
- ORD C35033** Relating to the abuse of 911 emergency reporting systems; adopting a new Section 10.07.050 to Chapter 10.07 of the Spokane Municipal Code.
- ORD C35034** Relating to unlawful transit conduct; amending Spokane Municipal Code Section 10.10.100.
- ORD C35035** Relating to sidewalk riding; and amending Spokane Municipal Code Section 16A.61.787.
- ORD C35036** Relating to making or having vehicle prowling tools; adopting a new Section 10.12.045 to Chapter 10.12 of the Spokane Municipal Code.
- ORD C35038** Relating to removal of graffiti, amending Spokane Municipal Code Section 10.10.090.
- ORD C35039** Creating a Targeted Crimes Unit imprest fund (in the amount of \$3,000) in the Police Department; and adopting a new Section 7.03.156 to Chapter 7.03 of the Spokane Municipal Code.
- ORD C 35040** Extending the automated traffic cameral systems program; amending Spokane Municipal Code Section 16A.64.260; and setting an effective date. (relates to OPR 2008-0120 and RES 2013-0070)

(Council Member McLaughlin called in to participate telephonically during a portion of the deliberations on Emergency Ordinance C35037 at approximately 8:50 p.m. and signed off at approximately 9:00 p.m.)

EMERGENCY ORDINANCE**Emergency Ordinance C35037 Relating to Marijuana Use, Medical Cannabis Collective Garden Regulatory Licensing and State-licensed Marijuana Producers, Processors and Retailers**

The City Council considered Emergency Ordinance C35037, as described above. Assistant City Attorney Mike Piccolo and Council Member Snyder provided initial comments regarding the intent of tonight's action on the ordinance, which is the determination of zoning areas for dispensaries. Ken Pelton of the City's Planning and Development Department displayed and explained a map illustrating the prospective areas of the City where the medical and recreational marijuana outlets may be located and the buffers for the protected entities (*i.e.*, schools).

Mike Ekins, Chair of the City of Spokane Plan Commission, followed by giving an overview of the Plan Commission's consideration of the ordinance, as well as reviewed the recommendations approved by the Plan Commission during its September 11 hearing on the matter. Mr. Ekins then addressed questions from the Council.

Subsequent to public testimony on the ordinance, with 11 individuals testifying, the Council commenced deliberations. Council Member Snyder presented a motion, seconded by Council Member Allen, to remove CC-1 as one of the allowable designated zones for marijuana businesses. During Council discussion, Council Member Salvatori raised concerns regarding the adequacy of the grandfather provision for existing medical marijuana collective gardens. After Council discussion and comment by Mr. Piccolo, the following action was taken:

Motion by Council Member Snyder, seconded by Council Member Allen, to remove CC-1 as one of the allowable designated zones for marijuana businesses; **with friendly amendment** by Council Member

Salvatori and accepted by Council Members Snyder and Allen, to amend SMC 10.49.040.C (second sentence, on page 5) by: (1) inserting "shall be allowed to continue to operate as long as they submit" right after it says "enactment of this ordinance;" (2) striking "shall have thirty days from the enactment date (to submit);" and (3) at the very end where it says "required by this chapter," add "within 30 days from the enactment of this ordinance." **Motion, as amended, carried 5-2 (with Council Member McLaughlin voting in the affirmative via telephone and Council President Stuckart and Council Member Salvatori voting "no").**

(As amended, SMC 10.49.040.C reads, as follows: "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 legally operating prior to the enactment of this ordinance shall be allowed to continue to operate as long as the collective garden submits an application for the medical cannabis collective garden regulatory license as required by this chapter within thirty days from the enactment of this ordinance.")

During deliberations on the above motion, as amended, Assistant City Attorney Mike Piccolo referenced SMC Section 17C.347.030.A(1)(3), which begins "Notwithstanding the provisions of chapter 17C.201...", and he requested an amendment to that section so the phrase "this chapter" reads "this ordinance." He asked that the Council include this revision in with the other amendments (as noted in the revised ordinance).

Subsequent to additional Council comment, the following actions were taken:

Motion by Council Member Allen, seconded by Council Member Snyder, **to accept** all other revisions to the ordinance (C35037) (including the revision as requested by Mr. Piccolo above); **carried unanimously.**

Upon 6-1 Roll Call Vote (Council President Stuckart voting "no"), the City Council passed Emergency Ordinance C35037, as amended, 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; and declaring an emergency.

There were no **Special Considerations.**

HEARINGS

Hearings on Comprehensive Plan Amendment Land Use Map Changes (Final Reading Ordinances C35026 through C35029)

Final Reading Ordinance C35026 Relating to Application #Z1200043COMP

The City Council held hearing on Final Reading Ordinance C35026. Ken Pelton of the City's Planning and Development Department provided an overview of the comp plan amendment process, and an overview of Application #Z1200043COMP (ORD C35026). Subsequent to public comment with three individuals requesting to speak and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member McLaughlin absent) the City Council passed Final Reading Ordinance C35026 relating to Application #Z1200043COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 15-30" to "Office" for Chandlers Addition, Block 8, located between Sheridan and Hatch Streets and 5th Avenue and Hartson Avenue, and Highland Parks Hartson Subdivision, Lots C-F; and amending the zoning map from "Residential Multi-Family" (RMF) to "Office" (O-35). (Applicant: Mike Stanicar, on behalf of Cancer Care Associates) (Plan Commission recommended approval by vote of 9 to 0).

(Council Member McLaughlin called in to participate telephonically for a portion of the deliberations on Final Reading Ordinance C35027 at approximately 9:15 p.m. and signed off at approximately 9:20 p.m.)

Final Reading Ordinance C35027 Relating to Application #Z1200044COMP

The City Council held a hearing on Final Reading Ordinance C35027. Ken Pelton of the City's Planning and Development Department provided an overview of Application #Z1200044COMP (Ordinance C35027). Public testimony was received, with seven individuals testifying.

