



Official Gazette

City of Spokane, Washington

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

Volume 104

DECEMBER 24, 2014

Issue 52—Part I of II



MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

MICHAEL A. ALLEN (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

CANDACE MUMM (DISTRICT 3)

JON SNYDER (DISTRICT 2)

KAREN STRATTON (DISTRICT 3)

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

Minutes

MINUTES OF SPOKANE CITY COUNCIL

Monday, December 15, 2014

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, Mumm, Snyder, and Stratton were present. Council Member Waldref arrived at 3:35 p.m.

Assistant City Attorney Mike Piccolo and City Clerk Terri Pfister were also present on the dais.

Advance Agenda Review

There was no Advance Agenda Review as the City Council's regularly scheduled meetings on December 22 and December 29, 2014, are canceled.

ADMINISTRATIVE SESSION

Current Agenda Review

Council reviewed items on the December 15, 2014, Current Agenda for any changes and/or additions.

Purchase and Sale Agreement – Martin Luther King Family Center

Council President Stuckart requested that the Purchase and sale agreement for real property formerly known as Fire Station #6 (Martin Luther King Family Center) be moved to the 6:00 p.m. Legislative Session so it can be considered with related Resolution 2014-0117.

Requests to Take Items Separately

Council President Stuckart noted Council Member Snyder has requested that Item No. 10 (Low Bid of Arc Electric & Lighting Corporation) be considered separately. Council Member Fagan requested to have Item 4 (U-TAP Program Agreement) taken separately also.

Low Bid Meeting Specifications of Eljay Oil (OPR 2014-0870) and Graymont Western US Inc. (OPR 2014-0871)

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

Upon Unanimous Voice Vote (Council Member Waldref absent), the City Council **approved** placing items 11a (Low Bid meeting specifications of Eljay Oil) and 11b (Low Bid meeting specification of Graymont Western US Inc.) on the December 15 Current Consent Agenda.

(Council Member Waldref arrived at 3:35 p.m., during the reading of the Current Consent Agenda by the City Clerk.)

CONSENT AGENDA

Upon motion of Council Member Allen, seconded by Council Member Mumm, Council approved 6 to 1 (Council Member Fagan voting “no”) Staff Recommendations for the following:

Contract Amendment/Extension with Northwest Vital Records Center, Inc. (Spokane, WA) to provide offsite records storage and retrieval services from January 1, 2015, through December 31, 2015—Estimated \$50,000. (OPR 2010-0936)

Purchases by Fleet Services, for the Solid Waste Management Department, from Western Peterbilt (Seattle, WA) through an Interlocal Purchase Agreement with the City of Tacoma of:

- a. Six front loading refuse collection trucks as replacement units—\$2,366,134.05 (incl. tax). (OPR 2014-0850)
- b. Ten roll-off refuse collection trucks as replacement units—\$2,673,557.73 (incl. tax). (OPR 2014-0851)
- c. Four automated side-loading refuse collection trucks as replacement units—\$1,542,547.24 (incl. tax). (OPR 2014-0852)

Extend and Amend two-year contract to East Central Community Organization for the operation of the ECCC, including enhancement of service levels and community outreach—Total \$718,892 (2015—\$374,446 2016—\$344,446). (OPR 2012-0886)

Authorization to enter into Contract with Spokane Neighborhood Action Partners Single Family Rehabilitation program management and home rehabilitation utilizing \$1,155,000 of HUD CDBG funds. (OPR 2014-0855)

Low Bid of Bacon Concrete, Inc. (Spokane, WA) for Division Street Gateway—3rd Avenue to 4th Avenue—\$597,602.05. An administrative reserve of \$59,760.20, which is 10% of the contract price, will be set aside. (OPR 2014-0856)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through December 1, 2014, total \$4,305,840.84 (Check Nos. 501297-501550; ACH Payment Nos. 16130-16227), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$4,188,987.61. (CPR 2014-0002)
- b. Payroll claims of previously approved obligations through December 6, 2014: \$6,170,410.83 (Payroll Check Nos. 526987-527164). (CPR 2014-0003)

City Council Meeting Minutes: (a) December 1, 2014 and (b) December 4, 2014. (CPR 2014-0013)

Low Bid meeting specifications of Eljay Oil (Spokane Valley, WA) for Lube Products and Miscellaneous Associated Items—\$75,000 (incl. tax). (OPR 2014-0870)

Low Bid meeting specifications of Graymont Western US Inc. (Salt Lake City, UT) for High Calcium Quicklime—\$1,434,840 (incl. tax). (OPR 2014-0871)

(Council Member Fagan indicated he voted “no” on the Consent Agenda items as he intended to also request that item No. 6—Low Bid of Bacon Concrete, Inc. for Division Street Gateway—be considered separately. He stated a lot of his constituents are giving him information that the money could be spent on other things besides the beautification of the Division Street Gateway at this point, such as fixing pot holes.)

U-TAP Program Agreement with STA (OPR 2014-0854) (taken separately)

Council Member Fagan noted he can't support this contract this year because of the pay and benefits provided to government employees. He stated he believes in general City employees, government employees in general, can afford to do something like this (pay for their own bus passes). Subsequent to Council commentary, the following action was taken:

Upon 6-1 Voice Vote (Council Member Fagan voting “no”), the City Council approved the U-TAP Program Agreement between City of Spokane and STA to continue a pass program authorizing City employees' use of STA services—\$58,240.

Low Bid of Arc Electric & Lighting Corporation (OPR 2014-0837) (Deferred from December 8, 2014, Agenda) (taken separately)

Council Member Snyder noted he met with staff and had a really good meeting with staff on the genesis of this project, its use, its problematic match, and the utility of this project. He stated he begrudgingly admits that there is more utility to it than what he realized. Council Member Snyder further stated he would much rather spend the CMAQ (Congestion, Mitigation, and Air Quality) money on other uses and he feels in our region we have made poor use of our CMAQ dollars and putting an inordinate amount on I.T.S. and very little on bikes, pedestrians, and transit. However, he stated he didn't want to see this project go incomplete because of that concern and because he feels the City has done an excellent job of securing problematic match, which is where we use certain projects to leverage more federal dollars and he doesn't want to interrupt that. Council Member Snyder further remarked that when this project was voted on in 2011 there was no discussion or designation in the Six-Year Street Plan for a project that was a programmatic match so there was no way for a Council Member to know that were committing themselves to a programmatic match project. Therefore, he

noted in the future he is going to request that designation be added to the Six-Year Street Plan. In addition, he stated he didn't want to see anymore I.T.S. projects in the Six-Year Street Plan until three things have happened: 1) get the governance for the SRTMC under control; 2) the Council needs to approve an I.T.S. SRTMC plan for the City of Spokane; and 3) he doesn't want to see CMAQ or REET funds on I.T.S. until the first two things are figured out and until we've exhausted other resources. Subsequent to further comments by Council Member Snyder, as well as other Council commentary, the following action was taken:

Upon Unanimous Voice Vote, the City Council **approved** the Low Bid of Arc Electric & Lighting Corporation (Spokane, WA) for Francis Avenue from Division Street to East City Limits I.T.S.—\$648,366. Administrative reserve of \$64,836.60, which is 10% of the contract price, will be set aside.

Executive Session/Council Recess

The City Council adjourned at 3:42 p.m. No Executive Session was held. The City Council reconvened at 6:00 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, Mumm, Snyder, Stratton and Waldref present.

LEGISLATIVE SESSION

Pledge of Allegiance

The Pledge of Allegiance was lead by Council President Stuckart.

Roll Call

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

Words of Inspiration/Invocation

Andre Dove, Lead Pastor of Restoration Church, provided Words of Inspiration and an Invocation.

CITY ADMINISTRATION REPORTS

Office of Police Ombudsman Monthly Report

Police Ombudsman Tim Burns shared the work of the Office of the Police Ombudsman for the month of November. In November, he noted the newly seated Police Ombudsman Commission met twice, on November 4 and November 19. Part of the conversations in the Commission meetings was moving forward with a request for proposal for independent legal counsel, and they have since closed the RFP process, with five attorneys submitting a proposal of interest.

Mr. Burns reported that during the month the Office was contacted 83 times. So far through November 2014, the Office has been contacted 1,407 times. During the month, the Office received four complaints, and since January 1, the Office has received a total of 93 complaints. There were an additional four complaints received that were not within the jurisdiction of the Office that were referred to the appropriate jurisdiction. During the month, Mr. Burns noted he certified five completed Internal Affairs investigations as timely, thorough, and objective. He noted he did not decline certification on any during the month. During the month, there were three complaint investigations that were re-opened. Mr. Burns noted that one was as a result of information that was provided to him from Council Member Fagan and involved a situation where retaliation was alleged and there was new probative and persuasive information that would allow the investigation to be re-opened. In addition, he noted the Office of Police Ombudsman Commission authorized him to approach and ask the Chief of Police to open two completed Internal Affairs investigations, one involving the sit and lie ordinance and the second involving an excessive force complaint. He noted both of those have been re-opened at the Commission's direction.

Mr. Burns further reported during the month there was one critical incident which has been reported on several times. Additionally, during the month, there were two recommendations made to two different entities. The first one was as a result of a complaint involving a bartering of ammunition at the police range and the recommendation was made to the Council as well as the Office of the Mayor that an independent comprehensive financial performance audit be conducted on the range. The second recommendation was as a result of some in-service training Mr. Burns noted he had the opportunity to attend where there was a training component on water rescue where they used a device called a rope and a bag and it is thrown out to help somebody swim to shore. The recommendation, which was reinforced by the Commission, was that all police vehicles be equipped with this device, recognizing each device costs about \$50 a unit, and additionally a life vest be provided for all of the officers so that we don't lose an officer while trying to save somebody.

The final thing Mr. Burns suggested to Council, in recognizing he is vacating his position in the near future, was that maybe we reach out to potentially a retired judge or an attorney who might be able to temporarily fill this position until a

comprehensive review can be done of the position and a national search be done to fill his position. Council Member Allen thanked Mr. Burns for his service to the community. Council President Stuckart stated he felt it would be appropriate to provide Mr. Burns a round of applause in recognition of his time in Spokane.

Chase Youth Commission

Gleb Liashedko, Chase Youth Commission Chair and senior at Spokane Valley High School, and Sydney Orr, senior at Central Valley High School, provided an overview of the Chase Youth Commission and provided highlights of accomplishments over the past year. The Chase Youth Commission's mission is to give youth a voice in bringing about change in our community. Ms. Orr provided an overview of accomplishments for the 2014 calendar year, which include: Legislative Youth Advisory Council, Chase Youth Enrichment Fund, youth sponsored police forum, Bully Busters Anti-Bullying Campaign, and Breakfast of Champions. Mr. Liashedko spoke regarding corroborating the City and County Departments and noted this year's collaborations included the following topics: Parks and Recreation, Riverfront Park Master Plan Advisory Committee, Spokane Regional Transportation Committee, Work Force Development Council, Marijuana Policy Subcommittee, Community and Neighborhood Services, sexual assault at high school and college level, Chase Youth Awards, and youth issues candidates' forum.

COUNCIL COMMITTEE REPORTS

Planning, Community, and Economic (PCED) Development Committee

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

Public Safety Committee

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

APPOINTMENTS

Reappointments to Hotel Advisory Commission, Design Review Board, and Northeast Public Development Authority Motion by Council Member Fagan, seconded by Council Member Allen, **to approve** (and thereby confirm) the following re-appointments; **carried unanimously**:

- Reappointment of Mike McLeod to the Hotel Advisory Commission for a three-year term, expiring December 31, 2017. (CPR 2004-0017)
- Reappointment of Austin Dickey to the Design Review Board for a three-year term, expiring on December 31, 2017. (CPR 1993-0063)
- Reappointment of Joe Tortorelli to the Northeast Public Development Authority for a three-year term, expiring December 11, 2017. (CPR 2012-0032)

Appointment to Ombudsman Selection Committee

Council Member Snyder commented on the vacancy occurring in the Ombudsman Office, and noted that a special committee will be appointed of five individuals that will be used to select three candidates that will be forwarded to the Ombudsman Commission to replace Mr. Tim Burns. He noted the City Council is responsible for appointing one of those five individuals on the committee to select new Ombudsman candidates. Council Member Snyder stated he would like to nominate a member of the Police Ombudsman Commission to be on that committee and to be selected by the Commission instead of the Council. He further stated he would nominate the Council to delegate its selection to the Commission to appoint one of their members. Subsequent to Council inquiry and comment and response by Assistant City Attorney Mike Piccolo, the following action was taken:

Motion by Council Member Snyder, seconded by Council Member Mumm, **to nominate** the Council to delegate its selection to the Commission to appoint one of their members (to the special committee to select Ombudsman candidates); **carried 5-2 (Council Members Allen and Fagan voting "no")**.

OPEN FORUM

Mr. George McGrath commented on public transit and the use of tax dollars to pay for ads relating to the public transit system. He suggested that everything that public transit wants be turned down unless public transit can prove it is valuable to all of us.

Mr. Henry Valder commented on dreamcenter.org and he commented on prayer.

Mr. Gabriel Elliot commented on Signs of Spirituality at www.sos.org and invited people locally to go the Unity Center South to meditate with the signs of spirituality group. In addition, he made other remarks.

Ziggy commented on an article in *The Inlander* relating to the Black Lives Matter Movement and invited people to stand for a minute of silent support.

Mr. Michael Poulin commented that Spokane has the dubious distinction of being the home and origin of modern American torture, while citizens of Spokane nor the government of Spokane has any responsibility for the activities of Jessen and Mitchell who brought this label upon us. He feels it is incumbent upon the government, and specifically the Council, to say something about this to condemn torture, to repudiate torture, and particularly to do something about the stain that Jessen and Mitchell has brought upon the City.

Mr. David Brookbank also commented on Jessen and Mitchell and others in Spokane and acknowledged the reporting of journalists Bill Morlin and Karen Dorn Steele in May 2007 in *The Spokesman Review*. In addition he remarked on Fairchild and noted he does not support Fairchild.

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCES

Emergency Budget Ordinance C35203

Subsequent to a brief overview by Council President Stuckart, public testimony, and Council commentary, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Fagan voting "no"), the City Council passed Emergency Budget Ordinance C35203 amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

Under Freeway Parking Fund

FROM: Unappropriated Reserves, \$260,000 and Construction of Fixed Assets, \$100,000;

TO: Transfer to Asset Management \$360,000;

and

Parking Fund

FROM: Unappropriated Reserves, \$12,500 and

TO: Transfer to Asset Management, same amount;

and

Asset Management Fund Capital

FROM: Various Accounts, \$672,500;

TO: Various Accounts, same amount

(This action completes the transfer of necessary funds to an expenditure fund for project construction related to the Division Street Gateway Project.) (Relates to Resolution 2014-0119)

Emergency Budget Ordinance C35204

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

Upon Unanimous Roll Call Vote, the City Council **passed Emergency Budget Ordinance C35204** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund – Public Safety & Judicial Grants

FROM: Various Accounts, \$24,400;

TO: Various Accounts, same amount.

(This action will allow hiring officers in 2014 rather than 2015 as previously expected).

Emergency Budget Ordinance C35205 (Relates to Resolution 2014-0120)

Subsequent to public testimony and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Emergency Budget Ordinance C35205** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund

FROM: Local Retail Sales/Use Tax, \$600,000;

TO: Transfer to Asset Management Operations, same amount.

(This action is necessary to avoid using Asset Management capital funds to cover operating costs.)

Emergency Budget Ordinance C35206

Subsequent to a brief overview by Council President Stuckart and the opportunity for public testimony, with none provided, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Emergency Budget Ordinance C35206** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund

FROM: General Fund – Nondepartmental, Realized Gain/Loss, \$1,340,000;

TO: General Fund, Transfer to Reserves, same amount.

(This action recognizes realized investment gains and transfer to the General Fund Contingency Reserve.)

Emergency Budget Ordinance C35210

Subsequent to a brief overview by Council President Stuckart and public testimony, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **passed Emergency Budget Ordinance C35210** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

Hotel / Motel Fund

FROM: Lodging Tax Revenue, \$900,000;

TO: Intergovernmental Payment, same amount

(This action recognizes lodging tax revenue in excess of budget to be remitted to the Public Facilities District.)

EMERGENCY ORDINANCE

Emergency Ordinance C35207

Subsequent to an opportunity for public testimony, with none provided, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **passed Emergency Ordinance C35207** of the City of Spokane, Washington, providing for the issuance and sale of unlimited tax general obligation bonds of the City in the principal amount of not to exceed \$64,300,000 to provide funds for the renovation of Riverfront Park Buildings, facilities and infrastructure, enhancing security and safety

facilities, improving parking, lighting, heating and cooling systems, and improving other capital facilities of Riverfront Park and the Parks System; providing for the annual levy of taxes to pay the principal of and interest on the bonds, as authorized by a resolution of the Council and approved by the qualified electors of the City at a special election held on November 4, 2014; delegating authority to the designated representative to determine the final principal amount, interest rates, principal maturities and other terms of the bonds, and providing for the sale of such bonds under the conditions set forth herein, and declaring an emergency.

RESOLUTIONS

Resolution 2014-0117 Providing for the Sale of Surplus Property and OPR 2014-0857—Purchase and Sale Agreement: Martin Luther King Family Center

Subsequent to a brief overview by Council President Stuckart and Council commentary from one individual, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2014-0117** providing for the sale of surplus property located at 845 South Sherman Street, in the City of Spokane and **approved OPR 2014-0857—Purchase and sale agreement** for the real property formerly known as Fire Station #6, located at 845 S. Sherman Street. The Martin Luther King Family Center has been a long time tenant of the facility and has agreed to purchase the property for \$132,500 minus an applied credit for improvements made by the tenant over the life of the lease of \$123,000. The Martin Luther King Family Center shall pay the difference, \$9,500 plus closing costs for a total not to exceed of \$15,000 to complete the transaction.

Resolution 2014-0118

Council Member Snyder provided an overview of Resolution 2014-0118. Public testimony was received and Council commentary held. Council Member Fagan presented comments in opposition to the resolution. He stated he has seen no coordination or communication with School District 81 on this and feels they should be a full-fledged partner on this. In addition, he stated he feels the Council has not done its due diligence on this matter and feels there should be more drill down on what the Council is actually committing the citizens to and so he indicated he would not be supporting the resolution. Council Member Allen noted he supports the concept one hundred percent but he wants to make sure a pilot study is a study where there is another chance to check, and he noted he doesn't see that in this document. He presented a friendly amendment to add at the end of the resolution so it says "and a review of the pilot program in December 2015." Subsequent to Council commentary, the following actions were taken:

Motion by Council Member Allen, seconded by Council Member Snyder, **to amend** Resolution 2014-0118 to include a review of the pilot program in December 2015; **carried 5-2 (Council Members Fagan and Mumm voting "no")**.

