



Official Gazette

City of Spokane, Washington

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

Volume 106

DECEMBER 14, 2016

Issue 50



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	1387
GENERAL NOTICES	1390
ORDINANCES	1390
JOB OPPORTUNITIES	1398
NOTICES FOR BIDS	1399

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Minutes

MINUTES OF SPOKANE CITY COUNCIL**Monday, December 5, 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, Fagan, Kinnear, Mumm, Stratton, and Waldref were present.

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 December 12, 2016, Advance Agenda items.

Action to Approve December 12, 2016, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the December 5, 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 Beggs, **to approve** the Advance Agenda for Monday, December 12, 2016; **carried unanimously.**

ADMINISTRATIVE SESSION**Current Agenda Review**

The City Council considered the December 5, 2016, Current Consent Agenda items.

Final Reading Ordinance C35393

Motion by Council Member Beggs, seconded by Council Member Mumm, **to table indefinitely** Final Reading Ordinance C35393—relating to refund of comprehensive plan amendment processing fees; amending section 8.02.0692 of the Spokane Municipal Code—**carried unanimously.**

CONSENT AGENDA

Upon motion by Council Member Fagan, seconded by Council Member Beggs, the City Council approved Staff Recommendations for the following:

Contract Amendment with Gregory Kane and the law firm of Evans, Craven & Lackie, P.S. (Spokane, WA) for legal services and advice to the City regarding Workers' Compensation matters—increase of \$100,000. Total Contract Amount \$296,500. (OPR 2013-0768)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through November 23, 2016, total \$6,013,271.27 (Check Nos. 531717-531845; ACH Payment Nos. 32213-32408), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$5,904,451.87. (CPR 2016-0002)

City Council Meeting Minutes: November 21, 2016. (CPR 2016-0013)

Council Recess/Executive Session

The City Council adjourned at 4:15 p.m. The City Council immediately reconvened into an Executive Session to discuss pending litigation and labor negotiations for 30 minutes. Interim City Attorney Mike Piccolo and Assistant City Attorneys Sam Faggiano and Nate Odle were present during respective portions of the Executive Session. The City Council convened again at 6:00 p.m. for the Regular Legislative Session.

LEGISLATIVE SESSION**Pledge of Allegiance**

The Pledge of Allegiance was led by Boy Scout Troop 415.

Invocation

Ian Robertson, from Inland Northwest Fuller Center, provided an invocation.

Roll Call

Council President Stuckart and Council Members Beggs, Fagan, Kinnear, Mumm, Stratton, and Waldref were present.

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

There were no **Proclamations or Council Salutations**.

There were no **Boards and Commissions Appointments**.

There were no **Administrative Reports**.

COUNCIL COMMITTEE REPORTS**Community Health and Environment Committee**

Council Member Stratton reported on the Community Health and Environment Committee meeting held earlier today (December 5). Minutes of the Community Health and Environment Committee meetings are filed with the City Clerk's Office and are available for review following approval by the Community Health and Environment Committee.

Lodging Tax Advisory Committee

Council Member Stratton also briefly reported on the 2017 Lodging Tax Advisory Committee's recommendations.

OPEN FORUM

Kristine Schuler commented about the Council Rules and directing comments to the Council President. She also remarked that she feels it's ridiculous that citizens are only allowed the opportunity to speak once a month (during Open Forum).

Henry Valder requested that people opposed to only being allowed to speak once a month should contact your council member tomorrow. He also remarked on veterans and the homeless.

Ziggy commented on Standing Rock (North Dakota) and gave a shout out to all the veterans who showed up this weekend to help support the water protectors in Standing Rock. He announced that starting this Friday there will be an ongoing demonstration in support of Standing Rock every Friday from 1:00 p.m. to 3:00 p.m. at the Wells Fargo downtown.

Jackie Murray asked City Council to rethink the sanctuary city ordinances in light of current developments with respect to the new president (Trump).

LEGISLATIVE AGENDA

There were no **Special Budget Ordinances**.

There were no **Emergency Ordinances**.

There were no **Resolutions**.

FINAL READING ORDINANCES**Final Reading Ordinance C35458**

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

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35458** approving amendments to an existing development agreement between the City of Spokane and Spokane Radio, Inc., a subsidiary of Spokane Television, a Washington corporation, dba "KXLY".