Council Member Waldref presented a motion to approve an amended version of Ordinance C35027, as provided to City Council, and in it the amendment of the land use map becomes subject to the owners of the property entering into a binding development agreement within one year of the effective date of the ordinance; and that would require approval conditions to enter into a binding development agreement that has been mutually executed between the City and the applicants addressing the transition between the site development and the single-family zoned property and the traffic issues, as follows: the parking lot would need to be located in the easterly portion of the site to create kind of a buffer there so you wouldn't have a very large tall building next to the single-family homes and then the other issue was vehicular traffic. So, this (development agreement) would say vehicular ingress and egress from the site along 32nd would not be permitted; or, as an alternate, the access would be limited to an egress only. The approvals granted by the ordinance would expire if that kind of agreement could not be met within a year. Subsequent to Council inquiry and discussion, with response by Mr. Pelton, the following action was taken:

Motion by Council Member Waldref, seconded by Council Salvatori, that we (the Council) make those changes to the ordinance (as described above by Council Member Waldref and as indicated in the amended version of the ordinance provided to City Council); **carried unanimously**.

Further Council inquiry and debate was held, with response by Mr. Pelton. The following action was then taken:

Upon 5-2 Roll Call Vote (with Council Member McLaughlin voting in the affirmative via the telephone and Council Members Snyder and Allen voting "no"), the City Council passed Final Reading Ordinance C35027, as amended, relating to Application #Z1200044COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Office" and "Residential 4-10" to "CC-Core" for .64 acres located at the northeast corner of 32nd Avenue and Grand Boulevard; and amending the zoning map from "Office (O-35)" and "Residential Single Family (RSF)," to "Centers and Corridors Type 1, District Center" (CC-1, DC)." (Applicant: Dwight Hume, on behalf of Tim Carlberg) (Plan Commission recommended approval by vote of 9 to 0).

[Clerical Note: Following the City Council meeting, clerical errors were discovered in the wording under Section 2 (Amendment of Land Use Map) and Section 3 (Amendment of Zoning Map) of Ordinance C35027. The City Clerk's Office has corrected the language in the ordinance under Section 2 which reads "...from 'Residential 15-30' to 'Office'..." to read "...from 'Residential 4-10' and 'Office' to 'Center and Corridor – Core'..." The City Clerk's Office has also corrected the language in the ordinance under Section 3 which reads "...from 'RMF' to 'O-35'..." to read "...'RSF' and 'O-35' to 'CC-1, DC'..." These clerical corrections make the language consistent with the title of the ordinance, as well as consistent with the intent of the Plan Commission's findings.]

Final Reading Ordinance C35028 Relating to Application #Z1200045COMP

The City Council held a hearing on Final Reading Ordinance C35028. Ken Pelton of the City's Planning and Development Services Department provided an overview of Application #Z1200045COMP (ORD C35028). Subsequent to the opportunity for public comment, with no individuals requesting to speak and Council commentary, the following action was taken:

Upon 5-1 Roll Call Vote (Council Member Snyder voting "no" and Council Member McLaughlin absent) the City Council passed Final Reading Ordinance C35028, relating to Application #Z1200045COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 15-30" to "CC-Core" for .29 acres located at the southeast corner of 29th Avenue and Fiske Street; and amending the zoning map from "Residential Multi-Family (RMF)" to "Centers and Corridors Type 2, District Center" (CC-2, DC)." (Applicant: Dwight Hume, on behalf of Alton Properties) (Plan Commission recommended approval by vote of 8 to 1)

Final Reading Ordinance C35029 Relating to Application #Z1200046COMP

The City Council held a hearing on Final Reading Ordinance C35029. Council President Stuckart and Ken Pelton of the City's Planning and Development Department advised that the ordinance states the wrong zoning category of "CC-2" rather than the proper category of "CC-1." Council President Stuckart requested a motion to accept the changes (from CC-2 to CC-1). Subsequently, the following action was taken:

Motion by Council Member Snyder, seconded by Council Member Fagan, to accept changes (in ORD C35029) from "CC-2" to "CC-1", **carried unanimously (Council Member McLaughlin absent)**.

Subsequent to Mr. Pelton providing an overview of Application #Z1200046COMP, the opportunity for public comment with no individuals requesting to speak, and no further Council commentary, the following action was taken:

Upon unanimous 6-0 Roll Call Vote (Council Member McLaughlin absent) the City Council passed Final Reading Ordinance C35029, as amended, relating to Application #Z1200046COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Office" and "Residential 4-10" to "CC-Core" for 9.8 acres located at the southwest corner of 29th Avenue and Southeast Boulevard; and amending the zoning map from "Office (O-35)," "Office Retail (OR-35)" and "Residential Single Family (RSF)" to "Centers and Corridors Type 1, District Center" (CC-1,DC)." (Applicant: Sonneland Commercial Properties, LLC and Banner Bank) (Plan Commission recommended approval by vote of 9 to 0).

SECOND OPEN FORUM

"Doc" spoke regarding his intention to submit paperwork for a tent city and requested that he have until next week to do so.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 9:31 p.m.

MINUTES OF SPOKANE CITY COUNCIL Thursday, September 26, 2013

A Special Meeting of the Spokane City Council was held on the above date at 4:00 p.m. in the City Council Briefing Center, Lower Level - City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. Council President Stuckart and Council Members Fagan, Snyder and Waldref were present. Council Members Allen, McLaughlin, and Salvatori were absent.

The following topic was discussed:

GSI

The Revenue Update scheduled for September 26, 2013, was not discussed and will be rescheduled to a later date.

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 4:27 p.m.

Ordinances

ORDINANCE NO. C35025

AN ORDINANCE relating to exterior storage on residential land; amending SMC section 1.05.160; and adopting a new SMC section 17C.110.270 to chapter 17C.110 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That there is adopted a new section 17C.110.270 to the Municipal Code to read as follows:

17C.110.270 Exterior Storage—Residential Zones

A. Purpose.

It is the intent and purpose of the City to regulate exterior storage of materials on residential land in a manner to promote the health, safety and general welfare of the community including regulating the type and location of materials. The negative effects of unregulated exterior storage can endanger the health, safety and welfare of the community.