Upon 6-1 Roll Call Vote (Council Member Fagan voting "no"), the City Council **adopted Resolution 2014-0118, as amended**, regarding the school speed zone camera pilot program (at Finch Elementary and Longfellow Elementary and examines strategies to improve pedestrian safety at Stevens Elementary).

Resolution 2014-0119 (Relates to Emergency Budget Ordinance C35203)

Upon 6-1 Roll Call Vote (Council Member Fagan voting "no"), the City Council **adopted Resolution 2014-0119** relating to an interfund loan from the Spokane Investment Pool to the Asset Management Fund of up to \$300,000 of Limited Tax General Obligation Bonds, 2014 Series B.

Resolution 2014-0120 (Relates to Emergency Budget Ordinance C35205)

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2014-0120** approving the Interfund Loan from the General Fund to various grants operations funds for a loan of up to \$600,000 for on-going working capital purposes.

FINAL READING ORDINANCES

Final Reading Ordinance C35197

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35197** relating to public defense standards, adopting a new chapter 3.10 to title 3 of the Spokane Municipal Code, consisting of sections 3.10.010 and 3.10.020.

For Council Action on Final Reading Ordinances C35199, C35200, and C35201, see section of minutes following "Hearings."

For Council Action on Final Reading Ordinance C35208, see section under "Hearings."

There were no **Special Considerations**.

HEARINGS**Hearing on the 2015 Assessments and Assessment Roll for the Downtown Spokane Parking and Business Improvement Area, Related Final Reading Ordinance C35208, and 2015 Downtown Business Improvement District Management Plan (OPR 2014-0853)**

Subsequent to a presentation by Mark Richard, President of the Downtown Spokane Partnership, of the 2015 Assessments and Assessment Roll for the Downtown Spokane Parking and Business Improvement Area and the 2015 Downtown Business Improvement District Management Plan, Council commentary, and the opportunity for public testimony, with none provided, the following actions were taken:

Motion by Council Member Allen, seconded by Council Member Fagan, **to close** the hearing; **carried unanimously**.

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35208** approving and confirming the 2015 assessments and assessment roll for the Downtown Spokane Parking and Business Improvement Area (Business Improvement District - BID), prepared under Ordinance No. C32923, as amended.

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **approved** the 2015 Downtown Business Improvement District Management Plan. (OPR 2014-0853)

Council Recess

The City Council took a recess at 7:52 p.m. and reconvened at 7:58 p.m.

FINAL READING ORDINANCES (continued)**Final Reading Ordinance C35199 (Relates to Final Reading Ordinances C35200 and C35201)**

Council President Stuckart provided an overview of Final Reading Ordinance C35199. Subsequent to public testimony from one individual and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35199** relating to procurement; amending SMC section 7.06.100 and adopting a new section 7.06.225 to chapter 7.06 of the Spokane Municipal Code.

Final Reading Ordinance C35200 (Relates to Final Reading Ordinances C35199 and C35201)

Council President Stuckart provided an overview of Final Reading Ordinance C35200. Subsequent to public testimony from one individual, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35200** relating to design-build project evaluation criteria; amending SMC section 7.06.160.

Final Reading Ordinance C35201 (Relates to Final Reading Ordinances C35199 and C35200)

Subsequent to an overview of proposed changes to Final Reading Ordinance C35201 by Council Member Waldref, the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Mumm, **to replace** this newly filed version of Ordinance C35201 with the previously filed version; **carried 6-1 (Council Member Fagan voting “no”)**.

Council President Stuckart provided an overview of Ordinance C35201, as amended. Considerable public testimony was then received, after which the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Snyder, to strike on page 2, section D, everything after the words “Washington State and Apprenticeship Council,” since that is the appropriate body that approves apprenticeship programs; **carried 6-1 (Council Member Fagan voting “no”)**.

Council commentary and debate then ensued, after which the following action was taken:

Upon 5-2 Roll Call Vote (Council Members Allen and Fagan voting “no”), the City Council **passed Final Reading Ordinance C35201, as amended**, relating to a Public Works Apprentice Program; adopting new sections 7.06.700, 7.06.710, 7.06.720, 7.06.730, 7.06.740, 7.06.750, 7.06.760, 7.06.770 and 7.06.780 to chapter 7.06 of the Spokane Municipal Code to be designated as Article X.

FIRST READING ORDINANCES

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

ORD C35209 Relating to initiatives and referendums; amending SMC sections 2.02.020 and 2.02.130. (This amendment will clarify that a political committee must have a mailing address in the City and either its campaign manager, treasurer, or committee officers are a qualified, registered elector in the City.).

SECOND OPEN FORUM

Mr. John O'Day commented on a red light ticket he received back in June and expressed concerns of the court hearing notice being sent to him the day before the hearing. He further commented on the hearing and stated he was forced to have his wife transcribe the hearing so he could ask for a judicial review of the commissioner's finding, of which he stated the response was that the City dropped the ticket, but that he was made to sit there for three hours. In addition, he commented on a bill he sent to the City for a \$1,000 for his time for being forced into court.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 10:08 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
June 9, 2014

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Steve Salvatori
Council Member Jon Snyder
Council President Ben Stuckart

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Steve Burns, Superintendent of Water Operations and Hydroelectric
Mike Coster, Superintendent, RPWRF
Marcia Davis, Associate Engineer, Integrated Capital Management Department
Marlene Feist, Division Communications Manager
Kara Heatherly, Project Coordinator, Integrated Capital Management Department
Lars Hendron, Principal Engineer, Integrated Capital Management Department
Gene Jakubczak, Director, Fleet Services
Dan Kegley, Director, Water Department
Lori Kinneer, Legislative Assistant, City Council
Ashley Marshall, Assistant City Attorney
Adam McDaniel, Senior Executive Assistant, City Council
Louis Meuler, Planner, Planning Services Department
Katherine Miller, Principal Engineer, Integrated Capital Management Department
Gary Nelson, Principal Engineer, Engineering Services
Barbara Patrick, Administrative Secretary
Chris Peterschmidt, Principal Engineer, Integrated Capital Management
Jan Quintrall, Director, Business and Developer Services
Richard Rush, Legislative Assistant
Jim Sakamoto, Principal Engineer, Water Department
Elizabeth Schoedel, Assistant City Attorney
Tim Szambelan, Assistant City Attorney
Mark Serbousek, Director, Streets Department

Mike Taylor, Director Integrated Capital Management Department
Bob Turner, Traffic Operations Engineer, Street Maintenance
Scott Windsor, Director, Solid Waste Management

Guest Present:

Tom Puttman, Puttman Infrastructure, Inc.
Larry Frostad, WSDOT

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the May 12, 2014 meeting.

- **Action Taken:**
- Council Member Fagan moved to approve the minutes of the May 12, 2014 meeting as presented; the motion was seconded by Council Member Snyder. The minutes were approved unanimously.

Consent Agenda

Telecommunications Franchise with Noel Communications:

Tim Szambelan discussed and reviewed the terms of the franchise agreement with Noel Communications.

- **Action Taken:**
- None

Purchase Two Slide-In De-Icer Tanks for Streets Department:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Truck Utility Body for Streets Department:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Three Nissan Xterra SUV's for Asset Management:

Gene Jakubczak presented the request to purchase three Nissan Xterra's for Asset Management. Jan Quintrall discussed the phasing out of the 3-wheeled vehicles for Parking Enforcement. There being no further questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Magnesium Hydroxide for RPWRF:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Emergency Generator Connection Equipment for Lincoln Heights:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Sole Source for Itron Automated Meter Reading Equipment and Transmitters:

Dan Kegley discussed the meter equipment and the handheld unites used to remotely read the meters. There being no further questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Contract Amendment for Processing and Marketing of Scrap Metal:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Contract with Avista for Gas Line Extension at Nelson Service Center:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Kendick Water Line Project:

Steve Burns discussed the Kendick Water Line Project. There being no further questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Contract with Gonzaga University for Sharp Avenue Permeable Pavement Project: There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

High Drive from 29th to Bernard Project:

Gary Nelson discussed the High Drive and Lincoln/Monroe projects with the Committee. Discussion was had on the public meetings and input. The committee requested maps or supporting documents submitted with items such as these.

- **Action Taken:**
- None

Lincoln/Monroe from 17th to 8th Gap Project:

This item was discussed with the High Drive Project. There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

2014 Community Development Sidewalk Project:

Gary Nelson discussed with the committee the sidewalk projects for 2014. Gary will meet with individual Committee members to show the final designs of the projects. Jan Quintrall will have Julie Happy provide brief narrative on the projects to outline the steps and the final designs.

- **Action Taken:**
- None

Council RequestsDiscussion on Draft Policy for Commercial Rate Clarification:

Council Member Salvatori reviewed a PowerPoint and discussed the proposed policy for commercial rate for buildings that have been repurposed for residential. Discussion was had on the types and ages of buildings as well as the Comprehensive Plan. Council Member Allen will work with staff to finalize the draft and submit to Council for consideration.

- **Action Taken:**
- None

Utilities Division StaffSpeed Limit Reduction on US – 2, Sunset Highway, near Flint Road:

Mark Serbousek and Bob Turner discussed with the Committee the proposed speed limit reduction on US 2, Sunset Highway near Flint Road. They have been working with WSDOT and the changes are consistent with the traffic in the area. The signs will be changed out by the Street Department.

- **Action Taken:**
- None

Regional Solid Waste Update:

Ken Gimpel gave an update on the Interlocal agreements negotiations with the County as well as the City of Cheney and others. Ken also gave an update on the transition for the Waste to Energy Facility and since we have gained permission they will begin meeting with their employees.

- **Action Taken:**
- None

Administrative Reports and Standing Updates

Link Spokane:

Louis Mueller introduced Tom Puttman, of Puttman Infrastructure, Inc. Tom reviewed the coordination work on the update to the Comprehensive Plan combining transportation and the Utilities infrastructure.

- **Action Taken:**
- None

Waste to Energy Facility:

Update was given with the Regional Solid Waste Update.

- **Action Taken:**
- None

Integrated Clean Water Plan:

Rick Romero thanked the committee for their continued support of the Integrated Clean Water Plan and the work seeking the funding. Council Member Waldref reported on the meeting with the 6th and 3rd District Legislative representatives to that discussed the Integrated Clean Water Plan, gaining support and identifying legislative actions.

- **Action Taken:**
- None

Nelson Service Center:

None

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 3:15 p.m.

**STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
June 23, 2014**

Attendance:

Committee Members Present:

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Jon Snyder
Council President Ben Stuckart

Committee Members Absent:

Council Member Steve Salvatori

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Lloyd Brewer, Manager, Environmental Programs
Dan Buller, Principle Engineer, Engineering Services
Chuck Conklin, Director, Waste to Energy Facility
Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Dan Kegley, Director, Water Department
Lori Kinnear, Legislative Assistant, City Council
Adam McDaniel, Senior Executive Assistant, City Council
Louis Meuler, Planner, Planning Services Department
Katherine Miller, Principal Engineer, Integrated Capital Management Department
Gary Nelson, Principal Engineer, Engineering Services
Barbara Patrick, Administrative Secretary
Chris Peterschmidt, Principal Engineer, Integrated Capital Management
Richard Rush, Legislative Assistant
Jim Sakamoto, Principal Engineer, Water Department
Elizabeth Schoedel, Assistant City Attorney
Mark Serbousek, Director, Streets Department
Kyle Twohig, Engineering Operations Manager

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the June 9, 2014 meeting.

- **Action Taken:**
- Council Member Snyder moved to approve the minutes of the June 9, 2014 meeting as presented; the motion was seconded by Council Member Mumm. The minutes were approved unanimously.

Consent Agenda

None

Council Requests

None

Staff RequestsGreene Street Bridge Water Main Crossing Replacement:

Kyle Twohig and Gary Nelson discussed the Greene Street Bridge Water Main replacement. The project is being advertised now and will be constructed this year. The briefing paper was incorrect; the project is being funded by the Water department. Gary discussed the details of the project provided in the briefing paper.

- **Action Taken:**
- None

2014 Residential Grind and Overlay Projects:

Gary Nelson discussed with the Committee the 2014 Residential grind and overlay projects. The committee discussed the sidewalk replacement and the need for projects to go to the TBD board. The committee discussed the sidewalk work on Excel Avenue and the approval and guidance process for Council. Council Member Waldref suggested that the Committee work on providing strategic guidance to the volunteer boards.

- **Action Taken:**
- None

Environmentally Preferred Purchasing Policy Updates:

Lloyd Brewer gave an update on the changes to the Environmentally Preferred Purchasing policy to align with the proposed Ordinance for purchasing recycled paper. The proposed ordinance will be discussed at the next Finance Committee meeting.

- **Action Taken:**
- None

Discussion on Utility Service Area:

Rick Romero reviewed a PowerPoint to discuss the Utility Service Area with the Committee. Rick discussed the various impacts to the water service area and the areas of growth in utility accounts in and outside the city. Discussion was had on contributions to the Streets system by inside and outside city residents. Dan Kegley discussed the Coordinated Water System Plan history and purpose. Elizabeth Schoedel reviewed the water rights and other pending drinking water issues. Discussion was had on City water rights. Rick suggested study sessions on water rights and Land Use planning as well as the other upcoming issues such as Instream flow and water rights. Council Member Mumm suggested a subcommittee to focus on the issues. Council Members Mumm, Allen and Waldref will meet and report back to the Committee.

- **Action Taken:**
- None

Administrative Reports and Standing Updates

Link Spokane:

None

- **Action Taken:**
- None

Waste to Energy Facility:

Ken Gimpel gave an update on the Interlocal agreements negotiations with the County as well as the City of Cheney and others. Ken also gave an update on the transition for the Waste to Energy Facility and since we have gained permission they will begin meeting with their employees. Discussion was had on the transition for operations of the Waste to Energy Facility, the WRAP program and the impact of county agreements on flow to the plant.

- **Action Taken:**
- None

Integrated Clean Water Plan:

None

- **Action Taken:**
- None

Nelson Service Center:

None

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 3:08 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
July 14, 2014

Attendance:

Committee Members Present:

Council Member Amber Waldref, Committee Chair

Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Jon Snyder
Council President Ben Stuckart

Staff Present:

Rick Romero, Director, Utilities Division
Dale Arnold, Director, Wastewater Management
Rae-Lynn Barden, Legislative Assistant, City Council
Dan Buller, Principle Engineer, Engineering Services
Steve Burns, Superintendent of Water Operations and Hydroelectric
Marlene Feist, Division Communications Manager
Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Lars Hendron, Principal Engineer, Integrated Capital Management Department
Gene Jakubczak, Director, Fleet Services
Dan Kegley, Director, Water Department
Lori Kinnear, Legislative Assistant, City Council
Adam McDaniel, Senior Executive Assistant, City Council
Barbara Patrick, Administrative Secretary
Richard Rush, Legislative Assistant
Jim Sakamoto, Principal Engineer, Water Department
Elizabeth Schoedel, Assistant City Attorney
Mike Taylor, City Engineer/Contract Manager
Kyle Twohig, Engineering Operations Manager

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the June 23, 2014 meeting.

- **Action Taken:**
- Council Member Snyder moved to approve the minutes of the June 23, 2014 meeting as presented; the motion was seconded by Council Member Mumm. The minutes were approved unanimously.

Consent Agenda

Award Blanket Order for Tire Purchases:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Automotive Batteries:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Sewer and Stormwater Manhole Rings and Covers:

Dale Arnold discussed the anticipated purchase of manhole covers. Council Member Snyder inquired about the art contest that was done a few years ago. Dale said the department still has the manhole covers with the art in stock and uses them in places that have more foot traffic. The purchase will be for the regular manhole covers.

- **Action Taken:**
- None

Sole Source for Sewage Flow Monitoring System:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Upriver Dam Spillway Rehabilitation Phase I:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

33rd Avenue, High Drive to Bernard Street Drywell Project:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Addison/Calispel Street Project:

Dan Buller discussed the Addison/Calispel 2004 street bond gap project. Council Member Snyder asked if the project included bike lanes. Dan will research and report back before the Council is asked to approve the item.

- **Action Taken:**
- None

Council RequestsWater Service Extension for Proposed Golf Course Project:

Buster Heitman distributed a presentation on the proposed Spokane Golf Club requesting a water extension. He discussed the business plan for a destination golf course. He is requesting either water extension or use of water rights. Discussion was had on the proposal and the process of extending water service outside the Urban Growth Area.

- **Action Taken:**
- None

Staff RequestsContract for RPWRF Silo Digester #3 Construction:

Lars Hendron gave a brief presentation on the contract to construct the silo digester #3 at the Riverside Park Water Reclamation Facility.

- **Action Taken:**
- None

Update on Next Level of Treatment:

Mike Taylor gave a presentation on the pilot project that will be run at the Riverside Park Water Reclamation Facility to evaluate the membrane technology before selecting a final contractor. Mike reviewed the timeline for Request for Qualifications and proposals.

- **Action Taken:**
- None

Water System Plan:

Rick Romero gave a presentation to discuss utilizing the water system plan as a business plan for extending services. The plan would be reviewed annually by public process. The water system plan would outline the water retail service area as coterminous with the Urban Growth Area. The committee and staff discuss the water service area, water rights and the process for developers requesting extension of water services in or outside the UGA.

- **Action Taken:**
- None

Administrative Reports and Standing UpdatesLink Spokane:

This item was deferred until next meeting.

- **Action Taken:**
- None

Waste to Energy Facility:

This item was deferred until next meeting.

- **Action Taken:**
- None

Integrated Clean Water Plan:

This item was deferred until next meeting.

- **Action Taken:**
- None

Nelson Service Center:

None

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 3:10 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
July 28, 2014

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council President Ben Stuckart

Committee Members Absent:

Council Member Jon Snyder

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Lloyd Brewer, Manager, Environmental Programs
Steve Burns, Superintendent of Water Operations and Hydroelectric
Marlene Feist, Division Communications Manager
Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Dan Kegley, Director, Water Department
Judy Knight, Project Construction Manager
Barbara Patrick, Administrative Secretary
Elizabeth Schoedel, Assistant City Attorney
Blaine Stum, Legislative Assistant
Mike Taylor, City Engineer/Contract Manager
Kyle Twohig, Engineering Operations Manager

Guest Present:

Mike Cathcart, Spokane Home Builders Association

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the July 14, 2014 meeting.

- **Action Taken:**
- Council Member Fagan moved to approve the minutes of the July 14, 2014 meeting as presented; the motion was seconded by Council Member Allen. The minutes were approved unanimously.

