

02-24-2011



# Agenda Sheet for City Council Meeting of\*

02/07/2011

Date Rec'd (Clerk use only) 01/26/2011

Clerk's File # ORD C34690

Status: CLERK REVIEW

Submitting Dept\*: CITY COUNCIL

Cross Ref # RES 2011-0005

Contact Name & Phone\*: J SHOGAN 625.6255

Project #

Contact E-Mail\*: JSHOGAN@SPOKANECITY.ORG

Bid #

Add'l Docs Attached?  First Reading Ordinance

Requisition #

Agenda Item Name: Begin with Dept # 0320 TBD ORDINANCE

Agenda Wording\*: (5 character max)  Additional attached?

An ordinance relating to the City of Spokane Transportation Benefit District expanding the functions, activities, and/or transportation improvements proposed to be provided or funded by the Transportation Benefit District; amending SMC 8.16.010,

Summary (Background)\*: (5 character max.)  Additional attached?

The City enacted Chapter 8.16 SMC to create a transportation benefit district and to establish the transportation improvements to be funded by the TBD. State law provides that after a public hearing, the functions and transportation improvements to be funded by the TBD may be expanded. This ordinance will amend Chapter 8.16 SMC to expand the scope of transportation improvements to be funded by the TBD to include not only the six-year street pavement program of the City's 2012-2017 six-year

PASSED BY SPOKANE CITY COUNCIL

Fiscal Impact	Budget Ac
Select \$	#
Select \$	#
Select \$	#
Select \$	#

February 14, 2011

*[Signature]*  
City Clerk

## Approvals

Dept Head	MANAGER
Division Director	
Finance	LESESNE, MICHELE
Legal	BURNS, BARBARA
For the Mayor	WEBSTER, DOROTHY

## Council Notifications (Date)

Study Session	
Other	

## Additional Approvals

Purchasing	
Select Dept 1	
Select Dept 2	
Select Dept 3	

## Distribution List (Emails preferred) Additional?

FIRST READING OF THE ABOVE ORDINANCE WAS HELD ON 2/7/11 AND FURTHER ACTION WAS DEFERRED

*[Signature]*  
CITY CLERK

ORD C34690

### Continuation of Wording, Summary, and Distribution

Agenda Item Name: 0320 TBD ORDINANCE

Agenda Wording (608 character max)

8.16.060 and 8.16.070.

Summary (Background) (785 character max)

comprehensive street program but also teh pedestrian facilities retrofitting program.

#### Fiscal Impact

Select	\$	
Select	\$	
Select	\$	
Select	\$	

#### Budget Account

#	
#	
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#### Distribution List


Save

Cancel

0320 TBD

## **ORDINANCE NO. C34690**

An ordinance relating to the City of Spokane Transportation Benefit District expanding the functions, activities and/or transportation improvements proposed to be provided or funded by the Transportation Benefit District; amending SMC sections 8.16.010, 8.16.060 and 8.16.070.

WHEREAS, on October 11, 2010, the City Council adopted Ordinance No. C34648 establishing the City of Spokane Transportation Benefit District (TBD), which is codified in Chapter 8.16 of the Spokane Municipal Code (SMC)

WHEREAS, Ordinance No. C34648 provides that the funds generated by the TBD shall be used specifically for annual improvements for the operation, preservation and maintenance of the City's existing transportation improvements, facilities and programs set forth in the Six-Year Pavement Maintenance Program of the City's 2011-2016 Six-Year Comprehensive Street Program;

WHEREAS, RCW 36.73.050 allows the City Council, acting in its legislative authority, to expand the functions, activities and/or transportation improvements proposed to be provided or funded by the TBD;

WHEREAS, on January 10, 2011, the City Council adopted Ordinance No. C34683, amending the scope of the functions, activities and/or transportation improvements proposed to be provided or funded by the City of Spokane Transportation Benefit District to include the Six-Year Pavement Maintenance Program of the City's **2012-2017** Six-Year Comprehensive Street Program;