B. Regulated Materials.

1. The following list of items shall not be stored outside of structures. Exterior storage means the physical presence of items not fully enclosed within a structure. Exterior storage means and includes, but shall not be limited to, the following:
 - a. vehicle parts including but not limited to, alternators, engines, transmissions, wheels, tires, body panels, auto glass, interior panels, front and/or rear seats, taillights, head lights, and other vehicle parts thereof;
 - b. household furniture including, but not limited to, mattresses, couches, recliners, tables, desks, bed frames, chairs, other furniture items, and parts thereof;
 - c. appliances including but not limited to dishwashers, stoves, televisions, computers, kitchen accessories, electronic equipment and parts thereof;
 - d. construction materials including but not limited to plaster, lumber, sheetrock, carpet, shelving, cement, bathtubs, toilets, pipe, and other such items that are not exempted under SMC 17C.110.270(B)(2);
 - e. metal including but not limited to iron, steel, aluminum, and other such metals; and
 - f. any other items similar in nature.
2. Materials that may be stored outside of structures include:
 - a. construction materials that are maintained in a safe manner and in such a way that the materials do not create a hazard to the general public, or an attraction to children, and that are designated for projects on the parcel for which a building permit has been issued through the City of Spokane;
 1. Construction materials used for a public works project may be temporarily stored on residential zones up to one year after construction begins.
 - b. construction equipment including ladders, scaffolding, and other such items may be stored outside of structures as long as the equipment is maintained in a safe manner and in such a way that the materials do not create a hazard to the general public, or an attraction to children, and
 - c. items that are manufactured for exterior usage and are being maintained including but not limited to: lawn/patio furniture and décor, benches, play equipment; sandboxes, barbecues, and bicycles.
3. Any items that are considered to be "litter" as according to SMC 10.08.010 including refuse, rubbish, garbage, discarded items and all waste material of every kind and description shall be regulated under Chapter 10.08 Offense Against Public Health.

C. Location.

1. Exterior storage of any of the items listed in SMC 17C.110.270(B)(2)(a) and SMC 17C.110.270(B)(2)(b) shall take place from the rear of the main dwelling unit to the rear of the property line,
 - a. except permitted construction materials which may be stored up to thirty days in either side or front yard areas and are exempt from the fencing and screening requirements designated in subsection (C)(2) below.
2. Exterior storage areas shall be screened from view of the public right-of-way as defined in SMC 17A.020.180 (R) through the use of sight-obscuring fencing that meets height requirements set in SMC 17C.110.230 or through the use of screening pursuant to SMC 17C.200.070(A)(1)

D. Violation—Enforcement and Penalty

Violation of SMC 17C.110.270 shall constitute a class 2 civil infraction per SMC 1.05.160.

Section 3. That SMC 1.05.160 is amended to read as follows:

1.05.160 Penalty Schedule – Land Use Violation

- A. For each subsequent violation, excluding continuing violations, by a person the classification of infraction advances by one class.
- B. Infraction/Violation Class – General.

SMC 1.05.160		
Penalty Schedule – Land Use Violation		
Infraction	Violation Class	
General		
IFC 105.3.3 SMC 17G.010.100(B)	Occupy Land or Building Without Certificate of Occupancy	2
SMC 10.48.050	Alarm Installation or Monitoring Company Failure to Provide Customer List	1
SMC 10.48.130	Alarm Installation or Monitoring Company Failure to Report New Customers	1
Boiler Code		
SMC 10.29.020	Operating Boiler Without License	1
SMC 10.29.021	Failure to Report Hazard	1
SMC 10.29.022	Leaving Boiler Room	2
SMC 17F.030.110	Failure to Cause Required Inspections of Boiler, Pressure Vessel	2
SMC 17F.030.130	Improper Operation of Boiler, Pressure Vessel	1
SMC 17F.060.050	Operate Without Elevator Operating Permit	1
Fire Code – International Fire Code (IFC)		
Chapter 22 IFC	Improper Aboveground Storage Tank for Motor Fuel Dispensing	1
Chapter 28 IFC	Improper Storage, Display of Aerosols	2
Chapter 33 IFC IFC 105.6.14 Chapter 10.33A SMC SMC 17F.080.060	Unauthorized Manufacture, Storage, Sale, Use, Handling of Explosives	1
IFC 107 IFC 109 IFC 110	Continuance of Hazard	1
IFC 109.2.2	Noncompliance with Condemnation Tag	1
IFC 109.2.4	Removal, Destruction of Tag, Sign	1
IFC 304	Improper Storage/Accumulation of Rubbish, Vegetation	2
IFC 304	Storage, Use, Handling of Miscellaneous Combustible Material	2
IFC 308	Improper Use of Candles, Open Flame	3
IFC 311	Failure to Properly Maintain Vacant Building, Property	2
IFC 503.4	Obstruction of Fire Access Road	2
IFC 703.1	Failure to Maintain Fire-resistive Construction	2

IFC 703.2 IFC 704	Failure to Maintain Fire Assemblies for Openings	2
IFC 805 IFC 806	Failure to Flameproof Decorative Material	2
IFC 901.4	Failure to Install Protection for Kitchen Hoods, Ducts	2
IFC 901.4	Failure to Install Sprinkler System	2
IFC 901.4 SMC 17F.080.100 SMC 17F.080.150	Failure to Install Alarm System	1
IFC 901.6	Failure to Maintain Automatic Extinguishing System	2
IFC 901.6	Failure to Maintain Kitchen Rangehood Extinguishing System	2
IFC 901.6	Failure to Maintain Sprinkler System	2
IFC 901.6	Failure to Maintain Standpipe System	2
IFC 903.4 IFC 907.15	Failure to Provide Approved Electronic Monitoring for Sprinkler and Fire Alarm Systems	2
IFC 904.11.6.3	Failure to Clean Kitchen Hoods, Ducts	2
IFC 905.3	Failure to Install Standpipe System	2
IFC		
IFC 1003.6	Obstruction of Exit	1
IFC 1011	Failure to Provide Exit Signs	1
IFC 2703.3	Release of Hazardous Material	1
IFC 3404.2.13.1.3	Failure to Remove Abandoned Underground Storage Tank	1
Spokane Municipal Code		
SMC 10.08.040	Fire Hazard from Vegetation and Debris	1
SMC 12.01.0804	Failure to Maintain Pedestrian Strip	2
SMC 12.02.010	Sidewalk Not Clear of Snow, Ice	3
SMC 13.05.010	Tree, etc., Interfering With City Sewer	2
SMC 13.05.020	Poplar, Cottonwood Tree Near Utility Line	2
SMC 17C.110.100	Use Not Permitted in Residential Zone	2
SMC 17C.110.110	Limited Use Standards (Residential)	2
SMC 17C.110.120	Accessory Uses – Residential	2
SMC 17C.110.200 – SMC 17C.110.220	Violation of Development Standards – Residential	2
SMC 17C.110.225	Accessory Structures – Residential	2
SMC 17C.110.230	Residential Fence	2
<u>SMC 17C.110.270</u>	<u>Exterior Storage</u>	<u>2</u>
SMC 17C.110.300 – SMC 17C.110.350	Alternative Residential Development	1

