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City of Spokane, Washington

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

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AUGUST 3, 2016

Issue 31



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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INSIDE THIS ISSUE

MINUTES	832
ORDINANCES	843
POLICIES & PROCEDURES	849
JOB OPPORTUNITIES	852
NOTICES FOR BIDS	854

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Minutes

MINUTES OF SPOKANE CITY COUNCIL

Monday, July 25, 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 Stuckart and Council Members Beggs, Kinnear, Mumm, Stratton, and Waldref were present. Council Member Fagan was 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

There was no Advance Agenda to review; as the regularly scheduled City Council meeting on Monday, August 1, 2016 is cancelled.

ADMINISTRATIVE SESSION

Current Agenda Review

The City Council considered the July 25, 2016, Current Consent Agenda items.

City Clerk Report on Proposed Initiative No. 2016-3 (LGL 2016-0031)

Council President Stuckart requested a motion to defer Consent Agenda Item No. 14 until Council Member Fagan is back. Subsequently, the following action was taken:

Motion by Council Member Beggs, seconded by Council Member Waldref, **to defer** Current Consent Agenda No. 14—City Clerk Report on proposed Initiative No. 2016-3 filed by Tim Coyle regarding a Spokane Municipal Code amendment to restrict marijuana businesses in downtown Spokane—to August 8, 2016; **carried unanimously (Council Member Fagan absent).**

Contract Extension with Spokane Regional Chamber of Commerce dba Greater Spokane Incorporated (OPR 2015-0584)

Council Member Waldref noted that she had a chance to connect with Executive Director Mielke of GSI this morning, and Council Member Mumm met with him on Friday over the phone, and through those conversations, there are a couple of ideas of some other things that could be integrated into the contract. She noted unfortunately she and Council Member Mumm didn't get a chance to integrate those by 3:30 p.m. today. She suggested a motion to defer the matter to August 8 so some changes can be sent out for the Council to consider. Subsequently, the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Mumm, **to defer** Consent Agenda Item No. 10—Contract Extension with Spokane Regional Chamber of Commerce dba Greater Spokane Incorporated for Federal Lobbying Services—to August 8, 2016; **carried unanimously (Council Member Fagan absent).**

CONSENT AGENDA

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council approved Staff Recommendations for the following:

Increase estimated expenditure to purchase PC, Laptop and Mobile Data Hardware Equipment for the Fire Department from Dell Marketing L.P. (Dell Financial Services, L.L.C.) (Austin, TX)—maximum increase of \$130,440 (incl. tax). Total contract maximum of \$521,760 (incl. tax). (OPR 2016-0005)

Multiple Family Housing Property Tax Exemption Agreement with:

- a. Northrock Island, LLC for one multi-family building with 12 units located at 712 South Scott Street. (OPR 2016-0579)
- b. Riverview II, LLC for one multi-family building with 50 units located at 1404 West Riverside Avenue. (OPR 2016-0580)
- c. M & J Scott St., LLC for one multi-family building with up to 11 units, located at 509 South Scott Street. (OPR 2016-0581)

Interlocal agreement between the City and the Spokane International Airport for the implementation and annual maintenance of Computer Aided Dispatch, Records Management System, and Mobile Applications—\$65,000. (OPR 2016-0582)

Washington State Department of Transportation Aviation Grant Offer and Agreement SPO-01-16 for the Felts Field Taxiways B, D, & E and Taxilanes Rehabilitation Project—\$18,250.72 Revenue. (OPR 2016-0584)

Interlocal Agreement with Spokane County and Spokane County Prosecutor to fund and staff the Relicensing Program for 2016—\$100,000 Revenue. (OPR 2016-0585)

Contract with the Washington Department of Emergency Management for payment of claims from Federal Emergency Management funds for costs incurred during the 2015 Windstorm—\$1,400,000 Revenue. (OPR 2016-0586)

Three-year Contract with Inland Environmental Resources, Inc. (Spokane, WA) to supply liquid Magnesium Hydroxide to the Riverside Park Water Reclamation Facility for effluent pH adjustment—Yearly estimated cost \$538,065. (OPR 2016-0587; BID 4255-16)

Contract Amendment No. 2 with Michael McMahon and the firm of Etter, McMahon, Lamberson, VanWert & Oreskovich, P.C. adding additional funds and removing the termination date—\$35,000. Total Contract Amount: \$185,000. (OPR 2015-0915)

First Amendment to Interlocal Agreement between the City and the Spokane County Library District Concerning Mitigation of the Impact of Annexation in Moran Prairie and Glenrose Prairie. (OPR 2004-1086)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through July 15, 2016, total \$3,665,746.77 (Check Nos. 526976-527226; ACH Payment Nos. 27856-27993), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$3,450,772.86. (CPR 2016-0002)
- b. Payroll claims of previously approved obligations through July 16, 2016: \$6,721,475.81 (Payroll Check Nos. 539411-539771). (CPR 2016-0003)

City Council Meeting Minutes: July 11, 2016 (Regular & Special) and July 14, 2016. (CPR 2016-0013)

(Clerical Note: During the City Council's July 18, 2016, 3:30 p.m. Briefing Session, City Administrator Theresa Sanders noted the addition to the July 25 Agenda of a staff request to reschedule the hearing on vacation of portions of North Center Street, North Crescent Drive, Ross Court, Hamlin Street, and a portion of a nearby alley, as requested by Avista from July 25, 2016, to August 15, 2016. The item was reflected as an addendum to the July 25, 2016, Advance Agenda and was supposed to have been incorporated into the July 25, 2016, Current Agenda when the "Advance" Agenda was converted to the "Current" Agenda; however, that did not occur. In order to correct this error, the staff request to reschedule the hearing will be placed instead on the August 8, 2016, Agenda.)

Grant Funding from the U.S. Department of Transportation (OPR 2016-0583) (taken separately)

Council Member Mumm noted in some of the information provided in a staff report indicated that the grant was for overtime. The grant itself did not specify that it had to be used for (police) overtime and some of it could be used for educational materials. She noted there was a further discussion with staff about this. Council Member Mumm stated she is willing to support this; however, she wanted to make sure the message is clear that if we don't have to use overtime for this, we can help find other ways to accomplish the goal. She further stated if the grant money can be spent that helps keep commercial vehicle inspections going forward for what the intent was, we'll just have that conversation with the administration. She further stated that although some of the language says for police overtime, at least how she

would like to vote for this and support it is that it is not required to use overtime. Subsequent to additional Council commentary, the following action was taken:

Motion by Council Member Mumm, seconded by Council Member Waldref, **to approve** Grant funding from the U.S. Department of Transportation (Washington, DC CFDA# 20.218)—\$49,726 with a City Match requirement of \$12,432. Award period is June 1, 2016 to September 30, 2017. Motion **carried unanimously (Council Member Fagan absent)**.

Council Recess/Executive Session

The City Council adjourned at 3:39 p.m. The City Council immediately reconvened into an Executive Session for one hour on pending litigation and personnel matters. (Clerical Note: Following the meeting, clarification was received that the City Council would be reviewing qualifications of applicants for public employment as part of their Executive Session.) Special Counsel Roy Koegen, Brian Kistler, and Tanya Barton of Kutak Rock were present for the first portion of the Executive Session. Assistant City Attorney Mike Piccolo and Acting Human Resources Director Chris Cavanaugh were present for the second portion of the Executive Session. The City Council reconvened again at 6:00 p.m. for the Regular Legislative Session.

