



# Official Gazette

## City of Spokane, Washington

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

Volume 107

NOVEMBER 1, 2017

Issue 44



### MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

BREEAN BEGGS (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

CANDACE MUMM (DISTRICT 3)

KAREN STRATTON (DISTRICT 3)

AMBER WALDREF (DISTRICT 1)

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# Minutes

**MINUTES OF SPOKANE CITY COUNCIL****Monday, October 23, 2017****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 Briefing Center 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, and Stratton were present. Council Member Waldref was absent.

Finance and Administration Division Director Tim Dunivant, 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 October 30, 2017, Advance Agenda items.

First Reading Ordinance C35558

Council President Stuckart requested a motion to defer First Reading Ordinance C35558 relating to public ways and property. Subsequently, the following action was taken:

**Motion** by Council Member Beggs, seconded by Council Member Stratton, **to defer** First Reading Ordinance C35558 (relating to public ways and property) for an additional week (from October 30, 2017, to November 6, 2017) so that Council can look at the language that is proposed and work on issues; **carried unanimously (Council Member Waldref absent).**

**Action to Approve October 30, 2017, Advance Agenda**

Following staff reports and Council inquiry and discussion regarding the October 30, 2017, 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, October 30, 2017 (as amended); **carried unanimously (Council Member Waldref absent).**

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

The City Council reviewed the October 23, 2017, Current Agenda for any changes.

**Intertie Agreement with the City of Medical Lake (OPR 2017-0726)**

Council Member Kinnear requested the Council consider the Intertie Agreement with the City of Medical Lake separately (from the other Consent Agenda items).

**CONSENT AGENDA**

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

## Setting public hearings (FIN 2017-0001):

- a. On possible revenue sources for the 2018 budget for October 30, 2017.
- b. For review of the 2018 Proposed Budget beginning Monday, October 30, 2017, and continuing thereafter at the regular council meetings during the month of November.

## Purchases by Fleet Operations for the Police Department of:

- a. six Chevrolet Tahoe Police Pursuit vehicles from Bud Clary Chevrolet (Moses Lake, WA)—\$268,109.92 (incl. tax). (OPR 2017-0724)
- b. eight Ford Interceptors and thirteen Ford Taurus Sedan AWD Police Pursuit vehicles from Columbia Ford (Longview, WA)— \$694,409.32 (incl. tax). (OPR 2017-0725)

Contract with Spokane Transit Authority to establish a Universal Transit Access Pass Agreement so that City of Spokane employees are able to use their City ID to use STA bus services—\$60,425. (OPR 2017-0727)

Agreement with Spokane County to accept funding from Washington Association of Sheriffs and Police Chiefs for the Registered Sex Offender Address and Residency Verification Program from July 1, 2017 through June 30, 2018—\$60,000. (OPR 2017-0728)

Extension of Memorandum of Understanding with City of Liberty Lake Police Department for the Records Department Workflow Assessment project through March 31, 2018—\$42,500. Total Cost: \$91,500. (OPR 2017-0475)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through October 13, 2017, total \$9,627,189.71 (Check Nos. 541905-542167; ACH Payment Nos. 42893-43189), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$6,851,127.76. (CPR 2017-0002)

City Council Meeting Minutes: October 2, 2017, October 9, 2017 and October 12, 2017. (CPR 2017-0013)

Intertie Agreement with the City of Medical Lake (OPR 2017-0726)

**Motion** by Council Member Kinnear, seconded by Council Member Mumm, **to defer** for one week (to October 30, 2017) the Intertie Agreement with the City of Medical Lake to supply water in the event of shortages and emergency needs; **carried 4-2 (Council President Stuckart and Council Member Fagan voting “no” and Council Member Waldref absent).**

**Council Recess/Executive Session**

The City Council adjourned at 4:05 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, Fagan, Kinnear, Mumm, and Stratton were present. Council Member Waldref was absent.