SMC 17C.110.400 – SMC 17C.110.465	Multi-family Design Standards	1
SMC 17C.110.500 – SMC 17C.110.575	Institutional Design Standards	1
SMC 17C.120.100	Use Not Permitted in Commercial Zone	1
SMC 17C.120.110	Limited Use Standards – Commercial	1
SMC 17C.120.210 – SMC 17C.120.300	Development Standards - Commercial	1
SMC 17C.120.310	Commercial Fence	1
SMC 17C.120.500 – SMC 17C.120.580	Commercial Design Standards	1
SMC 17C.122.070	Use Not Permitted in Center and Corridor Zone	1
SMC 17C.122.080 – SMC 17C.122.150	Development Standards – Center and Corridor Zone	1
SMC 17C.124.100	Use Not Permitted in Downtown Zone	1
SMC 17C.124.110	Limited Use Standards – Downtown	1
SMC 17C.124.210 – SMC 17C.124.300	Development Standards - Downtown	1
SMC 17C.124.310	Fences – Downtown Zone	1
SMC 17C.124.340	Parking and Loading - Downtown	1
SMC 17C.124.500 – SMC 17C.124-590	Design Standards – Downtown	1
SMC 17C.130.100 – SMC 17C.130.110	Use Not Permitted in Industrial Zone	1
SMC 17C.130.210 – SMC 17C.130.250	Violation of Development Standards	1
SMC 17C.130.270	Outdoor Activities Not Permitted	1
SMC 17C.130.300	Detached Accessory Structures	1
SMC 17C.130.310	Industrial Fence	1
SMC 17C.160.020 – SMC 17C.160.030	North River Overlay District	1
SMC 17C.170.110	Special Height Overlay Zone	1
SMC 17C.180.050 – SMC 17C.180.100	Airfield Overlay Zone	1
SMC 17C.200.040 – SMC 17C.200.110	Landscaping and Screening Requirements	1
SMC 17C.210.040 – SMC 17C.210.070	Non-conforming Rights	1
SMC 17C.220.080 – SMC 17C.220.090	Off-Site Impacts	1
SMC 17C.230.140 – SMC 17C.230.300	Development Standards – Parking and Loading	2
SMC 17C.230.310	Design Standards - Parking Structures	1
SMC 17C.240.070 – SMC 17C.240.270	Sign in Violation of the Sign Code	1
SMC 17C.300.100	Accessory Dwelling Units General Regulations	2

SMC 17C.300.110	Accessory Dwelling Units Criteria	2
SMC 17C.300.130	ADU Development Standards	1
SMC 17C.305.020	Adult Business Use Standards	1
SMC 17C.310.100 – SMC 17C.310.160	Animal Keeping – Permitted/ Prohibited Practices	2
SMC 17C.315.120	Bed and Breakfast Use-related Regu- lations	2
SMC 17C.315.130	Bed and Breakfast Site-related Stan- dards	2
SMC 17C.315.150	Bed and Breakfast Monitoring	2
SMC 17C.315.160	Pre-established Bed and Breakfast Facilities	2
SMC 17C.319.100	Commercial Use of Residential Streets	2
SMC 17C.319.200	Recreational Camping	2
SMC 17C.320.080	Conditional Uses	1
SMC 17C.325.030 – SMC 17C.325.060	Drive-through Facilities	1
SMC 17C.330.120	Group Living Development Standards	1
SMC 17C.335.110	Historical Structures – Change Of Use Development Standards	1
SMC 17C.340.100 – SMC 17C.340.110	Home Occupations	2
SMC 17C.345.100 – SMC 17C.345.120	Manufactured Homes and Mobile Home Parks	1
SMC 17C.350.030	Development Standards – Mini Stor- age Facilities	1
SMC 17C.350.040	Design Considerations – Mini Stor- age Facilities	1
SMC 17C.355.030 – SMC 17C.355.040	Wireless Communication Facilities	1
Chapter 17D.060 SMC	Stormwater Facility Standards	1
SMC 17E.010.080	Aquifer Pollution Nuisance Declared by Critical Review Officer	2
SMC 17E.010.160(B) SMC 17E.010.350(F) SMC 17E.010.540(F)	Failure to Comply With Order, Deci- sion of Critical Review Officer	1
SMC 17E.010.160(C)	Failure to Abide by Terms, Condi- tions of Permit, License, Approval	1
SMC 17E.010.210(A)	Maintain Underground Storage Tank Without Permit	2
SMC 17E.010.230 SMC 17E.010.440	Use of Underground/Aboveground Storage Tank Without Permit	1
SMC 17E.010.350(A) SMC 17E.010.350(E) SMC 17E.010.540(A) SMC 17E.010.540(E)	Supply False, Inaccurate, Incomplete Information Concerning an UST or AST	2
SMC 17E.010.350(B) SMC 17E.010.540(B)	Approval Permit Violation	2

SMC 17E.010.350(C) SMC 17E.010.540(C)	Fill Unpermitted Underground/ Aboveground Storage Tank	2
SMC 17E.010.350(D) SMC 17E.010.540(D)	Tamper with, Fail to Maintain Inven- tory, Other Records	2
Chapter 17E.020 SMC	Prohibited Activities in Fish and Wild- life Areas and Buffers	1
Chapter 17E.040 SMC	Prohibited Activities in Geological Hazard Areas and Buffers	1
SMC 17E.060.120	Use, Alter Land, Erect, Alter, Occupy Structure Within Shoreline Without Compliance With Shoreline Manage- ment Regulations	1
Chapter 17E.070 SMC	Prohibited Activities in Wetlands and Buffers	1
SMC 17F.070.380	Failure to Discharge Responsibilities of Owner	2
SMC 17F.070.390	Failure to Discharge Responsibilities of Occupant	2
SMC 17F.080.250	Failure to Maintain Fire Alarm Sys- tem	1
SMC 17F.080.260(B)	Failure to Provide Fire Protection System Verification Fees	2
SMC 17F.080.280	Failure to Secure Fire-damaged Building	2
SMC 17F.080.390	Failure to Provide Semi-annual In- spection of Private Hydrant	2
SMC 17F.080.420	Failure to Maintain Private Hydrant	2
SMC 17F.080.440	Lack of Basement Sprinkler System in Existing Building	2
SMC 17G.010.100 (C)(2)	Testing Underground Storage Tank Without Spokane Fire Department Registration	1

Passed by Spokane City Council on September 23, 2013.