LEGISLATIVE SESSION

Pledge of Allegiance

The Pledge of Allegiance was led by Council President Stuckart.

Roll Call

Council President Stuckart and Council Members Beggs, Kinnear, Mumm, Stratton, and Waldref were Present. Council Member Fagan was absent.

City Council's Policy Advisor Brian McClatchey and City Clerk Terri Pfister were also present.

PROCLAMATION

Council Member Mumm read a Mayoral proclamation wherein the Mayor, on behalf of the citizens of Spokane, salutes the establishment of the Spokane County Human Rights Task Force and stands ready to work with SCHRTF in promoting the principles upon which it was founded. Dean Lynch accepted the proclamation and provided remarks regarding SCHRTF.

BOARD AND COMMISSION VACANCIES

Council President Stuckart announced the following vacancies:

- Design Review Board – three positions: One citizen at large, one real estate developer, and one engineer. Apply as soon as possible.
- Citizens Transportation Advisory Board: One representative from District 3. The deadline is September 15.
- Civil Service Commission: One position opening in December. Deadline is October 14.
- Northeast Public Development Authority: One position for a business representative. Apply as soon as possible.
- West Quadrant Tax Increment Financing Neighborhood Project Advisory Committee: Four positions. Apply as soon as possible.

For vacancy information, citizens can visit <https://my.spokanecity.org/bcc/> or call (509) 625-6250.

ADMINISTRATIVE REPORTS

Presentation of Awards

Dave Anderson from the Washington State Department of Commerce and President of the American Planning Association – Inland Empire Chapter presented awards which are given out to recognize outstanding planning in the State of Washington and in particular Eastern Washington. One award from the American Planning Association was given for the City's Pedestrian Master Plan. The Plan was recognized for identifying investment with great impact and great bang for the buck. In addition, it is well written and readable and sets clear goals and sound implementation steps. The second award from the American Planning Association is the Outstanding Elected Official who furthers excellence in community planning. This award was presented to Council Member Mumm who has a long history of neighborhood activism and is a strong advocate for neighborhoods. In addition, she was recognized as being a strong vision and an

advocate for neighborhood business and economic development and is an advocate for fairness, justice and equity. Council President Stuckart thanked staff and former Council Member Snyder for the Pedestrian Master Plan and Council Member Mumm recognized former employee Ken Pelton who came out of retirement to assist on the plan.

Mr. Anderson then as a representative of the State Department of Commerce, and accompanied by Melissa Carpenter from the Governor's Office, presented the Governor's Smart Communities Award for 2016 to the City of Spokane for its Pedestrian Master Plan. He noted the judges indicated it was a great example of a community using planning tools to enhance appropriate methods of dealing with future transportation and it was a very interesting use of the subarea planning tool for a pedestrian plan, and they appreciated the linkage to future infrastructure investment.

There were no **Appointments**.

COUNCIL COMMITTEE REPORTS

Public Works Committee

Council Member Waldref reported on the Public Works Committee meeting held earlier today (July 25, 2016). Minutes of the Public Works Committee are filed with the City Clerk's Office and are available for review following approval by the Public Works Committee.

OPEN FORUM

Diane Eickhoff commented that police are overtasked with extra duties and don't have the time to give citizens the safety they need. She remarked on safety concerns in the area where she lives in an apartment.

Rick Bocook commented on private security and businesses and questioned where the accountability and equality is when they step on people's rights.

Gabriel Elliot commented on religious beliefs being over sensationalized and what is happening in the world, and he provided other remarks.

LEGISLATIVE AGENDA

At the request of Council Member Fagan, who was absent from the meeting, Council President Stuckart announced the following voting preferences for Council Member Fagan were he able to be in attendance at tonight's meeting:

Ordinances:

C35416 - Yes
C35417 - Yes
C35418 - No
C35419 - Yes
C35421 - No

Resolutions:

2016-0062 - Yes
2016-0063 - Yes
2016-0064 - No

EMERGENCY BUDGET ORDINANCES

Emergency Budget Ordinance C35417

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

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council **passed Emergency Budget Ordinance C35417** 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:

General Fund
FROM: Interfund Other General Govt. Services, \$50,800;
TO: Various Accounts, same amount.

[This action creates an additional Compliance/Tax Auditor position in the Finance Division (from 1 to 2 positions).]

Emergency Budget Ordinance C35418

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

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council **passed Emergency Budget Ordinance C35418** 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:

Grants Management – General Fund
FROM: RSV TCC, \$90,000;
TO: Various Accounts, same amount.

[(This action creates a Contract Compliance Officer position for the Grants Management Department (from 0 to 1 position).]

Emergency Budget Ordinance C35419

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

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council **passed Emergency Budget Ordinance C35419** 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:

Misc. CD Grants Fund
FROM: Private Grants, \$60,000;
TO: Various Accounts, same amount.

[This action establishes the budget necessary to accept \$60,000 revenue and disburse the same for related expenses under OPR 2016-0447 (Invest Health training grant).]

There were no **Emergency Ordinances**.

RESOLUTIONS and FINAL READING ORDINANCES

Resolution 2016-0062

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

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council **adopted Resolution 2016-0062** authorizing the execution of United States Department of Transportation Federal Aviation Administration Grant Offer No. 3-53-0072-054-2016 – Spokane International Airport—\$6,900,000.

Resolution 2016-0063

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

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council **adopted Resolution 2016-0063**, approving settlement of Graham Construction & Management, Inc., et. al., v. City of Spokane, and Washington State Department of Transportation, Spokane County Superior Court No. 15-2-02931-7—\$200,000.

Final Reading Ordinance C35416

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

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council **passed Final Reading Ordinance C35416** changing the zone for property located below the bluff, southwest of Hatch Road as it curves eastward and becomes 57th Avenue in the City and County of Spokane, State of Washington, by amending the Official Zoning Map to show a Planned Unit Development Overlay Zone for said property.

Resolution 2016-0064 and Final Reading Ordinance C35421

The City Council considered Resolution 2016-0064 and Final Reading Ordinance C35421 together. Council Member Beggs provided an overview of the matters. Council Member Waldref presented a revised version of Ordinance C35421 that she and Council Member Mumm worked on, and she provided an overview of the revisions. Subsequently, the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Kinneary, **to substitute** (the previously filed version with) this new version for consideration by the public and this Council tonight; **carried unanimously (Council Member Fagan absent).**

Public testimony was then received on Resolution 2016-0064 and Final Reading Ordinance C35421, as amended, and Council commentary held. The following action was then taken:

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council **adopted Resolution 2016-0064** requesting that the Spokane County Auditor to hold a special election on November 8, 2016 in conjunction with the scheduled general election to submit to the electors of the City of Spokane a proposition regarding the enactment of a new section 10.08.068 of the Spokane Municipal Code, relating to a prohibition on the transit of oil and coal trains through specific areas of the City of Spokane and **passed Final Reading Ordinance C35421, as amended,** submitting a ballot proposition to the voters of the City of Spokane enacting a new section 10.8.068 of the Spokane Municipal Code relating to a prohibition on the transit of oil and coal trains specific areas of the City with an **amended version, carried unanimously (Council Member Fagan absent).**

(Clerical Note: Subsequent to the City Council meeting, the word "proposition" was changed to the word "measure" throughout both Resolution 2016-0064 and Final Reading Ordinance C35421. This was done at the request of Council Members who wished the proposition to be identified as Measure No. 1 on the ballot and so that it would not be confused with STA's Ballot Proposition No. 1. This change is considered clerical in nature.)

