



# Official Gazette

## City of Spokane, Washington

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

Volume 106

**MARCH 23, 2016**

Issue 12



### MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

BREEAN BEGGS (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

CANDACE MUMM (DISTRICT 3)

KAREN STRATTON (DISTRICT 3)

AMBER WALDREF (DISTRICT 1)

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# Minutes

**MINUTES OF SPOKANE CITY COUNCIL****Monday, March 14, 2016****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 Pro Tem Waldref and Council Members Beggs, Fagan, Kinnear, and Stratton were present. Council President Stuckart and Council Member Mumm were absent.

City Administrator Theresa Sanders, City Council's Policy Advisor Brian McClatchey, and City Clerk Terri Pfister were also present on the dais.

**Advance Agenda Review**

The City Council received an overview from staff on the March 21, 2016 Advance Agenda items.

**Action to Approve March 21, 2016, Advance Agenda**

Following staff reports and Council inquiry and discussion regarding the March 21, 2016, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

**Motion** by Council Member Fagan, seconded by Council Member Stratton, **to approve** the Advance Agenda for Monday, March 21, 2016; **carried unanimously** (Council President Stuckart and Council Member Mumm absent).

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

The City Council reviewed changes to the March 14, 2016, Current Agenda items.

Final Reading Ordinance C35371 Relating to Animal Welfare and the Prevention of Animal Cruelty

**Motion** by Council Member Kinnear, seconded by Council Member Stratton, **to accept** the most recent version of Final Reading Ordinance C35371; **carried 4-1 (Council Member Fagan voting "no" and Council President Stuckart and Council Member Mumm absent)**.

**CONSENT AGENDA**

**Upon motion by Council Member Fagan, seconded by Council Member Stratton, the City Council (Council President Stuckart and Council Member Mumm absent) unanimously approved Staff Recommendations for the following:**

Purchase of twelve Compressed Natural Gas rear loading refuse collection trucks from Western Peterbilt, (Spokane, WA) for Fleet Services, through an Interlocal Purchase Agreement with the City of Tacoma (OPR 1994-0827)—\$4,461,814.38. (OPR 2016-0207)

Contract to co-fund the Director Position for continued work in short and long range growth plans for community development in THEZONE and to support partnership development—\$60,000. (OPR 2016-0208)

Contract Extension No. 3 with Occupational Medicine Associates, (Spokane WA) for professional medical services through April 30, 2017—\$120,000. (OPR 2013-0295 / RFP 3912-13)

Contract with Western States Construction, Inc., (Valleyford, WA) for the renovation of the Intermodal outbuilding at 201 West Sprague for the Parking Services Facility—\$470,000. (Relates to Emergency Budget Ordinance C35374) (PRO 2016-0009 / BID 4203-15)

Low Bids of:

- a. West Company (Airway Heights, WA) for Qualchan Force Main—\$228,884.50 (plus tax). An administrative reserve of \$22,888.45, which is 10% of the contract price (plus tax), will be set aside. (Latah/Hangman Valley Neighborhood) (PRO 2016-0010 / ENG 2015129)
- b. Bacon Concrete, Inc., (Spokane, WA) for 2016 Street Maintenance Curb Ramp Projects—\$167,795. An administrative reserve of \$16,779.50, which is 10% of the contract price, will be set aside. (Various Neighborhoods) (PRO 2016-0011 / ENG 2016042)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through March 4, 2016, total \$5,520,128.56 (Check Nos. 522354-522608; ACH Payment Nos. 24022-24205), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$4,874,951.67. (CPR 2016-0002)

City Council Meeting Minutes: March 3, 2016. (CPR 2016-0013)

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

The City Council adjourned at 3:48 p.m. No Executive Session was held. The City Council reconvened at 6:01 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Beggs, Fagan, Kinnear, Stratton, and Waldref present. Council Member Mumm joined the meeting via telephone at 6:16 p.m. City Council's Policy Advisor Brian McClatchey and City Clerk Terri Pfister were also present.

## **LEGISLATIVE SESSION**

### **Pledge of Allegiance**

The Pledge of Allegiance was led by 8<sup>th</sup> grade students from Trinity Catholic School. Following the pledge, the students introduced themselves.

### **Roll Call**

Council President Stuckart and Council Members Beggs, Fagan, Kinnear, Mumm (via telephone), Stratton, and Waldref were present.

There were no **Proclamations**.

There were no **Administrative Reports**.

## **APPOINTMENTS**

**Upon Unanimous Voice Vote (in the affirmative) (Council Member Mumm absent)**, the City Council **approved** (and thereby confirmed) the re-appointment of Jim Kershner to the Library Board of Trustees for a five-year term, from April 1, 2016 to March 31, 2021.

## **COUNCIL COMMITTEE REPORTS**

### **Public Works Committee**

Council Member Waldref reported on the Public Works Committee meeting held earlier today (March 14, 2016). Minutes of the Public Works Committee meeting are filed with the City Clerk's Office and are available for review following approval by the Public Works Committee.

## **OPEN FORUM**

**William Roswell** commented on a proposed marijuana shop opening near Our Lady of Lourdes Cathedral, and he felt it is way too close to a church and day care center and way too close to where children are present and stated it's not a good idea.

**Michael McGuire** presented comments in opposition to a proposed marijuana shop which would be about 600 feet from Our Lady of Lourdes Cathedral. Council President Stuckart clarified that licenses are issued through the Washington State Liquor Control Board and the City Council could not stop it if they wanted to. In response to an inquiry from Mr. McGuire relating to a possible ordinance, Council President Stuckart noted the City Council could change the law so they are not near churches just like we don't allow them near daycares now; but, since the application has already been turned in, the one near Lady of Lourdes would be approved and grandfathered in under those rules.

**John Ahern** stated there's going to be a meeting in the next few days or week or so for people that want to talk about the laws regarding marijuana, which he noted doesn't include churches. He stated it's a loophole in the law that churches are not in the purview of the thousand foot barrier in the current ordinance.