Consent Agenda

Upriver Dam Spillway Rehabilitation Phase II:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

None

Staff Requests

Update Municipal Code, Rules and Regulations for HDPE pipe and meter box location:

Dan Kegley discussed the update to the proposed update to the Municipal Code as well as the Water Department's Rules and Regulations to accept HDPE Pipe and to locate new meter boxes at the property line. Dan reviewed the savings to the Water Department and to home builders by using smaller meter boxes and the savings of HDPE over copper pipe. The ordinance will be heard at City Council on August 11, 2014.

- **Action Taken:**
- None

City Department Energy and Water Use Reports:

Lloyd Brewer reviewed the Energy and Water Use reports by City Departments. Discussion was had on the current goals and the original recommendations to reduce greenhouse gas emissions. Lloyd will get more information on the departments that did not meet goals and will return to the Committee at the next meeting.

- **Action Taken:**
- None

Administrative Reports and Standing Updates

Link Spokane:

This item was deferred until next meeting.

- **Action Taken:**
- None

Waste to Energy Facility:

Ken Gimpel updated the committee on the meeting had with Wheelabrator employees providing information about the progress. Discussion was had on the area interlocal agreements with the County. Staff is working on the transition planning including inventory of equipment.

- **Action Taken:**
- None

Integrated Clean Water Plan:

Rick Romero gave a brief update on the Integrated Clean Water Plan. Comments have been returned from Ecology and Spokane Tribe on the Plan and still waiting for comments from the EPA. The Mayor and Rick attended the National Mayor's conference and presented the work on the integrated plan as well as attended the National Association of the Clean Water Agencies. Rick gave an overview of the feedback received. Staff has been working with the Toxic's Task Force for coordinating funding request.

- **Action Taken:**
- None

Nelson Service Center:

Rick Romero gave a PowerPoint presentation reviewing the Nelson Service Center efficiency savings and timeline for construction. Rick discussed advancing the purchase of some CNG collection vehicles in order to have the vehicles in service by 2015 to meet natural gas minimums. Ken Gimpel discussed the current construction and showed pictures of the site. He discussed the unforeseen site conditions that required the removal of buried concrete. Rick discussed the possible change order and the contingency in the design/build process.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 3:00 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
August 11, 2014

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council President Ben Stuckart

Committee Members Absent:

Council Member Jon Snyder

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Lloyd Brewer, Manager, Environmental Programs
Steve Burns, Superintendent of Water Operations and Hydroelectric
Marlene Feist, Division Communications Manager
Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Dan Kegley, Director, Water Department
Judy Knight, Project Construction Manager
Barbara Patrick, Administrative Secretary
Elizabeth Schoedel, Assistant City Attorney
Blaine Stum, Legislative Assistant
Mike Taylor, City Engineer/Contract Manager
Kyle Twohig, Engineering Operations Manager

Guest Present:

Mike Cathcart, Spokane Home Builders Association

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the July 28, 2014 meeting.

- **Action Taken:**
- Council Member Fagan moved to approve the minutes of the July 28, 2014 meeting as presented; the motion was seconded by Council Member Allen. The minutes were approved unanimously.

Consent AgendaUpriver Dam Spillway Rehabilitation Phase II:

There being no questions or comments this item was forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

None

Staff RequestsUpdate Municipal Code, Rules and Regulations for HDPE pipe and meter box location:

Dan Kegley discussed the update to the proposed update to the Municipal Code as well as the Water Department's Rules and Regulations to accept HDPE Pipe and to locate new meter boxes at the property line. Dan reviewed the savings to the Water Department and to home builders by using smaller meter boxes and the savings of HDPE over copper pipe. The ordinance will be heard at City Council on August 11, 2014.

- **Action Taken:**
- None

City Department Energy and Water Use Reports:

Lloyd Brewer reviewed the Energy and Water Use reports by City Departments. Discussion was had on the current goals and the original recommendations to reduce greenhouse gas emissions. Lloyd will get more information on the departments that did not meet goals and will return to the Committee at the next meeting.

- **Action Taken:**
- None

Administrative Reports and Standing UpdatesLink Spokane:

This item was deferred until next meeting.

- **Action Taken:**
- None

Waste to Energy Facility:

Ken Gimpel updated the committee on the meeting had with Wheelabrator employees providing information about the progress. Discussion was had on the area interlocal agreements with the County. Staff is working on the transition planning including inventory of equipment.

- **Action Taken:**
- None

Integrated Clean Water Plan:

Rick Romero gave a brief update on the Integrated Clean Water Plan. Comments have been returned from Ecology and Spokane Tribe on the Plan and still waiting for comments from the EPA. The Mayor and Rick attended the National Mayor's conference and presented the work on the integrated plan as well as attended the National Association of the Clean Water Agencies. Rick gave an overview of the feedback received. Staff has been working with the Toxic's Task Force for coordinating funding request.

- **Action Taken:**
- None

Nelson Service Center:

Rick Romero gave a PowerPoint presentation reviewing the Nelson Service Center efficiency savings and timeline for construction. Rick discussed advancing the purchase of some CNG collection vehicles in order to have the vehicles in service by 2015 to meet natural gas minimums. Ken Gimpel discussed the current construction and showed pictures of the site. He discussed the unforeseen site conditions that required the removal of buried concrete. Rick discussed the possible change order and the contingency in the design/build process.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 3:00 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
August 25, 2014

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Jon Snyder
Council President Ben Stuckart

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Lloyd Brewer, Manager, Environmental Programs
Marlene Feist, Division Communications Manager
Geoff Glenn, Disposal Superintendent, Solid Waste Department
Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Doug Greenlund, Environmental Analyst, Environmental Programs
Lars Hendron, Principal Engineer, Integrated Capital Management Department
Rose Hulvey, Paralegal, Legal Department
Judy Knight, Project Construction Manager
Crystal Marchand, Division Accountant
Sheryl McGrath, Legislative Assistant
Adam McDaniel, Senior Executive Assistant, City Council
Barbara Patrick, Administrative Secretary, Utilities Division
Jim Sakamoto, Principal Engineer, Water Department
Elizabeth Schoedel, Assistant City Attorney
Mike Taylor, City Engineer/Contract Manager
Kyle Twohig, Engineering Operations Manager

Guest Present:

Nick Deshais, Spokesman Review

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the August 11, 2014 meeting.

- **Action Taken:**

- Council Member Fagan moved to approve the minutes of the August 11, 2014 meeting as presented; the motion was seconded by Council President Stuckart. The minutes were approved unanimously.

Consent AgendaPurchase Replacement Pump for Five Mile Pump Station:

Jim Sakamoto discussed the location of the replacement pump with the Committee. The pump will improve efficiency and is quieter.

- **Action Taken:**
- None

Contract Extension for Water Analysis Laboratory Services:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

Egg Shaped Digester – Aesthetics:

Council Member Mumm was contacted by the Gaithers, a neighbor located on the bluff above the Riverside Park Water Reclamation Facility with concerns about the construction and their view from their hot tub. The construction pictures provided by the Gaithers were determined to be from 2007. Lars Hendron discussed the planned construction for the third digester to be as similar in shape as possible but it will not be egg-shaped and for it to be the same brown colors as present to blend into the tree-line. Lars said that during the first construction the concerns of the Gaithers were resolved by providing them with additional landscaping on their property.

- **Action Taken:**
- None

Staff Requests

Nelson Service Center Progress Review and Discussion on Vehicle Purchases:

Rick Romero discussed the current project costs and the change order of \$100,000 for the removing concrete that was uncovered at the site. The contract was able to reduce the cost by reusing some of the concrete and asphalt on site. Rick discussed the street improvements that are estimated to cost \$1 million. He is working with Kyle Twohig on identifying funding for a portion of the costs. Rick reviewed the financial projection including unrestricted reserve balances for Solid Waste Collection and Solid Waste Disposal department budgets for 2014 and 2015.

Council President Stuckart left the meeting at 1:55 p.m.

Ken Gimpel discussed solid waste collection vehicle purchasing schedules. He discussed the proposal to advance the purchase of 14 vehicles in addition to the scheduled 14 for a total purchase of 28 Compressed Natural Gas (CNG) collection vehicles for an estimated \$8.2 million. The advanced purchase would enable the department to meet the minimum natural gas usage required by the Avista contract and would enable fuel savings over diesel. Ken reviewed the proposed options to purchase the vehicles by using cash reserves, financing the purchase or accepting the County's offer to purchase the transfer stations now at a discount. Ken reviewed the future replacement schedule that will be driven on data and cost per hour analysis on each vehicle rather than the current time schedule replacement model. The Committee discussed the option of accepting an early payment from the County for the Transfer Stations. Ken discussed the vehicle purchase timeline and will get more information about the Avista contract minimum gas purchase.

- **Action Taken:**
- None

Interlocal Agreement with City of Cheney for Solid Waste Disposal:

Ken Gimpel discussed the proposed interlocal agreement with the City of Cheney for Solid Waste disposal services. The City of Cheney has a solid waste plan approved with the Department of Ecology. The contract would be for receiving municipal garbage trucks. The Committee discussed the contract terms.

- **Action Taken:**
- None

Update on Next Level of Treatment: Membrane Treatment Pilot, Membrane Construction with General Contractor as Construction Manager

Lars Hendron and Mike Taylor discussed the process to select two companies from the nine bids to participate in the pilot program. Mike described the selection process and discussed the next steps. The pilot will compare the lifecycle costs of either immersion or pressure systems. Lars Hendron discussed the process of using a general contractor as construction manager. The plan is to have the two pilot companies in place by October. Further information will be provided at a study session at a later date to be determined.

- **Action Taken:**
- None

Administrative Reports and Standing UpdatesLink Spokane:

This item was deferred to the next meeting.

- **Action Taken:**
- None

Waste to Energy Facility:

Ken Gimpel gave a brief update on the progress on the transition. This item will be discussed further at the next meeting.

- **Action Taken:**
- None

Integrated Clean Water Plan:

Rick Romero reported on the meeting with Rob Duff, Senior Policy Advisor for Environmental issues to the Governor's office, with Theresa Sanders and Gloria Ochoa attending. Council Member Waldref suggested scheduling another meeting with the local legislatures.

- **Action Taken:**
- None

Nelson Service Center:

This item was reported on above.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 3:00 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
September 8, 2014

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Jon Snyder
Council President Ben Stuckart

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Lloyd Brewer, Manager, Environmental Programs
Ken Brown, Principal Engineer, Engineering Services
Dan Buller, Principle Engineer, Engineering Services
Gavin Cooley, Chief Financial Officer
Carly Cortright, 311 Director, My Spokane
Pam Dolan, Accounting Manager
Marlene Feist, Division Communications Manager

Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Rose Hulvey, Paralegal, Legal Department
Dan Kegley, Water Operations Director
Gene Jakubczak, Director, Fleet Services
Crystal Marchand, Division Accountant
Adam McDaniel, Senior Executive Assistant, City Council
Mike Morris, Senior Engineer, Wastewater Management
Corin Morse, A/R and Collections Manager, My Spokane
Ron Nicodemus, Manager, Utility Billing
Barbara Patrick, Administrative Secretary, Utilities Division
Jim Sakamoto, Principal Engineer, Water Department
Elizabeth Schoedel, Assistant City Attorney
Mike Taylor, City Engineer/Contract Manager
Kyle Twohig, Engineering Operations Manager
Scott Windsor, Director, Solid Waste Management

Guest Present:

Nick Deshais, Spokesman Review
Natalie Hildebrand, AFSCME, Council 2
Tom Arnold, Coffman Engineers

Council President Stuckart called the meeting to order at 1:30 p.m.

Review and Approval of Minutes:

Council President Stuckart asked for a motion to approve the minutes of the August 25, 2014 meeting.

- **Action Taken:**
- Council Member Allen moved to approve the minutes of the August 25, 2014 meeting as presented; the motion was seconded by Council Member Fagan. The minutes were approved unanimously.

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

Consent Agenda

Purchase One Truck Chassis and Dump Body for the Street Department:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Replacement Pump for Well Electric Pump Station:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract Award for Clark Avenue Riverbank Stabilization Project:

Mike Morris discussed the specifics of the property to repair the riverbank surrounding the sewer pipe. This project is not a part of any street or trail improvements. Rick Romero said that Brandon Blankenagel will present at a later date to the committee regarding the trail connection project. There being no further questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Garden Park Booster Station Replacement Project:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Increase Administrative Reserve for Kendrick Ave. Water Main Project – Pavement:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Hamblen Elementary School/North Division Sidewalk Projects:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

None

Staff Requests

Revenue Bonds for Integrated Clean Water Plan:

Rick Romero reviewed the past and current financial plan regarding rates remaining at CPI increases and the work done to reduce the capital expense in the Integrated Clean Water Plan. Rick spoke about the types of State Revolving Fund and Public Works Trust Fund Loans and rates. Gavin Cooley discussed the schedule for the \$200 million in Revenue Bonds and the rating outlook, which is favorable to the City of Spokane. Gavin discussed the use of "Green Bond" labeling for investors looking for this type of criteria. Rick discussed the funding strategy to seek the \$60 million for the Integrated Clean Water Plan. He discussed the \$53 million in grant funding at similar interest rate. Discussion was had on the 6-year Water Capital Plan. The Committee suggested a strategy meeting to identify legislative priorities. Gavin discussed the expected rate projections.

- **Action Taken:**
- None

Preliminary 2015 Rates Discussion:

Rick Romero began the discussion by reviewing the adopted rate setting principles; Simplicity and transparency, stability, sustainability, equity and affordability. Rick discussed the wastewater rate structure and the requests to address concerns about the equity of the current rate composition. The favorable interest rate on the revenue bond could provide the option of addressing some of those issues. Rick also discussed adopting multi-year rates. Council Member Waldref suggested a subcommittee of her and Council Member Snyder to discuss a proposal.

- **Action Taken:**
- None

Evaluation of Exceptions to the Department Energy and Water Use Reports:

Lloyd Brewer discussed the evaluation that was conducted on the exceptions to the Department Energy and Water Use Reports presented at a previous Public Works Committee meeting.

- **Action Taken:**
- None

My Spokane/Utility Billing Collections:

- **Action Taken:**
- None

Administrative Reports and Standing Updates

Link Spokane:

This item was deferred to the next meeting.

- **Action Taken:**
- None

Waste to Energy Facility:

Ken Gimpel gave a brief update on the progress on the transition. This item will be discussed further at the next meeting.

- **Action Taken:**
- None

Integrated Clean Water Plan:

Rick Romero reported on the meeting with Rob Duff, Senior Policy Advisor for Environmental issues to the Governor's office, with Theresa Sanders and Gloria Ochoa attending. Council Member Waldref suggested scheduling another meeting with the local legislatures.

- **Action Taken:**
- None

Nelson Service Center:

This item was reported on above.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 3:00 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
September 22, 2014

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Jon Snyder
Council Member Karen Stratton
Council President Ben Stuckart

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Lloyd Brewer, Manager, Environmental Programs
Dan Buller, Principle Engineer, Engineering Services
Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Rose Hulvey, Paralegal, Legal Department
Dan Kegley, Water Operations Director
Gene Jakubczak, Director, Fleet Services
Lori Kinnear, Legislative Assistant
Adam McDaniel, Senior Executive Assistant, City Council
Louis Meuler, Planner, Planning Services Department
Katherine Miller, Principal Engineer, Integrated Capital Management Department
Barbara Patrick, Administrative Secretary, Utilities Division
Chris Peterschmidt, Principal Engineer, Integrated Capital Management
Jim Sakamoto, Principal Engineer, Water Department
Elizabeth Schoedel, Assistant City Attorney
Mike Taylor, City Engineer/Contract Manager
Kyle Twohig, Engineering Operations Manager
Scott Windsor, Director, Solid Waste Management

Guest Present:

Nick Deshais, Spokesman Review
Kevin Flynn, Laborers Union Local 238

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the September 8, 2014 meeting.

- **Action Taken:**
- Council Member Mumm moved to approve the minutes of the September 8, 2014 meeting as presented; the motion was seconded by Council Member Allen. The minutes were approved unanimously.

Consent Agenda

Purchase One Truck Utility Body with Options for the Police Department:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Two Chevrolet Tahoes for Police Department:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Lincoln Heights Reservoir Relining:

Dan Buller gave a brief description of the work that could start as soon as next week to reline the reservoir. The contract will be on the next Council Agenda for approval.

- **Action Taken:**
- None

Connect to Transit, Hardscape Improvements Phase 2:

Dan Buller discussed the bid opening next week for the Connect to Transit project with STA. Katherine Miller discussed the coordination with the TBD projects and funding. Council Member Waldref and Council Member Snyder discussed the STA Board and evaluation of routes throughout the community.

- **Action Taken:**
- None

Revise Structural On-Call Consultant Agreement:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

Avista's Replacement of Natural Gas Lines:

Council Member Mumm said that Avista had visited the 5-Mile Neighborhood meeting to discuss the upcoming schedule for replacing a certain fitting on natural gas lines. Council Member Mumm asked if staff had examined any opportunity for integrating our projects with theirs. Mike Taylor spoke about a meeting in February that staff had with Avista staff to discuss their projects. Unfortunately, there was little to no opportunity for integrating any current projects because the Avista work is in mainly residential areas and in the right of way or private property connections.

- **Action Taken:**
- None

Staff Requests

Water System Plan Discussion:

Rick Romero discussed a review of the work on the Waste System Plan. Council Member Waldref gave an update on the County Commissioners meeting that her and Rick attended to discuss the water retail and wholesale areas. Council Member Waldref focused the discussion on the coordination work needed to reconcile the areas outside the UGA and deciding how they should be defined. The next Joint Development meeting will continue the focus and is being held October 13, 2014. Council Member Mumm and Council Member Snyder gave a brief updated on the meeting with the

Department of Health. Rick Romero discussed with the Committee the process of updating the Water System Plan by first adopting preliminary maps and then adopting the plan. Elizabeth Schoedel discussed the process of defining service area and areas or parcels that require a duty to serve. The Committee agreed that it would be preferable to adopt the plan and maps at the same time.

- **Action Taken:**
- None

Instream Flow Rulemaking/Well Siting Discussion:

Rick Romero discussed the timeline and provided additional information about Ecology's Rulemaking on Instream Flow. Elizabeth Schoedel discussed the impacts on various water rights and existing or future applications. She reviewed the rule requirements as proposed. Dan Kegley discussed the possible implications to the function of Upriver Dam. Elizabeth discussed the impacts to the city of Spokane inchoate rights. The Public hearing is on October 22nd and then Public comment period ends November 7th.