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

**BOARDS AND COMMISSIONS APPOINTMENTS**Appointments to the Lodging Tax Advisory Committee (CPR 2000-0031)

**Upon Unanimous Roll Call Vote (Council Member Waldref absent), the City Council approved (and thereby confirmed) the appointments of Marshall Powell and Dean Feldmeier to the Lodging Tax Advisory Committee for each for a three-year term, from July 1, 2017 to July 1, 2010.**

Re-appointments to the Lodging Tax Advisory Committee (CPR 2000-0031)

**Motion** by Council Member Beggs, seconded by Council Member Mumm, **to approve (and thereby confirm)** the re-appointment of Cheryl Kilday and Dan Zimmerer to two-year terms on the Lodging Tax Advisory Committee, from July 1, 2017 to July 1, 2019; **carried unanimously (Council Member Waldref absent)**.

There were no **Proclamations**.

**ADMINISTRATIVE REPORTS****Beacon Hill Properties**

Council President Stuckart introduced Pete Rayner from Beacon Hill Properties to provide an update on the Beacon Hill Property which is inside the City and to provide a reminder about this area of the City. Mr. Rayner stated historically the only people who took Beacon Hill seriously were the Olmstead Brothers and Chief Joseph 110 years ago and the brides and mountain bikers of today. He stated that when people first see Beacon Hill the comment he gets is "this place is incredible" and "why hasn't it ever been developed." The total visitors to Beacon Hill over the last 20 years exceed 400,000. He indicated the view from the event center pales to the views at the south end of what people see from the event center, and the property you see from the event center is only 10 percent of the hill. Mr. Rayner stated that creating public awareness of what Beacon Hill is and what it can mean to this community is why Beacon Hill Properties created a video; and Mr. Rayner played the video of Beacon Hill Properties.

Mr. Rayner remarked that Beacon Hill is 210 acres and twice the size of Kendall Yards, and it's one-third the size of the entire University District. He further remarked on the development of Beacon Hill and resolving land issues with this City in order to bring a project like Beacon Hill to market, and the impact the project will have on schools. He noted that plans today call for about 1,000 to 1,200 total residential units and that Beacon Hill has over 60 acres of medium density residential. Mr. Rayner stated, with the development regulations that are in place today, Beacon Hill is limited to about five or six units per acre, which is out of step with the City's Comprehensive Plan. He also stated that bus service ends at the intersection of Wellesley and Market which is nearly a mile away. He requested the city work with Beacon Hill to develop urban regulations that will allow Beacon Hill to build to the density that the Comp Plan tells us we should build to. He noted the issues that we need to resolve deal with building height limitations, frontage regulations, set back regulations and minimum lot size to name a few. He also requested a LIFT like proposal which would allow Beacon Hill to create an economic development tool that would mix tax increment financing with sales taxes.

**COUNCIL COMMITTEE REPORTS****Public Infrastructure, Environment, and Sustainability (PIES) Committee**

Council Member Fagan reported on the first meeting of the Public Infrastructure, Environment, and Sustainability Committee meeting (formal Public Works Committee) under the City's strategic plan. Minutes of the PIES Committee meeting are filed with the City Clerk's Office and are available for review following approval by the PIES Committee.

**OPEN FORUM**

**Rick Bocook** suggested the public forum be brought back to four times a month. In addition, he commented on the sit and lie ordinance.

**Ralph and Becky Harvey** questioned where some of the funding is going to help people in need and when a person has to go to a doctor or a lawyer. They shared an incident where Becky was attempting to get a bus pass to see an attorney across from Manito Park. They requested the City Council look into where the money is going.

**George McGrath** remarked on the leading by elected officials and remarked on the vote pertaining to the East Central Community Center.

**LEGISLATIVE AGENDA**

There were no **Special Budget Ordinances**.

There were no **Emergency Ordinances**.

There were no **Resolutions**.