**Tim Benn** stated he lives in the Minnehaha Neighborhood and his wife serves the Cooper Elementary School with her child care. He noted since the North-South Freeway has been partially done it has caused a lot of problems with traffic. He stated he is hoping to get some flashing lights at the school because of safety issues.

**Jesse Briet** stated he also lives in Minnehaha Neighborhood and is now an active member of the District 1 Minnehaha Council. He noted he also has a concern about lights and stated that last October his daughter was nearly hit in the crosswalk with a cross guard.

(Council Member Mumm joined the meeting via telephone at 6:16 p.m.)

## LEGISLATIVE AGENDA

### EMERGENCY BUDGET ORDINANCES

#### Emergency Budget Ordinances C35373 and C35374

**Upon Unanimous Roll Call Vote (with Council Member Mumm voting in the affirmative via telephone)**, the City Council **passed** the following Emergency Budget Ordinances amending Ordinance No. C35322 passed by the City Council November 23, 2015, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2016, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2016, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

**ORD C35373** Human Services Grants Fund  
FROM: Unappropriated Reserves, \$390,480,  
TO: HHAA Contractual Services, same amount.

(This action provides grant funding from unappropriated reserves to cover approved allocations for homeless programs.)

**ORD C35374** Parking Fund  
FROM: Unappropriated Reserves, \$170,000,  
TO: Construction Fixed Assets, same amount.

(This action provides funding for making tenant improvements to the new Parking Services Facility.)  
(Relates to PRO 2016-0009 under the Consent Agenda)

### RESOLUTIONS

#### Resolution 2016-0028

Subsequent to an overview of Resolution 2016-0028 by Council President Stuckart; the opportunity for public testimony, with none provided; and Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote (with Council Member Mumm voting in the affirmative via telephone)**, the City Council **adopted Resolution 2016-0028** relating to the final adoption of the City of Spokane Comprehensive Water System Plan dated February 2016 and submittal for final approval by the Washington State Department of Health.

#### Resolution 2016-0029

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

**Upon Unanimous Roll Call Vote (with Council Member Mumm voting in the affirmative via telephone),** the City Council **adopted Resolution 2016-0029** approving the appointment of Sally Stopher as the Grants Management & Financial Assistance Director for the City of Spokane.

## **FINAL READING ORDINANCES**

### **Final Reading Ordinance C35371**

Subsequent to a presentation by Council Member Kinnear, public testimony, and Council commentary, the following action was taken:

**Upon 6-1 Roll Call Vote (with Council Member Mumm voting in the affirmative via telephone and Council Member Fagan voting “no”),** the City Council **passed Final Reading Ordinance C35371, as amended**, relating to animal welfare and the prevention of animal cruelty; amending section 10.23A.080 of the Spokane Municipal Code.

### **Final Reading Ordinance C35372**

Council President Stuckart noted he had some additions to Ordinance C35372 (providing funding for the arts) that he sent out earlier that based the receipts of this ordinance on two years prior, so for example 2017 would be based on 2015 receipts and it also states that in a year the City Council will review the ordinance. He requested a motion to replace the previously filed version with the updated version of the ordinance. Subsequently, the following action was taken:

**Motion** by Council Member Waldref, seconded by Council Member Beggs, to so move **(to replace** the previously filed version with the updated version of the ordinance); **carried 6-1 (with Council Member Mumm voting in the affirmative via telephone and Council Member Fagan voting “no”).**

Council President Stuckart then provided an overview of Ordinance C35372, as amended. Public testimony was taken and Council commentary held. Subsequently, the following action was taken:

**Upon 6-1 Roll Call Vote (Council Member Mumm voting in the affirmative via telephone and Council Member Fagan voting “no”),** the City Council passed **Final Reading Ordinance C35372**, as amended, providing funding for the arts in Spokane; amending chapter 8.03 of the Spokane Municipal Code.

**For Council action on Final Reading Ordinances C35370, C35359, and C35360, see section of minutes under “Hearings.”**

## **FIRST READING ORDINANCE**

**For Council action on First Reading Ordinance C35375, see section of minutes under “Hearings.”**

## **Council Recess**

The City Council took a recess at 8:58 p.m. and reconvened at 9:05 p.m. Council Member Mumm left the meeting via telephone during the break.

## **HEARINGS**

### **Hearing on Spokane Housing Ventures Annexation – Final Reading Ordinances C35370, C35359, and C35360**

The City Council held hearing on the following Final Reading Ordinances relating to the Spokane Housing Ventures Annexation:

- Final Reading Ordinance C35370 relating to annexing to the City of Spokane a 42-Acre area of land lying south of 53rd Avenue, west of Regal Street and north of 55th Avenue in a portion of the north 1/2 of Section 3, Township 24 north, Range 43, E.W.M in Spokane County, commonly referred to as the Spokane Housing Ventures Annexation.
- Final Reading Ordinance C35359 relating to the pending Spokane Housing Ventures Annexation and amending the Spokane Comprehensive Plan Land Use Plan Map, Map LU 1 to include updated land use designations for the area within the pending Spokane Housing Ventures Annexation.
- Final Reading Ordinance C35360 relating to zoning for the area within the pending Spokane Housing Ventures Annexation and authorizing amendments to the City of Spokane Official Zoning Map.

Council President Stuckart stated that one of the discussions regarding this annexation is that there is one piece of property on Regal and there is discussion between the neighborhood and the developer, and those discussions have not finished or maybe even scheduling wise officially started. He encouraged the developer and the neighborhood to meet to work on something that could be potentially a developer agreement on the land use on the site. Council President Stuckart indicated the City Council will hold the hearing, close the hearing, and then defer the vote until some meetings have hopefully happened.

Council Member Fagan inquired if the City Council would be amenable tonight to taking or accepting a motion that would exclude the triangle portion of the property that we are going to be addressing. Subsequent to the reading of the titles of Final Reading Ordinances C35370, C35359, and C35360 and hearing public testimony from David Roberts, on behalf of Spokane Housing Ventures, the following action was taken:

**Motion** by Council Member Fagan, seconded by Council Member Kinnear, that, pertaining to the acreage as outlined by (City Clerk) Terri Pfister (during the reading of the ordinance titles), we go ahead and remove the triangle shaped portion of acreage out of the annexation equation; **carried unanimously (Council Member Mumm absent)**.