(Delivered to the Mayor on the 25th day of September 2013.)

ORDINANCE NO. C35026
Planning File Z1200043COMP

AN ORDINANCE RELATING TO APPLICATION #Z1200043COMP AND AMENDING THE LAND USE PLAN MAP OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 15-30" TO "OFFICE" FOR CHANDLERS ADDITION, BLOCK 8 LOCATED BETWEEN SHERIDAN AND HATCH STREETS AND 5TH AVENUE AND HARTSON AVENUE, AND HIGHLAND PARK HARTSONS SUBDIVISION, LOTS C-F; AND AMENDING THE ZONING MAP FROM "RESIDENTIAL MULTI-FAMILY" (RMF) TO "OFFICE" (O-35); and

WHEREAS, The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

WHEREAS, under the Growth Management Act, the City Council may generally consider proposed amendments or revisions of the City's comprehensive plan no more frequently than once every year. All amendment proposals must be considered concurrently in order to evaluate for their cumulative effect; and

WHEREAS, land use amendment application Z1200043COMP was submitted by the October 31, 2012 deadline for Plan Commission review during the 2013 amendment cycle; and

WHEREAS, Application Z1200043COMP seeks an amendment is to the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 15-30" to "Office" for Chandler's Addition, Block 8 which is located between Sheridan and Hatch Streets and 5th Avenue and Hartson Avenue and Highland Park Hartson's Subdivision Lots C-F. If approved, the implementing zoning designation requested is "Office-35" (O-35); and

WHEREAS, staff requested comments from agencies and departments on December 12, 2012, and a public comment period ran from April 22, 2013 to June 22, 2013; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 1, 2013; and

WHEREAS, the Spokane City Plan Commission held workshops to study the Amendment Applications on May 8, 2013, May 22, 2013 and June 12, 2013; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on July 29, 2013 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on August 13, 2013; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the August 14, 2013 Plan Commission Public Hearing were published in the Spokesman-Review on Wednesday, July 31 and Wednesday, August 7, 2013; and

WHEREAS, notice was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on July 30, 2013; and

WHEREAS, staff report found that Application Z1200043COMP met all the criteria and recommended approval of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on August 14, 2013 for the proposed Amendment Applications; and

WHEREAS, the Spokane Plan Commission found that Application Z1200043COMP is consistent with and implements the current version of the comprehensive plan; and

WHEREAS, the Plan Commission voted 8 to 0 to recommend approval of Application Z1200043COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; and

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of Application. Application Z1200043COMP is approved.
2. Amendment of Land Use Map. The Spokane Comprehensive Plan Land Use Map is amended from "Residential 15-30" to "Office" for Chandler's Addition, Block 8 which is located between Sheridan and Hatch Streets and 5th Avenue and Hartson Avenue and Highland Park Hartson's Subdivision Lots C-F; and
3. Amendment of Zoning Map. The City of Spokane Zoning Map is amended from "RMF" to "O-35" for this same area.

(Note: Maps are on file for review in the Office of the City Clerk.)

Passed by Spokane City Council on September 23, 2013.

(Delivered to the Mayor on the 30th day of September 2013.)

ORDINANCE NO. C35027
Planning File #Z1200044COMP

AN ORDINANCE RELATING TO APPLICATION #Z1200044COMP AND AMENDING THE LAND USE PLAN MAP OF THE CITY'S COMPREHENSIVE PLAN FROM "OFFICE" AND "RESIDENTIAL 4-10" TO "CC-CORE" FOR .64 ACRES LOCATED AT THE NORTHEAST CORNER OF 32ND AVENUE AND GRAND BOULEVARD; AND AMENDING THE ZONING MAP FROM "OFFICE (O-35)" and "RESIDENTIAL SINGLE FAMILY (RSF)" TO "CENTERS & CORRIDORS TYPE 1, DISTRICT CENTER" (CC-1, DC)."

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

WHEREAS, the Growth Management Act requires continuing review and evaluation of the Comprehensive Plan and contemplates an annual amendment process for incorporating necessary and appropriate revisions to the Comprehensive Plan; and

WHEREAS, land use amendment application Z1200044COMP was timely submitted to the City for consideration during the City's 2013 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z1200044COMP seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Office" and "Residential 4-10" to "CC-Core" for .64 acres located at the northeast corner of 32nd Avenue and Grand Boulevard; and amending the zoning map from "Office (O-35)" and "Residential Single Family (RSF)" to "Centers & Corridors Type 1, District Center (CC-1, DC); and

WHEREAS, staff requested comments from agencies and departments on December 12, 2012, and a public comment period ran from April 22, 2013 to June 22, 2013; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 1, 2013; and

WHEREAS, the Spokane City Plan Commission held workshops regarding the proposed Comprehensive Plan amendments on May 8, 2013, May 22, 2013 and June 12, 2013; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on July 29, 2013 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on August 13, 2013; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the August 14, 2013 Plan Commission Public Hearing were published in the Spokesman-Review on Wednesday, July 31 and Wednesday, August 7, 2013; and

WHEREAS, notice was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on July 30, 2013; and