## **FINAL READING ORDINANCES**

### **Final Reading Ordinance C35557**

Subsequent to a brief overview of Ordinance C35557 by Council President Stuckart, the opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote (Council Member Waldref absent)**, the City Council **passed Final Reading Ordinance C35557**; relating to imprest accounts, amending SMC 7.03.110 Section 1.

There were no **First Reading Ordinances**.

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 6:26 p.m.

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**CITY OF SPOKANE  
CIVIL SERVICE COMMISSION MEETING  
MINUTES  
September 18, 2017**

Craig Hult, Chair, called the regular meeting to order at 9:30 a.m. Present were Craig Hult, Judith Gilmore and Scott Stephens. Pam DeCounter and Mark Lindsey had excused absences.

### **Agenda Item I.**

#### **Approval of Minutes:**

Mr. Craig Hult introduced the minutes from the regular meeting of August 15, 2017. A motion to adopt was put forth by Ms. Judith Gilmore and seconded by Mr. Scott Stephens. The motion passed unanimously.

### **Agenda Item II.**

#### **Staff Activities:**

#### **August:**

Announcements issued:	8	Classifications revised:	8
Examinations:	270	Classifications new/deleted:	1/9
Requisitions received:	33	Requisitions certified:	30
Class Surveys completed:	2	Class Surveys in progress:	6
Requisitions pending:	4	Requisitions canceled:	2
Average days from department initiation of request to receipt in Civil Service:			3.4
Average days from requisition receipt to certification:			1.1
Percentage certified within 24 hours:			100%
Average days from department initiation to completion of hire			5.0

The Chief Examiner, Ms. George-Hatcher presented the statistics for the month of August to the Commission. It was another busy month for staff.

Ms. George-Hatcher informed the Commission that the Commission's annual potluck is to be held on November 2, 2017 from 12:00 to 1:30 pm in the Civil Service testing room and that it will be a chili cook off.

The new rules have been published on the website and books are being printed for distribution. A memo from the Chief Examiner regarding the significant rule changes relating to hiring only was sent out to all Division and department heads and all payroll clerks. A copy was provided to the Commission. The Chief Examiner reported that an advance copy was sent to City Administrator Theresa Sanders prior. Additionally, the Chief Examiner will be presenting the change pertaining to removals from the list (Rule IV, Section 16 – Removals) at the Department Head meeting on November 2, 2017.

Civil Service staff attended the Unity on the Community Fair in August.

Ms. George-Hatcher thanked and recognized Sergeant Kurt Reese from the Police Department for his initiative and leadership on the Police Hiring Workshop sessions and for coordinating with scheduling and working with Civil Service and Human Resources on them. Ms. George-Hatcher provided information that the number of diversity applicants for Police Officer had increased after the Hiring Workshops were completed. Sgt. Reese spoke about recruitment strategy, workshops attendance statistics and steps moving forward. Four workshops were conducted in August prior to the August test held in Spokane and there are five scheduled in October geared towards colleges, universities and Fairchild Air Force base.

Mr. Hult asked about retention and Sgt. Reese responded that the retention is excellent and that the candidates are specifically looking to work for the Spokane Police Department.

Ms. George Hatcher further recognized Jacqui MacConnell and Sgt. Mark Griffith from the Police Department and all the other Officers who participated at the sessions. Ms. George-Hatcher also recognized Civil Service Office Coordinator Crystal Rodgers, HR staff Meghann Steinolfson and Jennifer Jackson for their work in contributing to the sessions. She also provided a summary of the agenda at the sessions and the type of information covered which allowed the participants to receive explanations about each of the steps in the process and speak with the individuals responsible for the various processes.

Sgt. Reese thanked Civil Service and HR for being partners and for the teamwork.

Ms. George-Hatcher also especially recognized and thanked Police Chief Craig Meidl for creating an environment and setting the tone in his department that is supportive of diversity recruitment and hiring.