Additional public testimony was taken and Council commentary held. Council President Stuckart encouraged the parties to try to come to an agreement so that we don't end up in a month with nothing and we lose the low income housing, which he noted would break his heart because we don't have enough low income housing in this community and then we'd end up with County zoning on the property. Subsequently, the following actions were taken:

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

**Motion** by Council Member Fagan, seconded by Council Member Waldref, **to move** the final roll call votes on Final Reading Ordinances C35370, C35359, and C35360 to four weeks from now, which would be April 11; **carried unanimously (Council Member Mumm absent)**.

#### **Vacation of Rosewood Avenue requested by Stacy Bjordahl Representing Collision Service Repair Center and Related First Reading Ordinance C35375**

The City Council held a hearing on the vacation of the south 30 feet of Rosewood Avenue beginning 225 feet east of the east line of Helena Street to the west line of Pittsburg Street requested by Stacy Bjordahl representing Collision Service Repair Center (Nevada/Lidgerwood Neighborhood). Subsequent to an opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote in the affirmative (Council Member Mumm absent)**, the City Council **approved, subject to conditions**, the vacation of the south 30 feet of Rosewood Avenue beginning 225 feet east of the east line of Helena Street to the west line of Pittsburg Street requested by Stacy Bjordahl representing Collision Service Repair Center (Nevada/Lidgerwood Neighborhood Council).

In conjunction with the hearing, Ordinance C35375—vacating the south 30 feet of Rosewood Avenue beginning 225 feet east of the east line of Helena Street to the west line of Pittsburg Avenue—was read for the first time, with further action deferred.

### **SECOND OPEN FORUM**

Council President Stuckart noted he missed calling on Alan McDowell during testimony on the first emergency budget ordinance (Ordinance C35373) as he did not see the sign-up sheet. He noted Mr. McDowell can speak to the item even though the City Council has voted on it.

**Alan McDowell** commented on auditing the books for overruns on the disability housing industry and provided other remarks (in reference to Emergency Budget Ordinance C35373).

### **ADJOURNMENT**

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 9:57 p.m.

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**STUDY SESSION MEETING MINUTES  
SPOKANE CITY COUNCIL  
Thursday, March 10, 2016**

A Special Meeting of the Spokane City Council was held on the above date at 3:32 p.m. in the City Council Briefing Center, Lower Level – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. Council President Stuckart and Council Members Beggs, Fagan, Kinnear and Stratton were present. Council Members Mumm and Waldref were absent.

The following topics were discussed:

- Joint City Council/Bicycle Advisory Board

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

The meeting adjourned at 4:08 p.m.

# General Notices

## HOME FUNDS APPLICATIONS AVAILABLE

The City of Spokane seeks applicants for funding that can be used to rehabilitate, or construct rental housing on three properties currently owned by the City. The housing will be affordable to low-income households.

About \$600,000 in Federal HOME funds will be available as low-interest loans through the City of Spokane's Multifamily Housing Program. In exchange for low-cost loans with the potential for payment deferral and/or debt forgiveness, property owners must agree to rent restrictions and to rent to low-income tenants for at least 5 years for projects involving rehabilitation or 20 years for new construction projects.

Projects must meet at least one of the program priorities: housing units affordable to households earning 30% or less of the area median income ("AMI") (\$19,350 for a family of four); housing units with 3 or more bedrooms that are affordable to large households earning 50% or less of the AMI (\$32,350 for a family of four); housing units that are affordable to households with incomes at or below 50% of the AMI and are located within a City Council Targeted Investment Area and/or in areas designated as Centers and Corridors in the City's Comprehensive Land Use Plan; and/or housing units that provide Permanent Supportive Housing for chronically homeless. Rent restrictions, tenant income limits, and other requirements apply.

Applications for funding consideration may be submitted by non-profit housing organizations, the Spokane Housing Authority, and Community Housing Development Organizations, as well as for-profit developers and building owners.

Application materials are in Word and Excel and are available on the City's website at <https://my.spokanecity.org/chhs/>, by contacting the City's Community, Housing & Human Services Department - City Hall, 808 West Spokane Falls Boulevard, Rm. 650, or by calling 625-6325. Completed applications will be accepted until April 7, 2016 at 5:00 P.M. Contact Paul Trautman at 625-6329 or [ptrautman@spokanecity.org](mailto:ptrautman@spokanecity.org) for questions regarding the application.

Minority and women applicants are encouraged to apply.

Publish: March 2, 9, 16, and 23, 2016.

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# Public Compstat Meeting

Join the Spokane Police Department.



Please join us for our  
**Public Compstat Meeting**

**Wednesday, March 23rd at 9:30am**

**City Council Chambers**


**808 W. Spokane Falls Blvd.**

For more information visit [SpokanePolice.org](http://SpokanePolice.org)

Publish: March 9, 16, & 23, 2016


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A graphic featuring a blue police hat at the top, the word "Coffee" in a large, stylized script font, a blue banner with "WITH A COP" in white capital letters, and a white coffee cup on a saucer at the bottom. The background is a field of coffee beans.

**Coffee with a Cop**  
**Thursday, March 24<sup>th</sup>**  
**8-10:00am**  
**McDonald's**  
**2211 W. Wellesley**



The McDonald's logo, a large yellow "M" with a registered trademark symbol.



A silver police badge with "SPOKANE" at the top, "SPOKANE POLICE DEPARTMENT" in the center, and "FOUNDED 1904" and "POLICE" at the bottom.

**Spokane Police  
Department**

Publish: March 23, 2016

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# Spokane Police Department CITIZENS ACADEMY



**Every Wednesday, April 20-May 18, 2016**

**6:00 pm to 9:00 pm - FREE to attend**



The Spokane Police Department Citizens Academy provides participating community members with an inside look at the SPD and a working knowledge of the various aspects of law enforcement.

During the academy, students are introduced to police training (hands-on and virtual), operations and investigative procedures, special police units, etc. The Citizens Academy will culminate with a graduation ceremony where students will be awarded certificates of completion.