Final Reading Ordinance C35459

Subsequent to an overview of Ordinance C35459 by Council Member Waldref and the opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35459** relating to the disposition of surplus City real property and enacting a new Chapter 12.10 of the Spokane Municipal Code.

Final Reading Ordinance C35460

Subsequent to an overview of Ordinance C35460 by Council President Stuckart and the opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35460** relating to the public works apprenticeship program; amending sections 7.06.710, 7.06.720, 7.06.730, 7.06.760 and 7.06.770 of the Spokane Municipal Code.

For Council action on Final Reading Ordinance C35393, see section of minutes under 3:30 p.m. Briefing Session.

FIRST READING ORDINANCES

For Council action on First Reading Ordinance C35462, see section of minutes under "Hearings."

There were no **Special Considerations**.

HEARINGS**Vacation of Portions of Elgin Court (deferred from November 7, 2016, Agenda)**

The City Council held a hearing on the vacation of portions of Elgin Court as requested by Michele Byers and Mark and Valerie Sonderen. There was an opportunity for public testimony, with no individuals requesting to speak. Subsequently, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **approved, subject to conditions** (in the Street Vacation Report dated September 21, 2016), the vacation of portions of Elgin Court as requested by Michele Byers and Mark and Valerie Sonderen.

In conjunction with the hearing, **First Reading Ordinance C35462**—vacating portions of Elgin Court—**was read for the first time, with further action deferred.**

SECOND OPEN FORUM

George Taylor referenced the previous speaker who requested that City Council consider rescinding the sanctuary ordinance, and he spoke in favor of the sanctuary ordinance.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 6:24 p.m.

General Notices

NOTICE

NOTICE IS HEREBY GIVEN that the regular meeting of the SPOKANE CIVIL SERVICE COMMISSION will be conducted at 9:30 a.m., Tuesday, December 20, 2016 in the Council Chambers on the Lower Level, City Hall.

Items on the Agenda are as follows:

- I. Approval of Minutes
- II. Staff Activities
- III. Classification Resolution
- IV. Request for Reinstatement on Eligible List
- V. Findings of Fact/Record regarding Diane Reynolds' Appeal Determination
- VI. Appeal of Gregory Borg regarding Discipline
- VII. Other Business

The meeting is open to the public, with the possibility of moving into executive session only with members of the Civil Service Commission and the appropriate staff.

A Commission briefing will be held at **9:00 a.m.** December 20, 2016, in the Council Chambers.

Dated at Spokane, Washington, this 5th day of December, 2016.

CRAIG HULT
Chair

GITA GEORGE-HATCHER
Chief Examiner

TO HUMAN RESOURCES STAFF AND ALL EMPLOYEE REPRESENTATIVES:

There will be a pre-Commission/Project Evaluation Committee meeting in the Civil Service Conference Room (4B) at 11:00 a.m. on Monday, December 19, 2016.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Chris Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ccavanaugh@spokanecity.org Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

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. C35458

AN ORDINANCE APPROVING AMENDMENTS TO AN EXISTING DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SPOKANE AND SPOKANE RADIO, INC., A SUBSIDIARY OF SPOKANE TELEVISION, A WASHINGTON CORPORATION, DBA "KXLY."

WHEREAS, KXLY (“Buyers”) have entered into purchase and sale agreement OPR 2015-0920 with the City of Spokane to purchase certain real property described in Exhibit A of this ordinance, which property is located in the Southgate neighborhood of the City of Spokane, Washington (hereafter the “Property”); and

WHEREAS, as a condition of the purchase and sale agreement, the Buyers filed application Z1500085COMP with the City of Spokane to amend the Comprehensive Plan Land Use Map and Zoning Map designations (the “amendment”) for the Property; and

WHEREAS, on November 7, 2016, the City Council conducted a public hearing on the amendment and on that date approved Ordinance C35447 approving the proposed amendment to the Comprehensive Plan; and

WHEREAS, the City Council approved a development agreement for the adjacent property to the south, described in Exhibit A of this ordinance, in order to include certain design and development principles that were in large part agreed to between the Buyers and the representatives of the Southgate Neighborhood Council at various meetings and workshops to address their concerns about the nature of development on the adjacent property; and