FIRST READING ORDINANCES

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

- ORD C35250** Vacating the alley between Garfield Street and Scott Street from the South line of 43rd Avenue to the north line of 44th Avenue. (Southgate Neighborhood) (Hearing on vacation held April 27, 2015).
- ORD C35420** Relating to special revenue funds, amending SMC sections 7.08.130 and adding a new section to be numbered 7.08.150.

There were no **Special Considerations**

There were no **Hearings**

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

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 7:56 p.m.

MINUTES OF SPOKANE CITY COUNCIL**Monday, July 18, 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 Stuckart and Council Members Beggs, Kinnear, Mumm, Stratton, and Waldref were present. Council Member Fagan was 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 July 25, 2016, Advance Agenda items.

Staff Request to Reschedule Hearing on Vacation of Portions of North Center Street (RES 2016-0057)

City Administrator Theresa Sanders noted the addition to the July 25 Agenda of a staff request to reschedule the hearing on vacation of portions of North Center Street, North Crescent Drive, Ross Court, Hamlin Street, and a portion of a nearby alley, as requested by Avista from July 25, 2016, to August 15, 2016.

Ordinance C35416

Subsequent to an overview of Ordinance C35416 by Dave Compton of Development Services Center, the following actions were taken:

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

Motion by Council Member Stratton, seconded by Council Member Waldref, **to move** Final Reading Ordinance C35416 to First Reading on the 18th (of July) and second reading on the 25th (of July); **carried unanimously (Council Member Fagan absent).**

[Clerical Note: During the City Council's July 11, 2016, meeting, upon review of the July 18, 2016, Advance Agenda, this matter (Ordinance C35416) was deferred for 30 days. As a result of the above action, Ordinance C35416 is added back on the July 18, 2016, Agenda for first reading and the July 26, 2016, Agenda for final reading.]

Resolution 2016-0064 and Ordinance C35421 – Regarding Oil and Coal Trains

Council President Stuckart noted that Council Member Beggs has handed out a resolution (and ordinance) that he, along with Council Member Beggs and Kinnear, had agreed to co-sponsor and that is to put a measure on the ballot this fall. Council Member Beggs noted the ordinance was circulated at the Public Safety Committee meeting a few weeks ago about oil and coal trains. Subsequently, the following action was taken:

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

Council President Stuckart noted (at the request of Council Member Fagan) that were Council Member Fagan present he would have voted "no." Council Member Beggs presented a motion, seconded by Council Member Kinnear, to add both items to the next agenda. Council Member Mumm stated she has some modifications and thoughts and isn't quite ready to go forward; however, because there is a deadline of potentially putting it on the ballot, she indicated she would support this (placing the matters on the City Council agenda) to have a public discussion. The additional action was then taken:

Motion by Council Member Beggs, seconded by Council Member Kinnear, **to add** both (the resolution and the ordinance) to the City Council agenda next week; **carried unanimously (Council Member Fagan absent).**

(Clerical Note: As a result of the above action, the first reading of Ordinance C35421 was placed on the City Council's July 18, 2016, Agenda; and Resolution 2016-0064 and the final reading of Ordinance C35421 was placed on the July 25, 2016, Agenda.)

(Additional Clerical Note: Regarding Resolution 2016-0064 and Ordinance C35421, Council Member Fagan indicated in an email to the City Clerk that were he able to be present he would have voted "no" on suspension of the rules and he would have voted "no" to place the matters on the City Council's agenda.)

Action to Approve July 25, 2016, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the July 25, 2016, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Beggs, seconded by Council Member Waldref, **to approve** the Advance Agenda for Monday, July 25, 2016, (as amended); **carried unanimously (Council Member Fagan absent).**

ADMINISTRATIVE SESSION

Current Agenda Review

The City Council considered the July 18, 2016, Current Consent Agenda items.

Amendment to Special Counsel Contract with Kutak Rock LLP (OPR 2016-0188)

The Spokane City Council considered an Amendment to the Special Counsel Contract with Kutak Rock LLP. Council Member Beggs suggested an amendment to the scope of work [addition of a new Section 2 (Performance) to the proposed Contract Amendment]. He noted the Seabold investigation is going to be complete soon, and there are still outstanding documents that are attorney-client privileged that Kutak Rock is reviewing in order for Seabold to review. He stated it would be much cheaper to have Kutak Rock retain Seabold to be able to look at them within the attorney client privilege as part of the City's efforts to defend itself and analyze current and future claims. Council Member Beggs further noted the City Council passed a resolution to hire a different Seattle law firm to do this; however, Kutak is already on board and doing it, and they are already working with Ms. Cappel (of Seabold) and this would formalize that. The Contract Amendment would also extend Kutak's contract and pay them for work they have already done and will continue to do that (to pay for ongoing work). The following action was taken subsequent to Council commentary:

Motion by Council Member Beggs, seconded by Council Member Mumm, **to substitute** this version (and thereby replace the previously filed version of the Contract Amendment), **with friendly amendment** by Ms. Mumm and accepted by Mr. Beggs, under Section 3 (of the Contract Amendment) **to add** the word "effective," so (it reads) "This Contract Amendment shall become effective June 10, 2016." **Motion carried unanimously (Council Member Fagan absent).**

City Clerk Report on Proposed Initiative No. 2016-2 filed by Gunnar Holmquist, M.D. (LGL 2016-0027)

The City Clerk reported on proposed Initiative No. 2016-2 filed by Gunnar Holmquist, M.D., regarding a Charter Amendment regarding the citizen's right to a healthy climate. On July 8, 2016, Dr. Holmquist filed the proposed initiative with the Office of the City Clerk pursuant to SMC 2.02.230, the City Attorney's Office reviewed the measure and in consultation with the sponsor prepared a ballot title and summary of measure. Per SMC 2.02.040, upon receiving this report from the City Clerk, the City Council may reject the initiative measure and propose another one dealing with the same subject to be considered as Council Legislation or submit the initiative measure to the voters on its own motion. If the City Council does not submit the initiative measure to the voters, the initiative and the ballot title and summary of the measure shall be forwarded by the City Clerk to the City Hearing Examiner who shall issue a formal written opinion as to the legal validity and effect of the proposed measure to the City Council, City Clerk, and initiative sponsor within 14 days of receiving the initiative measure from the City Clerk. Subsequent to Council commentary, the following action was taken:

Motion by Council Member Beggs, seconded by Council President Stuckart, **to defer** the matter a week and ask staff to make a resolution so we can have a full discussion at the 6:00 p.m. Legislative Session next week about whether we should put this directly on the ballot. **Motion rejected 3-3 (Council Members Kinnear, Stratton, and Waldref voting "no" and Council Member Fagan absent).**

Since the above motion was rejected, the City Clerk will forward the initiative and the ballot title and summary of the measure to the City Hearing Examiner for review. [Clerical Note: To carry, the motion required at least four affirmative votes (reference City Council Rule 5.5.1); and, upon a tie vote, the status quo prevails (reference City Council Rule 5.5.3).]