WHEREAS, staff report found that Application Z1200044COMP met all the criteria and recommended approval of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on August 14, 2013 for the Application Z1200044COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z1200044COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 8 to 0 to recommend approval of Application Z1200044COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of Application. Application Z1200044COMP is approved.
2. Amendment of Land Use Map. The Spokane Comprehensive Plan Land Use Map is amended from "Residential 4-10" and "Office" to "Center and Corridor—Core" for .64 acres located at the northeast corner of 32nd Avenue and Grand Boulevard as shown in Exhibit A, subject to the owner(s) of the property entering into a binding development agreement within one year of the effective date of this ordinance.
3. Amendment of Zoning Map. The City of Spokane Zoning Map is amended from "RSF" and "O-35" to "CC-1, DC" for this same area as shown in Exhibit B, subject to the owner(s) of the property entering into a binding development agreement within one year of the effective date of this ordinance.
4. Approval Conditions for Development Agreement. The approval granted by this ordinance is conditioned upon the applicants entering into a binding development agreement that has been mutually executed between the City and the applicants and which is consistent with the requirements of chapter 36.70B RCW and Spokane Municipal Code chapter 17A.060, and sufficient to bind the applicants and applicants' successor and assigns with respect to development of the property identified in Exhibits A and B and addressing the transition between site development and the RSF zoned property to the east of the site and the traffic issues on 32nd Avenue as follows:
 - a. The parking lot shall be located in the easterly portion of the site and the buildings shall be located within only the westerly four lots of the site.
 - b. Vehicular ingress and egress from the site along 32nd Avenue is not permitted, or as an alternative, access to 32nd Avenue is limited to an egress point only that is designed to prevent left turns eastbound onto 32nd Avenue.
5. Expiration Date. The approvals granted by this ordinance shall expire and the Land Use Designation and Zoning Category shall revert back to the original designations as stated in Sections 2 and 3 herein above if, within one (1) year from the effective date of this ordinance, the conditions set forth in Section 4 of this ordinance have not been satisfied.
6. This ordinance shall become effective thirty (30) days after its enactment; provided, no development permits may be issued for the property until all conditions of approval have been satisfied including the mutual execution of a development agreement between the city and the applicants addressing the terms set forth in section 4 herein above and the approval of the same by the City Council by Ordinance or Resolution.

(Note: Exhibits are available for review in the Office of the City Clerk.)

Passed by Spokane City Council on September 23, 2013.

(Delivered to the Mayor on the 30th day of September 2013.)

ORDINANCE NO. C35028
Planning File Z1200043COMP

AN ORDINANCE RELATING TO APPLICATION #Z1200045COMP AND AMENDING THE LAND USE PLAN MAP OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 15-30" TO "CC-CORE" FOR .29 ACRES LOCATED AT THE SOUTHEAST CORNER OF 29TH AVENUE AND FISKE STREET; AND AMENDING THE ZONING MAP FROM "RESIDENTIAL MULTIFAMILY (RMF)" TO "CENTERS & CORRIDORS TYPE 2, DISTRICT CENTER" (CC-2, DC)."

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

WHEREAS, the Growth Management Act requires continuing review and evaluation of the Comprehensive Plan and contemplates an annual amendment process for incorporating necessary and appropriate revisions to the Comprehensive Plan; and

WHEREAS, land use amendment application Z1200045COMP was timely submitted to the City for consideration during the City's 2013 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z1200045COMP seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 15-30" to "CC-Core" for .29 acres located at the southeast corner of 29th Avenue and Fiske Street; and amending the zoning map from "Residential Multifamily (RMF)" to "Centers & Corridors Type 2, District Center (CC-2, DC); and

WHEREAS, staff requested comments from agencies and departments on December 12, 2012, and a public comment period ran from April 22, 2013 to June 22, 2013; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 1, 2013; and

WHEREAS, the Spokane City Plan Commission held workshops regarding the proposed Comprehensive Plan amendments on May 8, 2013, May 22, 2013 and June 12, 2013; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on July 29, 2013 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on August 13, 2013; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the August 14, 2013 Plan Commission Public Hearing were published in the Spokesman-Review on Wednesday, July 31 and Wednesday, August 7, 2013; and

WHEREAS, notice was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on July 30, 2013; and

WHEREAS, staff report found that Application Z1200045COMP met all the criteria and recommended approval of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on August 14, 2013 for the Application Z1200045COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z1200045COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 7 to 1 to recommend approval of Application Z1200045COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of Application. Application Z1200045COMP is approved.
2. Amendment of Land Use Map. The Spokane Comprehensive Plan Land Use Map is amended from "Residential 15-30" to "CC-Core" for .29 acres located at the northeast corner of 29th Avenue and Fiske Street as shown in Exhibit A.
3. Amendment of Zoning Map. The City of Spokane Zoning Map is amended from "RMF" to "CC2-DC" for this same area as shown in Exhibit B.

(Exhibits are available for review in the Office of the City Clerk.)

Passed by Spokane City Council on September 23, 2013.

(Delivered to the Mayor on the 30th day of September 2013.)

ORDINANCE NO. C35029
Planning File #Z1200046COMP

AN ORDINANCE RELATING TO APPLICATION #Z1200046COMP AND AMENDING THE LAND USE PLAN MAP OF THE CITY'S COMPREHENSIVE PLAN FROM "OFFICE" AND "RESIDENTIAL 4-10" TO "CC-CORE" FOR 9.8 ACRES LOCATED AT THE SOUTHWEST CORNER OF 29TH AVENUE AND SOUTHEAST BOULEVARD; AND AMENDING THE ZONING MAP FROM "OFFICE (O-35)", "OFFICE RETAIL (OR-35)" AND "RESIDENTIAL SINGLE FAMILY (RSF)" TO "CENTERS & CORRIDORS TYPE 1, DISTRICT CENTER" (CC-1, DC)."

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

WHEREAS, the Growth Management Act requires continuing review and evaluation of the Comprehensive Plan and contemplates an annual amendment process for incorporating necessary and appropriate revisions to the Comprehensive Plan; and

WHEREAS, land use amendment application Z1200046COMP was timely submitted to the City for consideration during the City's 2013 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z1200045COMP seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Office" and "Residential 4-10" to "CC-Core" for 9.8 acres located at the southwest corner of 29th Avenue and Southeast Boulevard; and amending the zoning map from "Office (O-35)", "Office Retail (OR-35)" and "Residential Single Family (RSF)" to "Centers & Corridors Type 1, District Center (CC-1, DC); and

WHEREAS, staff requested comments from agencies and departments on December 12, 2012, and a public comment period ran from April 22, 2013 to June 22, 2013; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 1, 2013; and

WHEREAS, the Spokane City Plan Commission held workshops regarding the proposed Comprehensive Plan amendments on May 8, 2013, May 22, 2013 and June 12, 2013; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on July 29, 2013 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on August 13, 2013; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the August 14, 2013 Plan Commission Public Hearing were published in the Spokesman-Review on Wednesday, July 31 and Wednesday, August 7, 2013; and