## **Featured classes include:**

Patrol Procedures  
Virtual Training  
Major Crimes Investigations  
Crisis Intervention, Verbal Defense &  
Procedural Justice Training

Use of Force Training  
Body Cameras  
Internal Affairs & the Ombudsman  
The SWAT Team &  
the K-9 Unit

## CITIZENS ACADEMY SCHEDULE

### April 20

6:00 - 7:00 pm	Welcome/ Opening	Chief /Lt. King
7:00 - 9:00 pm	Virtra (1/2 class then switch)	Sgt. Boothe
7:00 - 9:00 pm	Use of Force (1/2 of class then switch)	Sgt. Kendall

### April 27

6:00 - 7:00 pm	Patrol Procedures	Officer Dollard/Sgt. Reese
7:00 - 8:00 pm	Patrol Procedures	Officer Dollard/Sgt. Reese
8:00 - 9:00 pm	Body Cameras	Corporal Ferguson

### May 4

6:00-7:30 pm	SWAT	Officer Baldwin
7:30-9:00 pm	K-9	Officer Jensen

### May 11

6:00 - 7:30 pm	Internal Affairs, Ombudsman	Lt. Braun/Sgt. Staben, Interim Ombudsman Logue
7:30 - 9:00 pm	CIT, Verbal Defense, Procedural Justice	Sgt. Waters/Ofc. Everly

### May 18

6:00 - 7:00 pm	Questions/Comments/ Critiques	Lt. King
7:00 - 9:00 pm	Graduation	Chief & Command Staff

**Classes are held at the Spokane Police Academy,  
located at 2302 N. Waterworks St, Spokane, WA 99212.**

**Sign up by contacting Kim Anderson at  
[KAnderson@spokanepolice.org](mailto:KAnderson@spokanepolice.org) or by calling (509) 742-8100**

**For more information on the Spokane Police Department, visit: [SpokanePolice.org](http://SpokanePolice.org)**

# 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. C35371

An ordinance relating to animal welfare and the prevention of animal cruelty; amending section 10.24A.080 of the Spokane Municipal Code.

**WHEREAS**, The City of Spokane possess broad police power to regulate in areas of public and local concern; and

**WHEREAS**, Animal cruelty, the inhumane treatment of animals, and the mistreatment of animals is an area of public and local concern in the City of Spokane; and

**WHEREAS**, A “bullhook,” also known as an ankus, elephant goad, elephant hook, or guide, resembles a boat hook or fireplace poker, has a sharp steel hook and a spiked tip, and is used to prod, hook, strike, or hit elephants in sensitive areas in order to inflict pain and coerce behavior during training, performing, and handling; and

**WHEREAS**, Bullhooks are often swung at elephants like baseball bats to induce substantial pain in an elephant and the hook is used to apply varying degrees of pressure to sensitive areas in order to coerce the elephant to avoid the source of pain; and

**WHEREAS**, The mere brandishing, displaying, or exhibiting of a bullhook is a constant reminder to an elephant of the painful punishment that can be delivered at any time; and

**WHEREAS**, The Association of Zoos and Aquariums avoids the use of bullhooks; and the Performing Animal Welfare Society, and world-renowned elephant experts, such as Dr. Joyce Poole and Dr. Cynthia Moss; as well as numerous wildlife veterinarians and conservationists oppose the use of bullhooks as a method of training or coercion of performing elephants; and

**WHEREAS**, the California State Senate and Assembly recently passed SB 716, which would prohibit the use of bullhooks in the state of California, supplementing the ban on bullhooks put in place by the cities of Los Angeles, California and Oakland, California; and

**WHEREAS**, in March of 2015, Feld Entertainment, Inc., the operator of Ringling Bros. and Barnum & Bailey circuses, announced plans to remove all Asian elephants from their traveling circus performances and relocate them to the Ringling Bros. Center for Elephant Conservation by May, 2016; and

**WHEREAS**, The City has a compelling and continuing interest in protecting animals within its City boundaries from cruel and inhumane treatment, including those performing animals used for display or entertainment on an itinerant basis, and in generally preventing animal abuse and mistreatment.

**NOW THEREFORE**, the City of Spokane does ordain:

Section 1. That section 10.24A.080 of the Spokane Municipal Code is amended as follows:

### Section 10.24A.080 Animal cruelty in the second degree — Penalty

- A. A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty as defined in RCW 16.52.205, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.
- B. A person who uses a bullhook, ankus, baseball bat, axe handle, elephant hook, pitchfork or other implement or tool designed to inflict pain for the purpose of training or controlling the behavior of an elephant is guilty of animal



cruelty in the second degree. For purposes of this section, prohibited use includes, without limitation, the brandishing, exhibiting, or displaying of a bullhook or an implement designed to look like a bullhook in the presence of an elephant for the purpose of training or controlling the behavior of an elephant.

~~((B-))~~C. An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

1. Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure;
2. Under circumstances not amounting to animal cruelty in the second degree under (C) of this subsection, abandons the animal; or
3. Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm.

~~((C-))~~D. Animal cruelty in the second degree is a gross misdemeanor.

~~((D-))~~E. In any prosecution of animal cruelty in the second degree under subsection (A) or (B) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.

**Passed by City Council March 14, 2016**

**Delivered to Mayor March 21, 2016**

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### **ORDINANCE NO. C35372**

An ordinance providing funding for the arts in Spokane; amending chapter 08.03 of the Spokane Municipal Code.

**WHEREAS**, a thriving creative economy is vital to a city's ability to attract a skilled workforce, foster an atmosphere of innovation, and promote tourism and a livable city; and

**WHEREAS**, in Spokane County, 1,368 arts-related businesses employ 5,951 people – 2.7% of all employees in Spokane County; and

**WHEREAS**, the Spokane Arts Commission is well-positioned to foster local emerging artistic talent; and

**WHEREAS**, the City's tax on fees for admission to entertainment venues presents an important opportunity to help nurture Spokane's creative and artistic ecosystem, particularly emerging artists; and

**WHEREAS**, the City Council finds that it is important to the general welfare of the citizens and residents of the City to protect and preserve the opportunities for the arts to flourish in our city; and

**WHEREAS**, The City has a strong interest in enhancing, protecting, nurturing, and promoting our artists and their work.