CONSENT AGENDA

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

Contract with SNAP to provide grant assistance to low-income homeowners to remove tree debris from the November 2015 windstorm—\$200,000. (OPR 2016-0565)

(Clerical Note: With respect to the Contract with SNAP, Council Member Fagan expressed in an email to the City Clerk that were he able to be present his vote on this matter would be “no.”)

Renewal of the lease agreement between the East Central Community Organization and the City for the premises at 500 South Stone Street until December 31, 2031—\$1.00 per year. (OPR 2012-0995)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through July 8, 2016, total \$4,467,247.39 (Check Nos. 526766-526966; ACH Payment Nos. 27722-27855) with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$4,435,891.96. (CPR 2016-0002)

Recommendation to list the Burr House, 628 East 22nd Avenue, on the Spokane Register of Historic places. (OPR 2016-0559)

Amendment to the Special Counsel Contract with Kutak Rock LLP (Spokane, WA) in regards to the Frank Straub v City of Spokane matter—increase of \$101,300. Total Contract Maximum: \$150,000. (OPR 2016-0188)

[Clerical Note: Upon reading this item (Amendment to the Special Counsel Contract with Kutak Rock LLP) as part of the July 18 Current Consent Agenda items, the City Clerk incorrectly read the dollar amount as \$101,300, plus the amendment, for a total contract maximum of \$170,000, which would include the \$20,000 referenced under Section 2 of the amended Contract Amendment. Following the meeting, the City Clerk conferred with Council Member Beggs and was advised the total contract maximum remains at \$150,000, and the \$20,000 referenced under Section 2 of the amended Contract Amendment is included in the \$101,300 increase and \$150,000 total contract maximum.]

(Additional Clerical Note: With respect to the Amendment to the Special Counsel Contract with Kutak Rock LLP, Council Member Fagan expressed in an email to the City Clerk that were he able to be present he would have voted “no” on this item.)

Council Recess/Executive Session

The City Council adjourned at 4:33 p.m. No Executive Session was Held. The City Council reconvened again at 6:00 p.m. for the Regular Legislative Session.

LEGISLATIVE SESSION

Pledge of Allegiance

The Pledge of Allegiance was led by Council President Stuckart.

Roll Call

Council President Stuckart and Council Members Beggs, Kinnear, Mumm, Stratton, and Waldref were Present. Council Member Fagan was absent.

City Council’s Policy Advisor Brian McClatchey and City Clerk Terri Pfister were also present.

MOMENT OF SILENCE

Council President Stuckart called for a moment of silence because we need to keep being reminded to be nice to each other and stop using violence as a solution.

BOARDS AND COMMISSION APPOINTMENTS

East Sprague Business Improvement District Board (CPR 2016-0035)

The Spokane City Council took the following action:

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council approved (and thereby confirmed) the following appointments:

East Sprague Business Improvement District Board

- Appointment of Laverne Biel to a two-year term.
- Appointment of Darryl Reber to a two-year term.

- Appointment of Robert Mauk to a two-year term.
- Appointment of James Hanley to a one-year term.
- Appointment of Jim Orovic to a one-year term.

BOARD AND COMMISSION VACANCIES

Council President Stuckart announced the following vacancies:

- Design Review Board – three positions: One citizen at large, one real estate developer, and one engineer. Apply as soon as possible.
- Citizens Transportation Advisory Board: One representative from District 3. The deadline is September 15.
- Civil Service Commission: One position opening in December. Deadline is October 14.
- Northeast Public Development Authority: One position for a business representative. Apply as soon as possible.
- West Quadrant Tax Increment Financing Neighborhood Project Advisory Committee: Four positions. Apply as soon as possible.

For vacancy information, citizens can visit <https://my.spokanecity.org/bcc/> or call 625-6250.

ADMINISTRATIVE REPORTS

Pool Passes Program

Council Member Mumm noted she sits on the Park Board, and there was a question at one of our recent council meetings about whether kids can swim for free at some of our pools, and she noted they can. She introduced Parks Department Assistant Recreation Director Carl Strong who does a lot of work with Parks and Recreation. Mr. Strong noted Parks has 13 free swim days that are provided through the Park Foundation during “Free Swim Fridays” across the County. He also noted there is a free swim week coming up on August 1 and also the Central Lions Club typically sponsors a day and this year it’s on the 6th of August. Mr. Strong also provided a summary of some of the other available swim programs.

COUNCIL COMMITTEE REPORTS

Planning and Economic Development Committee

Council Member Mumm reported on the Planning and Economic Development Committee meeting held earlier today (July 18, 2016). Minutes of the Planning and Economic Development Committee are filed with the City Clerk’s Office and are available for review following approval by the Planning and Economic Development Committee.

Public Safety Committee

Council Member Kinnear reported on the Public Safety Committee meeting held earlier today (July 18, 2016). Minutes of the Public Safety Committee meeting are filed with the City Clerk’s Office and are available for review following approval by the Public Safety Committee.

OPEN FORUM

Allan McDowell spoke on why the City needs an ordinance against electric shock therapy.

Susan Bacon remarked on the impact of marijuana on the City of Spokane and the State of Washington.

John Ahern commented on two initiatives relating to marijuana, one that he is sponsoring and one that Tim Coyle is sponsoring.

Council President Stuckart noted that a report from the Police Department on marijuana was provided at the Public Safety Committee and they looked at the downtown facility that is open that has caused some consternation with Our Lady of Lourdes. He noted that in the first six months of 2014, there were 368 calls for service within a thousand feet of that facility when it was empty. In 2015, we received 247 calls for service in the first six months when it’s been abandoned. Since there has been a business there, there have been 243 calls for service, and the number has gone down since the marijuana store has opened.

Marshall Smith remarked on the three finalists for police chief that will appear in Spokane this Wednesday, and he talked about the process for security clearance. In addition, he remarked on transparency, noting there are three candidates; and he questioned what happened to the other 28 and who they are and he inquired what the selection criteria was for the three.

Ken Cruz commented on Broadway west of Maple and going down to Chestnut and the condition that portion of the road is in. If you go to either side of that, if you go east of Maple, it's been resurfaced and the same going past Dutch Jake's Park, but the Broadway area has not been resurfaced. He also commented on some other streets that have been resurfaced. Council Member Mumm noted it is on the plan and she indicated she would get Mr. Cruz's contact information and let him know what year it's scheduled. She also noted there is now a transportation subcommittee that reports to the Plan Commission that does give advice on prioritizing those areas.

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCES

Subsequent to a brief overview of Ordinances C35414 and C35415 by Council President Stuckart and public testimony and Council commentary on the respective ordinances, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member Waldref Fagan absent), 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 C35414 General Fund
FROM: Unappropriated Reserves, \$21,154;
TO: Planning Dept - Contractual Services, \$21,154.

(This action provides additional funds to the Planning Services budget for use by the newly-formed Audubon/Downriver Neighborhood Council.)

ORD C35415 General Fund
FROM: Unappropriated Reserves, \$20,190;
TO: City Council - Contractual Services, \$20,190.

(This action provides funding for the completion of the Corbin Senior Center elevator project.)