WHEREAS, a second condition of the purchase and sale agreement requires the Buyer to secure a development agreement for the real property to be purchased; and

WHEREAS, an amendment to the original development agreement (Exhibit B) for the adjacent property has been proposed by the Buyer in order to incorporate the property to be purchased (Exhibit A) into the existing development agreement and to extend the term of the agreement a further ten years from the approval of the amendment; and

WHEREAS, development agreements are specifically authorized by RCW 36.70B.170-210 as a proper exercise of the City’s police power. The City promulgated regulations for development agreements in Spokane Municipal Code (“SMC”) 11.19.870 and the development agreement, as amended, was prepared in accordance with those provisions; and

WHEREAS, the Development Agreement, as amended, complies with the City’s development standards, as that term is defined in RCW 36.70B.170; and

WHEREAS, the City and the Buyers desire to enter into this Development Agreement to formally incorporate the conditions enunciated in the Ordinance as development standards applicable to the Property; and

WHEREAS, pursuant to RCW 36.70B.200 and Chapter 17A.060 SMC, a public hearing has been held before the City Council and the City Council finds that the attached Development Agreement conforms to the criteria contained in Chapter 17A.060 SMC.

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Findings of Fact. That the preambles to this Ordinance and the contents of the attached Development Agreements are adopted as the City Council’s findings in support of its approval of the Development Agreement.
2. Approval of Development Agreement. The Development Agreement, as amended, is hereby approved.

Passed by City Council December 5, 2016
Delivered to Mayor December 9, 2016

ORDINANCE NO. C35459

An ordinance relating to the disposition of surplus City real property and enacting a new chapter 12.10 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That there is enacted a new chapter 12.10 of the Spokane Municipal Code to read as follows:

Chapter 12.10 Disposition of Surplus Real Property

Section 12.10.010 Purpose and Intent

As authorized by, and pursuant to Article 8, Section 7 of the Washington State Constitution, which generally prohibits the City from gifting money or property to private individuals or corporations, RCW 35.22.280(3), chapters 35.94 and

39.33 RCW, sections 37 and 48 of the City Charter, and this chapter 12.10, SMC, the City Council intends that this chapter govern the determination of surplus and the disposition of all surplus City property, regardless of type, size, location, or department of origin, except for property managed and controlled by the Park Board pursuant to Article V of the City Charter and the Library Board pursuant to Chapter 27.12 RCW.

Section 12.10.020 Review of City Real Property

- A. The Asset Management Department shall, on an annual basis, review all City-owned, real property and determine which, if any, real property parcels are appropriate for disposition as surplus. In making this initial determination, Asset Management will communicate with all City departments to verify whether any of them currently use, or in the near future will use, underutilized City real property within a reasonable timeframe.
- B. In addition to the annual review by Asset management, the Mayor and City department heads may request that specific properties be evaluated for surplus disposition at any time. This review may also be initiated by Asset Management upon the receipt of an unsolicited purchase offer.
- C. Any disposition of City real property requires City Council approval as provided in this chapter.

Section 12.10.030 Real Estate Review Committee; Report

- A. Upon determining that no City department is using, or will use, an identified parcel of land within a reasonable timeframe, the Real Estate Review Committee ("RERC") shall review the subject property and prepare a written recommendation to the Mayor as to whether a particular parcel should be declared surplus and, if so, the method of disposition. The RERC shall meet on an as-needed basis, and shall include the following members or their designees:
 - 1. Asset Management Director,
 - 2. City Administrator,
 - 3. Finance Director,
 - 4. City Attorney,
 - 5. City Department or Division Head most directly affected by the surplus and disposition, if applicable,
 - 6. The two City Council Members who represent the district where the subject property is located, and
 - 7. Director of Neighborhood Services
- B. The RERC report shall include at least the following information regarding the subject property:
 - 1. A description of subject parcel's size, zoning, existing improvements, condition of improvements, ingress/egress, neighborhood planning, environmental condition (findings of environmental reports), and other salient observations.
 - 2. A description of the acquisition and development history of property, including when was the property originally acquired by the City, the source of funds for acquisition, the source of funds for subsequent improvements, how the property is currently used or was used most recently, and the City department(s) involved, etc.
 - 3. The report should identify the City department or fund (e.g., revenue, general, special) which is most logically and/or economically linked to the property. In addition, the report should address the repayment of bonds, grants, or other financing instruments used to acquire the property or which have used the property as security.
 - 4. Before a recommendation for surplus and disposition is made, the RERC shall announce to all City departments and the City Council that the subject property is being evaluated for surplus. If a City department expresses interest in using the property, that department must present a written explanation to the RERC, for inclusion in its recommendation report, of the interested department's interest, its intended use, timeline, and operational and financial rationale for maintaining City ownership of the property for use by the interested department.