**NOW THEREFORE**, the City of Spokane does ordain:

Section 1. That section 08.03.020 of the Spokane Municipal Code is amended to read as follows:

#### **Section 08.03.020 Admission Tax Exemption**

A. The admission tax is not imposed:

1. when the admission charge, either for a single event or by prorating a season ticket or subscription price, is ten cents or less;
2. upon a person paying an admission charge to an activity of an elementary or secondary school where the school or school district is the sponsor;
3. where no admission charge or compensating payment is made;



4. upon a person paying an admission charge to an activity or performance of a nonprofit arts organization furnishing evidence of tax-exempt status under the Internal Revenue Code Section 501(c)(3), provided:
  - a. this exemption applies only if the artistic performance or activity represents examples of the arts organization's primary purpose, whereas this exemption does not apply when the arts organization merely sponsors or promotes an attraction or professional engagement; and
  - b. the City (~~((taxes and licenses office))~~) receives a properly completed application, including proof of tax-exempt status, for this exemption at least fifteen days prior to the event, unless waived.
5. upon a person paying an admission charge to an activity or performance of a nonprofit organization furnishing evidence of tax-exempt status under the Internal Revenue Code Section 501(c)(3), provided:
  - a. for each nonprofit organization this exemption applies only to the first twenty thousand dollars of gross ticket sales generated from its event within each calendar year; and
  - b. the City (~~((taxes and licenses office))~~) receives a properly completed application, including proof of tax-exempt status, for this exemption at least fifteen days prior to the event; and
  - c. the City (~~((taxes and licenses office))~~) receives a properly completed tax return within three business days or other time set by the office, following an event, showing proof of gross ticket sales and other information requested by the office.
6. on a person paying an admission charge to an event:
  - a. at a facility with a maximum approved occupancy of less than two hundred persons; and
  - b. where the price of admission is ten dollars or less per person.

B. This section is to be construed strictly against an exemption.

Section 2. That section 08.03.030 of the Spokane Municipal Code is amended to read as follows:

#### **Section 08.03.030 Definitions**

- A. "Admission charge" is the amount which must be paid as a condition to being admitted to a place or an event. It includes:
1. a charge made for season tickets or subscriptions;
  2. a cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
  3. a charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
  4. a charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
  5. automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

The cost of other benefits included with admission may not be deducted from the admission charge unless admission is specifically allowed without payment for said benefits.

B. "Arts Commission" means the City of Spokane Arts Commission, formed pursuant to Chapter 04.50 SMC.

~~((B-))~~C. "Arts organization" as used in SMC 8.03.020(A)(4) means an organization whose principal function or purpose involves the promotion of the visual, literary or performing arts as defined in SMC 4.05.070 and who produces or sponsors the following kinds of events: Ballet and other dance, opera and other choral performances, concerts, plays and literary readings, and exhibitions of paintings, sculpture, photography, graphic or craft arts but not

movies, circuses, ice or burlesque shows, sporting events or performances, shows, or exhibitions of any other type or nature.

~~((C-))~~D. "Place" is any structure or enclosure, or portion thereof, used for amusement, entertainment or enrichment. The term includes a theater, dance hall, amphitheater, auditorium, stadium, athletic pavilion or field, baseball or other athletic park, golf course or driving range, circus side show, outdoor amusement park, merry-go-round, ferris wheel, roller coaster, observation tower and similar attraction, and galleries, museums exhibition halls and other clubs, rooms and halls.

Section 3. That section 08.03.040 of the Spokane Municipal Code is amended to read as follows:

#### **Section 08.03.040 Form of Admission Ticket**

- A. A person may not sell or offer for sale an admission ticket or card which does not have the name of the place of the ticketed event and the total admission price, which shall include the admissions tax, conspicuously and indelibly printed, stamped or written on that part of the ticket which is to be taken up by the management of the place at the time of admission.
- B. All tickets sold must be consecutively numbered or reflect house seat locations to allow the City ~~((taxes and licenses office))~~ to verify the number of tickets sold.

Section 4. That section 08.03.050 of the Spokane Municipal Code is amended to read as follows:

#### **Section 08.03.050 Collection of Tax**

Every person receiving payment for admission is required to collect the amount of the admissions tax from the person making the admission payment and at the time the admission charge is paid. In addition, owners of the facility, lessees of said facility, licensees of said facility, or other persons responsible for presenting an event subject to admissions tax where the event was held are each responsible to notify the City ~~((department of taxes and licenses))~~ of contact information including name, address and telephone for the party receiving payment for admission and holding said funds. Such information shall be provided no later than five business days before the event, not counting the date of the event, so that the ~~((department))~~ City has a reasonable opportunity to seek collection of said monies. In the event said listed parties fail to provide such required information, they shall be jointly and severally responsible for collection and payment of the admissions tax.

Section 5. That section 08.03.060 of the Spokane Municipal Code is amended to read as follows

#### **Section 08.03.060 Remittance of Tax**

- A. The tax collected under SMC 8.03.050 is held in trust until paid to the City ~~((treasurer))~~. Should a person required to collect the admissions tax fail either to collect or remit the tax, the City shall have a similar claim for the amount of the tax, plus interest and penalties as provided in this chapter, against the proceeds of admissions charges received by such person. If the ~~((treasurer))~~ City determines the proceeds have been distributed or are otherwise unavailable, and/or that required contact information was not timely supplied, the ~~((treasurer))~~ City seeks recovery of all sums owing from any person responsible for collection or remittance.
- B. Unless in a particular case the ~~((treasurer))~~ City directs or authorizes a different procedure, each person required to collect the admissions tax must file a tax return accompanied by remittance of the tax due as required by the ~~((treasurer))~~ City. In absence of other arrangements, the full tax and return is due no later than two business days following an event. The ~~((treasurer))~~ City may extend this period in writing up to an additional ten days. In addition, for administrative convenience, in the case of regularly scheduled events or for other reasons, the ~~((treasurer))~~ City may permit filing of a tax return and remittance bimonthly, by the fifteenth day of the month next following the end of each bimonthly reporting period, but that is subject to revocation and any other conditions the ~~((treasurer))~~ City may require to assure the security of payment. The City's Chief Financial Officer or designee ~~((treasurer))~~ prescribes the form and content of the tax returns.
- C. Not by way of limiting the ~~((treasurer's))~~ Chief Financial Officer's discretion to regulate the remittance of the tax under this chapter, the ~~((treasurer))~~ Chief Financial Officer or designee is specifically authorized to require verified tax returns, annually or other prescribed intervals.
- D. Payment or remittance of the tax collected may be made by check, unless payment or remittance is otherwise required by the ~~((treasurer))~~ Chief Financial Officer, but payment by check shall not relieve the person collecting the

tax from liability for payment and remittance of the tax to the ~~((city))~~ City unless the check is honored and is in the full and correct amount.