There were no **Emergency Ordinances**.

RESOLUTIONS

Resolution 2016-0061

Subsequent to an overview of Resolution 2016-0061 by Council Member Kinnear, public testimony, and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member Fagan absent), the City Council **adopted Resolution 2016-0061** Concerning efforts to combat human trafficking in the City of Spokane.

FINAL READING ORDINANCES

Final Reading Ordinance C35403

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

Upon 5-1 Roll Call Vote (Council Member Kinnear voting "no" and Council Member Fagan absent), the City Council **passed Final Reading Ordinance C35403** granting a non-exclusive franchise to use the public right of way to provide noncable telecommunications service to the public to Mobilite LLC, subject to certain conditions and duties as further provided.

FIRST READING ORDINANCES

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

- ORD C35416** Changing the zone for property located below the bluff, southwest of Hatch Road as it curves eastward and becomes 57th Avenue in the City and County of Spokane, State of Washington, by amending the Official Zoning Map to show a Planned Unit Development Overlay Zone for said property.
- ORD C35421** Submitting a ballot proposition to the voters of the City of Spokane enacting a new section 10.08.068 of the Spokane Municipal Code, relating to a prohibition on the transit of oil and coal trains through specific areas of the City.

There were no **Special Considerations**

There were no **Hearings**

SECOND OPEN FORUM

Cherie Barnett remarked that going forward with plans on Monroe Street is a serious mistake, and she noted that Howard was already changed. She noted Monroe is a great street and it is really busy.

John Lemus announced that on Wednesday evening the three candidates for chief of police will be at the West Central Community Center. There will be a reception at 4:30 p.m. and then a public Q & A session beginning at 5:30 p.m. He noted if individuals are not able to attend the event, they can send questions to policechiefsearch@spokanecity.org.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 7:20 p.m.

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. C35416

An Ordinance changing the zone for property located below the bluff, southwest of Hatch Road as it curves eastward and becomes 57th Avenue in the City and County of Spokane, State of Washington, by amending the Official Zoning Map to show a Planned Unit Development Overlay Zone for said property.

WHEREAS, the Hearing Examiner held the first public hearing on December 7, 2006. After taking testimony, the hearing was continued to December 20, 2006. Testimony was taken again and the matter was continued several times without a further hearing being held until the final hearing was held on May 11, 2007. The record remained open until May 30, 2007, for the submission of post hearing memorandums; on the request of the owner of certain property zoned RSF (Residential Single-Family), and generally located below the bluff, southwest of Hatch Road as it curves eastward and becomes 57th Avenue in the City and County of Spokane, State of Washington, and on June 11, 2007, recommended approval of a Planned Unit Development Overlay Zone for said property subject to conditions; and

WHEREAS, this designation is not a major action significantly affecting the quality of the environment; and

WHEREAS, the City Council, upon public hearing, adopts the Findings, Conclusions, and Decision of the Hearing Examiner, and further determines that this rezone furthers the accomplishment of the Land Use Element of the Comprehensive Plan, encourages orderly development of a type and at a time that enhances the neighborhood, and does not produce adverse effects on the local environment; NOW, THEREFORE - - -

The City of Spokane does ordain that the Director of Planning Services be directed to change the Official Zoning Map adopted by Spokane Municipal Code Section 17A.040.040, so as to designate the property described as:

MARSHALL'S 10 ACRE TRACT, 1ST ADDITION, BLOCK 5;
 EXCEPT QUAIL RIDGE PLANNED UNIT DEVELOPMENT;
 AND EXCEPT THAT PORTION OF LAND DEEDED TO THE CITY OF SPOKANE UNDER AFN. 6503202 FOR PUBLIC RIGHT OF WAY, BEING A PARCEL OF LAND BEING A PORTION OF THE NE 1/4 OF SECTION 5 AND A PORTION OF GOVERNMENT LOT 15 AND GOVERNMENT LOT 16 OF SECTION 5, TOWNSHIP 24 NORTH, RANGE 43 EAST, WILLAMETTE MERIDIAN, SPOKANE COUNTY, WASHINGTON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 POINT OF COMMENCEMENT AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 16, SECTION 5, TOWNSHIP 24 NORTH, RANGE 43 EAST, WILLAMETTE MERIDIAN, SPOKANE COUNTY, WASHINGTON;
 THENCE NORTH 27°15'37" EAST A DISTANCE OF 189.92 FEET TO THE POINT OF BEGINNING.
 THENCE NORTH 25°20'18" WEST A DISTANCE OF 293.53 FEET;
 THENCE NORTH 00°03'18" WEST A DISTANCE OF 7.65 FEET;
 THENCE SOUTH 44°38'36" WEST A DISTANCE OF 5.46 FEET TO A NON-TANGENT CURVE;
 THENCE ALONG A NON-TANGENT CURVE TO THE SOUTHEASTERLY, HAVING A RADIUS OF 489.87 FEET, A CENTRAL ANGLE OF 35°29'13", AN ARC LENGTH OF 303.41 FEET, A CHORD BEARING OF SOUTH 25°41'49" EAST, AND A CHORD LENGTH OF 298.58 FEET TO THE POINT OF BEGINNING.
 CONTAINING 4,949.97 SQUARE FEET (0.11 ACRES) OF LAND MORE OR LESS.
 SUBJECT TO RIGHTS OF WAY, EASEMENTS OR SERVITUDES OF RECORD OR IN VIEW.

in the City and County of Spokane, State of Washington, with a Planned Unit Development Overlay Zone.

Passed by City Council July 25, 2016
Delivered to Mayor August 1, 2016

ORDINANCE NO C35417

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 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:	0410-34100	General Fund	
	99999-34919	Interfund Other General Govt. Services	<u>\$ 50,800</u>
TO:	0410-34100	General Fund	
	14230-01250	Compliance/Tax Auditor (from 1 to 2 positions)	36,000
	14230-52110	Social Security	2,800
	14230-52230	Pension Leoff II	3,000
	14230-52310	Medical Insurance	7,500
	14230-52330	Life Insurance	50
	14230-52320	Dental Insurance	500
	14230-52340	Disability Insurance	200
	14230-51640	Deferred Comp	750
			<u>\$ 50,800</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 create an additional Compliance/Tax Auditor position, 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 July 25, 2016
Delivered to Mayor August 1, 2016

ORDINANCE NO C35418

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 Grants Management Department 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 Grants Management Department, and the budget annexed thereto with reference to the General Fund, the following changes be made:

FROM:	0430-30210	Grants Management	
	14600-59954	RSV TCC	90,000
			<u>\$ 90,000</u>
TO:	0430-30210	Grants Management	
	14600-01150	Contract Compliance Officer (from 0 to 1 position)	61,262
	65410-52110	FICA	4,687
	65410-52210	Retirement	5,054
	65410-52310	Medical	16,297
	65410-52320	Dental	1,300
	65410-52330	Life Insurance	500
	65410-52340	LTD	300
	65410-52400	Industrial Insurance	100
	65410-51640	Deferred Comp	500
			<u>\$ 90,000</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 create a Contract Compliance Officer position for the Grants Management department, 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 July 25, 2016
Delivered to Mayor August 1, 2016

ORDINANCE NO C35419

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 Miscellaneous Community Development Grants 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 Miscellaneous Community Development Grants Fund, and the budget annexed thereto with reference to the Miscellaneous Community Development Grants Fund, the following changes be made:

FROM:	1700-53010	Misc. CD Grants	
	65110-36720	Private Grants	<u>\$ 60,000</u>
TO:	1700-53010	Misc. CD Grants	
	65110-54201	Contractual Services	17,208
	65110-54401	Airfare	3,389
	65110-54407	Lodging	3,990
	65110-54408	Per Diem	742
	65110-54409	Other Transportation	355
	65110-54901	Misc. Services/Charges	34,317
			<u>\$ 60,000</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 expend Invest Health grant funds accepted by City Council under OPR 2016-0447, 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 July 25, 2016
Delivered to Mayor August 1, 2016

ORDINANCE NO. C35421

An ordinance submitting a ballot measure to the voters of the City of Spokane enacting a new section 10.08.068 of the Spokane Municipal Code, relating to a prohibition on the transit of oil and coal trains through specific areas of the City of Spokane.