- **Action Taken:**
- None

Administrative Reports and Standing Updates

Link Spokane:

Katherine Miller and Louis Meuler gave a brief update on the focus groups and receiving comments on the Wiki sites. The next community engagement will have the opportunity to discuss the vision goals and initial priorities and draft performance matrix in late November. The next focus group will discuss draft of street standards in coordination with the project consultant. Louis reviewed the timeline for public outreach and updates to the Committee.

- **Action Taken:**
- None

Spokane Central Services Center:

Ken Gimpel showed some photos of the site and gave an update on the construction progress so far. The crews are completing the steel work and next will be laying concrete in certain areas within the building. Ken spoke about the decision to include security cameras and the opportunity to use recycled glass in the asphalt mix.

- **Action Taken:**
- None

Integrated Clean Water Plan:

Rick Romero gave a brief update on the upcoming meetings.

- **Action Taken:**
- None

Waste to Energy Facility:

This item was deferred to the next Public Works Committee meeting to be held Monday, October 13, 2014.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

Council Member Waldref called an executive session at 2:45 p.m. to discuss potential litigation risk as well as a property related issues regarding the siting the well.

Adjournment

The meeting adjourned at 3:10 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
October 13, 2014

Attendance:

Committee Members Present:

Council Member Jon Snyder, Acting Committee Chair
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Karen Stratton
Council President Ben Stuckart

Committee Members Absent:

Council Member Michael A. Allen
Council Member Amber Waldref

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Ken Brown, Principal Engineer, Engineering Services
Dan Buller, Principle Engineer, Engineering Services
Joe Cavanaugh, Water Department
Chuck Conklin, Director, Waste to Energy Facility
Ken Gimpel, Business Director, Spokane Regional Solid Waste System
Lars Hendron, Principal Engineer, Integrated Capital Management Department
Rose Hulvey, Paralegal, Legal Department
Dan Kegley, Water Operations Director
Gene Jakubczak, Director, Fleet Services
Gary Kaesemeyer, Superintendent, Wastewater
Lori Kinnear, Legislative Assistant
Ashley Marshall, Assistant City Attorney
Adam McDaniel, Senior Executive Assistant, City Council
Gerald Okihara, Traffic Design Engineer, Engineering Services
Barbara Patrick, Administrative Secretary, Utilities Division
Jim Sakamoto, Principal Engineer, Water Department
Elizabeth Schoedel, Assistant City Attorney
Blaine Stum, Legislative Assistant, City Council
Kyle Twohig, Engineering Operations Manager
Scott Windsor, Director, Solid Waste Management
Andrew Worlock, Business and Development

Guest Present:

Kim Crumpacker, Scafco Corporation

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

Dan Kegley gave an update on the water service to Deaconess and Shriners Hospital. Dan and Water Department staff have met with and has been coordinating with the Hospitals for additional flushing of the buildings pumping. Samples have been taken at points before and after their filtration process. All the samples have come back as normal levels and the water is safe to drink.

Review and Approval of Minutes:

Council Member Snyder asked for a motion to approve the minutes of the September 22, 2014 meeting.

- **Action Taken:**
- Council Member Fagan moved to approve the minutes of the September 22, 2014 meeting as presented; the motion was seconded by Council Member Mumm. The minutes were approved unanimously.

Consent Agenda

Purchase 10 Chevrolet Impalas for the Police Department:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase 2 Truck Chassis and Sewer Catch Basin Cleaner Bodies:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Annual renewal of a contract for tire related services:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Renew Value Blanket to Purchase Backflow Prevention Devices:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract for 9th and Pines Reservoir Specialized Coating Inspection:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Five Mile Motor Control Replacement:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Local Agency Standard Consultant Agreements for Land Surveying On-Call Services:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Additional Administrative Reserve on Euclid Avenue Water Main Project:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Anhydrous Ammonia and Phosphoric Acid:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract for Operating Supplies with Grainger for Waste to Energy Facility _____:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

City Reserving Right-of-Way through the City Property from 2500 E. Ferry Avenue to 200 N. Altamont Street:

Council Member Snyder began the discussion regarding the access to the Playfair Commerce Park through right of way across Wastewater property. Council Member Snyder discussed the railroad underpass and asked for an update from staff on the progress on the right of way. Rick Romero discussed the discussion had in the last week to evaluate the Wastewater vector facility property and the currently unused portion that could be surplus and sold. Council Member Snyder inquired about dedicated right of way. Rick replied that the dedicated right of way would bisect the property and could remain unused so the option to return it to the property tax roll could be beneficial to the City and the department. Kim Crumpacker said that Scafco could have potential use for the property and spoke about the use of the right of way under the railway to Altamont Street for employees of the commerce park. Rick suggested that the Real Estate staff to begin the process.

- **Action Taken:**
- None

Staff Requests

Council Action Items Remaining in 2014:

Rick Romero reviewed the Utilities Division items that will require Council action by the close of 2014. The list included Water/Wastewater revenue bonds, Waste to Energy Facility various contracts, labor transition, Wheelabrator agreement, Solid Waste CNG Vehicle purchases, Transfer Station payoff, Streets/Utility right of way agreement, Utility Rates, Capital Plans and Water System Plan. Council Member Mumm inquired about the timeline for the Water System Plan. Rick replied that the Department of Health has given an extension to January 9, 2015.

- **Action Taken:**
- None

2015 Rates Discussion:

Rick Romero discussed the proposal to address fixed portion of the Wastewater rate. The proposal included a three year rate increase of 2.9% and a credit for the lowest 20% of winter water use. Rick discussed the information provided in the briefing paper outlining the proposal. The credit is dependent on the bond sale interest rates. Discussion was had on the timing and communication plan. Next week are meetings with the bond rating agencies and it could be favorable to be able to discuss the proposed three year rates and the committee agreed.

- **Action Taken:**
- None

Regional Solid Waste Transition:

Ken Gimpel discussed the agreement with the County to transition the coordinated education. Ken discussed the upcoming interlocal agreement for disposal services with Medical Lake as well as Airway Heights.

- **Action Taken:**
- None

Waste to Energy Transition Discussion: Waste to Energy Operations Procurement and Service Contracts, 2014 Budget Amendment (EBO):

Ken Gimpel discussed the emergency budget ordinance for the staffing transition for the last two months of 2014. Ken discussed the close out of the contract with Wheelabrator and the upcoming procurement contracts to operate the Waste to Energy Facility.

- **Action Taken:**
- None

Transfer Station Staffing Transition:

Ken Gimpel gave a brief update on the transfer station employee transition and the coordination work with Civil Service and the Unions. Joe Cavanaugh discussed the work to determine the exact number of employees that may be laid off. The estimate is currently 6-8 positions. The company taking over operations of the transfer stations with the County is holding an open house this week for potential employees.

- **Action Taken:**
- None

Contract ItemsFrancis Ave. - Division to East City Limits ITS Devices and Communication Infrastructure:

Dan Buller and Gerald Okihara answered questions about the ITS project and its history.

- **Action Taken:**
- None

Division Gateway Project:

Dan Buller discussed the Division Street Gateway project and showed an overhead of the plan. He reviewed the information provided in the briefing paper and discussed the details of the improvements and funding. Council President requested that this item be discussed at the next Finance Committee as well.

- **Action Taken:**
- None

Contract Amendment/Extension for Transporting, Processing of Yard and Food Waste:

Ken Gimpel discussed the information provided in the briefing paper and answered questions regarding the agreement. He spoke about the extension and the terms of the original agreement.

- **Action Taken:**
- None

Contract Amendment/Extension for disposal of Ash and Bypass Waste from WTE Facility:

Ken Gimpel discussed the information provided in the briefing paper and answered questions regarding the agreement. Ken discussed the amendment to match the length of the County agreement.

- **Action Taken:**
- None

Contract for Maintenance Management System Software at WTE Facility:

Ken Gimpel discussed the information provided in the briefing paper and answered questions regarding the agreement.

- **Action Taken:**
- None

National Electric Reliability Corporation (NERC) Reliability Standards resolution and contract:

Ken Gimpel discussed the information provided in the briefing paper and answered questions regarding the agreement. Chuck Conklin discussed the terms of the agreement and the services provided by McCoy to develop the reliability compliance standards for the Facility.

- **Action Taken:**
- None

Administrative Reports and Standing UpdatesLink Spokane:

This item was deferred to the next Public Works Committee meeting to be held Monday, October 27, 2014.

- **Action Taken:**
- None

Spokane Central Services Center:

This item was deferred to the next Public Works Committee meeting to be held Monday, October 27, 2014.

- **Action Taken:**
- None

Integrated Clean Water Plan:

Rick Romero updated the committee on the ordinance that will be briefed at the City Council meeting at 3:30 for the Wastewater/water revenue bond.

- **Action Taken:**
- None

Waste to Energy Facility:

This item was discussed in the items above.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 2:55 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
October 27, 2014

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Jon Snyder
Council Member Karen Stratton
Council President Ben Stuckart

Staff Present:

Rick Romero, Director, Utilities Division
Dale Arnold, Director, Wastewater Management
Rae-Lynn Barden, Legislative Assistant, City Council
Chuck Conklin, Director, Waste to Energy Facility
Marlene Feist, Division Communications Manager
Ken Gimpel, Assistant Utilities Director
Kara Heatherly, Project Coordinator, Integrated Capital Management Department
Dan Kegley, Water Operations Director
Gene Jakubczak, Director, Fleet Services
Ashley Marshall, Assistant City Attorney
Adam McDaniel, Senior Executive Assistant, City Council
Louis Meuler, Planner, Planning Services Department
Katherine Miller, Principal Engineer, Integrated Capital Management Department
Skyler Oberst, Legislative Assistant, City Council
Barbara Patrick, Administrative Secretary, Utilities Division
Chris Peterschmidt, Principal Engineer, Integrated Capital Management
Steve Riggs, Assistant Fleet Services Director
Jim Sakamoto, Principal Engineer, Water Department
Elizabeth Schoedel, Assistant City Attorney
Mark Serbousek, Director, Streets Department
Mike Taylor, City Engineer/Contract Manager
Scott Windsor, Director, Solid Waste Management

Guest Present:

Nick Deshais, Spokesman Review

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the October 13, 2014 meeting.

- **Action Taken:**
- Council President Stuckart moved to approve the minutes of the October 13, 2014 meeting as presented; the motion was seconded by Council Member Fagan. The minutes were approved unanimously.

Consent Agenda

Purchase One Cab and Chassis for the Water Department:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Automated Recycling Containers for Solid Waste Collections:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract for Emergency and Scheduled Millwright Maintenance work at WTE:

Chuck Conklin discussed the terms of the 18 month contract to provide support for scheduled and unscheduled maintenance work at the facility. There being no further questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract to Purchase Activated Carbon for WTE:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract to Purchase Sodium Hydroxide for WTE:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract to Purchase Hydrochloric Acid for WTE:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract to Purchase Ultra Low Sulfur #2 Dyed Diesel for WTE:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract to Provide Spare Parts for WTE:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

None

Staff Requests

Waste to Energy Facility Power Purchase Contract

Ken Gimpel reviewed the power purchase contract terms with the Committee.

- **Action Taken:**
- None

WTE Transition/Closeout Agreement

Chuck Conklin gave a brief update on the draft agreement. The agreement with comments is expected at the end of the week to determine final payment, patented process/equipment and spare parts. Once the contract is finalized an Emergency Budget Ordinance will be needed.

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

- **Action Taken:**
- None

Interlocal Agreement with Medical Lake for Solid Waste Disposal

This item was covered with the item below.

- **Action Taken:**
- None

Interlocal Agreement with Airway Heights for Solid Waste Disposal:

Ken Gimpel gave a brief update on the Interlocal agreements with Medical Lake and Airway Heights. He discussed the terms, rates and services.

- **Action Taken:**
- None

2015 Rates Ordinances and Discussion

Rick Romero discussed with the committee the proposed 2015 rates. The ordinances will have tables for the three years. Rick led a discussion on the wastewater rates and the phase in of a three year low water user and multi-family reduction. The three year program will be funded by a favorable interest rate on the revenue bonds for wastewater/water. Discussion was had on the phase in each year and the application to multi-family.

- **Action Taken:**
- None

Water System Plan Map Discussion

Rick Romero discussed with the committee the proposed water system plan with the discussion on the water service areas inside the Urban Growth Area. The committee discussed the services points contiguous with existing services and inside the UGA. The water system plan will be presented for adoption in December with the updated maps.

- **Action Taken:**
- None

Instream Flow Rulemaking Update and Discussion

Dan Kegley and Elizabeth Schoedel gave a brief update on the public testimony taken at the open meeting to discuss the instream flow level and impacts. Dan said the comments focused on recreation and fish species impacted. Elizabeth will forward the comments that were made by the city to the Committee.

- **Action Taken:**
- None

Streets/Utilities Memorandum of Understanding:

Rick Romero discussed the draft memorandum of understanding between Utilities and Streets. The agreement is still in draft and is proposed to provide valuation for use of right of way for stormwater mitigation through a 20 year lease mechanism. The draft should be ready for the next Public Works Committee meeting.

- **Action Taken:**
- None

Administrative Reports and Standing Updates

Link Spokane:

Katherine Miller gave a brief update to Council on the City-Wide Capital plan and the public hearing will be at City Council on November 17th.

- **Action Taken:**
- None

Spokane Central Services Center:

This item was deferred to the next Public Works Committee meeting.

- **Action Taken:**
- None

Integrated Clean Water Plan:

This item was deferred to the next Public Works Committee meeting.

- **Action Taken:**
- None

Waste to Energy Facility:

This item was discussed in the items above.

- **Action Taken:**
- None

Other Updates/Reports:

Rick Romero gave an update on the meetings with the Bond Rating Agencies in San Francisco. Council Member Mumm, Council President, Mayor, Marlene Feist, Gavin Cooley and Rick attended meetings with Moody's and S&P regarding the rating for the City to go out for water/wastewater revenue bonds. Council President gave a brief overview of the meetings and he said the meetings went well. Rick spoke about how they were impressed with our communities broad support for cleaning up the river.

Executive Session:

None

Adjournment

The meeting adjourned at 2:45 p.m.

**STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
November 10, 2014**

Attendance:

Committee Members Present:

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Candace Mumm
Council Member Jon Snyder
Council Member Karen Stratton
Council President Ben Stuckart

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Brandon Blankenagel, Senior Engineer, Integrated Capital Management
Eldon Brown, Principal Engineer, Engineering Services
Ken Brown, Principal Engineer, Engineering Services
Dan Buller, Principal Engineer, Engineering Services
Chuck Conklin, Director, Waste to Energy Facility

Ken Gimpel, Assistant Utilities Director
Steve Hansen, Senior Engineer, Engineering Services
Rose Hulvey, Legal Assistant, Legal Department
Gary Kaesemeyer, Superintendent, Wastewater
Dan Kegley, Water Operations Director
Lori Kinnear, Legislative Assistant
Ashley Marshall, Assistant City Attorney
Adam McDaniel, Senior Executive Assistant, City Council
Katherine Miller, Principal Engineer, Integrated Capital Management Department
Skyler Oberst, Legislative Assistant, City Council
Barbara Patrick, Administrative Secretary, Utilities Division
Jan Quintrall, Director, Business and Developer Services
Jim Sakamoto, Principal Engineer, Water Department
Mark Serbousek, Director, Streets Department
Mike Taylor, City Engineer/Contract Manager
Kyle Twohig, Engineering Operations Manager
Scott Windsor, Director, Solid Waste Management

Guest Present:

Nick Deshais, Spokesman Review

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the November 10, 2014 meeting.

- **Action Taken:**
- Council Member Allen moved to approve the minutes of the November 10, 2014 meeting as presented; the motion was seconded by Council Member Fagan. The minutes were approved unanimously.

Consent Agenda

Purchase Motor Control Center for the Garden Park Booster Station:

Dan Kegley discussed the manufacturing timeline for ordering for the motor control center to be built and arrive for installation before peak water usage. The motor control center is being replaced as a part of the overall project at the Garden Park Booster Station.

- **Action Taken:**
- None

Administrative Reserve for Liberty Avenue and Ash Place LID:

Ken Brown discussed the additional cost for significant rock removal that was encountered at the project on Liberty Avenue. Council Member Mumm asked for more information on the original estimates for the project and the length of time for the contractor to complete. Ken discussed the funding for the project and the amount of rock removed at the site.

- **Action Taken:**
- None

Council Requests

Legislative Update:

Council Member Waldref gave a brief update on the Legislative Roundtable meeting held with State representatives on October 29, 2014. The group discussed the strategy to request \$60 million for the Integrated Clean Water Plan. Discussion was had on legislative priorities and aligning with GSI to place Integrated Clean Water Plan at the top of their agenda as well.

- **Action Taken:**
- None

14th and Lincoln Discussion:

Kyle Twohig answered questions from Council Member Mumm on the concrete section along 14th Avenue. Kyle discussed the initial project that did not include 14th Avenue. The asphalt was removed between the sidewalk and the property line for the installation of conduit.

- **Action Taken:**
- None

Utility Installation Pilot Program:

Council Member Waldref discussed updating the map for the Utility Installation Pilot program to include the BID area to allow for additional repurposing of older buildings on the northbank area and along the Sprague Avenue to Altamont to align with future street project. Discussion was had on the overall program targeting infill and repurposing older vacant buildings.

- **Action Taken:**
- None

Staff Requests

Discussion on Lincoln Sidewalk:

Kyle Twohig and Dan Buller discussed the sidewalk changes that are proposed for the Lincoln project. The project is continuing into next year for 17th to 8th avenue. Dan Buller discussed the specific improvements to the pedestrian environment block by block and answered questions.

- **Action Taken:**
- None

Report on Centennial Trail Gap at Mission Avenue Study:

Brandon Blankenagel briefed the committee on the Centennial Trail Gap at Mission Avenue study. He spoke about the stakeholder groups that were involved and how the recommended concept was chosen. The concept is outlined in three phases including trail improvements in Mission Park, bridge crossing and trail tunnel under railroad. Brandon discussed the cost and timeline with design in 2016.

- **Action Taken:**
- None

Council President Stuckart left the meeting at 2:30 p.m. Ken Gimpel introduced Steve Riggs, Assistant Fleet Director.

Regional Solid Waste System Name Change Ordinance:

Ken Gimpel reviewed the proposed ordinance to update the name of the two solid waste departments. With the transition of the Regional System, the change will facilitate more clearly aligning the functions of the two solid waste departments into Solid Waste Collection and Solid Waste Disposal.

- **Action Taken:**
- None

Wheelabrator Transition Agreement:

Ken Gimpel gave a brief update on the transition agreement with Wheelabrator for transferring operations of the Waste to Energy Facility. Legal staff are working to finalize remaining wording on the terms and plan to have it for Council approval on November 17, 2014.