5. The RERC's report must describe the efforts made by the RERC to obtain input from and consultation with elected officials, City staff, neighborhood councils, and other groups that may have developed ideas on re-purposing the subject property in alignment with City strategic goals.
6. The RERC report must also include an estimate of the subject property's market value. This can be accomplished by the use of a Member of Appraisal Institute ("MAI") /state certified appraisal, tax assessment, market comparables, and/or a City staff opinion of market value.
7. The RERC report should include any recommended covenants, conditions, or restrictions that the City should place on the subject property before disposed. Examples include access easements, air rights for adjacent property owners, purchase option or right of first refusal for City to reacquire property at a future date, among others.
8. The RERC report should recommend the preferred disposition method from among those listed in SMC 12.10.040. The methods are not mutually exclusive and some properties may require a mixture of the methods.

Section 12.10.040 Allowable Methods of Property Disposition

A. Surplus City real property may be disposed of using any of the following methods:

1. Direct Sale. Using City legal staff, third party title/escrow companies, and third party reports such as appraisals and environmental studies, the City may sell property directly to another party. This approach does not require the services of a professional listing broker or the additional considerations of a special disposition. Typical examples for which this method are most well-suited include:
 - a. Remnants, defined as: 1) small parcels of land, usually smaller than 2,000 square feet, 2) irregular shapes, and 3) are unlikely to support any stand-alone development. Remnants are often the leftover parcels from right of way dedications and developments. The most likely buyer of a remnant property will be an abutting property owner.
 - b. Unsolicited offers the City receives from public or private parties on city-owned real estate properties that have not been surplusd or are not actively being marketed for sale.
 - c. Sales to Public Development Authorities or Limited Redevelopment Authorities, provided that such sales comply with Chapter 39.33, RCW.
2. Listing with Real Estate Broker. In order to generate the greatest return on the sale of a property, subject to applicable procurement laws, the City may contract with a professional commercial real estate broker who specializes in commercial or residential properties for broker listing in some cases. Broker listings are ideally suited for land parcels and improved properties in established neighborhoods for which (1) the anticipated use of the subject properties will be similar to their present uses, and (2) future development of the subject parcel is expected to conform to the well-established land uses prevalent in the subject property's vicinity.
3. Land Swaps. The City may also, as specifically authorized by chapter 39.33, RCW, dispose of real property via a land swap with another public entity, such as a school district, county, the federal government, or other municipal corporation.
4. Special Dispositions. Some City-owned real property may merit the use of a special disposition method because they can provide benefits that far exceed the limitations of monetary market value. Special disposition of these properties can further the objectives and goals of the City and can actually be a catalyst for economic development and expansion of community services. All special dispositions should be reviewed for compliance with Article 8, Section 7 of the Washington State Constitution, which generally prohibits gifting of City property.
 - a. Key characteristics qualifying a property for special disposition status include the following:
 - i. Properties that have a nexus with a Public Development Authority, such as where the property is within the geographic area of a public development authority (PDA), or where a PDA has expressed specific interest in the subject property.