WHEREAS, pursuant to section 84 of the City Charter, the City Council, of its own motion, may submit to the popular vote for adoption or rejection at any election, any proposed ordinance or measure, in the same manner and with the same force and effect as provided in the article for submission on petition; and

WHEREAS, the City of Spokane has the duty to provide public safety, care for the health and welfare of its citizens within the city limits, and protect private and public property owners from trespass by contaminants such as uncontained coal from railway cars and the danger of leakage, explosion, fire, and trespass by Bakken crude and other highly flammable liquid petroleum delivered by railway cars; and

WHEREAS, uncontained coal railway cars distribute coal dust and rocks onto the land beyond the right of way or permission granted to them while traveling through the City of Spokane, and this distribution of coal dust and rocks can constitute a substantial threat to the health, safety, and welfare of residents within the City of Spokane and a matter of state and local trespass and nuisance law; and

WHEREAS, the transport of some types of liquid petroleum, such as Bakken crude oil, by railway car within the boundaries of the City of Spokane is an ultra-hazardous activity that may pose a grave and essentially local danger of fire and explosion to the health, safety, and welfare of residents of the City of Spokane, and this is a danger which has not currently been mitigated; and

WHEREAS, the Spokane River is connected to the Spokane Valley-Rathdrum Prairie Aquifer, which is the sole source of drinking water for residents of the City of Spokane; and

WHEREAS, the Commerce Clause of the United States Constitution allows local governments, such as the City of Spokane, to impose generally applicable regulations which mitigate and/or attempt to prevent the negative local health and safety consequences of the interstate transportation of goods. *Huron Portland Cement Co. v. Detroit*, 362 U.S. 440 (1960), and the United States has further limited the reach of the Commerce Clause from interfering with essentially local issues of school safety and domestic violence; and

WHEREAS, 17 schools have been identified to be within one mile of the potential blast zone, or the evacuation area, in the City of Spokane, including Lewis and Clark High School. Additionally, there are multiple medical facilities that would be impacted including Deaconess Hospital, Spokane Regional Health District, and Sacred Heart Medical Center; and

WHEREAS, Washington State Law requires the City of Spokane to provide drinking water safe from oil contamination to its water customers under RCW 70.119A.060 and prohibits illegal trespass and nuisance on real property outside of a specified right of way; and

WHEREAS, on June 4, 2016, the day after an oil train derailment in Mosier, Oregon, emergency crews found an oil sheen in the Columbia River near the scene of the derailment and in July, the Oregon Department of Environmental Quality reported significant oil ground water contamination from a well monitor near the accident; and

WHEREAS, federal statutes, specifically, 49 U.S.C. § 20106(a)(2)(A-C) and (b)(1)(A-C), allows the enforcement of state laws concerning essentially local safety hazards created by rail traffic until such time as the Secretary of Transportation specifically addresses the unique and essentially local issue of transporting oil through Spokane's sole source drinking water aquifer; and

WHEREAS, the Washington State Constitution reserves rights of local control to the people and local jurisdictions and further directs them to protect property from unconsented nuisance and trespass and protect wellheads from potential dangers of contamination; and

WHEREAS, the United States Constitution reserves rights for and grants unenumerated rights to the States and the People to protect their health, welfare and safety, including residents of the City of Spokane, including not limited to the language of Amendments 9 and 10, and federal law further obligates the City of Spokane to protect its wellheads from the danger of contamination; and

WHEREAS, the proposed new section 10.08.068 to the Spokane Municipal Code is appropriate and necessary to provide for the public health, safety, and welfare by restricting the permissible routes for the transport of oil through the most critical areas of the City of Spokane; and

WHEREAS, pursuant to its authority set forth in section 84 of the City Charter, the City Council has determined that a new section 10.08.068 to the Spokane Municipal Code should be submitted to the voters of the City for their adoption or rejection at the November 8, 2016 general election.

NOW THEREFORE, the people of the City of Spokane ordain:

Section 1. That there is enacted a new section 10.08.068 of the Spokane Municipal Code to read as follows:

Section 10.08.068 Authority; Intent and Purpose; Prohibition

- A. The City's charter, adopted under the authority of Article XI, section 10 of the Washington State Constitution, and the grant of police power contained in Article XI, section 11 of the Washington State Constitution, and the Constitution of the United States authorizes the City to make and enforce regulations to protect the public health and welfare within the City of Spokane.
- B. The City declares that the distribution of coal dust and rocks onto private and government owned land outside any railway right of way within the boundaries of the City of Spokane is an illegal trespass and nuisance.
- C. The City declares that the shipment of oil by rail is an inherently dangerous activity and poses a grave danger that is essentially and uniquely local to the residents of the City of Spokane which must be mitigated.
- D. It is unlawful for any person to operate or to permit railway cars to ship oil or uncontained coal in the following areas:
 1. Within a downtown zone, as designated on the official City zoning map (Downtown Core (DTC), Downtown General (DTG), Downtown South (DTS), and Downtown University (DTU));

- 2. within 2,000 feet of any school or hospital; or
- 3. within 2,000 feet of the Spokane River.

For purposes of this section, "oil" means any petroleum substance having a vapor pressure of 8 psi or higher or a flash point below 73° F.

E. Prohibitions.

- 1. The illegal transit of a railway car for the shipment of oil or coal within the boundaries of the City of Spokane is a class 1 civil infraction.
- 2. The transit of each railway car used to ship oil or coal within the prohibited areas of the City of Spokane described in SMC 10.08.068(D) is a separate violation.
- 3. Each entity participating in the shipment of the above described oil or coal by rail within the City of Spokane in a manner prohibited by this section is guilty of a class 1 civil infraction.

F. Severability. Any portion of this section that is determined by a competent adjudicative authority to be illegal or pre-empted shall be severed from this section and the remainder of this section shall continue unaffected.

Section 2. That this ordinance be submitted to the voters of the City of Spokane for their approval or rejection at the general election to be held on November 8, 2016, as the following measure:

**CITY OF SPOKANE
MEASURE NO. 1**

**MEASURE REGARDING PROHIBITION OF OIL AND COAL
SHIPMENT BY RAIL.**

If approved, this Measure would amend the Spokane Municipal Code to make it a class 1 civil infraction for any person or entity to ship coal and some types of oil by rail through the downtown Spokane core, or within 2,000 feet of a school, hospital, or the Spokane River as set forth in Ordinance No. C - 35421.