- **Action Taken:**
- None

2015 Rates Ordinances and Discussion:

Rick Romero discussed with the Committee the quotes from Moody's and Standard and Poor's evaluations of the City's revenue bond sale with the ratings being Aa2 and AA. Rick Romero discussed with the committee the proposed 2015 rates. The ordinances will have tables for the three years. Rick led a discussion on the wastewater rates and the phase in of a three year low water user and multi-family reduction. The three year program will be funded by a favorable interest rate on the revenue bonds for wastewater/water. Discussion was had on the phase in each year and the application to multi-family. A resolution was submitted to phase in the first year for single-family credit of \$50 annually, credited to the account monthly to the lowest 20% of winter water usage. The plan for the second year is to introduce the multi-family housing increasing the discount from \$0.74 to \$2.00 per month, per unit.

- **Action Taken:**
- None

Water/Wastewater Revenue Bond Update:

This item was discussed with the item above.

- **Action Taken:**
- None

2015 Rates Ordinances and Discussion

This item was discussed with the item above.

- **Action Taken:**
- None

Administrative Reports and Standing UpdatesLink Spokane:

Katherine Miller gave a brief update to Council on the City-Wide Capital plan and the public hearing will be at City Council on November 17th.

- **Action Taken:**
- None

Spokane Central Services Center:

This item was deferred to the next Public Works Committee meeting.

- **Action Taken:**
- None

Integrated Clean Water Plan:

This item was deferred to the next Public Works Committee meeting.

- **Action Taken:**
- None

Waste to Energy Facility:

This item was discussed in the items above.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 3:15 p.m.

STANDING COMMITTEE MINUTES

**City of Spokane
Public Works Committee
November 24, 2014**

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Michael A. Allen
Council Member Mike Fagan
Council Member Jon Snyder
Council Member Karen Stratton
Council President Ben Stuckart

Committee Members Absent:

Council Member Candace Mumm

Staff Present:

Rick Romero, Director, Utilities Division
Rae-Lynn Barden, Legislative Assistant, City Council
Brandon Blankenagel, Senior Engineer, Integrated Capital Management
Chuck Conklin, Director, Waste to Energy Facility
Marlene Feist, Division Communications Manager
Ken Gimpel, Assistant Utilities Director
Lars Hendron, Principal Engineer, Integrated Capital Management Department
Dan Kegley, Water Operations Director
Ashley Marshall, Assistant City Attorney
Adam McDaniel, Senior Executive Assistant, City Council
Ron Nicodemus, Manager, Utility Billing
Skyler Oberst, Legislative Assistant, City Council
Barbara Patrick, Administrative Secretary, Utilities Division
Elizabeth Schoedel, Assistant City Attorney
Blaine Stum, Legislative Assistant, City Council
Mike Taylor, City Engineer/Contract Manager
Kyle Twohig, Engineering Operations Manager
Scott Windsor, Director, Solid Waste Management

Guest Present:

Nick Deshais, Spokesman Review
Wayne Brokaw, Executive Director, Inland Northwest AGC
Mark Roders, Laborers Local 238
Larry Anderson, Volunteer, Spokane Alliance
John Aldo, SEIUG
Melissa Carpenter, Spokane Alliance
Allan Foster, Spokane Alliance
Patrick Perez, Plumbers & Steamfitters 44
Mike Foley, Plumbers & Steamfitters 44
Carol Krawczyk, Spokane Alliance
Rick Evans, Spokane Alliance
Paul Kropp

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

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the November 10, 2014 meeting.

- **Action Taken:**
- Council Member Fagan moved to approve the minutes of the November 10, 2014 meeting as presented; the motion was seconded by Council Member Allen. The minutes were approved unanimously.

Consent AgendaCure in Place Pipe for Riverside Dr. Extension Phase II project:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Rebecca St. from Pratt Ave. to 7th Ave. & Julia St. from 7th Ave. to Hartson Ave. .:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract Amendment for WTE Recycled Material Processing:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

Proposed Voter Registration & Election Resources Ordinance:

Council President Stuckart reviewed the proposed ordinance to add information on voter resources to the Utility billing. Council Member Waldref inquired if the online bill would appear the same with the additions. Ron Nicodemus said the face of the bill is the same online but the website allows for multiple resources to be available and will be able to meet this requirement.

- **Action Taken:**
- None

Proposed Competitive Bidding Ordinance:

Council President Stuckart reviewed the proposed ordinance on competitive bidding. The ordinance would allow taking into consideration the benefit of sales tax income generated to the City of Spokane. Discussion was had on other agencies that have used this process.

- **Action Taken:**
- None

Proposed Design-Build Evaluation Criteria Ordinance:

Council President Stuckart reviewed the proposed ordinance on design-build project evaluation criteria. The ordinance would require as part of the evaluation to factor the location of the offices of the prime contractor and all subcontractor teams.

- **Action Taken:**
- None

Proposed Public Works Apprentice Program Ordinance:

Council President Stuckart reviewed the proposed ordinance for public works apprentice program. He distributed the most current proposed ordinance and reviewed a PowerPoint outlining the benefits and requirements of an apprenticeship utilization requirement on public works projects. Ben discussed the phases of the process for projects of \$350,000 or more in the year 2015 would require 5%, 2016 – 10% and 2017 – 15%. The ordinance would also require a compliance officer responsible for bidder compliance and contractor performance for the City. Discussion was had on the workforce development and the \$350,000 threshold. Council President will pass along information on other communities' thresholds and implementation.

- **Action Taken:**
- None

Staff Requests

Wastewater Credit Program:

Rick Romero discussed with the committee the proposed Wastewater Credit Program. The program will be funded by a favorable interest rate on the revenue bonds for wastewater/water. Discussion was had on the phase in each year and the application to multi-family. The proposal is for the first year single-family credit of \$60 annually, credited to the account monthly to the lowest 20% of winter water usage. The second year is to introduce the multi-family housing increasing the discount from \$0.74 to \$2.00 per month, per unit. And the third year would also continue the annual credit for Single-Family at \$60 annually and would increase the multifamily rate from \$2 to \$3 per month, per unit. The resolution that was previously submitted can be withdrawn and a revised ordinance will be substituted at the Council meeting.

Council President Stuckart left the meeting at 2:35 p.m.

Dan Kegley discussed the water fees ordinance that is included in the Water rates ordinance submitted to Council for approval. The water fees are being updated to recover costs and have not been updated since 2010.

- **Action Taken:**
- None

Post Street Bridge – Type, Size, and Location Study:

Brandon Blankenagel discussed the contract to perform a Type, Size, and Location study on the Post Street Bridge. The study will primarily help the City identify the type of bridge required to fully support the multi-modal transportation needs a replacement bridge would need to provide, as well as future utility needs. An assessment of and recommendations on the alignment would also be deliverables from this study.

- **Action Taken:**
- None

Contract for Next Level of Treatment – Phase 1:

Mike Taylor reviewed the proposed professional services contract for phase 1 of the Next Level of Treatment at the Riverside Park Water Reclamation Facility. This phase is a side by side test of membrane technology. Mike showed examples of the two types of membrane canisters. He discussed the selection process and the scope of work for project.

- **Action Taken:**
- None

Resolution and Contract for Consulting Membrane Pilot Operation and Implementation:

Lars Hendron reviewed the proposed amendment to the contract for professional services to operate the membrane pilot units and provide an independent consulting to the City regarding the Next level of treatment installation. Lars discussed the scope of work and the installation and evaluation of the pilot project.

- **Action Taken:**
- None

Administrative Reports and Standing UpdatesLink Spokane:

This item was deferred to the next Public Works Committee meeting.

- **Action Taken:**
- None

Spokane Central Services Center:

Ken Gimpel gave a brief update on the construction progress of the Spokane Central Services Center. The screen wall that buffers the neighborhood is going in. He discussed the meetings with Coffman Engineers to review 3d renditions that have proven successful at discovering safety issues.

- **Action Taken:**
- None

Integrated Clean Water Plan:

This item was deferred to the next Public Works Committee meeting.

- **Action Taken:**
- None

Waste to Energy Facility:

Ken Gimpel gave a brief update on the Waste to Energy Facility transition on November 17th. The transition was a success overall and Rick complimented Rick and Ken for their efforts to ensure it was seamless.

- **Action Taken:**
- None

Other Updates/Reports:

None

Executive Session:

None

Adjournment

The meeting adjourned at 2:45 p.m.

Hearing Notices

NOTICE OF CITY COUNCIL PUBLIC HEARING HAMILTON FORM BASED CODE SUBAREA PLAN PROPOSED LAND USE MAP CHANGE AND ZONING MAP CHANGE (Proposed Ordinances C35211 and C35212)

Notice is hereby given that there will be a public hearing before the City of Spokane City Council on **January 12, 2015, at 6:00 p.m.** in the City Council Chambers, Lower Level of City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. This hearing may be continued to a later date. This public hearing is for an application by the City of Spokane for the Hamilton Form Based Code Subarea Plan, which is an amendment to the Comprehensive Plan as set forth in Comprehensive Plan Land Use Plan Map Amendment File No. Z1400055COMP. The affected geographic area is centered on the Hamilton Street corridor, bordered by Desmet Ave. to the south and the alley between Augusta Ave. and Nora Ave. to the north. The east/west boundaries vary. A project map and full project details can be found at: <https://beta.spokanecity.org/projects/logan>.

The Form Based Code replaces existing zoning and design guidelines within the affected geographical area. This code regulates land development by setting controls on building form, coupled with performance-based parameters relative to building use and density. The entire project area is approximately 36.15 acres.

The Hamilton Form Based Code Subarea Plan falls into two actions:

Ordinance C35211: amends the City's Comprehensive Plan Land Use Plan Map from "Residential 4-10" to "Centers & Corridors Core"; and amends the Zoning Map to Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories for property located within the boundaries of the Hamilton Form Based Code Subarea Plan.

Ordinance No. C35212: implements the Hamilton Form Based Code Subarea Plan by amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter 17C.123 Form Based Code Zones; amending SMC 17C.200 Landscaping & Screening; amending SMC 17C.230 Parking & Loading; and amending SMC 17A.020. Definitions.

Written comments and oral testimony at the public hearings for these proposed actions will be made part of the public record. Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision of the City Council.

Any person may submit written comments on the proposed actions or call for additional information at:

*Planning & Development Department
Attn: Boris Borisov, Assistant Planner
808 West Spokane Falls Boulevard
Spokane, WA 99201-3329
Phone (509) 625-6156
bborisov@spokanecity.org*

More information on the process: The City Council will be briefed on the Hamilton Form Based Code Subarea Plan on Monday, January 5, 2014 at 3:30 p.m. There is no public testimony at the briefing. The 1st Reading of the ordinances relating to the Hamilton Form Based Code Subarea Plan before City Council is also scheduled for Monday, January 5, 2015. Generally no presentations are made at the 1st reading, and no public testimony is taken at the 1st reading. The 2nd reading and Public Hearing for the proposed amendments is scheduled for Monday, January 12, 2015. At this meeting there will be opportunity for public testimony. The public may also submit written comment to the City Council at citycouncil@spokanecity.org. The City Council reserves the right to continue this public hearing.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Christine Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or

ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Publish December 24 & 31, 2014 and January 7, 2015

Ordinances

[For Ordinances, see Part II of this issue (Vol. 104, Issue 52) of the Gazette.]

Job Opportunities

The City of Spokane is an Equal Employment Opportunity Employer

JOB OPPORTUNITY CITY OF SPOKANE WASTE TO ENERGY PLANT MANAGER SPN 585 OPEN ENTRY EXAMINATION

DATE OPEN: Monday, October 13, 2014

DATE CLOSED: Applications will be accepted until the close of business on Friday, December 26, 2014. Applicants who have filed a basic application will have until 5:00 p.m. on Monday, December 29, 2014, to return the Training and Experience Evaluation form.

SALARY: \$99,221 annual salary, payable bi-weekly, to a maximum of \$122,607

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

DUTIES:

Performs responsible supervisory and administrative work managing all activities related to the safe, proper, and efficient operation and maintenance of the waste to energy plant, in accordance with City policies and standards. Performs complex tasks and devises new methods and procedures, which involve a thorough knowledge of plant operations and policies. Plans, assigns and directs plant operations during daily operations and plant outages. Manages the financial results and requirements of the plant's business and operations to ensure that revenue and expense goals are met or exceeded as established in the overall business plan.

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

Completion of the education and experience requirements to possess a Provisional Certification under the ASME QRO Certification for Operators of Resource Recovery Facilities program; and six years of additional experience in the operation of a solid waste combustion facility or in occupations concerned with the design, start-up, operation, or maintenance of engines, boilers, turbines, air compressors or related machinery which supply power, heating, or cooling service to an industrial, maritime, or commercial process or facility. At least two years of the additional experience must be supervisory at the level of operations superintendent or higher.

REQUIRED ADDITIONAL DOCUMENTS: (Must be received in our office by the closing date.)

Copies of required additional documents may be emailed to civilservice@spokanecity.org.

- DD Form 214 (Member-4) or NGB Form 22, if applicable (See RCW 41.04.010 as to how Veterans Preference is applied.)

EXAMINATION:

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

NOTE: Additional examinations shall be administered as applications are received with results merged into one eligible list according to final ratings, pursuant to the Merit System Rules of the Civil Service Commission: Rule IV, Section 13 – Continuous Examinations.

NOTE: All candidates who attain a passing score on the examination shall be certified for the vacancy in the order of their final rating and without regard to promotion preference, pursuant to the Merit System Rules of the Civil Service Commission: Rule V, Section 5 – Selection of Senior Administrative Assistants.

TO APPLY:

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

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 9th day of October 2014.

MARY DORAN
Chair

GITA GEORGE-HATCHER
Chief Examiner

Notice for Bids

Supplies, Equipment, Maintenance, etc.

REQUEST FOR QUALIFICATIONS RIVERFRONT PARK BOND LIGHT & SOUND STUDY CITY OF SPOKANE – PARKS & RECREATION

RFP #4085-14

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, JANUARY 12, 2015**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **RIVERFRONT PARK BOND LIGHT & SOUND STUDY** for the City of Spokane Parks & Recreation Department.

The Request for Proposals document is available by contacting Thea Prince, 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, January 12, 2015**. 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 Five (5) Copies of the Proposal as follows: One (1) paper original, three (3) paper copies and one (1) reproducible digital copy (thumb drive or CD) in Acrobat format of the Proposal to:

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

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

All response packages are to be clearly marked with:

“BID #4085-14 Riverfront Park Bond Light & Sound Study, DUE 1/12/15”

Thea Prince
City Purchasing

December 24 & 31, 2014

REQUEST FOR BIDS**INTERMODAL POLICE PRECINCT BUILDING REMODEL****City of Spokane Asset Management Department****BID #4095-14**

Sealed Bids will be opened at the 1:15 p.m. public bid opening on **MONDAY, JANURAY 12, 2015**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **INTERMODAL POLICE PRECINCT BUILDING REMODEL** for the City of Spokane Asset Management Department.

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

A pre-bid conference will be held on Monday, January 5, 2015 at 9:00 a.m. The location of the conference will be 221 West First Avenue, Spokane WA 99201, first floor lobby.

Bid Proposal documents should be submitted to City of Spokane Purchasing no later than **1:00 p.m. on Monday, January 12, 2015**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. Only firm Proposals with signatures will be tabulated.

Submit one (1) paper original and one (1) paper copy of the bid to:

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

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

All response packages are to be clearly marked with:

“BID #4095-14, INTERMODAL POLICE PRECINCT BUILDING REMODEL, DUE 1/12/2015”

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

Gazette dates: December 17 & 24, 2014



Official Gazette

City of Spokane, Washington

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

Volume 104

DECEMBER 24, 2014

Issue 52—Part II of II



MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

MICHAEL A. ALLEN (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

CANDACE MUMM (DISTRICT 3)

JON SNYDER (DISTRICT 2)

KAREN STRATTON (DISTRICT 3)

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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ORDINANCES 1368

CONTINUED FROM PART I
OF THIS ISSUE

The Official Gazette

USPS 403-480

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Ordinances

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

ORDINANCE NO. C35197

AN ORDINANCE relating to public defense standards, adopting a new chapter 3.10 to title 3 of the Spokane Municipal Code, consisting of sections 3.10.010 and 3.10.020.

WHEREAS, it is a United States and Washington constitutional requirement, a requirement of chapter 10.101 Revised Code of Washington (RCW) and a public purpose that each person charged with a crime punishable by incarceration or involved in certain other proceedings that may result in loss of liberty or loss of fundamental rights, be provided with effective legal representation in order to ensure equal justice under law without regard to his or her ability to pay; and

WHEREAS, effective legal representation should be provided consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where the right to counsel attaches; and

WHEREAS, the City of Spokane, in 1990, through Resolution 90-71, adopted "Standards for Public Defense Services"; and

WHEREAS, it is the intention of the City of Spokane (the "City"), consistent with chapter 10.101 RCW (adopted by the state legislature in 2005) and other applicable law, to make these services available in an efficient manner which provides effective representation at reasonable cost to the City; and

WHEREAS, under RCW 10.101.030, the City of Spokane is required by ordinance to adopt standards for the delivery of public defense services, whether those services are provided by contract, assigned counsel, or a public defender office. The standards endorsed by the Washington State Bar Association for the provision of public defense services should serve as guidelines to local legislative authorities in adopting standards; and

WHEREAS, the Washington State Supreme Court cited the Washington Bar Association (WSBA) Standards in State v. A.N.J., 168 Wn.2d 91, 225 P.3d 956 (2010) to delineate effective representation on a criminal matter; and

WHEREAS, the United States Supreme Court decided Padilla v. Kentucky, 559 U.S. 356, 130 S.Ct. 1473, 176 L.Ed.2d 284 (2010) relating to a lawyer's constitutional obligation to his or her client to assess immigration consequences relating to resolution of the case(s) and to tell the client if a guilty plea carries a risk that he will be deported, and the Washington Supreme Court decided State v. Sandoval, 171 Wn.2d 163, 249 P.3d 1015 (2011) holding that erroneous immigration advice is ineffective assistance of counsel; and

WHEREAS, on June 3, 2011, the Washington State Bar Association updated its Standards For Indigent Defense Services, and Performance Guidelines for Criminal Defense Representation; and

WHEREAS, the Washington State Supreme Court has adopted Standards for Indigent Defense more specifically, Standard 3 regarding case load limits, and by court rule, specifically CrRLJ 3.1, requires attorneys to certify quarterly in a Certificate of Compliance filed in courts in which they appear that they will maintain caseloads that allow them sufficient time to provide effective representation, and as of January 1, 2015, by Standard 3.4, that they will aspire to not take an annual misdemeanor caseload exceeding four hundred (400) by straight count or three hundred (300) if by a case weighted count under Standard 3.6; and

WHEREAS, the Honorable Robert S. Lasnik of the Federal District Court for the Western District of Washington in his decision in Wilbur, et al. v. The City of Mount Vernon, et al. provides guidance to cities regarding the provision of indigent defense services in the funding, oversight and evaluation of such services; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted in a new chapter 3.10 to title 3 of the Spokane Municipal Code to read as follows:

**Chapter 3.10
Public Defense Standards**

Sections:

- 3.10.010 Adoption of Standards
- 3.10.020 Non-discrimination
- 3.10.010 Adoption of Standards.