- ii. Properties within City-designated targeted investment areas or a neighborhood where redevelopment is a focus of revitalization efforts.
 - iii. Properties for which there is strong community interest, as expressed by neighborhood councils, local businesses, schools, and other community organizations.
 - iv. Properties which may, if the use is changed from the current use, create a substantial impact on neighboring property owners.
 - v. The needs of multiple stakeholders, including those mentioned above, may necessitate the use of a disposition method other than a listing or direct sale.
 - vi. The City may use a special disposition method where the City anticipates that a likely buyer will request a zoning change, a street dedication, a right of way vacation, or zoning changes.
 - vii. Special disposition methods may be appropriate where the City retains requires property rights after the sale of the property, such as access easements, air rights, purchase options, and other conditions not already addressed elsewhere.
 - viii. The RERC report may contain a recommendation for the use of a special disposition method for reasons other than those listed above, based on the specific circumstances.
- b. Prior to finalizing a report which recommends a special disposition method, the RERC shall hold a public hearing regarding the subject property. The RERC will issue a notice of public hearing no sooner than 10 days and no more than 25 days prior to the hearing. Notice will be sent to all property owners within 1,000 feet of the subject property and officers of the applicable neighborhood council. The RERC shall incorporate the public hearing comments in its recommendation report.
- c. The primary means for performing a special disposition is a City-issued Request for Proposal ("RFP"). The RERC will develop the RFP criteria as part of any recommendation report which recommends disposition via a special disposition process. The criteria used in evaluating responses to the RFP will be enumerated and weighted on a property-specific basis. For instance, the RFP criteria on a residential parcel in one area of the City may vary significantly from that on an industrial property in another area.
- i. Some RFP criteria may be:
 - (A.) Compatibility with adopted neighborhood plan
 - (B.) Compliance with the City of Spokane's Comprehensive Plan
 - (C.) Job creation potential
 - (D.) New tax base expansion or creation potential
 - (E.) Ultimate range of purchase price and earnest money
 - (F.) Relevant purchase contract conditions
 - (G.) Experience and capability of the buyer
 - (H.) Timeline for completing the project and/or project phases, as applicable
 - d. The RFP process may use a direct sale closing process or it may become part of the listing requirements with a licensed broker. Alternatively, the RERC may recommend a long term lease. The RERC report shall contain a recommendation concerning the method of disposition.

Section 12.10.050 Council Action on Disposition

- A. Upon receiving the RERC report and the Mayor's recommendation, the City Council shall undertake consideration of the recommendation to designate the property surplus and, if so, whether and how to dispose of the property.
- B. With respect to property which is the subject of a RERC report, the Council may:
1. accept the recommendations as presented, pass a resolution determining the subject property to be surplus pursuant to SMC 07.06.040, and pass a resolution authorizing the City to dispose of the property as set forth in the RERC recommendation report.
 2. modify the RERC report recommendations, declare the property surplus by resolution pursuant to SMC 07.06.040, and pass a resolution authorizing the City to dispose of the property as set forth in the modified RERC recommendations.
 3. return the recommendations to the RERC for further analysis and consideration of specific facts or criteria identified by the City Council.
 4. Designate the subject property for long term lease; or,
 5. take no action on the recommendation.

Passed by City Council December 5, 2016

Delivered to Mayor December 9, 2016

ORDINANCE NO. C35460

An ordinance relating to the public works apprenticeship program; amending sections 07.06.710, 07.06.720, 07.06.730, 07.06.760 and 07.06.770 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 07.06.720 of the Spokane Municipal Code is amended to read as follows:

Section 07.06.710 Definitions

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

- A. "Community Empowerment Zone" (CEZ) means that portion of those census tracts which are situated within the County of Spokane and designated by the State of Washington as entitled to receive tax incentives because of high levels of poverty and unemployment.
- B. "Labor hours" means the total ~~((number of))~~ hours as defined in this section ~~((of worked by workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" shall exclude hours worked by foremen, superintendents, owners and workers who are not subject to prevailing wage requirements))~~ less the number of hours worked by subcontractors working under subcontracts valued individually at less than \$100,000.
- C. Resident of the Community Empowerment Zone" (CEZ Resident) means any person who continuously occupies a dwelling within the boundaries of the Community Empowerment Zone, with a present and genuine intent to remain within the boundaries of the Community Empowerment Zone; provided however, that an individual initially certified as a CEZ Resident shall retain such certification status for a period of up to 2 years or 1,000 ~~((Labor Hours))~~ hours worked from the date of initial certification, whichever is less, and such certification shall be recognized for any City project covered by this chapter for said certification period.
- D. "State-approved apprenticeship program" means an apprenticeship program approved or recognized by the Washington State Apprenticeship and Training Council or similar programs approved by the Washington State Department of Labor and Industries.