WHEREAS, the functions, activities and/or transportation improvements to be provided or funded by the TBD are proposed to be expanded to include to include the allocation of ten percent of revenue generated pursuant to Chapter 8.16 SMC to implement the pedestrian program of the City of Spokane's 2012-2017 Six-Year Comprehensive Street Program;

WHEREAS, the City Council determines that expanding the functions, activities and/or transportation improvements to be provided or funded by the TBD as set forth in this ordinance is in the public interest; and

WHEREAS, pursuant to Resolution 2011-0005, passed by the Council on January 31, 2011, the City Clerk published notice of the public hearing before the City Council regarding the proposed expansion of the functions, activities and/or transportation improvements to be provided or funded by the TBD.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That SMC section 8.16.010 is amended to read as follows:

**8.16.010 Purpose.**

The purpose of this chapter is to establish a transportation benefit district pursuant to and consistent with RCW 35.21.225 and chapter 36.73 RCW, as the city council finds it is in the public interest to provide adequate levels of funding for the purposes of implementing and funding the transportation improvements set forth in this chapter including ongoing transportation improvements of the City as set forth in the six-year pavement maintenance ((element)) program of the City's 2012 - 2017 six-year comprehensive street program and to include the allocation of ten percent of revenue generated pursuant to Chapter 8.16 SMC to implement the pedestrian program of the City's 2012-2017 six-year comprehensive street program.

Section 2. That SMC section 8.16.060 is amended to read as follows:

**8.16.060 Transportation Improvements Funded.**

- A. The funds generated by the TBD may be used for any purpose allowed by law including to operate the TBD and to make annual transportation improvements that are consistent with existing state, regional, or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to chapter 36.73 RCW. The funds shall be used specifically for annual improvements for the operation, preservation and maintenance of the City's existing transportation improvements, facilities, functions, activities and programs set forth in the six-year pavement maintenance program element of the City's 2012- 2017 six-year comprehensive street program, a copy of which is attached and to include the allocation of ten percent of revenue generated pursuant to Chapter 8.16 SMC to implement the pedestrian program of the City's 2012-2017 six-year comprehensive street program.
- B. The transportation improvements funded by the TBD shall be made in an effort to reduce risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.
- C. The transportation improvements funded by the district shall be made on an annual basis not to exceed the six-year time period of the 2012- 2017 six-year comprehensive street program. Transportation improvement projects shall be completed on an annual basis as funding is made available. The district shall not

be obligated to continue the operation and existence of the district for the full six years if the governing board elects to dissolve the district pursuant to chapter 36.73 RCW.

- D. The TBD projects may be amended in accordance with the material change policy described in SMC 8.16.040 and in accordance with the notice, hearing and other procedures described in chapter 36.73 RCW, including RCW 36.73.050(2)(b), as the same may be amended from time to time.

Section 3. That SMC section 8.16.070 is amended to read as follows:

**8.16.070 Dissolution of District.**

The TBD shall be dissolved when all transportation improvements associated with the operation, preservation and maintenance of the City's existing transportation improvements, facilities, functions, activities and programs set forth in the six-year pavement maintenance program ((element)) and the pedestrian program of the City's 2012 - 2017 six-year comprehensive street program have been completed; all indebtedness of the district created to accomplish the improvements has been retired and when all of the TBD's anticipated responsibilities have been satisfied.

In addition to the automatic dissolution of the district as set forth above, the governing board reserves the right, as set forth in chapter 36.73 RCW, to cause the dissolution of the district for any legal reason, including if a regional transportation district with a funding mechanism is formed pursuant to an interlocal agreement as permitted in RCW 36.73.020.

PASSED BY THE CITY COUNCIL ON February 14, 2011.

Alexander J. Hoyer, Jr.  
Council President

Attest:

Approved as to form:

Leri H. Goble  
City Clerk

Michael J. Pevick  
Assistant City Attorney

Mark B. V. ...  
Mayor

2/22/2011  
Date

March 24, 2011  
Effective Date

