

SUPPLEMENT

March 2016 CA Packet

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PROPOSED UPDATES TO SPOKANE'S CHRONIC NUISANCE CODE

March 3, 2016

City Councilwoman Amber Waldref & Matthew Folsom, Spokane Police Dept.

Background:

The City of Spokane, through its Police Department and its Neighborhood Services and Code Enforcement Unit, has expended inordinate resources in response to complaints about properties that are abandoned, where unsafe conditions exist, and where crime repeatedly occurs. Such properties are known as “nuisance” properties because they have a tremendous adverse impact upon the quality of life of Spokane’s residents and visitors and they impose a significant financial burden to the City. This proposal addresses several revisions to the chronic nuisance ordinance (SMC 10.08A.010) and improves the process for the abatement of such properties. The desired outcome of these changes is to increase the City’s success in returning abandoned and chronic nuisance properties to productive use.

Proposed revisions:

- Clearly defines “abandoned property” and “abatement agreement,” as well as adds “return to productive use” to the definition of “abate”; (page 2)
- Amends the definition of “chronic nuisance property” to include a property:
 - with seven or more nuisance activities during any twelve month period; (page 2)
 - where, pursuant to a valid search warrant, evidence of drug related activity exists,
 - that is abandoned and where nuisance activity exists; (page 2)
- Expands the definition of “nuisance activity” to include a long list of activities including such things as possession of stolen property, identity theft, warrant arrests, & domestic violence; (refer to the full list of new and consolidated activities on page 3 & 4)
- Adds “any bank or financial institution” or lien holder to the definition of a “person in charge” of a property; (pg. 6)
- Adds joint and several liability for multiple persons in charge of a nuisance property; (pg. 6)
- Clarifies the due process procedures. Requires the person in charge of the property to enter into an abatement agreement approved by SPD to abate the nuisance within 15 days of the issuance of the chronic nuisance notice.; (pages 7-10)
- Establishes a graduated penalty system whereby a person is warned first, cited with a class 1 civil infraction second, and abated through a superior court warrant third; (page 10)
- Incorporates the Victim Protection Limitation under RCW 58.18.580; (page 10)
- Adds the option of the City to pursue receivership as a way to facilitate returning chronic nuisance properties to productive use; (page 12)
- Adds the option of relocation assistance; (page 12)

Stakeholder Input and Next Steps:

This amendment has been reviewed by the Spokane Police Department, Code Enforcement, Landlord Association of the Inland Northwest and the City Prosecutor’s Office. City Council will be briefed on the changes at its March 21st Public Safety Committee Meeting. Spokane COPS has been asked to provide input and we are seeking input from the Community Assembly, tenants groups, and neighborhood/business organizations to help improve upon these changes. Please contact Councilwoman Amber Waldref at awaldref@spokanecity.org or 625-6719 with any suggestions.

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ORDINANCE NO. C-_____

AN ORDINANCE relating to nuisance properties; amending SMC sections 10.08A.010, 10.08A.020, 10.08A.030, 10.08A.040, and 10.08A.050; adopting a new section 10.08A.045 to chapter 10.08A of the Spokane Municipal Code and repealing SMC sections 10.08.030 and 10.20.020.

Section 1. That SMC section 10.08A.010 is amended to read as follows:

10.08A.010 Nuisance Properties - Purpose

~~((A. Chronic nuisance properties present grave health, safety and/ welfare concerns, which the property owners or persons in charge of such properties have failed to take corrective action to abate the nuisance condition. Chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to remedy nuisance activities that repeatedly occur or exist at chronic nuisance properties by providing a process for abatement; and this remedy is not an exclusive remedy available under any state or local laws and may be used in conjunction with such other laws.))~~

~~((B. Also, chronic nuisance properties are a financial burden to the City by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property, and this chapter is a means to ameliorate those conditions and hold responsible the owners or persons in charge of such property.))~~

The City of Spokane is committed to protecting its citizens from the dangers of properties that are abandoned, where unsafe conditions exist or where crime repeatedly occurs. Such properties are known as “nuisance properties” because of their adverse impact on the quality of life of Spokane’s citizens. Additionally, when owners, financial institutions and persons in charge fail to take responsible action to secure and care for these properties, they deteriorate and become “chronic nuisance” properties. Chronic nuisance properties create a substantial financial burden, pose a significant strain on city services, interfere with other’s use and enjoyment of their lands, and are a prohibited public nuisance. Persons in charge of such properties have a duty to take all reasonable measures to prevent and abate nuisance activity. It is the purpose of this chapter to hold legally and financially accountable the owners and persons in charge of nuisance and chronic nuisance properties, and to provide for the restoration and abatement of such properties. It is also the purpose of this chapter to provide for the closure of abandoned properties that are not subject to the building official process under Chapter 17F.040 SMC.