### **Agenda Item III.**

#### **Classification Resolution**

##### **Adopt:**

SPN 144 IT Infrastructure Manager

##### **Delete:**

SPN 075 Community Affairs Coordinator  
SPN 079 Riverfront Park Training Supervisor  
SPN 278 Police Communications Center Manager  
SPN 546 Solid Waste Disposal Operations Supervisor  
SPN 555 Solid Waste Disposal Superintendent  
SPN 557 Hazardous Infectious Waste Coordinator  
SPN 558 Hazardous Waste Technician  
SPN 618 Projectionist  
SPN 619 Assistant Projectionist

A motion to adopt/delete these classifications was put forth by Ms. Gilmore and seconded by Mr. Stephens. The motion carried unanimously.

### **Agenda Item IV.**

#### **Administrative Complaint**

This has been postponed to the October meeting.

The Commission went into Executive Session at 9:54 a.m. and returned at 10:45 a.m.

### **Agenda Item V.**

#### **Other Business**

There being no additional business to come before the Commission, the meeting was adjourned at 10:46 a.m.

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# Hearing Notices

## CITY OF SPOKANE BUDGET NOTICE

NOTICE IS HEREBY GIVEN, pursuant to RCW 35.33.061, that the Mayor's Preliminary (Proposed) Budget of the City of Spokane for the City's ensuing Fiscal Year (January 1, 2018-December 31, 2018), has been filed in the City Clerk's Office on (or before) November 2, 2017. A copy thereof will be furnished to any taxpayer who will call at the City Clerk's Office therefor. Copies will be made available no later than November 10, 2017. The Spokane City Clerk's Office is located on the Fifth Floor - Municipal Building, 808 W. Spokane Falls Boulevard, Spokane, WA. In addition, a copy of the Proposed Budget will be available for citizen review at the Main Branch of the City Library, 906 W. Main Avenue, Spokane, WA.

NOTICE IS HEREBY FURTHER GIVEN, pursuant to RCW 35.33.061, that the Spokane City Council will meet on or before the first Monday of December for the purpose of fixing the final budget. The Council plans to meet on the dates indicated (below) in its consideration of the 2018 Proposed Budget during its Regular Legislative Sessions to be held at 6:00 p.m. on Monday evenings in the Council Chamber, 808 W. Spokane Falls Boulevard:

### OCTOBER 30, 2017

- Hold Public Hearing on possible Revenue Sources for 2018 Budget and begin Hearing on the Proposed 2018 Budget.

### NOVEMBER 6, 2017

- Continue Hearing on the Proposed 2018 Budget.

### NOVEMBER 13, 2017

- Continue Hearing on the Proposed 2018 Budget.

### NOVEMBER 20, 2017

- Continue Hearing on the Proposed 2018 Budget.

The City Council reserves the right to conclude the budget hearings on November 20, 2017, and/or to continue the hearings up to the 25<sup>th</sup> day prior to the beginning of the next fiscal year (RCW 35.33.071) (no later than December 7, 2017).

Any taxpayer who wishes may appear at any of these meetings and be heard for or against any part of the Budget.

**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 Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [msteinolfson@spokanecity.org](mailto:msteinolfson@spokanecity.org). Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Publish: November 1, 8 & 15, 2017

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## PROPOSED AMENDMENTS TO SPOKANE MUNICIPAL CODE CHAPTERS 17D.040 "Historic Preservation", 17G.010 "Building and Construction Permits", AND 08.02 "Fees and Charges"

Notice is hereby given that there will be a public hearing before the City of Spokane Plan Commission on **Wednesday, November 8, 2017 at 3:30 pm** in the City Council Chambers, Lower Level of City Hall at 808 West Spokane Falls Boulevard, Spokane, Washington, to receive public testimony on a proposal to amend chapters 17D.040 "Historic Preservation", 17G.010 "Buildings and Construction Permits", and 08.02 "Fees and Changes" of the Spokane Municipal Code. The Plan Commission reserves the right to continue this hearing to a later date. Any person may submit written comments on the proposed action or call for additional information at:

City of Spokane Office of the City Council  
Attn: Jacob Fraley, Legislative Assistant to Council Member Lori Kinnear  
808 West Spokane Falls Boulevard, 3rd Floor  
Spokane, WA 99201-3333  
Phone (509) 625-6715  
[jfraley@spokanecity.org](mailto:jfraley@spokanecity.org)

**Description of Proposal:** The proposed ordinance enhances protections for historic landmarks and districts, as well as provides increased incentives and new funding for historic preservation. More specifically, it provides for the creation of historic districts to be listed on the Spokane Register of Historic Places. The proposal also creates a more thorough and, at times, restrictive process by which the appropriateness for demolition of historic buildings and buildings in historic districts may be determined, among other procedural improvements. The specific action proposed at this time repeals chapter 17D.040; enacts a new chapter 17D.100; amends sections 17G.010.210, 08.02.031, and 08.02.065, and enacts a new section 07.08.151 of the Spokane Municipal Code.

Additional information about this project can be found at: <https://my.spokanecity.org/citycouncil/items-of-interest/demolition/>.

**SEPA:** A Determination of Non Significance (DNS) was issued on October 23, 2017 under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days. Comments regarding this DNS must be submitted no later than 5:00 pm., November 7, 2017 if they are intended to alter the DNS.

**Written Comments and Public Testimony:** **Written comments may be submitted on this application by 4 pm, November 8, 2016 and will be forwarded to the Plan Commission.** Written comments should be sent to the Office of the City Council address or email listed above. **At the Plan Commission Public Hearing, any person may testify on this application.**

**Public Hearing Process:** This Notice of Public Hearing and SEPA Determination will be posted at the main City Library and published in the newspaper. After the Plan Commission hearing, staff will obtain a public hearing date for City Council consideration. Written comments and oral testimony at the public hearing for this proposed action will be made part of the public record. **Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.**

**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 Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [msteinolfson@spokanecity.org](mailto:msteinolfson@spokanecity.org). Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Publish: October 25 & November 1, 2017

# General Notices

CITY OF SPOKANE  
NOTICE OF ELECTION  
NOVEMBER 7, 2017, BALLOT

PROPOSITION NO. 2

CITY OF SPOKANE

**ORDINANCE REGARDING PROHIBITION OF OIL AND COAL SHIPMENT BY RAIL**

Initiative No. 2016-6, designated as Ordinance No. C-35515, proposes that the Spokane Municipal Code be amended regarding the prohibition of oil and coal shipment by rail.



Shall the Spokane Municipal Code be amended to make it a class 1 civil infraction for any person or entity to allow a rail car that it owns to ship uncontained 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.

\_\_\_ YES

\_\_\_ NO

### Summary of Measure

#### THE LAW AS IT CURRENTLY EXISTS:

Rail transportation of coal and oil is generally regulated by state and federal, which grants discretion to local regulations in certain circumstances. There is currently no City of Spokane law regulating or prohibiting the rail transport of coal or crude oil within the City.

#### THE EFFECT OF THE PROPOSAL, IF APPROVED:

If approved, this proposed ordinance would amend the Spokane Municipal Code to make it a class 1 civil infraction for any person or entity to allow a rail car that it owns to ship uncontained 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.

### ORDINANCE NO. C-35515

An ordinance relating to a prohibition against rail car owners allowing the use of their rail cars to transport highly flammable oil and uncovered coal through specific areas of the City of Spokane that pose an essentially local hazard not currently provided for in federal railway safety regulations; adopting a new section to chapter 10.08 of the Spokane Municipal Code.