Should this measure be approved?

Yes.....

No

Section 3. Effective Date.

This ordinance, if approved by the voters, shall take effect and be in full force upon the issuance of the certificate of election by the Spokane County Auditor's Office.

Section 4. Council Review.

This ordinance shall be reviewed by the City Council for consistency with evolving technological safety measures and railroad best practices no later than September 1, 2018.

**Passed by City Council July 25, 2016
Delivered to Mayor August 1, 2016**



Policies and Procedures

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE

ADMIN 0620-16-66 / LGL 2016-0032

EFFECTIVE DATE: July 26, 2016

TITLE: ANTI BULLYING POLICY

1.0 GENERAL

1.1 Bullying of or by employees towards another employee or a group of employees interferes with work performance, and or the delivery of services and is therefore prohibited. All City employees will be treated in a fair and respectful manner.

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

2.1 This policy shall apply to all City divisions and departments.

2.2 The provisions of this policy do not supersede the provisions of any collective bargaining agreements or Civil Service rules, and when in conflict, the specific terms and conditions of the collective bargaining agreement or Civil Service rules will prevail.

3.0 REFERENCES

None

4.0 DEFINITIONS

4.1 Workplace bullying is unwelcome repeated unreasonable actions of employees directed towards other employees or a group of employees, which is intended to intimidate, humiliate, degrade or undermine an employee's right to dignity and respect at work.

4.2 "Unwelcome" is defined as any unsolicited repeated action by any employee (s) whether verbal or physical which humiliates, degrades insults or undermines another which is carried out with the intention to gain power or exert dominance to cause fear and distress.

4.3 Several examples of bullying behavior include but are not limited to the following:

4.3.1 Verbal bullying: Abusive and offensive language, insults, slander, spreading rumors and innuendo, yelling, name calling, mocking, insulting, ridiculing, accusatory or threatening statements, unwanted blaming, criticism which is undeserved, excessive and lacks merit, displaying offensive

photos, teasing or playing practical jokes, belittling, demeaning undermining abusive and/or threatening phone calls or text messages.

- 4.3.2 Control Bullying: Denying access to resources, projects or opportunities, threatening job loss, exclusion, inference or sabotage, inequitable or harsh treatment, public reprimands, setting unrealistic deadlines that are impossible to meet or isolating employees from normal work interaction, unfairly blaming for mistakes, and excessive supervision which is hostile and/or abusive.
- 4.3.3 Physical Bullying: Unwanted and unwelcome physical contact or non-verbal gestures, hitting, pushing, poking, tripping, stealing and destroying another employees possessions/property or any threat of physical assault and/or harm.

5.0 POLICY

- 5.1 It is the City of Spokane's policy that there shall be no workplace bullying of or by employees.
- 5.2 Mutual respect must be the basis of all City employees in addition to cooperation and understanding. The City of Spokane will neither tolerate nor condone bullying behavior that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive work environment.
- 5.3 All City employees are expected to abide by this policy. Anyone who violates this policy will be subject to disciplinary action up to an including discharge.
- 5.4 The City will not condone retaliation against anyone who files a bullying complaint or who participates in a bullying complaint investigation.

6.0 PROCEDURE

6.1 Complaint Procedure

- 6.1.1 A complainant who believes they have been a subject of bullying behavior should use the City's complaint procedures to resolve bullying complaints. For certain bullying complaints, dealing with race, color, religion, sex, national origin, age, veteran status and disability, a complainant is encouraged to file using the City's harassment complaint procedures as outlined in ADMIN 0620-05-53 General Harassment policy, ADMIN 0620-15-16 Discrimination in the Workplace, ADMIN 0620-05-35 Sexual Harassment.
- 6.1.2 Complaints of bullying must be submitted in writing. A complaint may be submitted by using the City's Discrimination/Harassment or Workplace Bullying Complaint form. All complaints must be signed or attested to by the individual making the complaint. The individual receiving the complaint must sign and date upon receipt.
- 6.1.3 Complaints of bullying should be brought to the attention of the immediate supervisor in a timely manner, or the Human Resource department. If the supervisor or manager is the one engaging in the bullying behavior, or the individual does not wish to tell the supervisor, the situation must be brought to the attention of the Human Resource Department. Alternatively, a complaint may be submitted at any time directly to the Human Resource Director or the Human Resource Analyst (s) assigned to the department.
- 6.1.4 An employee who is exposed to bullying may assertively tell the offending person that the conduct is unwelcome and must cease immediately.
- 6.1.5 Violations of the City's policy against bullying will ideally be resolved at the lowest level possible, informally and effectively.
- 6.1.6 No employee shall be retaliated against or adversely affected in employment for filing a complaint of bullying or for participating in an investigation.
- 6.1.7 When supervisors or managers are notified of alleged bullying complaints, they shall immediately:

- a. Document and report the incident to Human Resources or the Department Head.
 - b. Consult with Human Resources or the Department Head to investigate the complaint.
 - c. Take prompt appropriate corrective action and conduct an investigation within (10) days of receiving a complaint.
 - d. During the course of the investigation, the City will take reasonable measures possible to ensure that no further incidents of intimidation, bullying occurs between the complainant and the aggressor and the supervisor or Department Head shall encourage or refer the employee to utilize the City's Employee Assistance Program.
 - e. Provide findings and comments to the complainant within (15) working days of receipt of the complaint.
- 6.1.8 If the complainant is not satisfied with the corrective action taken, the issue must be brought by the complainant to the attention of the Human Resource Director within (10) days of receipt of the findings.
- 6.1.9 Occasionally, the offender may not be aware that a behavior is offensive or of a bullying nature. If at all possible the complainant should advise the offending individual that the behavior is offensive and request that it be discontinued immediately.
- a. If the complainant is not comfortable talking to the offending person and/or the conduct continues or reoccurs, the matter should be immediately reported to the complainant's supervisor, Department Head or, the Human Resource Director.
 - b. Employees who are aware of this type of behavior should report the behavior to their supervisor, Department Head, or the Human Resource Director.
 - c. Employees are required to fully cooperate in the processing of the complaint and investigation. Employees will be allowed to be accompanied by a Union Representative or a person with who they feel comfortable with.
 - d. An employee who files a false or malicious complaint of bullying will be subject to disciplinary action up to and including termination.

7.0 RESPONSIBILITIES

The Human Resources Department shall administer this policy and procedure.

8.0 APPENDICES

Discrimination/Harassment/Work Place Bullying Complaint Form

APPROVED BY:

Theresa M. Sanders
City Administrator

Date: July 11, 2016

Heather L. Lowe,
Human Resources Director

Date: June 30, 2016

James Richman
Assistant City Attorney

Date: June 27, 2016

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

Job Opportunities

The City of Spokane is an Equal Employment Opportunity Employer

WTE PLANT MANAGER SPN 585 OPEN ENTRY

DATE OPEN: Monday, August 1, 2016 **DATE CLOSED:** Sunday, August 7, 2016 at 11:59 p.m.
SALARY: \$103,230.72 annual salary, payable bi-weekly, to a maximum of \$127,555.92

This recruitment is for one week only.

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. Responsible for planning, coordinating and supervising the operation and maintenance of the facility.