- E. The ~~((treasurer))~~ Chief Financial Officer or designee may, after notice to the person collecting the tax, require the placement of taxes collected in a trust account at an approved local depository bank. The taxes collected shall be held in said trust account until payment to the City. The ~~((treasurer))~~ Chief Financial Officer shall have such authority when said officer deems a trust account is necessary to insure payment of the taxes collected to the City.

Section 6. That section 08.03.070 of the Spokane Municipal Code is amended to read as follows

#### **Section 08.03.070 Books and Records**

Every person required to collect the admissions tax is required to keep and make available at all reasonable times for inspection and audit by the City ~~((treasurer))~~ all books, records, and accounts pertinent to the tax for a period of two years.

Section 7. That section 08.03.080 of the Spokane Municipal Code is amended to read as follows

#### **Section 08.03.080 Termination of Collector's Business**

Whenever a person required to collect the tax under this chapter quits or otherwise disposes of the business, any tax collected becomes immediately payable to the City ~~((treasurer))~~. If such tax is not remitted within ten days after a sale or other disposal of the business, the purchaser or successor becomes liable to the City for such tax.

Section 8. That section 08.03.090 of the Spokane Municipal Code is amended to read as follows:

#### **Section 08.03.090 Procedure upon Failure to File Return**

Should a person fail to file a required admissions tax return, the ~~((treasurer))~~ City makes a determination of the amount of tax due from such person based on whatever information is available and notifies such person by mail of the amount of tax so determined, along with interest and penalties, and directs such person to remit such amount within ten days.

Section 9. That section 08.03.120 of the Spokane Municipal Code is amended to read as follows:

#### **Section 08.03.120 Rules and Regulations**

The City ~~((treasurer))~~ Chief Financial Officer or designee may adopt and promulgate rules ~~((and regulations for administration)) to implement and ((enforcement)) enforce ((of)) this chapter, ((subject to the approval of the city council,))~~ which rules shall not be in conflict with this chapter; provided, however, that any rules enacted in accordance with this section shall not become effective until the close of a two-week public comment period. ~~((and shall place on file a))~~ A copy of such proposed and final rules ~~((and regulations))~~ shall be placed on file for public examination in the City ~~((treasurer's))~~ Chief Financial Officer's office and on the City's website.

Section 10. That new section 08.03.122 of the Spokane Municipal Code is enacted to read as follows:

#### **Section 08.03.122 Use of Tax Proceeds**

- A. Beginning with fiscal year 2017, and at the beginning of each fiscal year thereafter, thirty-three percent (33%) of the City's admission tax receipts from two years prior (referred to in this section as the "City contribution") shall be disbursed to the Arts Commission on the following terms and conditions:
1. One-half (50%) of the City contribution is to be budgeted by the Arts Commission for operational, administrative, and programmatic needs.
  2. One-half (50%) of the City contribution is to be disbursed by the Arts Commission each year in the form of grants, the process for which and recipients of which are to be determined by the Arts Commission in consultation with the Spokane Arts Fund.

By way of explanation, the City contribution made in fiscal year 2017 shall be 33% of the City's 2015 admissions tax receipts, the City contribution made in fiscal year 2018 shall be 33% of the City's 2016 admissions tax receipts, and so on.

- B. Beginning in third quarter of 2017 and annually thereafter, the Arts Commission shall report to the City Council concerning the Arts Commission's use of the City contribution it received in the prior year.

- C. In the first quarter of 2018, the City Council shall review the effectiveness and implementation of this section, to determine whether to expand or reduce the funding levels described in this section.

Section 11. That section 08.03.125 of the Spokane Municipal Code is amended to read as follows

**Section 08.03.125 Applications and Returns Confidential**

- A. The applications and returns made to the City (~~((treasurer))~~) pursuant to this chapter or any audit or investigation made by the City (~~((treasurer))~~) or (~~((his))~~) its agents may not be made public, nor are they subject to the inspection of any person except as herein provided. This section does not prohibit the City or its agents from:
1. giving such facts or information in evidence in any court action involving the tax imposed hereunder or involving a violation of this chapter;
  2. giving such facts and information to the person paying the tax or (~~((his))~~) the person's duly authorized agent;
  3. publishing statistics so classified as to prevent the identification of particular returns and reports of items thereof; or
  4. permitting its records to be audited and examined by the proper state officer, (~~((his))~~) officer's agents and employees.
- B. The City consents to the inspection of such records as necessary by the (~~((state department of revenue))~~) Washington State Department of Revenue.