**WHEREAS**, federal statute authorized pursuant to the Commerce Clause of the United States Constitution delegates to state governments the power to implement supplemental rail safety laws and enforce them with civil fines, specifically, 49 U.S.C. § 20106(a)(2)(A-C) and (b)(1)(A-C), which 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 highly flammable oil in conjunction with uncontained coal through Spokane's elevated rails in the downtown core and sole source drinking water aquifer; and

**WHEREAS**, the federal Ninth Circuit case of *Union Pacific Railway Co. v. California Public Utilities Commission*, (9<sup>th</sup> Cir. 2000) confirms that Congress has delegated its power under the Commerce Clause to the states for essentially local dangers, including the implementation of supplemental railway safety regulations and their enforcement with civil fines; 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**, the United States Constitution reserves rights for and grants un-enumerated rights to the States and the People to protect their health, welfare and safety, including residents of the City of Spokane, including but 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**, 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**, 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 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 rail tracks 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 by increasing the likelihood of oil train derailments and infringement on the rights of property owners under 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, especially on elevated tracks in the downtown core contaminated by coal dust, is an ultra-hazardous activity that poses 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 surrounding region; and

**WHEREAS**, seventeen 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**, 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**, transporting highly flammable oil trains over elevated railways that are covered with uncontained coal dust through the most densely populated locale between the Bakken oil fields and Interstate 5 and also adjacent to the sole source drinking water aquifer for over 200,000 individuals is an essentially local hazard for which the Secretary of Transportation has not yet implemented safety rules; and,

**WHEREAS**, the proposed regulations to restrict the owners of railway cars from permitting their cars from transporting oil with a vapor pressure of over 8 PSI and a flashpoint of under 73° F will cost less than four cents/gallon in oil conditioning according to the North Dakota Legislature and is thus not an undue burden on interstate commerce compared to the reduction in risk of harm; and

**WHEREAS**, the proposed regulations to restrict the owners of railway cars from permitting their cars from being used to transport uncontained coal is not unduly burdensome on interstate commerce because the cost of utilizing contained rail cars is extremely small per pound of coal based on the cost of the cars over their useful lifetime and any additional time in loading and unloading when compared to the reduction in risk of harm; 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 highly flammable oil and uncontained coal through the most critical areas of the City of Spokane; and

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

Section 1. That there is adopted a new section 10.08.068 to chapter 10.08 of the Spokane Municipal Code to read as follows:

**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 and federal statute 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 railway tracks carrying highly flammable oil trains is an inherently dangerous and ultra-hazardous activity and essentially local danger, and the distribution 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 and ultra-hazardous 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 owner of a railway car may not permit the transit of its 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 owner of a railway car permitting such illegal transit of its 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 preempted shall be severed from this section and the remainder of this section shall continue unaffected.

Section 2. Sunset Provision.

This ordinance shall be reviewed by the City Council for consistency with evolving technological safety measures and best practices no later than September 1, 2020.

Publish: October 25 and November 1, 2017

# 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. C35557

An ordinance relating to imprest accounts, amending SMC 07.03.110 Section 1

The City of Spokane does ordain:

Section 1. That SMC section 07.03.110 is amended to read as follows:

### **07.03.110 Municipal Court**

There is established in the Municipal Court an imprest fund in an amount not to exceed one thousand three hundred dollars to be used for change for the Court cash registers in the normal course of business.

**Passed by City Council October 23, 2017**

**Delivered to Mayor October 26, 2017**

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# Job Opportunities

We are an equal opportunity employer and value diversity within our organization. We do not discriminate on the basis of race, religion, color, national origin, gender identity, sexual orientation, age, marital status, familial status, genetic information, veteran/military status, or disability status.

## AMENDMENT

## AMENDMENT

## AMENDMENT

### REFUSE COLLECTOR II

SPN 550

(Announcement of 10/16/2017)

The above titled announcement is hereby amended to read:

**Shortage Recruitment: Any employee currently classified as a Refuse Collector I who possess a Class "B" CDL with air brake endorsement may apply on a promotional basis, regardless of time in class.**

# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

### CALL FOR BIDS

#### Upriver Facility Paving - REBID Engineering Services File No. 2017169

This project consists of the construction of approximately 200 cubic yards of excavation, 55 linear feet of storm sewer, 3 drainage structures, 2,230 square yards of 3-inch thick HMA CI 1/2" 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., November 13, 2017 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

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

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

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

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

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

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.