WHEREAS, notice was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on July 30, 2013; and

WHEREAS, staff report found that Application Z1200046COMP met all the criteria and recommended approval of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on August 14, 2013 for the Application Z1200046COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z1200046COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 8 to 0 to recommend approval of Application Z1200046COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of Application. Application Z1200046COMP is approved.
2. Amendment of Land Use Map. The Spokane Comprehensive Plan Land Use Map is amended from "Office" and "Residential 4-10" to "CC-Core" for 8.9 acres located at the southwest corner of 29th Avenue and Southeast Boulevard as shown in Exhibit A.
3. Amendment of Zoning Map. The City of Spokane Zoning Map is amended from "O-35", "OR-35" and "RSF" to "CC1-DC" for this same area as shown in Exhibit B.

(Note: Exhibits are available for review in the Office of the City Clerk.)

Passed by Spokane City Council on September 23, 2013.

(Delivered to the Mayor on the 30th day of September 2013.)

ORDINANCE NO. C35031

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 Forfeiture & Contributions Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM: 1560-17100	Forfeiture & Contributions Fund	
21212-33221	Federal Entitlements	\$ 50,000
21231-33221	Federal Entitlements	\$ 135,000
1560-17200	Forfeiture & Contributions Fund	
21231-39510	Proceeds of Fixed Assets	\$ 120,000
		Total <u>\$ 305,000</u>
TO: 1560-17100	Forfeiture & Contributions Fund	
94000-56403	Capitalized Software	\$ 80,000
21231-54201	Contract Services	\$ 105,000
1560-17200	Forfeiture & Contributions Fund	
94000-56404	Vehicles	\$ 50,000
21231-53502	Minor Equipment	\$ 70,000
		Total <u>\$ 305,000</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 authorize the appropriation of the funds received from the sale of the West Plains property as well as unexpected forfeiture receipts, 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 Spokane City Council on September 23, 2013.

(Delivered to the Mayor on the 25th day of September 2013.)

ORDINANCE NO. C - 35037

An 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; 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 ESSSB 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 fifteen (15) cannabis plants, no more than twenty-four (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 fifteen (15) *plants per patient up to a total of forty five (45) plants per garden, and the garden does not contain more than twenty four (24) ounces of useable cannabis per patient and up to a total of seventy two (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 jurisdictions 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 chapter 69.51A RCW 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 twenty-one (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 October 16, 2013, with an effective date of November 16, 2013, begin accepting applications for license types on November 18, 2013 and begin issuing licenses to qualified applicants on December 1, 2013; 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 ordinance to address these impacts; and

WHEREAS, on July 15, 2013, the City Council held a public hearing on Ordinance No. C-35008, regarding interim regulations relating to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processor and retailers; and

WHEREAS, Ordinance C-35008 was passed by the City Council on July 15, 2013 establishing interim regulations for a ninety (90) day period and repealing the prior moratorium established in Ordinance No. C-34968; and

WHEREAS, the City Plan Commission held a public hearing on September 11, 2013 regarding the adoption of a permanent ordinance regarding to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processors and retailers and subsequently adopted recommendations to the City Council regarding the ordinance; and

WHEREAS, the City Council finds that it is necessary to adopt this 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, State Environmental Policy Act (SEPA) Checklists and Determinations of Non-Significance were distributed on August 26, 2013 for the proposed ordinance with the public appeal period for the SEPA determination ended on September 10, 2013; 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 legally operating prior to the enactment of this ordinance shall be allowed to continue to operate as long as the collective garden submits an application for the medical cannabis collective garden regulatory license as required by this chapter within thirty days from the enactment of this ordinance.

- D. The requirement to obtain a medical cannabis collective garden regulatory license or a business registration 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,
 5. does not rotate more than five members of the collective garden within a fifteen day period, and
 6. engages only in private, unlicensed, noncommercial production, possession, transportation, delivery, or administration of cannabis for medical use pursuant to RCW 69.51A.025.
- 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, shall not approve the license until the application has been reviewed by the planning and development services department and the fire 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 either the date of the receipt by the city of the complete application, including all necessary forms and affidavits, or thirty days from the date of the public hearing required by SMC 10.49.050(L).
- D. The applicant shall provide on the application, the names, dates of birth, addresses and phone numbers for all officers and employees.
- E. The license shall 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 or designated licensing officer 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 shall 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 complete 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 and development services department and fire department that all City requirements have been met.
- 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. The authorized city official shall provide the owner/operator of the facility or business with the appropriate hearing opportunity regarding the closure as well as the opportunity to enter the facility or business subsequent to the closure for purposes of securing his assets and property.
 - L. Prior to the issuance of a regulatory license for a medical cannabis collective garden that was not legally operating prior to the enactment of this ordinance, 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 prescribed by the City shall be delivered by the applicant to the recorded real property owners and/or taxpayers 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, upon request by the City, submit valid documentation, or written designation by a qualified patient with that patient's valid documentation and proof of identification deemed acceptable by the office of taxes and licenses.
 2. Must be at least eighteen years of age.
 3. Shall have no felony convictions of state or federal laws within the ten years preceding or at any time subsequent to the 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 shall 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, shall 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 shall be provided with ventilation/air filtration systems so that no odors are detectable off the premises.
 8. All premises shall 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. Delivery of medical cannabis shall not exceed those quantities allowed by RCW 69.51A.040. 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 shall 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 shall be continuously recorded twenty-four hours a day and shall 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 shall 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**