**Passed by City Council March 14, 2016**

**Delivered to Mayor March 21, 2016**

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**ORDINANCE NO C35373**

An ordinance amending Ordinance No. C-35322, passed the City Council November 23, 2015, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2016, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2016, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2016 budget Ordinance No. C-35322, as above entitled, and which passed the City Council November 23, 2015, it is necessary to make changes in the appropriations of the Human Services Grant 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 Human Services Grants Fund, and the budget annexed thereto with reference to the Human Services Grants Fund, the following changes be made:

FROM:	1540-99999	Human Services Grants Fund	
	99999-	Unappropriated Reserves	<u>\$ 390,480</u>
TO:	1540-65313	Human Services Grants Fund	
	65410-54201	HHAA Contractual Services	<u>\$ 390,480</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 meet approved funding allocations for homeless programs, 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 March 14, 2016**

**Delivered to Mayor March 21, 2016**

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**ORDINANCE NO C35374**

An ordinance amending Ordinance No. C-35322, passed the City Council November 23, 2015, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2016, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2016, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2016 budget Ordinance No. C-35322, as above entitled, and which passed the City Council November 23, 2015, it is necessary to make changes in the appropriations of the Parking 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 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	<u>\$ 170,000</u>
TO:	1460-21200	Parking Fund	
	94000-56501	Construction Fixed Assets	<u>\$ 170,000</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to make tenant improvements to the new Parking Services Facility; 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 March 14, 2016**  
**Delivered to Mayor March 21, 2016**

# Policies and Procedures

## ADMINISTRATIVE POLICY AND PROCEDURE

**ADMIN 5200-16-03 / LGL 2016-0020**

**EFFECTIVE DATE: March 18, 2016**

**REVISION EFFECTIVE DATE: N/A**

**TITLE: DUTY TO PROVIDE WATER SERVICE**

### 1.0 GENERAL

1.1 The City of Spokane ("City") Water and Hydroelectric Services Department owns and operates a public water system; and is the regional water purveyor. The City has a duty to provide water to new service connections within the retail water service area, when such service is available in a timely and reasonable manner; there exists sufficient water rights to provide water service; there exists sufficient capacity to provide water service in a safe and reliable manner under Washington State Department of Health regulations; and such service is consistent with the requirements of local plans and regulations and the City's utility service extension ordinances. (WAC 246-290-106).

### 1.2 TABLE OF CONTENTS



- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

## 2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to the City Water and Hydroelectric Services Department.

## 3.0 REFERENCES

RCW 35.92.020  
RCW 36.70A.030  
RCW 36.70A.110  
WAC 246-290-106  
WAC 246-290-108  
City of Spokane Comprehensive Plan CFU 3.6  
Comprehensive Water System Plan figure 1.8.0a  
SMC 13.04.1921  
SMC 13.04.1922

## 4.0 DEFINITIONS

None

## 5.0 POLICY

- 5.1 Domestic water service is a rural and urban governmental service and the City of Spokane is the regional water purveyor. Therefore the City has a duty to provide service to new water service connections within its retail water service area as outlined in the Comprehensive Water System Plan when:
  - a. Water service is available in a timely and reasonable manner;
  - b. There exist sufficient water rights available to provide water service;
  - c. There is sufficient capacity to serve in a safe and reliable manner per the Department of Health rules and regulations; and
  - d. Extension of service is consistent with the requirements of local plans and regulations, including the City's Water System Plan and utility service extension ordinances.
- 5.2 City water service is intended to provide for the needs of the residents of the City and for residents outside the City who are within the City's Retail Service Area. Pursuant to RCW 35.92.020, the City may enter into agreements for extension of water service outside the City's boundaries upon terms and conditions, when there is a determination that such extension will not overload or imperil the City's water system, including domestic and fire flow pressure, supply resources and municipal water rights, all as may be needed by current or future city customer needs, and are subject to any other applicable laws or regulations. (SMC 13.04.1922). Therefore, customers outside the City must complete an annexation covenant and service agreement as a condition of water service.
- 5.3 The City's Comprehensive Water System Plan provides for extension of water service beyond the City's boundaries and inside the Retail Service Area as identified in Chapter 1, Figure 1.6.1
- 5.4 Request for City Water Service outside the existing Retail Service area as identified in the Comprehensive Water System Plan in Chapter 1, Figure 1.6.1 are dependent upon the completion of the City's Application and Certificate of Water Availability form. Changing the Retail Water Service boundaries to provide water service to areas outside the current Retail Water Service Area requires a City Council approved amendment to the City's Water System Plan.

- 5.5 The City's comprehensive plan provides that it is appropriate to extend or expand water services outside the UGA in limited circumstances which are shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development. (CFU 3.6; RCW 36.70A.110(4)).

## 6.0 PROCEDURE

### 6.1 Analysis Needed For Requests To Provide Water Service.

#### 6.1.1 Requests Inside City Boundaries:

Duty to Serve

#### 6.1.2 Outside City boundaries - Inside Retail Water Service Area:

Duty to Serve Inside Water Service Area Subject To Limitations:

- a. Water service is available in timely and reasonable manner as determined by City Utility;
- b. There are sufficient water rights to provide water service;
- c. There is sufficient capacity to serve in a safe and reliable manner;
- d. It is consistent with requirements of local plans and regulations and the City's Water System Plan and utility service extension ordinances;
- e. Annexation covenant must be signed, as applicable;
- f. Written contract with cost allocation, indemnity and all applicable liabilities; and
- g. Developer agrees to pay one hundred percent (100%) costs of construction; liability; indemnification; permitting without sewer and all applicable liabilities.

#### 6.1.3 Outside City Boundaries – Prior Commitment to Serve Inside Future Service Area:

The City will honor prior commitments for water service. In the case of a prior commitment for water service, the vested water capacity exists with the commitment and the parcels included in the prior commitment will be included in the retail water service area and service will be analyzed and provided pursuant to paragraph 6.1.2.

#### 6.1.4 Outside Retail Water Service Area – Inside Future Water Service Area:

The City will evaluate any new requests for retail water service which are outside the City's retail water service area within 120 days of the request or as prescribed by State Law, pursuant to the flow chart for retail water service requests, as attached hereto.

It is the policy of the City to ensure that requests for expansion of the Retail Service Area be considered at least annually.

No Duty to Serve outside Retail Service Area unless amend Retail Service Area:

- a. Amendment to Retail Service Area requires a City Council approved amendment to the Water System Plan/Retail Service Area.
- b. Amended Water System Plan is subject to approval by Department of Health.
- c. Extension of service necessary to protect basic health / safety / environment and does not conflict with GMA requirements.

#### 6.1.5 Outside Water Service Area:

No Duty to Serve

Wholesale Water Supply Agreement or Interlocal Agreement subject to City Council approval.