- A. The City of Spokane hereby adopts the standards set forth in this chapter consistent with RCW 10.101.030. The standards are for the provision of public defense services in conjunction with the City's prosecution of misdemeanor and gross misdemeanor cases. In addition to these standards, outside counsel shall be required to comply with any additional provisions in its individual contract.
- B. The City of Spokane adopts Standards for Indigent Defense Services by reference, as the same exist and may hereafter be amended.
- C. Public defense services shall be provided to all clients in a professional, skilled manner consistent with 1) the Standards set forth by the Washington State Bar Association and Performance Guidelines for Criminal Defense Representation (June 3, 2011); 2) the Washington State Supreme Court Rules of Professional Conduct, particularly RPC 1.1, 1.3 and 3.1; and 3) the decision of the Honorable Robert S. Lasnik, of the United States District Court for the Western District of Washington, in Wilbur, et al. v. The City of Mount Vernon, et al., case number 2:11-cv-01100-RSL filed December 4, 2013.
- D. The City Council recognizes that by adopting these Standards by reference, it is important that changes be reviewed on a regular basis. Accordingly, the City Council requests the City Public Defender to provide a report to the City Council in conjunction with the annual budget process so that it may evaluate the need to update these Standards and the Public Defender's Office budget.
- E. The City Public Defender's Office shall adopt a case weighting policy, if at all, consistent with the Washington State Office of Public Defense (OPD) Model Misdemeanor Case Weighting Policy (April, 2014), and file a copy of that policy with OPD.

- 3.10.020 Non-Discrimination.

Neither the City, in its selection of an attorney, firm or agency to provide public defense representation, nor the attorneys selected, in their hiring practices or in their representation of clients, shall discriminate on the grounds race, religion, creed, color, sex, national origin, marital status, familial status, age, sexual orientation, gender identity, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability as defined by the American with Disability Act and/or the Washington State Law Against Disability, Chapter 49.60 RCW. Both the City and assigned counsel shall comply with all federal, state, and local non-discrimination requirements, including chapter 1.06 SMC.

**Passed by City Council December 15, 2014
Delivered to Mayor December 19, 2014**

ORDINANCE NO. C35199

AN ORDINANCE relating to procurement; amending SMC section 7.06.100 and adopting a new section 7.06.225 to chapter 7.06 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That SMC Section 7.06.100 is amended to read as follows:

7.06.100 Application

Except as otherwise provided by law, procurements of all public works, goods, and services are by public bidding.

- A. Local improvements are by public bidding when the estimated cost of the improvement exceeds five thousand dollars pursuant to RCW 35.43.190.
- B. Public works are by public bidding when the estimated cost of the public work exceeds:
 - 1. ninety thousand dollars if more than a single craft or trade is involved in the project; or
 - 2. forty-five thousand dollars if only a single craft or trade is involved in the project or the project is street signalization or street lighting.
- In accordance with RCW 39.04.155, the City may use the small works roster process (including limited public works) as an alternate means of contracting for public works projects.
- C. Purchasing of goods is by public bidding when the estimated cost thereof exceeds thirty-five thousand dollars, or the then current "minor" contract level, in a twelve-month period.
- D. Procurement of personal services is by public bidding when the estimated cost thereof exceeds thirty-five thousand dollars, or the then current "minor" contract level, in a twelve-month period.
- E. Procurement of professional architectural, engineering and surveying services shall be in accordance with article IV of this chapter.
- F. Purchasing of goods from other government agencies with whom the City has an interlocal procurement agreement are exempt from the requirements of this section.
- G. Purchasing of supplies, materials, electronic data processing and telecommunication equipment, software, services, and/or equipment from or through the United States government are exempted from the requirements of this section.
- H. Except where prohibited by law, when the procurement of public works, services, or goods involves the use of certain moneys subject to special restrictions, those special restrictions will govern the procurement.

Section 2. That there is adopted a new section 7.06.225 to chapter 7.06 of the Spokane Municipal Code to read as follows

7.06.225 Competitive Bidding Consideration of Tax Revenues

- A. Bids and price quotes shall be solicited whenever possible from vendors located in the city of Spokane and Washington State. However, pursuant to the city charter and Washington law on competitive procurement, the city may not favor local businesses in the award of competitively awarded contracts.
- B. In accordance with RCW 39.30.040 for purchases of supplies, materials, or equipment, the City shall take into consideration the sales tax revenue the City would receive by purchasing from a supplier located within its boundaries. The City shall provide notice to all potential bidders of its intent to award a contract based on this method at the time of bid advertisement. Provided, however, the City shall use the same form of bid advertisement and evaluation as used by the State of Washington for vehicles and motor equipment purchases.

Passed by City Council December 15, 2014

Delivered to Mayor December 22, 2014

ORDINANCE NO. C35200

AN ORDINANCE relating design-build project evaluation criteria; amending SMC section 7.06.160.

The City of Spokane does ordain:

Section 1. That SMC section 7.06.160 is amended to read as follows:

7.06.160 Alternatives to Public Bidding

- A. When it is considered impractical to initially prepare a procurement description to support an award based upon price, the purchasing director and the requesting department may utilize a request for information or a request for proposals, including in an appropriate case a design-build proposal. The information received in response to the requests may serve as the basis for a future invitation to bid or as the basis for competitive negotiation.
- B. When the city pursues an alternative public works contracting procedure for design-build proposals pursuant to Chapter 39.10 RCW, as part of the evaluation factors for request for qualifications or request for proposals, the city shall include criteria factors regarding whether the location of the offices of the prime contractor and all sub contractor would have any impact on the ability of the design-build team to perform the work on the project.

**Passed by City Council December 15, 2014
Delivered to Mayor December 22, 2014**

ORDINANCE NO. C - 35201

AN ORDINANCE relating to a Public Works Apprentice Program; adopting new sections 7.06.700, 7.06.710, 7.06.720, 7.06.730, 7.06.740, 7.06.750, 7.06.760, 7.06.770 and 7.06.780 to chapter 7.06 of the Spokane Municipal Code to be designated as Article X.

The City of Spokane does:

Section 1. That there is adopted new sections 7.06.700, 7.06.710, 7.06.720, 7.06.730, 7.06.740, 7.06.750, 7.06.760, 7.06.770 and 7.06.780 to chapter 7.06 of the Spokane Municipal Code to be designated as Article X to read as follows:

**ARTICLE X
PUBLIC WORKS APPRENTICE PROGRAM**

Sections:

- 7.06.700 Intent
7.06.710 Definitions
7.06.720 Administration of Apprentice Program
7.06.730 Waiver or Reduction of Goals
7.06.740 Exemption Related to Federal or State Grant Funding Requirements
7.06.750 Utilization of Apprenticeships for Veterans
7.06.760 Penalty
7.06.770 Appeals
7.06.780 Administrative Policy

7.06.700 Intent

The City of Spokane recognizes that a well-trained construction work force is critical to the ability of constructing successful public works projects. Apprenticeship training programs are particularly effective in providing training and experience to individuals seeking to enter or advance in the work force. By providing for apprenticeship utilization on public works projects, the City can create opportunities for training and experience that will help assure that a trained work force will be available in sufficient numbers in the future for the construction of public works projects.

7.06.710 Definitions

For the purpose of this article, the following words are defined as follows:

- A. "Community Empowerment Zone" (CEZ) means that portion of those census tracts which are situated within the County of Spokane and designated by the State of Washington as entitled to receive tax incentives because of high levels of poverty and unemployment.
- B. "Labor hours" means the total number of hours of worked by workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" shall exclude hours worked by foremen, superintendents, owners and workers who are not subject to prevailing wage requirements.

- C. "Resident of the Community Empowerment Zone" (CEZ Resident) means any person who continues to occupy a dwelling within the boundaries of the Community Empowerment Zone, has a present intent to continue residency within the boundaries of the Community Empowerment Zone, and who demonstrates the genuineness of that intent by producing evidence that the persons presence is more than merely transitory in nature; provided however, that an individual initially certified as a CEZ Resident shall retain such certification status for a period of up to 2 years or 1,000 Labor Hours worked from the date of initial certification, whichever is less, and such certification shall be recognized for any City project covered by this chapter for said certification period.
- D. "State-approved apprenticeship program" means an apprenticeship program approved or recognized by the Washington State Apprenticeship and Training Council.
- E. "Veteran" means every person who has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following categories:
- (1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;
 - (2) As a member of the women's air forces service pilots;
 - (3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;
 - (4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
 - (5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
 - (6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation. (RCW 41.04.007)

7.06.720 Administration of Apprentice Program

On public works construction projects, as defined in RCW 39.04.010, with an estimated cost of three hundred fifty thousand dollars (\$350,000) or more, at least five (5) percent in 2015, ten (10) percent in 2016 and fifteen (15) percent in years 2017 and beyond of the total contract labor hours of each project (all contractor and subcontractor hours) shall be performed by apprentices enrolled in a state-approved apprenticeship program.

- A. The utilities department shall be responsible for the implementation and administration of this article and is authorized to develop and adopt rules consistent with the requirements of Article X of Chapter 7.06 SMC. The director shall establish contract specification language to implement the apprenticeship requirement, which may change from time to time. The director shall develop and implement a system for monitoring the actual use of apprentices on public works projects.
- B. The director shall establish a monitoring program to verify compliance with this article. The director shall report to the city council at least twice each year to report on the apprenticeship program and other local hiring goals.
- C. On projects over one million dollars, the director shall establish a goal to utilize a certain percentage of labor from the City of Spokane. Contractors shall make a good faith effort to meet this local labor goal in addition to the apprenticeship utilization requirement.

7.06.730 Waiver or Reduction of Goals

The director is authorized to waive or reduce the apprenticeship participation percentage on public works construction projects with prior written notice to the city council. The director's decision to reduce the apprenticeship participation percentage shall be based on his or her findings that there is a demonstrated lack of ability to obtain apprentices in a specific geographic area or field; or, a disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum level of apprentice participation.

7.06.740 Exemption Related to Federal or State Grant Funding Requirements

This article shall not apply or the participation percentage shall be reduced if in conflict with state of federal grant funding requirements.

7.06.750 Utilization of Apprenticeships for Veterans

The City encourages the utilization of the apprenticeships for veterans, women, minorities, residents of a community empowerment zone and encourages a goal of ten percent of apprenticeship labor hours be performed by members of these demographics as permitted under state law.

7.06.760 Penalty

- A. All city public works contracts involving this article shall include a provision establishing a penalty equal to thirty percent (30%) of the highest paid craft hourly rate on the public works project as determined by prevailing wages for each unmet labor hour to be imposed by the director on each contractor or subcontractor who violates the provisions of this article.
- B. Failure to comply with the provisions of this article shall be deemed a breach of the public works contract with the City and shall be considered grounds for disqualifying the contractor for future public works contracts.
- C. Revenue from these penalties shall be dedicated to providing grants to pre-apprenticeship programs that target minorities, women, and residents of community empowerment zones.

7.06.770 Appeals

- A. An appeal may be filed with the City's hearing examiner by any individual, contractor or other party affected by the enforcement of this article regarding the director's decision to waive or reduce the apprenticeship participation percentage or the imposition of penalties pursuant to SMC 7.06.760.
- B. Appeals shall be filed within ten (10) business days of the director's decision. Appeals shall be processed consistent with SMC 17G.050.310-320.
- C. The hearing examiner shall either affirm or reverse the decision of the director. If the hearing examiner reverses the director's decision, the matter shall be remanded to the director to decide the matter consistent with the hearing examiner's decision.
- D. An appeal shall not act as a stay to a public works construction project. A decision by the hearing examiner regarding the waiver or reduction of the apprenticeship participation percentage shall be only apply prospectively. A decision by the hearing examiner affirming the director's assessment of penalties may be considered grounds for debarment under SMC 7.06.610 B.
- E. The hearing examiner's decision may be appealed to Superior Court.

7.06.780 Administrative Policy

The city administration shall develop administrative policies and procedures to implement this chapter, which shall be consistent with the provisions of this article.

Section 2. Effective Date.

This ordinance shall take effect on July 1, 2015.

Section 3. Severability.

If any provision of this ordinance, or its application to any person or circumstance, is held to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or of any section, provision or part thereof not adjudged invalid or unconstitutional.

Passed by City Council December 15, 2014

Delivered to Mayor December 22, 2014

ORDINANCE NO. 35203

AN ORDINANCE amending Ordinance No. C-35062, passed the City Council November 25, 2013, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2014 budget Ordinance No. C-35062, as above entitled, and which passed the City Council November 25, 2013, it is necessary to make changes in the appropriations of the Under Freeway Parking Fund, the Parking Fund, and the Asset Management 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 Under Freeway Parking Fund, and the budget annexed thereto with reference to the Under Freeway Parking Fund, the following changes be made:

From:	1450-99999	Under Freeway Parking Fund	
	99999-	Unappropriated Reserves	\$ 260,000
	1450-22050	Under Freeway Parking Fund	
	94000-56501	Construction of Fixed Assets	\$ 100,000
To:	1450-79210	Under Freeway Parking Fund	
	97185-80101	Transfer to Asset Management	\$ 360,000

Section 2. That in the budget of the Parking Fund, and the budget annexed thereto with reference to the Parking Fund, the following changes be made:

From:	1460-99999	Parking Fund	
	99999-	Unappropriated Reserves	\$ 12,500
To:	1460-79210	Parking Fund	
	97185-80101	Transfer to Asset Management	\$ 12,500

Section 3. That in the budget of the Asset Management Fund Capital, and the budget annexed thereto with reference to the Asset Management Fund Capital, the following changes be made:

From:	5901-79210	Asset Management Fund Capital	
	99999-38111	Interfund Loan Proceeds	\$ 300,000
	5901-79210	Asset Management Fund Capital	
	99999-39725	Transfer from Under Freeway Parking	\$ 360,000
	5901-79210	Asset Management Fund Capital	
	18200-39755	Transfer from Parking Fund	\$ 12,500
To:	5901-79210	Asset Management Fund	
	95300-56501	Construction of Fixed Assets	\$ 660,000
	5901-79210	Asset Management Fund	
	92000-58200	Interest Expense	\$ 12,500

Section 4. 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 for a Gateway Improvement project, 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 City Council December 15, 2014

Delivered to Mayor December 19, 2014

ORDINANCE NO C35204

AN ORDINANCE amending Ordinance No. C-35062, passed the City Council November 25, 2013, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2014 budget Ordinance No. C-35062, as above entitled, and which passed the City Council November 25, 2013, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	1620-91716	Public Safety & Judicial Grants	
	99999-39710	Transfer from General Fund	\$ 3,100
	1620-91715	Public Safety & Judicial Grants	
	99999-33116	Dept of Justice	\$ 9,100
			<u>\$ 12,200</u>
TO:	1620-91716	Public Safety & Judicial Grant	
	21221-09010	Police Officer (from 0 to 1.25 positions)	\$ 3,100
	1620-91715	Public Safety & Judicial Grant	
	21221-09010	Police Officer (from 0 to 3.75 positions)	\$ 9,100
			<u>\$ 12,200</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 create new COPS Hiring Grant police officer positions, 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 City Council December 15, 2014

Delivered to Mayor December 19, 2014

ORDINANCE NO C35205

AN ORDINANCE amending Ordinance No. C-35062, passed the City Council November 25, 2013, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2014 budget Ordinance No. C-35062, as above entitled, and which passed the City Council November 25, 2013, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

From: 0020-88100	General Fund	
19990-31310	Local Retail Sales/Use Tax	\$ 600,000
To: 0980-89000	General Fund	
97183-80101	Transfer to Asset Mgmt Operations	\$ 600,000

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 offset the loss of cell tower revenue in Asset Management, 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 City Council December 15, 2014

Delivered to Mayor December 19, 2014

ORDINANCE NO C35206

An ordinance amending Ordinance No. C-35062, passed the City Council November 25, 2013, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2014 budget Ordinance No. C-35062, as above entitled, and which passed the City Council November 25, 2013, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

From: 0020-88100	General Fund - Nondepartmental	
99999-36131	Realized Gain/Loss	\$ 1,340,000
To: 0020-88100	General Fund	
97102-80101	Transfer to Reserves	\$ 1,340,000

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 for a Investments Realized Gains, 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 City Council December 15, 2014

Delivered to Mayor December 19, 2014

ORDINANCE NO. C35207

AN ORDINANCE OF THE CITY OF SPOKANE, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF UNLIMITED TAX GENERAL OBLIGATION BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$64,300,000 TO PROVIDE FUNDS FOR THE RENOVATION OF RIVERFRONT PARK BUILDINGS, FACILITIES AND INFRASTRUCTURE, ENHANCING SECURITY AND SAFETY FACILITIES, IMPROVING PARKING, LIGHTING, HEATING AND COOLING SYSTEMS, AND IMPROVING OTHER CAPITAL FACILITIES OF RIVERFRONT PARK AND THE PARKS SYSTEM; PROVIDING FOR THE ANNUAL LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS, AS AUTHORIZED BY A RESOLUTION OF THE COUNCIL AND APPROVED BY THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION HELD ON NOVEMBER 4, 2014; DELEGATING AUTHORITY TO THE DESIGNATED REPRESENTATIVE TO DETERMINE THE FINAL PRINCIPAL AMOUNT, INTEREST RATES, PRINCIPAL MATURITIES AND OTHER TERMS OF THE BONDS, AND PROVIDING FOR THE SALE OF SUCH BONDS UNDER THE CONDITIONS SET FORTH HEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, at an election held in the City of Spokane, Washington (the "City"), on November 4, 2014, the number and proportion of the qualified electors of the City required by law for the adoption thereof voted in favor of a proposition authorizing the issuance of bonds of the City in the principal amount of not to exceed \$64,300,000 (the "Bonds"), to provide funds to finance capital improvements to Riverfront Park and the Parks system, and providing for annual tax levies on taxable property to pay the principal thereof and interest thereon, all as authorized by Resolution No. 2014-0084 of the City Council adopted on July 28, 2014; and

WHEREAS, the City Council now desires to authorize the issuance of the Bonds approved by the voters; and

WHEREAS, the Council wishes to delegate authority to the Designated Representative (as hereinafter defined) to approve the final principal amount of the Bonds, the date of the Bonds, denominations, the interest rates, the number of series, the series designation, the tax status of each series, payment dates, redemption provisions, and maturity dates of the Bonds under such terms and conditions as are approved by this ordinance; and

WHEREAS, the Bonds approved by the voters shall be sold pursuant to a competitive or negotiated sale as herein provided;

NOW, THEREFORE, THE CITY COUNCIL OF SPOKANE, WASHINGTON DOES ORDAIN, as follows:

Section 1. Definitions. As used in this ordinance, the following definitions shall apply unless a different meaning clearly appears from the context:

Approved Bid means the winning bid submitted for a series of the Bonds if such series is sold by Competitive Sale.