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 CC2, CC3, CB, GC, DTC, DTG, DTU, DTS, LI, HI and PI Zones in accordance with Title 17 SMC. 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. 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.
- c. The prohibition set forth in subsection (1) (a) and (b) above shall not apply to a medical cannabis collective garden legally operating prior to the enactment 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 ordinance 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 CC2, CC3, CB, GC, DTC, DTG, DTU, DTS, LI, HI and PI Zones in accordance with Title 17 SMC and licensed under this chapter. A state-licensed marijuana producer or processor is classified as a Manufacturing and Production land use as described in chapter 17C.190 SMC, Use Category Descriptions. Manufacturing and Production uses are limited as provided in Table 17C.120-1, Table 17C.130-1, and Table 17C.124-1. In Table 17C.122-1, for Center and Corridor Zones, a state-licensed marijuana producer or processor is classified as a Limited Industrial land use and is subject to the standards for a Limited Industrial use. A state-licensed marijuana retailer is classified as a Retail Sales and Service land use as described in chapter 17C.190 SMC, Use Category Descriptions. In Table 17C.122-1, for Center and Corridor Zones, a state-licensed marijuana retailer is classified as a Commercial land use and is subject to the standards for a Commercial use.
 - b. A state-licensed marijuana producer, processor 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 shall be disposed of in a secure manner that would prevent exposure to the public or create a nuisance.
- C. Measurement.
1. The measurement of the separation distance in subsection A.1.b and A.2.b. above shall be measured as the shortest straight line distance from the property line of the production and processing facility, retail outlet or collective garden to the property line of the entities listed in subsection A(1)(b) and A(2)(b).
 2. A protected use specified in subsection A(1)(b) and A(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.

SMC 1.05.170 PENALTY SCHEDULE – BUSINESS REGULATIONS		
Infraction		Violation Class
General		
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</u>	1
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
Fireworks		
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
Fire Code		
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. 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 8. 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 Spokane City Council on September 23, 2013.

(Delivered to the Mayor on the 25th day of September 2013.)

ORDINANCE NO. C35041

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>\$ 297,474</u>

TO: 1540-95460-	Human Services Grants Fund	
51200-54201	Contractual Services	<u>\$ 297,474</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 and 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 Spokane City Council on September 23, 2013.

(Delivered to the Mayor on the 25th day of September 2013.)

Job Opportunities

The City of Spokane is an Equal Employment Opportunity Employer

AMENDMENT AMENDMENT AMENDMENT

ENGINEERING TECHNICIAN II (OFFICE)

SPN 202

(Announcement of 9/18/2013)

The above titled announcement is hereby amended to read:

SALARY: \$38,252 annual salary, payable bi-weekly, to a maximum of \$55,123

AMENDMENT AMENDMENT AMENDMENT

ENGINEERING TECHNICIAN II (FIELD)

SPN 202

(Announcement of 9/18/2013)

The above titled announcement is hereby amended to read:

SALARY: \$38,252 annual salary, payable bi-weekly, to a maximum of \$55,123

AMENDMENT AMENDMENT AMENDMENT

ENGINEERING TECHNICIAN III (OFFICE)

SPN 203

(Announcement of 7/3/2013)

The above titled announcement is hereby amended to read:

CLOSING DATE: Applications will be accepted until the close of business on Friday, October 11, 2013.

AMENDMENT AMENDMENT AMENDMENT

ENGINEERING TECHNICIAN III (FIELD)

SPN 203

(Announcement of 7/3/2013)

The above titled announcement is hereby amended to read:

CLOSING DATE: Applications will be accepted until the close of business on Friday, October 11, 2013.

Hearing Notices

**FORMATION HEARING NOTICE
RESOLUTION 2013-0068
LID NO. 2013114**

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 and Water Improvements of Central Avenue, Columbia Avenue, Joseph Avenue from Freya Street to Myrtle Street and Sycamore Street, Julia Street, Myrtle Street from Joseph Avenue to Central Avenue**

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:

<u>LOTS</u>	<u>BLOCK</u>	<u>ADDITION</u>
10 – 14 & a portion of 9	10	Columbia Addition
8 – 14	11	Columbia Addition
9 – 16	12	Columbia Addition
1 – 18	13	Columbia Addition
1 – 14	14	Columbia Addition
1 – 5, 10 – 14, & a portion of 6 & 9	15	Columbia Addition
1 – 5, 10 – 14, & a portion of 6 & 9	16	Columbia Addition
1 – 14	17	Columbia Addition
1 – 18	18	Columbia Addition
1 – 9	19	Columbia Addition
1 – 7	20	Columbia Addition
1 – 5 & a portion of 6	21	Columbia Addition
1 – 3 & 8 – 10	1	Hillyard Acres Tract

Situated in the **NE** Quarter of Section **34**, Township **26**, 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 **22nd day of October, 2013 at 3:30 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.

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 Liane Carlson at (509) 625-6703; 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or lcarlson@spokanecity.org. Persons who are deaf or hard of hearing may contact Liane Carlson at (509) 625-6367 through the Washington Relay Service at 7-1-1. Please contact us at least forty-eight (48) hours before the meeting date.

Publish: September 25 and October 2, 2013

Notice for Bids

Paving, Sidewalks, Sewer, etc.

CALL FOR BIDS

STORMWATER DECANT VACTOR WASTE FACILITY

Engineering Services File No. 2012103

This project consists of the construction of approximately 3,700 cubic yards of excavation, 500 linear feet of storm sewer, 8 drainage structures, 3,675 square yards of 4-inch thick pavement, 7,250 square yards of 3-inch thick pavement, 18,620 square feet concrete Decant Pad with a steel building canopy, 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., October 7, 2013 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

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

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

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

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

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

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

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

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

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

Publish: September 18, 25 and October 2, 2013

CALL FOR BIDS

Ash and Maple Streets Couplet, Pedestrian Countdown Timer Modifications

Engineering Services File No. 2013058

This project consists of the construction of approximately 124 countdown pedestrian signal display replacements, 48 pedestrian display housing, and 32 mounting bracket retrofits, and other related miscellaneous items at 16 signalized intersections along the Ash Street and Maple Street corridors .

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., October 7, 2013 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

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

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

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

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

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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: September 18, 25 and October 2, 2013

Notice for Bids

Supplies, Equipment, Maintenance, etc.

REQUEST FOR QUALIFICATIONS AND PROPOSALS

UNIVERSITY DISTRICT INTEGRATED PLANNING STUDY

City of Spokane Planning and Development Department

RFQ/P #3947-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, OCTOBER 21, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for University District Integrated Planning Study for the City of Spokane Planning and Development Department.

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

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, October 21, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, six (6) paper copies, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

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

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

All response packages are to be clearly marked with:

“RFQ/P #3947-13, UNIVERSITY DISTRICT INTEGRATED PLANNING STUDY, DUE 10/21/2013”.

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

Publish: September 25 & October 2, 2013