## 7.0 RESPONSIBILITIES

The City of Spokane Water and Hydroelectric Services Department shall administer this policy.

## 8.0 APPENDICES

Water Service Area Chart

Flow Chart for Retail Water Service Requests

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

# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

### CALL FOR BIDS

**37th Avenue from Regal Street to Custer Street  
Engineering Services File No. 2006167**

This project consists of the construction of approximately 14,800 cubic yards of excavation and embankment, 6,600 linear feet of storm sewer, 86 drainage structures, 9,300 linear feet of sidewalk, 750 square yards of 3-inch thick HMA pavement, 6,750 square yards of 5-inch thick HMA pavement, 28,000 square yards of 6-inch thick HMA pavement, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids until 1:00 p.m., April 11, 2016 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

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

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

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

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

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

Bidders, please be aware that: all work performed on this project will be subject to the higher of the prevailing state or federal wage rates; the federal requirements or provisions in this contract must be met by general contractors and all subcontractors; Small, Minority- and Women-owned firms are encouraged to submit bids; the City of Spokane is an Equal Opportunity and Affirmative Action Employer.

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

*This project is partially funded through the Washington State Drinking Water State Revolving Fund program with federal funds from the Environmental Protection Agency.*

Publish March 23, 30 and April 6, 2016

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## CALL FOR BIDS

### Wellesley Roundabout – Relocation of Utilities Engineering Services File No. 2015167

This project consists of the construction of approximately 3,500 square yards of asphalt removal, 3,500 square yards of HMA 2" thick, 1,100 LF of 30" dia. DI water main, 800 LF 12" dia. DI water main, 600 LF 8" dia. DI water main, 350 LF of 8" dia. sewer main, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201–3316, will receive sealed bids until 1:00 p.m., April 11, 2016 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

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

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

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

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

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

***Time is of the essence due to the length of the construction window and/or the time of year in which the project is being constructed. Please note that various award phase steps have shorter than normal time frames as detailed in section 1-03.3, 1-08.4, and 1-08.5.***

Publish March 23, 30 and April 6, 2016.

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# Notice for Bids

## Supplies, Equipment, Maintenance, etc.

### REQUEST FOR PROPOSALS

#### PROCUREMENT AND CONTRACTING ORGANIZATIONAL ASSESSMENT

City of Spokane Finance Division

RFP #4238-16

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, APRIL 11, 2016**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **PROCUREMENT AND CONTRACTING ORGANIZATIONAL ASSESSMENT** for the City of Spokane Finance Division.

The Request for Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4<sup>th</sup> Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at [purchasinghelp@spokanecity.org](mailto:purchasinghelp@spokanecity.org).

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, April 11, 2016**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

**Submit one (1) paper original, three (3) paper copies, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:**

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

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

All response packages are to be clearly marked with:

**“RFP #4238-16, PROCUREMENT AND CONTRACTING ORGANIZATIONAL ASSESSMENT, DUE 4/11/16”**

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

Publish: March 23 & 30, 2016 and April 6, 2016

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### VARIABLE FREQUENCY DRIVES (VFD) Solid Waste Disposal Department, Waste to Energy Facility

**BID #4240-16**

Sealed bids will be opened at 1:15 p.m., **MONDAY, MARCH 28, 2016** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **VARIABLE FREQUENCY DRIVES** for the Solid Waste Disposal Department – Waste to Energy Facility.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at [purchasinghelp@spokanecity.org](mailto:purchasinghelp@spokanecity.org)



**Submittal Instructions:**

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

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

**Division of Purchasing  
City of Spokane  
4<sup>th</sup> Floor – City Hall  
808 W. Spokane Falls Blvd.  
Spokane WA 99201**

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

Envelopes containing proposals are to be marked:

**“VARIABLE FREQUENCY DRIVES, BID #4240-16, DUE 3/28/16”.**

Thea Prince  
Purchasing Department

Publish: March 16 & 23, 2016

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**WASTE TO ENERGY FACILITY MECHANICAL REPAIRS  
Solid Waste Disposal Department**

**BID #4242-16**

Sealed bids will be opened at 1:15 p.m., **MONDAY, APRIL 11, 2016** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **WASTE TO ENERGY FACILITY MECHANICAL REPAIRS** for the City of Spokane Solid Waste Disposal Department.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at [purchasinghelp@spokanecity.org](mailto:purchasinghelp@spokanecity.org)

**A pre-proposal walk through will be held on Thursday, March 31, 2016 at 10:00 a.m. at the Waste to Energy Facility, 2900 S Geiger Blvd – Meet at the Administration Bldg.**

**Submittal Instructions:**

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

**Submit one (1) paper original of the Proposal to:**

**Division of Purchasing  
City of Spokane  
4<sup>th</sup> Floor – City Hall  
808 W. Spokane Falls Blvd.  
Spokane WA 99201**

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

Envelopes containing proposals are to be marked:

**“WASTE TO ENERGY FACILITY MECHANICAL REPAIRS, BID #4242-16, DUE 4/11/16”.**

Thea Prince  
Purchasing Department

Publish: March 23 & 30, 2016

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**MANITO ROOF REPLACEMENT  
Parks Department**

**BID #4247-16**

Sealed bids will be opened at 1:15 p.m., **MONDAY, APRIL 11, 2016** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **MANITO ROOF REPLACEMENT** for the City of Spokane Parks Department.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at [purchasinghelp@spokanecity.org](mailto:purchasinghelp@spokanecity.org)

**A pre-proposal meeting will be held on Thursday, March 31, 2016 at 1:00 p.m. at the Manito Meeting Room, 4 West 21<sup>st</sup>, Spokane, Wa 99203**

**Submittal Instructions:**

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

**Submit one (1) paper original of the Proposal to:**

**Division of Purchasing  
City of Spokane  
4<sup>th</sup> Floor – City Hall  
808 W. Spokane Falls Blvd.  
Spokane WA 99201**

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

Envelopes containing proposals are to be marked:

**“MANITO ROOF REPLACEMENT, BID #4247-16, DUE 4/11/16”.**

Thea Prince  
Purchasing Department

Publish: March 23 & 30, 2016

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