Publish: November 1 and 8, 2017

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**REQUEST FOR QUALIFICATIONS  
PROJECT NO. 2018045  
2018-2019 SURVEYING ON-CALL SERVICES  
City of Spokane Department of Engineering Services**

Sealed proposals are due by 1:00 p.m. on **MONDAY, NOVEMBER 20, 2017** to the Engineering Department on the second floor of Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201-3343.

Submit (1) one original and (3) three paper copies of the Proposal to:

City of Spokane – Engineering Services  
2nd Floor – City Hall  
808 W. Spokane Falls Blvd.  
Spokane WA 99201-3343

Place each copy of the Proposal in a separate sealed envelope. On the front of each envelope, clearly note it contains the original or a copy and place the following information:

2018-2019 SURVEYING ON CALL SERVICES  
YOUR COMPANY NAME

**NOTE:** Proposals will not be accepted by fax or email.

Publish: November 1 and 8, 2017

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**REQUEST FOR QUALIFICATIONS  
PROJECT NO. 2018046  
2018-2019 GEOTECHNICAL ENGINEERING ON-CALL SERVICES  
City of Spokane Department of Engineering Services**

Sealed proposals are due by 1:00 p.m. on **MONDAY, NOVEMBER 20, 2017** to the Engineering Department on the second floor of Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201-3343.

Submit (1) one original and (3) three paper copies of the Proposal to:

City of Spokane – Engineering Services  
2nd Floor – City Hall  
808 W. Spokane Falls Blvd.  
Spokane WA 99201-3343

Place each copy of the Proposal in a separate sealed envelope. On the front of each envelope, clearly note it contains the original or a copy and place the following information:

2018-2019 GEOTECHNICAL ENGINEERING ON CALL SERVICES  
YOUR COMPANY NAME

**NOTE:** Proposals will not be accepted by fax or email.

Publish: November 1 and 8, 2017

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# Notice for Bids

## Supplies, Equipment, Maintenance, etc.

### NETWORKED SOLAR COMPACTING WASTE RECEPTACLES

City of Spokane

RFP #4417-17

Sealed bids will be opened at 1:15 p.m., **MONDAY, NOVEMBER 13, 2017**, in the City Council Chambers – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for the **NETWORKED SOLAR COMPACTING WASTE RECEPTACLES** for the City of Spokane.

The Request for Bids document is available by contacting Thea Prince, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane, WA 99201 at [purchasinghelp@spokanecity.org](mailto:purchasinghelp@spokanecity.org).

#### Submittal Instructions:

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

**City of Spokane – Purchasing  
4th Floor – City Hall  
808 West Spokane Falls Boulevard  
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:

**“NETWORKED SOLAR COMPACTING WASTE RECEPTICALS, RFP #4417-17, DUE 11/13/17”.**

Thea Prince  
Purchasing Division

Publish: November 1 & 8, 2017

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### REQUEST FOR BIDS

**SODIUM HYDROXIDE 50% MEMBRANE (CAUSTIC SODA)**

**CITY OF SPOKANE - WASTE TO ENERGY FACILITY**

**BID #4418-17**

Sealed bids will be opened at 1:15 p.m. on **MONDAY, NOVEMBER 13, 2017**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **SODIUM HYDROXIDE 50% MEMBRANE (CAUSTIC SODA)** for the City of Spokane Waste to Energy Facility.



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

**Submittal Instructions:**

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

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

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

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

All response packages are to be clearly marked with:

**“BID #4418-17, SODIUM HYDROXIDE 50% MEMBRANE (CAUSTIC SODA), DUE 11/13/17”**

Thea Prince  
City Purchasing

Publish: November 1 & 8, 2017

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