Beneficial Owner means any person that has or shares the power, directly or indirectly, to make investment decisions concerning ownership of any Bonds of a series (including persons holding such Bonds through nominees, depositories or other intermediaries).

Bond Fund means the "GO Bond Redemption Fund" created pursuant to Section 5 of this ordinance.

Bond Purchase Contract means, if the Bonds of a series shall be sold by Negotiated Sale, the purchase contract relating to such Bonds between the City and the Underwriter providing for the purchase of such Bonds by the Underwriter and setting forth certain terms approved by the Designated Representative as provided in Section 11 of this ordinance.

Bond Register means the books or records maintained by the Registrar containing the name and mailing address of the owner of each Bond or nominee of such owner and the principal amount and number of Bonds of a series held by each owner or nominee.

Bond Year means each one-year period that ends on the date selected by the City. The first and last Bond Years may be short periods. If no day is selected by the City before the earlier of the final maturity date of the Bonds of a series or the date that is five years after the date of issuance of such Bonds, Bond Years end on each anniversary of the date of issue and on the final maturity date of such Bonds.

Bonds mean the City of Spokane, Washington, Unlimited Tax General Obligation Bonds, 2015, issued pursuant to this ordinance.

Chief Financial Officer means the duly qualified, appointed and acting Chief Financial Officer of the City or any other officer who succeeds to the duties now delegated to that office.

City means the City of Spokane, a municipal corporation and first class charter city duly organized and existing under and by virtue of the laws of the State of Washington and the Charter of the City.

Code means the federal Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder.

Commission means the United States Securities and Exchange Commission.

Competitive Sale means the process by which the Bonds (or a portion of them) are sold through the public solicitation of bids from underwriting firms.

Continuing Disclosure Agreement means an agreement entered into by the Chief Financial Officer pursuant to Section 13 of this ordinance.

Council means the City Council as the general legislative body of the City, as the same shall be duly and regularly constituted from time to time.

Designated Representative means the Chief Financial Officer or the Director of Management and Budget.

Director of Management and Budget means the duly qualified, appointed and acting Director of Management and Budget or any other officer who succeeds to the duties now delegated to that office.

DTC means The Depository Trust Company, of New York, New York, as depository for the Bonds, or any successor or substitute for the Bonds.

Election Resolution means Resolution No. 2014-0084 approved by the Council on July 28, 2014.

First Interest Payment Date means the first interest payment date for the Bonds, set forth in the Bond Purchase Contract.

Government Obligations means those obligations now or hereafter defined as such in chapter 39.53 RCW.

Letter of Representations means the blanket issuer letter of representations from the City to DTC.

MSRB means the Municipal Securities Rulemaking Board or any successor to its functions.

Negotiated Sale means the process by which the Bonds (or a portion of them) are sold by negotiation to one or more underwriting firms selected by the Designated Representative.

Net Proceeds, when used with reference to the Bonds of a series, means the principal amount of such Bonds, plus accrued interest and original issue premium, if any, and less original issue discount, if any.

Notice of Sale means, if the Bonds shall be sold by Competitive Sale, the notice of bond sale authorized to be given in Section 11 of this ordinance.

Private Person means any natural person engaged in a trade or business or any trust, estate, partnership, association, company or corporation.

Private Person Use means the use of property in a trade or business by a Private Person if such use is other than as a member of the general public. Private Person Use includes ownership of the property by the Private Person as well as other arrangements that transfer to the Private Person the actual or beneficial use of the property (such as a lease, management or incentive payment contract or other special arrangement) in such a manner as to set the Private Person apart from the general public. Use of property as a member of the general public includes attendance by the Private Person at municipal meetings or business rental of property to the Private Person on a day-to-day basis if the rental paid by such Private Person is the same as the rental paid by any Private Person who desires to rent the property. Use of property by nonprofit community groups or community recreational groups is not treated as Private Person Use if such use is incidental to the governmental uses of property, the property is made available for such use by all such community groups on an equal basis and such community groups are charged only a *de minimis* fee to cover custodial expenses.

Project means the plan of capital improvements to Riverfront Park and the Parks system, as provided in the Election Resolution.

Registered Owner means the person in whose name the Bond is registered on the Bond Register. For so long as the Bonds of a series are held in book-entry only form, DTC shall be deemed to be the sole Registered Owner.

Registrar means the fiscal agency of the State of Washington or such other registrar as may be designated in a certificate by the Designated Representative for the purposes of registering and authenticating the Bonds of a series, maintaining the Bond Register, effecting transfer of ownership of such Bonds, and paying the principal of, premium, if any, and interest on such Bonds.

Rule means the Commission's Rule 15c2-12 under the Securities Exchange Act of 1934.

Tax-Exempt Bonds means the Bonds of a series issued on a federally tax-exempt basis.

Underwriter means, the underwriter(s) of the Bonds of a series if such Bonds are sold by Negotiated Sale or the successful bidder(s) submitting the Approved Bid if the Bonds of a series are sold by Competitive Sale.

Rules of Interpretation. In this ordinance, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before, the date of this ordinance;

(b) Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders and words importing the singular number shall mean and include the plural number and vice versa;

(c) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(d) Any headings preceding the text of the several articles and Sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect; and

(e) All references herein to "articles," "sections" and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

Section 2. Authorization of Bonds.

(a) **Bonds.** The City shall now issue and sell bonds in the principal amount of not to exceed \$64,300,000 (the "Bonds"), being the unlimited tax general obligation bonds authorized by the qualified electors of the City at a special election held on November 4, 2014, for the purpose of providing funds to finance capital improvements to Riverfront Park and the Parks system as approved in the Election Resolution.

(b) **Bond Details.** The Bonds shall be designated as the "City of Spokane, Washington, Unlimited Tax General Obligation Bonds, 2015," with an appropriate series designation, if applicable. The Bonds shall be dated as of their date of original issuance and delivery; shall be fully registered as to both principal and interest; shall be in the denomination of \$5,000 or any integral multiple thereof, provided that no Bond shall represent more than one maturity; shall be numbered separately in such manner and with any additional designation as the Registrar deems necessary for purposes of identification and control; shall bear interest from their date of issuance, payable on the first days of each June and December, commencing on the First Interest Payment Date, at rates set forth in the Bond Purchase Contract or the Notice of Sale and the Approved Bid; and shall mature on the dates and in the principal amounts set forth in the Bond Purchase Contract or the Approved Bid as approved by the Designated Representative pursuant to Section 11. The Bonds of a series of any of the maturities may be combined and issued as term bonds, subject to mandatory redemption as provided in the Bond Purchase Contract or the Notice of Sale for such Bonds and the Approved Bid.

The Bonds shall be general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation.

Section 3. Registration, Exchange and Payments.

(a) **Registrar/Bond Register.** The City hereby specifies and adopts the system of registration approved by the Washington State Finance Committee from time to time through the appointment of state fiscal agencies. The City shall cause a bond register to be maintained by the Registrar. So long as any Bonds of a series remain outstanding, the Registrar shall make all necessary provisions to permit the exchange or registration or transfer of such Bonds at its

principal corporate trust office. The Registrar may be removed at any time at the option of the Designated Representative upon prior notice to the Registrar and a successor Registrar appointed by the Designated Representative. No resignation or removal of the Registrar shall be effective until a successor shall have been appointed and until the successor Registrar shall have accepted the duties of the Registrar hereunder. The Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Registrar's powers and duties under this ordinance. The Registrar shall be responsible for its representations contained in the Certificate of Authentication of such Bonds.

(b) *Registered Ownership.* The City and the Registrar, each in its discretion, may deem and treat the Registered Owner of each Bond as the absolute owner thereof for all purposes (except as provided in Section 13 of this ordinance), and neither the City nor the Registrar shall be affected by any notice to the contrary. Payment of any such Bond shall be made only as described in Section 3(h) hereof, but such Bond may be transferred as herein provided. All such payments made as described in Section 3(h) shall be valid and shall satisfy and discharge the liability of the City upon such Bond to the extent of the amount or amounts so paid.

(c) *DTC Acceptance/Letters of Representations.* The Bonds initially shall be held in fully immobilized form by DTC acting as depository. To induce DTC to accept the Bonds as eligible for deposit at DTC, the City has executed and delivered to DTC a Blanket Issuer Letter of Representations. Neither the City nor the Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees (or any successor depository) with respect to the Bonds in respect of the accuracy of any records maintained by DTC (or any successor depository) or any DTC participant, the payment by DTC (or any successor depository) or any DTC participant of any amount in respect of the principal of or interest on the Bonds, any notice which is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by the City to the Registrar or to DTC (or any successor depository)), or any consent given or other action taken by DTC (or any successor depository) as the Registered Owner. For so long as any Bonds are held in fully-immobilized form hereunder, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes hereunder, and all references herein to the Registered Owners shall mean DTC (or any successor depository) or its nominee and shall not mean the owners of any beneficial interest in such Bonds.

(d) *Use of Depository.*

(1) The Bonds shall be registered initially in the name of "Cede & Co.", as nominee of DTC, with one Bond maturing on each of the maturity dates for the Bonds in a denomination corresponding to the total principal therein designated to mature on such date. Registered ownership of such immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the Designated Representative pursuant to subsection (2) below or such substitute depository's successor; or (C) to any person as provided in subsection (4) below.

(2) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the Designated Representative to discontinue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the Designated Representative may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Registrar shall, upon receipt of all outstanding Bonds, together with a written request of the Designated Representative, issue a single new

Bond for each maturity then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the Designated Representative.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the Designated Representative determines that it is in the best interest of the beneficial owners of the Bonds of a series that such owners be able to obtain such bonds in the form of Bond certificates, the ownership of such Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held in fully-immobilized form. The Designated Representative shall deliver a written request to the Registrar, together with a supply of definitive Bonds, to issue Bonds as herein provided in any authorized denomination. Upon receipt by the Registrar of all then outstanding Bonds of a series together with a written request of the Designated Representative to the Registrar, new Bonds shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations.* The transfer of any Bond may be registered and Bonds may be exchanged, but no transfer of any such Bond shall be valid unless it is surrendered to the Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or such Registered Owner's duly authorized agent in a manner satisfactory to the Registrar. Upon such surrender, the Registrar shall cancel the surrendered Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Bond (or Bonds at the option of the new Registered Owner) of the same date, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for such surrendered and cancelled Bond. Any Bond may be surrendered to the Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same date, maturity and interest rate, in any authorized denomination. The Registrar shall not be obligated to register the transfer or to exchange any Bond during the 15 days preceding any interest payment or principal payment date any such Bond is to be redeemed.

(f) *Registrar's Ownership of Bonds.* The Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as member of, or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners of Bonds.

(g) *Registration Covenant.* The City covenants that, until all Bonds have been surrendered and canceled, it will maintain a system for recording the ownership of each Tax-Exempt Bond that complies with the provisions of Section 149 of the Code.

(h) *Place and Medium of Payment.* Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a year of 360 days and twelve 30-day months. For so long as all Bonds are in fully immobilized form, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of DTC referred to in the Letter of Representations. In the event that the Bonds of a series are no longer in fully immobilized form, interest on such Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for such Registered Owners appearing on the Bond Register on the fifteenth day of the month preceding the interest payment date, or upon the written request of a Registered Owner of more than \$1,000,000 of Bonds (received by the Registrar at least 15 days prior to the applicable payment date), such payment shall be made by the Registrar by wire transfer to the account within the continental United States designated by the Registered Owner. Principal of the Bonds shall be payable upon presentation and surrender of such Bonds by the Registered Owners at the principal office of the Registrar.

Section 4. Redemption; Purchase of Bonds.

(a) *Optional or Extraordinary Redemption.* The Bonds of a series shall be subject to optional and/or extraordinary redemption on the dates, at the prices and under the terms set forth in the Bond Purchase Contract or the Notice of Sale and Approved Bid and approved by the Designated Representative pursuant to Section 11 of this ordinance.

(b) *Mandatory Redemption.* The Bonds of a series shall be subject to mandatory redemption to the extent, if any, set forth in the Bond Purchase Contract or the Notice of Sale and Approved Bid and as approved by the Designated Representative pursuant to Section 11 of this ordinance.

(c) *Purchase of Bonds.* The City also reserves the right to purchase any of the Bonds offered to the City at any time at a price deemed reasonable by the City.

(d) *Effect of Purchase.* To the extent that the City shall have purchased any term bonds since the last scheduled mandatory redemption of such term bonds, the City may reduce the principal amount of the term bonds to be redeemed in like principal amount. Such reduction may be applied in the year specified by the Designated Representative.

(e) *Selection of Bonds for Redemption.* If Bonds of a series are called for optional redemption, the maturities of Bonds to be redeemed shall be selected by the Designated Representative. If any Bonds to be redeemed (optional or mandatory) are held in book-entry-only form, the selection of Bonds to be redeemed within a maturity shall be made in accordance with the operational arrangements then in effect at DTC. If the Bonds to be redeemed are no longer held in book-entry-only form, the selection of such Bonds to be redeemed shall be made in the following manner. If the City redeems at any one time fewer than all of the Bonds having the same maturity date, the particular Bonds or portions of Bonds and maturity to be redeemed shall be selected by lot utilizing a random selection process (reasonably determined by the Registrar) in increments of \$5,000. In the case of a Bond of maturity in a denomination greater than \$5,000, the City and Registrar shall treat each Bond of that maturity as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond of that maturity by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of such Bond at the principal office of the Registrar there shall be issued to the Registered Owner, without charge therefor, for the then-unredeemed balance of the principal sum thereof a Bond or, at the option of the Registered Owner, Bonds of like maturity and interest rate in any of the denominations herein authorized.

(f) *Notice of Redemption.* Written notice of any redemption of Bonds prior to maturity, which notice may be conditional, shall be given by the Registrar on behalf of the City by first class mail, postage prepaid, not less than 20 days nor more than 60 days before the date fixed for redemption to the Registered Owners of Bonds that are to be redeemed at their last addresses shown on the Bond Register. This requirement shall be deemed complied with when notice is mailed to the Registered Owners at their last addresses shown on the Bond Register, whether or not such notice is actually received by the Registered Owners.

So long as the Bonds are in book-entry only form, notice of redemption shall be given to Beneficial Owners of Bonds to be redeemed in accordance with the operational arrangements then in effect at DTC, and neither the City nor the Registrar shall be obligated or responsible to confirm that any notice of redemption is, in fact, provided to Beneficial Owners.

Each notice of redemption prepared and given by the Registrar to Registered Owners of Bonds shall contain the following information: (1) the proposed redemption date, (2) the redemption price, (3) if fewer than all outstanding Bonds of a series are to be redeemed, the identification by maturity (and, in the case of partial redemption, the principal amounts) of the Bonds to be redeemed, (4) that on the date fixed for redemption the redemption price will become due and payable upon each Bond or portion called for redemption, and that interest shall cease to accrue from the date fixed for redemption (unless the notice of redemption is a conditional notice, in which case the notice shall state that interest

shall cease to accrue from the date fixed for redemption if and to the extent that funds have been provided to the Registrar for the redemption of Bonds), (5) that the Bonds are to be surrendered for payment at the principal office of the Registrar, (6) the CUSIP numbers of all Bonds being redeemed, (7) the dated date of the Bonds being redeemed, (8) the rate of interest for each Bond being redeemed, (9) the date of the notice, and (10) any other information deemed necessary by the Registrar to identify the Bonds being redeemed.

Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

(g) *Effect of Redemption.* Unless the City has revoked a notice of redemption (or unless the City provided a conditional notice and the conditions for redemption set forth therein are not satisfied), the City shall transfer to the Registrar amounts that, in addition to other money, if any, held by the Registrar for such purpose, will be sufficient to redeem, on the date fixed for redemption, all the Bonds to be redeemed. If, and to the extent that, funds have been provided to the Registrar for the redemption of Bonds then such Bonds shall become due and payable on the date fixed for redemption and interest on such Bond shall cease to accrue from and after such date.

(h) *Amendment of Notice Provisions.* The foregoing notice provisions of this section, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 5. Creation of Bond Fund and Pledge of Taxes and Credit. A special fund of the City known as the "GO Bond Redemption Fund" (the "Bond Fund"), is hereby authorized to be established and maintained in the office of the Treasurer of the City. The Bond Fund shall be drawn upon for the purpose of paying the principal of and interest on the Bonds.

The City hereby irrevocably covenants that, unless the principal of and interest on the Bonds are paid from other sources, it will make annual levies of taxes without limitation as to rate or amount upon all of the property in the City subject to taxation in amounts sufficient to pay such principal and interest as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and for the prompt payment of such principal and interest.

Section 6. Tax Covenants. With respect to Bonds issued as Tax-Exempt Bonds, the City covenants that it will not take or permit to be taken on its behalf any action that would adversely affect the exemption from federal income taxation of the interest on the Tax-Exempt Bonds and will take or require to be taken such acts as may reasonably be within its ability and as may from time to time be required under applicable law to continue the exemption from federal income taxation of the interest on the Tax-Exempt Bonds.

(a) *Arbitrage Covenant.* Without limiting the generality of the foregoing, the City covenants that it will not take any action or fail to take any action with respect to the proceeds of sale of the Tax-Exempt Bonds or any other funds of the City which may be deemed to be proceeds of the Tax-Exempt Bonds pursuant to Section 148 of the Code and the regulations promulgated thereunder which, if such use had been reasonably expected on the dates of delivery of the Tax-Exempt Bonds to the initial purchasers thereof, would have caused the Tax-Exempt Bonds to be treated as "arbitrage bonds" within the meaning of such term as used in Section 148 of the Code.

The City represents that it has not been notified of any listing or proposed listing by the Internal Revenue Service to the effect that it is an issuer whose arbitrage certifications may not be relied upon. The City will comply with the requirements of Section 148 of the Code and the applicable regulations thereunder throughout the term of the Tax-Exempt Bonds.