E. "Total hours" means the total number of hours of worked by all workers receiving an hourly wage who are directly employed on the site of a city public works project including hours performed by workers employed by the contractor and all subcontractors working on the project, but excluding hours worked by foremen, superintendents, owners and workers who are not subject to prevailing wage requirements.

~~(E.)~~F. "Veteran" means every person who has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following categories:

1. As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;
2. As a member of the women's air forces service pilots;
3. As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;
4. As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
5. As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
6. A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation. (RCW 41.04.007)

Section 2. That section 07.06.720 of the Spokane Municipal Code is amended to read as follows:

Section 07.06.720 Administration of Apprentices Program

A. On public works construction projects, as defined in RCW 39.04.010, with an estimated cost of ~~((three hundred fifty thousand dollars (\$350,000)))~~ six hundred thousand dollars (\$600,000) or more, at least ~~((five (5) percent in 2015,))~~ ten (10) percent in 2016 and fifteen (15) percent in years 2017 and beyond, of the ((total contract)) labor hours of each project~~((, (all contractor and subcontractor hours)))~~ shall be performed by apprentices enrolled in a State-approved apprenticeship program.

B. Subcontracting Requirements. The utilization percentages for apprenticeship labor for public works construction contracts shall also apply to all subcontracts of one hundred thousand dollars (\$100,000) or more within those contracts, provided there is a state-approved apprenticeship training program for the trade for which a subcontract is issued.

~~((A.))~~C. The City Administrator shall implement and administer this article and shall develop and adopt procedures to implement and enforce this Article X of Chapter 07.06 SMC. The City Administrator shall establish and maintain contract specification language to implement the apprenticeship requirement. The City Administrator shall develop and implement a system for monitoring the actual use of apprentices on public works projects.

~~((B.))~~D. The City Administrator shall establish a monitoring program to verify compliance with this article and shall report to the city council at least twice each year to report on the apprenticeship program.

~~((C. On projects over one million dollars, the director shall establish a goal to utilize a certain percentage of labor from residents of the City of Spokane. Contractors shall make a good faith effort, as determined by the City Administrator, to meet this local labor goal in addition to the apprenticeship utilization requirement. The City Administrator is authorized to establish guidelines by which good faith efforts to employ local labor shall be measured.))~~

E. Each contractor on city public works construction projects to which this article applies shall incorporate the requirements of this article in all subcontracts for the project and shall require each subcontractor to which this chapter applies to execute a form, to be provided by the city, acknowledging that the requirements of this article are applicable to the labor hours for the project.

Section 3. That section 07.06.730 of the Spokane Municipal Code is amended to read as follows:

Section 07.06.730 Waiver or Reduction of Goals

The City Administrator may waive or reduce the apprenticeship participation percentage on public works construction projects with prior written notice to the city council. The notice to the City ((Administrator))Council shall describe the facts and circumstances upon which the City Administrator's decision to reduce the apprenticeship participation percentage ((shall be))is based. These factual ((on his or her)) findings must show that ((either)) (1) there is a demonstrated lack of ability to obtain apprentices in a specific geographic area or field; ((or)) (2) a disproportionately high ratio of material costs to labor hours on the particular projects ((which)) does not make feasible the required minimum level of apprentice participation; (3) the reasonable and necessary requirements of the contract or subcontract render apprentice utilization infeasible at the required levels due to specialized training and safety requirements which is not available through the local available state-approved apprenticeship training programs; or (4) participating contractors or subcontractors cannot meet the utilization requirements despite demonstrated good faith efforts to comply with the requirements of this article.

Section 4. That section 07.06.760 of the Spokane Municipal Code is amended to read as follows:

Section 07.06.760 Penalty

- A. All city public works contracts involving this article shall include a provision establishing a penalty equal to thirty percent (30%) of the highest paid craft hourly rate on the public works project as determined by prevailing wages for each unmet labor hour to be imposed by the City Administrator on each contractor ~~((or subcontractor))~~ who violates the provisions of this article.
- B. The specific facts and circumstances((Failure to comply with the provisions of this article)) and the existence and extent of any good faith efforts to comply shall be ((deemed a breach of the public works contract with the City and shall be considered grounds for))considered when determining whether a contractor is subject to debarment under SMC 07.06.610(B)((disqualifying the contractor for future public works contracts)).
- C. The City Administrator shall dedicate all revenues derived from penalties imposed for violation of this Article X to grants to pre-apprenticeship programs to assist minorities, women, and residents of CEZs as defined in this Article X.