MINIMUM QUALIFICATIONS:

Open Entry 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.

EXAMINATION DETAILS:

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire. The examination will consist of a training and experience evaluation in the form of a Supplemental Questionnaire with scoring weight assigned as follows:

- T&E: 100%

T&E EVALUATION DETAILS

The T&E examination consists of a Supplemental Questionnaire. The questions may be viewed online under the tab marked "**QUESTIONS**" on the job announcement page. The T&E must be submitted online at the time of application. All applicants must complete and submit a City of Spokane employment application online by 11:59 p.m. on the closing date.

- Responses to your T&E questions should be consistent with the information given in your application details. Answers are subject to verification.
- Failure to complete all of the questions or incomplete responses will result in a lower score; therefore, it is advantageous for you to provide a full and complete response to each supplemental question.
- Resumes or questionnaires uploaded as attachments to the application will not be accepted in lieu of completing each question online.
- "See Resume" or "See above," etc., are not qualifying responses and will not be considered.
- Changes or corrections to your responses cannot be made once your application packet has been submitted.
- **TIP:** It may be more efficient to develop your responses in a word processing document and then paste them into the online questionnaire to be submitted.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

TO APPLY:

Applications must be completed online at: <http://my.spokanecity.org/jobs> by 11:59 p.m. on the filing cut-off date. Qualified applicants are encouraged to apply immediately. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: civilservice@spokanecity.org with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4th Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 1st day of August 2016.

CRAIG HULT
Chair

GITA GEORGE-HATCHER
Chief Examiner

**WTE PLANT MANAGER SPN 585
PROMOTIONAL EXAMINATION**

DATE OPEN: Monday, August 1, 2016 **DATE CLOSED:** Sunday, August 7, 2016 at 11:59 p.m.
SALARY: \$103,230.72 annual salary, payable bi-weekly, to a maximum of \$127,555.92

This recruitment is for one week only.

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. Responsible for planning, coordinating and supervising the operation and maintenance of the facility.

MINIMUM QUALIFICATIONS:

Promotional Requirements: (Must be met by date of examination.)

Current City employees with one year of experience as a WTEP Operations Superintendent or three years of experience as a WTEP Maintenance Superintendent may apply on a promotional basis.

NOTE: Selection of a Senior Administrative Assistant, Rule V, Section 5, Rules of the Civil Service Commission, applies.

EXAMINATION DETAILS:

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire. The exam will consist of a training and experience evaluation (T&E) in the form of a Supplemental Questionnaire with scoring weight assigned as follows:

- 80% Training and Experience Evaluation
- 20% Performance Evaluation

T&E EVALUATION DETAILS

The T&E examination consists of a Supplemental Questionnaire. The questions may be viewed online under the tab marked "**QUESTIONS**" on the job announcement page. The T&E must be submitted online at the time of application. All applicants must complete and submit a City of Spokane employment application online by 11:59 p.m. on the closing date.

- Responses to your T&E questions should be consistent with the information given in your application details. Answers are subject to verification.
- Failure to complete all of the questions or incomplete responses will result in a lower score; therefore, it is advantageous for you to provide a full and complete response to each supplemental question.
- Resumes or questionnaires uploaded as attachments to the application will not be accepted in lieu of completing each question online.
- "See Resume" or "See above," etc., are not qualifying responses and will not be considered.
- Changes or corrections to your responses cannot be made once your application packet has been submitted.
- **TIP:** It may be more efficient to develop your responses in a word processing document and then paste them into the online questionnaire to be submitted.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

TO APPLY:

An application is required for promotional applicants. Applications must be completed online at: <http://my.spokanecity.org/jobs> by 11:59 p.m. on the filing cut-off date. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: civilservice@spokanecity.org with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4th Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201

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Notice for Bids

Paving, Sidewalks, Sewer, etc.

CALL FOR BIDS

CSO Basin 41 Control Facility Engineering Services File No. 2010102

This project consists of the construction of approximately a ±90,000 gallon CSO large pipe storage facility with two cast in place concrete vaults, flow control devices, approximately ±2,400 cubic yards of excavation and embankment, ±2,700 linear feet of storm sewer and sanitary sewer, drainage structures, ±510 linear feet of sidewalk, ±7,210 square yards of 5 -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., August 8, 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. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

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

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

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.

Note regarding new specifications: The City of Spokane is using WSDOT's 2016 Standard Specifications. Bidder's should allow sufficient time to familiarize themselves with the WSDOT 2016 Standard Specifications prior to bidding the project.

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

******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.**

"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 this contract or any subcontract."

*"The Successful bidder will be required to conform to the wage requirements prescribed by the federal Davis-Bacon and Relate Acts which requires that all laborers and mechanics employed by contractors and subcontractors performing on contracts funded in whole or in part by SRF appropriations in excess of \$2000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits, and determined by the Secretary of Labor, for corresponding classes of laborers and mechanics employed on similar projects in the area."*****

Publish July 20, 27 and August 3, 2016

Notice for Bids

Supplies, Equipment, Maintenance, etc.

CUSTOM CONCRETE VAULTS FOR FLOWMETER PROJECTS Water & Hydroelectric Services Department

BID #4279-16

Sealed bids will be opened at 1:15 p.m., **MONDAY, AUGUST 15, 2016** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **CUSTOM CONCRETE VAULTS FOR FLOWMETER PROJECTS** for the Water and Hydroelectric Services Department.

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

Submittal Instructions:

Bid proposal forms may be submitted to the Purchasing 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
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201**

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

Envelopes containing proposals are to be marked:

"CUSTOM CONCRETE VAULTS FOR FLOWMETER PROJECTS, BID #4279-16, DUE 8/15/16".

Thea Prince
Purchasing Department

Publish: August 3 & 10, 2016

FLOWMETERS AND ACCESSORIES
Water & Hydroelectric Services Department

BID #4281-16

Sealed bids will be opened at 1:15 p.m., **MONDAY, AUGUST 15, 2016** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **FLOWMETERS AND ACCESSORIES** for the Water and Hydroelectric Services Department.

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

Submittal Instructions:

Bid proposal forms may be submitted to the Purchasing 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
4th Floor – City Hall
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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:

“FLOWMETERS AND ACCESSORIES, BID #4281-16, DUE 8/15/16”.

Thea Prince
Purchasing Department

Publish: August 3 & 10, 2016

BOARDING/MONITORING OF UNSECURED PROPERTIES (RE-BID)
City of Spokane Office of Neighborhood Services & Code Enforcement

BID #4282-16

Sealed bids will be opened at 1:15 p.m., **MONDAY, AUGUST 22, 2016** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **Boarding/Monitoring of Unsecured Properties** for the City of Spokane Office of Neighborhood Services and Code Enforcement.

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

Submittal Instructions:

Bid proposal forms may be submitted to the Purchasing 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 and one (1) reproducible digital copy (thumb drive or CD) of the Proposal to:

Division of Purchasing
City of Spokane
4th Floor – City Hall

**808 W. Spokane Falls Blvd.
Spokane WA 99201**

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

Envelopes containing proposals are to be marked:

“BOARDING/MONITORING OF UNSECURED PROPERTIES (RE-BID), BID 4282-16, DUE 8/22/16”.

Thea Prince
Purchasing Department

Publish: August 3 & 10, 2016