(b) *Private Person Use Limitation for Tax-Exempt Bonds.* The City covenants that for as long as the Tax-Exempt Bonds are outstanding, it will not permit:

(1) More than 10% of the Net Proceeds of the Tax-Exempt Bonds to be used for any Private Person Use; and

(2) More than 10% of the principal or interest payments on the Tax-Exempt Bonds in a Bond Year to be directly or indirectly: (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City) in respect of property, or borrowed money, used or to be used for any Private Person Use.

The City further covenants that, if:

(3) More than five percent of the Net Proceeds of the Tax-Exempt Bonds are to be used for any Private Person Use; and

(4) More than five percent of the principal or interest payments on the Tax-Exempt Bonds in a Bond Year are (under the terms of this ordinance or any underlying arrangement) directly or indirectly:

(A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or

(B) derived from payments (whether or not made to the City) in respect of property, or borrowed money, used or to be used for any Private Person Use, then, (i) any Private Person Use of the Projects financed or refinanced with the proceeds of the Tax-Exempt Bonds or Private Person Use payments described in subsection (4) hereof that is in excess of the five percent limitations described in such subsections (3) or (4) will be for a Private Person Use that is related to the state or local governmental use of the Projects financed or refinanced with the proceeds of the Tax-Exempt Bonds, and (ii) any Private Person Use will not exceed the amount of Net Proceeds of the Tax-Exempt Bonds used for the state or local governmental use portion of the Projects financed or refinanced with the proceeds of the Tax-Exempt Bonds to which the Private Person Use of such portion of the Projects financed or refinanced with the proceeds of the Tax-Exempt Bonds relates. The City further covenants that it will comply with any limitations on the use of the Projects by other than state and local governmental users that are necessary, in the opinion of its bond counsel, to preserve the tax exemption of the interest on the Tax-Exempt Bonds. The covenants of this section are specified solely to assure the continued exemption from regular income taxation of the interest on the Tax-Exempt Bonds.

(c) *Modification of Tax Covenants.* The covenants of this section are specified solely to assure the continued exemption from regular income taxation of the interest on the Tax-Exempt Bonds. To that end, the provisions of this section may be modified or eliminated without any requirement for formal amendment thereof upon receipt of an opinion of the City's bond counsel that such modification or elimination will not adversely affect the tax exemption of interest on any Tax-Exempt Bonds.

Section 7. Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. _____

\$ _____

STATE OF WASHINGTON

CITY OF SPOKANE

UNLIMITED TAX GENERAL OBLIGATION BONDS, 2015 [series designation]

Interest Rate:

Maturity Date:

CUSIP No.

Registered Owner: CEDE & Co.

Principal Amount: _____ AND NO/DOLLARS

THE CITY OF SPOKANE, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington (the "City"), promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, solely from the special fund of the City known as the "GO Bond Redemption Fund" (the "Bond Fund") the Principal Amount indicated above and to pay interest thereon from the Bond Fund from _____, 2015, or the most recent date to which interest has been paid or duly provided for or until payment of this bond at the Interest Rate set forth above, payable on _____, 20__, and semiannually thereafter on the first days of each June and December.

Both principal of and interest on this bond are payable in lawful money of the United States of America. For so long as the bonds of this issue are held in fully immobilized form, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of The Depository Trust Company ("DTC") referred to in the Blanket Issuer Letter of Representations (the "Letter of Representations") from the City to DTC. The fiscal agency of the State of Washington has been appointed by the City as the authenticating agent, paying agent and registrar for the bonds of this issue (the "Registrar"). Capitalized terms used in this bond that are not specifically defined have the meanings given such terms in Ordinance No. C____ of the City (the "Bond Ordinance"). Reference is made to the Bond Ordinance and any and all modifications and amendments thereto for a description of the nature and extent of the security for the bonds of this issue, the funds or revenues pledged, and the terms and conditions upon which such bonds are issued.

This bond is one of an issue of unlimited tax general obligation bonds of the City of like date and tenor, except as to number, interest rate and date of maturity, in the principal amount of not to exceed \$64,300,000, for the purpose of providing funds to finance capital improvements to Riverfront Park and the Parks system, as authorized by Resolution No. 2014-0084 of the Council adopted on July 28, 2014, and approved by the qualified electors of the City at a special election held therein on November 4, 2014. Capitalized terms used in this bond and not otherwise defined shall have the meanings given them in the Bond Ordinance.

The bonds of this issue are subject to redemption prior to their stated maturity as stated in the [Bond Purchase Contract] [Notice of Sale and Approved Bid] for the Bonds.

[The bonds of this issue are not "private activity bonds" as such term is defined in the Internal Revenue Code of 1986, as amended (the "Code"). The bonds of this issue have not been designated by the City as "qualified tax-exempt obligations" for investment by financial institutions under Section 265(b) of the Code.] [The City has taken no action to cause the interest on this bond to be exempt from federal income taxation.]

The City hereby irrevocably covenants that it will levy taxes annually upon all the taxable property in the City without limitation as to rate or amount and in amounts sufficient, with other monies legally available therefor, to pay the principal of and interest on the bonds of this issue as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest. The pledge of tax levies may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Registrar.

It is hereby certified and declared that this bond and the bonds of this issue are issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and ordinances of the City and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, the City of Spokane, Washington, has caused this bond to be signed with the facsimile or manual signature of the Mayor, to be attested by the facsimile or manual signature of the City Clerk, and the corporate seal of the City to be reproduced hereon, all as of this ____ day of _____, 2015.

CITY OF SPOKANE, WASHINGTON

By /s/ facsimile or manual
Mayor

(SEAL)

ATTEST:

/s/ facsimile or manual
City Clerk

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____, 2015

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Unlimited Tax General Obligation Bonds, 2015 [series designation] of the City of Spokane, Washington, dated _____, 2015.

WASHINGTON STATE FISCAL
AGENCY, Registrar

By THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., as subcontractor
to The Bank of New York Mellon, fiscal
agent for the State of Washington

By _____

Authorized Signer

Section 8. Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk, and the seal of the City shall be impressed or a facsimile thereof imprinted or otherwise reproduced on the Bonds.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be an officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons who are at the actual date of delivery of such Bond the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

Section 9. Defeasance. In the event that the City, in order to effect the payment, retirement or redemption of any Bond, sets aside in a special account of the City, cash or noncallable Government Obligations, or any combination of cash and/or noncallable Government Obligations, in amounts and maturities which, together with the known earned income therefrom, are sufficient to redeem or pay and retire such Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and such cash and/or noncallable Government Obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on such Bond. The owner of a Bond so provided for shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive payment of principal, premium, if any, and interest from such special account, and such Bond shall be deemed to be not outstanding under this ordinance.

The Registrar shall provide notice of defeasance of Bonds to Registered Owners and to each party entitled to receive notice in accordance with Section 13 of this ordinance.

Section 10. Lost, Stolen or Destroyed Bonds. In case any Bond or Bonds shall be lost, stolen or destroyed, the Registrar may execute and deliver a new Bond or Bonds of like date, number and tenor to the Registered Owner thereof upon the Registered Owner's paying the expenses and charges of the City and the Registrar in connection therewith and upon his/her filing with the Designated Representative and the Registrar evidence satisfactory to the Designated Representative and the Registrar, respectively, that such Bond was actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City and the Registrar with indemnity satisfactory to the Designated Representative and the Registrar, respectively.

Section 11. Delegation of Authority; Sale of Bonds.

(a) *Delegation of Authority.* The City has determined that it would be in the best interest of the City to delegate to the Designated Representative the authority to approve the manner of sale, the number of series, the series designation, the final principal amounts of the Bonds (within the parameters established herein), date of the Bonds, tax status of each series, interest rates, payment dates, redemption provisions, maturity dates of such Bonds, and other terms and conditions of the Bonds in the manner provided hereafter so long as:

- (1) the aggregate principal amount of the Bonds does not exceed \$64,300,000;
- (2) the final maturity of each series of the Bonds does not exceed 20 years; and
- (3) the true interest cost of each series of the Bonds does not exceed 5.00%.

In determining the manner of sale, number of series, the taxable or tax-exempt status of each series, the series designation, the final principal amounts of the Bonds (within the parameters above), date of the Bonds, interest rates, payment dates, redemption provisions, and maturity dates of such Bonds, the Designated Representative, in consultation with City staff and the City's financial advisor, shall take into account those factors that, in the Designated Representative's judgment, will result in the lowest true interest cost on the applicable series of the Bonds to their maturity, including, but not limited, to current financial market conditions and current interest rates for obligations comparable in tenor and quality to the applicable series of the Bonds.

(b) *Bond Sale*. The Designated Representative is hereby authorized to determine whether the Bonds shall be sold by Negotiated Sale or by a Competitive Sale. Upon the selection of one or more underwriters, the Designated Representative shall negotiate the terms of sale for the Bonds, including the terms described in this section, in a contract of sale (a "Bond Purchase Contract").

If the Bonds are sold by Competitive Sale, the Designated Representative or his designee shall: (a) establish the date of the public sale; (b) establish the criteria by which the successful bidder will be determined; (c) request a good faith deposit from the Successful Bidder in an amount determined by the Designated Representative; (d) cause notice of the public sale to be given (the "Notice of Sale"); and (e) provide for such other matters pertaining to the public sale as he deems necessary or desirable. The Designated Representative shall cause notice of the public sale to be given and provide for such other matters pertaining to the public sale as she deems necessary or desirable.

Upon the date and time established for the receipt of bids for the Bonds, the Designated Representative or his designee shall open the bids and shall cause the bids to be mathematically verified. The Designated Representative will approve the bid offering to purchase the Bonds at the lowest true interest cost to the City at such price as shall be determined at the time of sale by the Designated Representative, plus accrued interest to the date of delivery, on all the terms and conditions set out in the applicable Notice of Sale.

All bids submitted for the purchase of the Bonds shall be as set forth in the applicable Notice of Sale or otherwise as established by the Designated Representative which will be furnished upon request made to the Designated Representative. Such successful bidder shall, within three hours of the award of the Bonds, make a good faith deposit by federal wire or by a cashier's or certified check, made payable to the order of the City in an amount determined by the Designated Representative. The good faith deposit of the successful bidder shall be security for the performance of its bid and shall be held as liquidated damages in case the successful bidder fails to take up and pay for the applicable series of the Bonds within 45 days if tendered for delivery. All bids submitted shall be opened (but not read publicly) by the City. The City reserves the right to reject any and all bids and to waive any irregularity or informality in any bid.

Subject to the terms and conditions set forth in this section, the Designated Representative is hereby authorized to accept an Approved Bid in a Competitive Sale and/or execute the final form of a Bond Purchase Contract in a Negotiated Sale, upon his approval of the number of series, the series designation, the final principal amounts of the Bonds (within the parameters established in this section), date of the Bonds, interest rates, payment dates, redemption provisions, and maturity dates of such bonds set forth therein. Following the sale of the Bonds of a series, the Designated Representative shall provide a report to the Council, describing the final terms of such Bonds approved pursuant to the authority delegated in this section.

(b) *Delivery of Bonds; Documentation.* Upon the passage and approval of this ordinance, the proper officials of the City, including the Designated Representative, are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Bonds to the successful bidder thereof and further to execute all closing certificates and documents required to effect the closing and delivery of the Bonds. In furtherance of the foregoing, the Designated Representative is authorized to approve and enter into agreements for the payment of costs of issuance, including underwriter's discount, the fees and expenses specified in the Bond Purchase Contract or Notice of Sale, including fees and expenses of underwriter and other retained services, including Bond Counsel, financial advisor, rating agencies, fiscal agency, and other expenses customarily incurred in connection with issuance and sale of bonds.

(c) *Preliminary and Final Official Statements.* The Designated Representative is hereby authorized to deem final the preliminary Official Statement relating to the Bonds for the purposes of the Rule. The Designated Representative is further authorized to ratify and to approve for purposes of the Rule, on behalf of the City, the Official Statement relating to the issuance and sale of the Bonds and the distribution of the Official Statement pursuant thereto with such changes, if any, as may be deemed by him to be appropriate.

Section 12. Disposition of Bond Proceeds. An account shall be established and designated as the "Capital Improvements 2015-Parks Construction Account" within the Bond Fund, into which the balance of the net proceeds of the Bonds shall be deposited. Money on hand in the Capital Improvements 2015-Parks Construction Account shall be used to pay the costs of or reimbursement for the costs of the Project and costs of issuance of the Bonds. The City hereby declares its official intent to reimburse itself for any expenditures that it makes on the Project prior to issuing the Bonds. The City understands that proceeds of the Bonds may only be used to reimburse expenditures paid no earlier than sixty (60) days prior to the date of the adoption of this ordinance. The City further understands that the use of proceeds of the Bonds to reimburse an expenditure may occur no later than eighteen (18) months after the date of such expenditure.

Money in the Capital Improvements 2015-Parks Construction Account shall be invested in such obligations as may now or hereafter be permitted to the City by law and City policies. Any part of the proceeds of the Bonds remaining in the Capital Improvements 2015-Parks Construction Account after all costs of the Project have been paid (including costs of issuance) shall be transferred to the Bond Fund for the uses and purposes therein provided.

Section 13. Undertaking to Provide Ongoing Disclosure. The Designated Representative is hereby authorized to enter into a written undertaking for the benefit of the owners of the Bonds as required by Section (b)(5) of the Rule (the "Continuing Disclosure Agreement"). The Continuing Disclosure Agreement constitutes the City's written undertaking for the benefit of the owners (including Beneficial Owners) of the Bonds as required by Section (b)(5) of the Rule.

Section 14. Severability. If any provision in this ordinance is declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provision of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 15. Effective Date. The Council hereby finds and determines that the issuance and sale of the Bonds at this time will benefit the City by allowing the City to take advantage of current interest rates for tax-exempt bonds. In making such finding and determination, the Council has given consideration to the interest that will be payable on the Bonds through the maturity of the Bonds, the costs of issuance of the Bonds and the income that will be earned from investing the portion of the proceeds of the sale of the Bonds until applied to pay Project costs. In order to take advantage of current interest rates, it is essential to accept the Bond Purchase Contract or Approved Bid to purchase the Bonds as quickly as possible. Based upon said facts, an emergency and urgency is declared and found to exist as necessary for the immediate support of City government and its existing public institutions. Based upon said emergency and urgency, this ordinance shall become effective immediately upon its passage.

PASSED by the City Council of the City of Spokane, Washington, at a regular meeting thereof, held on December 15, 2014.

**Passed by City Council December 15, 2014
Delivered to Mayor December 19, 2014**

ORDINANCE NO. C35208

AN ORDINANCE APPROVING AND CONFIRMING THE 2015 ASSESSMENTS AND ASSESSMENT ROLL FOR THE DOWNTOWN SPOKANE PARKING AND BUSINESS IMPROVEMENT AREA, PREPARED UNDER ORDINANCE C-32923, AS AMENDED.

WHEREAS, the Spokane City Council on November 17, 2014 passed Resolution 2014-0110, which provided notice and set a date for hearing on the assessments to be levied under the above identified ordinance; and

WHEREAS, the assessment rolls have been on file in the Office of the City Clerk for public review and inspection; and

WHEREAS, the City Council, through this ordinance, intends to levy assessments in the Downtown Business Improvement District to provide programs and services which will specifically benefit the businesses and properties in the District.

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. The 2015 assessments and the assessment roll of the Downtown Spokane Parking and Business Improvement Area, established under Ordinance C-32923, as amended, are hereby approved and confirmed. The assessments and assessment roll are attached hereto, available in the Office of the City Clerk, City Treasurer.

Section 2. Each of the businesses, as described in RCW 35.87A.020, lots, tracts and parcels of land and other property, including improvements thereon, multi-family residential, mixed-use projects (as described in RCW 35.87A.020(3)), hotels, motels, government property, and parking lots available to the public where a fee is charged to park, shown upon said rolls are hereby declared to be specially benefited by the programs authorized in Ordinance C-32923, as amended, in at least the amount levied against the same. The method of assessment is based upon the Special Assessment Formula in Exhibit A.

Section 3. Pursuant to SMC 4.31.100, the projects, programs, activities and budget for the 2015 Downtown Spokane Parking and Business Improvement Area as presented to the City Council are hereby approved.

Section 4. The City Clerk is hereby directed to certify and transmit the assessment rolls to the City Treasurer for collection, pursuant to City Ordinance and state law.

Section 5. That the assessments shown on the roll on file in the Office of the City Clerk may be paid in two installments, with the first half of the assessment due and payable on the 26th day of January, 2015, and the second half of the assessment due and payable on the 27th day of July, 2015. Prior to the due date, ratepayers shall be sent a bill stating the amount of the assessment due and payable. If the assessment is not paid within thirty (30) days after its due date, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment, not to exceed one hundred dollars (\$100.00) in addition to the processing fee. All assessments, or part thereof, shall also bear interest at the rate of one percent (1%) for each month, or part thereof, of delinquency. The City Treasurer or his designee shall send at least two (2) late notices assessing appropriate interest, penalty and fees. Interest, penalties and other fees will be collected on delinquent payments or any part thereof. If an assessment is paid in two installments, there shall be added to the second installment a ten-dollar (\$10.00) processing fee. A ratepayer may avoid the ten-dollar (\$10.00) processing fee by paying the total annual fee prior to the second half billing.

Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, shall request, within sixty (60) days of the assessment or charge, a meeting and/or hearing before the Ratepayer Board, and, if not satisfied with the decision of the Ratepayer Board, appeal within ten (10) days from the date of the decision, the matter de novo, to the City's Hearing Examiner, in the manner provided for in the City's Municipal Code. Failure to request a hearing shall result in a waiver of the right to challenge the assessment.

Section 6. This Ordinance shall take effect and be in full force from and after the date of its passage.

**Passed by City Council December 15, 2014
Delivered to Mayor December 19, 2014**

ORDINANCE NO C35210

AN ORDINANCE amending Ordinance No. C-35062, passed the City Council November 25, 2013, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2014 budget Ordinance No. C-35062, as above entitled, and which passed the City Council November 25, 2013, it is necessary to make changes in the appropriations of the Hotel / Motel Tax 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 Hotel / Motel Tax Fund, and the budget annexed thereto with reference to the Hotel / Motel Tax Fund, the following changes be made:

From:	1590-25300	Hotel / Motel Fund	
	99999-31330	Lodging Tax Revenue	\$ 900,000
To:	1590-25300	Hotel / Motel Fund	
	57300-55201	Intergovernmental Payment	\$ 900,000

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 for increased lodging taxes to be paid to the Public Facilities District, 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 City Council December 15, 2014
Delivered to Mayor December 19, 2014