Section 5. That section 07.06.770 of the Spokane Municipal Code is amended to read as follows:

Section 07.06.770 Appeals

- A. An appeal may be filed with the City's hearing examiner by any ~~((individual,))~~ contractor or ~~((other party affected by the enforcement of this article))~~ Washington State registered apprenticeship program regarding the City Administrator's decision to waive or reduce the apprenticeship participation percentage or the imposition of penalties pursuant to SMC 7.06.760.
- B. Appeals shall be filed within ten (10) business days of the City Administrator's decision. Appeals shall be processed consistent with SMC 17G.050.310-320.
- C. The hearing examiner shall either affirm or reverse the decision of the City Administrator. If the hearing examiner reverses the City Administrator's decision, the matter shall be remanded to the City Administrator to decide the matter consistent with the hearing examiner's decision.
- D. An appeal shall not act as a stay to a public works construction project. A decision by the hearing examiner regarding the waiver or reduction of the apprenticeship participation percentage shall be only apply prospectively. A decision by the hearing examiner affirming the City Administrator's assessment of penalties may be ~~((considered))~~ taken into account when determining the relative severity of the violation in the determination as to whether to debar a contractor ((grounds for debarment)) under SMC 07.06.610(B).
- E. The hearing examiner's decision may be appealed to Superior Court.

Passed by City Council December 5, 2016
Delivered to Mayor December 9, 2016

Job Opportunities

The City of Spokane is an Equal Employment Opportunity Employer

Vehicle Commissioning Technician SPN 628 OPEN ENTRY

DATE OPEN: Monday, December 12, 2016 **DATE CLOSED:** Monday, December 26, 2016 at 11:59 p.m.
SALARY: \$39,985.20 annual salary, payable bi-weekly, to a maximum of \$57,336.48

DESCRIPTION:

Performs skilled technical and manual work in the commissioning, maintenance, and repair of City vehicles and heavy equipment; customizes installations and finds creative solutions to unique needs of City departments.

MINIMUM QUALIFICATIONS:

Open Entry Requirements: All requirements must be met at the time of application.

High school diploma or equivalent and three years of work experience as an electronics or communications technician, including at least six months performing vehicle electronics installations.

Substitution:

One year of relevant course work at a vocational school or college may substitute for one year of the non-vehicle work experience requirement.

License:

All applicants must possess a valid driver's license.

REQUIRED ADDITIONAL DOCUMENTS: Must be received in our office by the closing date, preferably attached to application.

- Copy of unofficial college transcripts, including name of institution, applicant name, courses/credits taken, and GPA. – if applicable.
- DD Form 214 (Member-4) or NGB Form 22, if applicable. (See RCW 41.04.010 as to how Veterans' Preference is applied.)

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 (T&E) Evaluation with final score weight assigned as follows: T&E Evaluation: 100% of final score.

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.

- Responses to your T&E questions should be consistent with the information given in your application details. Answers are subject to verification.
- 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.

Qualified applicants are encouraged to apply immediately. All applicants must complete and submit a City of Spokane employment application online by 11:59 p.m. on the filing cut-off date.

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
- Fax: (509) 625-6077

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 8th day of December, 2016.

CRAIG HULT
Chair

GITA GEORGE-HATCHER
Chief Examiner

Notice for Bids

Paving, Sidewalks, Sewer, etc.

CALL FOR BIDS

University District Pedestrian/Bicycle Bridge Engineering Services File No. 2012119

This project consists of the construction of approximately 17,000 cubic yards of gravel borrow, 2,700 linear feet of storm sewer, 15 drainage structures, 200 cubic yards of concrete pavement, 95 tons asphalt pavement, sundry utility adjustments, a 462-foot cable-stay bridge, 12,000 cubic yards of hazardous material excavation, testing, and haul 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., December 19, 2016 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

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

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

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

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.

A prebid conference will be held at the office of the Engineering Services Department, 808 W. Spokane Falls Blvd., Spokane, WA 99201 at 2:00 p.m. on December 8th.

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

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

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

Publish: November 30, December 7 and 14, 2016