Section 2. That SMC section 10.08A.020 is amended to read as follows:

10.08A.020 Definitions

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

A. “Abandoned property”, for purposes of defining a nuisance, means a property over which the person in charge no longer asserts control due to death, incarceration, or any other reason, and which is either unsecured or subject to occupation by unauthorized individuals.

~~((A))~~ B. “Abate” means to repair, replace, remove, destroy, return to productive use, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the applicable City department director or designee determines is necessary in the interest of the general health, safety and welfare of the community.

C. “Abatement agreement” means a contract between the City and the person in charge of the chronic nuisance property in which such person agrees to promptly take all lawful and reasonable actions, which shall be set forth in the agreement, to abate the nuisance within a specified time and according to specified conditions.

~~((B))~~ D. “Chronic nuisance property” means:

~~((1. — a property on which three or more nuisance activities are observed during any sixty-day period or seven or more nuisance activities are observed during any twelve-month period, or))~~

1. a property on which nuisance activity is observed on three or more occasions during any sixty-day period or on which nuisance activity is observed on seven or more occasions during any twelve-month period, or

2. a property where, pursuant to a valid search warrant, controlled substances have been located or other evidence of drug-related activity has been identified, or

3. any abandoned property where nuisance activity exists.

~~((C))~~ E. “Control” means the ability to regulate, restrain, dominate, counteract or govern property or conduct that occurs on a property.

~~((D))~~ F. “Drug-related activity” means any unlawful activity at a property which consists of the manufacture, delivery, sale, storage, possession, use or giving away of any controlled substance as defined in chapter 69.50 RCW, legend drug as defined in

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chapter 69.41 RCW or imitation controlled substances as defined in chapter 69.52 RCW.

((E))G. "Landlord" means the owner, lessor or sublessor of the dwelling unit or the property of which it is a part, and in addition, means any person designated as a representative of the landlord.

((F))H. "Nuisance activity" means and includes:

1. ~~((a nuisance))~~ Any civil code violation as defined by state law or local ordinance occurring around or near the property, including, but not limited to, the following activities, conditions or behaviors: ((; or))

a. Litter and Rubbish: SMC 10.08.010.

b. Fire Hazard from Vegetation and Debris: SMC 10.08.040.

c. Any dangerous animal violations: SMC 17C.310.

d. Fire Code Violations: SMC 17F.080.

e. Alcohol beverage control violations, as defined in RCW 66.44.

f. General Nuisance

i. any act or omission, as provided in Chapter 7.48 RCW or Chapter 9.66 RCW or which unreasonably:

a. interferes with the comfort, solitude, health or safety of others; or

b. offends common decency; or

c. offends common sensibilities and senses by way of extreme noise, light or odor; or

d. obstructs or renders hazardous for public passage any public way or place; or

e. pollutes or renders less usable any watercourse or water body.

ii. maintaining or permitting upon any land:

a. refrigerator, freezer or other insulated container within which a child could suffocate;

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b. a pit, excavation, swimming pool, well or other uncovered hole into which a person could fall;

c. lumber, metal, plastic, paper, cardboard, or other scrap material deposited in such place and manner as to constitute a hazardous attraction to children;

d. unused or junk vehicle or machinery or parts unless enclosed and secured as required by law for wrecking yards or junk yards;

e. toxic, radioactive, caustic, explosive, malodorous or septic substances, such as putrescent animal, fish or fowl parts, animal or vegetable waste matter, excrement and any material likely to attract or breed flies or rats, unless kept in proper receptacles as provided by the health and refuse laws; or

f. structure, collection of wood, cloth, paper, plastic or glass material, vegetation or flammable substances kept in such manner as to create a substantial risk of combustion or spread of fire.

2. ~~((any of the following activities, behaviors or criminal conduct:))~~ Any criminal conduct, including the attempt and/or conspiracy to commit any criminal conduct, as defined by State or local ordinance occurring on, around, near or having a nexus to a property, including but not limited to:

- a. Stalking: SMC 10.11.060.
- b. Harassment: SMC 10.11.070 through SMC 10.11.072 and SMC 10.11.079.
- c. Failure to disperse: SMC 10.10.010.
- d. Disorderly conduct: SMC 10.10.020.
- e. Assault: SMC 10.11.010, including domestic violence assault, chapter 10.09 SMC.
- f. Reckless endangerment: SMC 10.11.020.
- g. Prostitution: SMC 10.06.030.
- h. Patronizing a prostitute: SMC 10.06.010.

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- i. Disorderly house, as defined by: SMC 10.06.010.
- j. Indecent exposure: SMC 10.06.025.
- k. Lewd conduct: SMC 10.06.020.
- l. Any firearms or dangerous weapons violations listed in: ((SMC 10.11.042 through ~~SMC 10.11.050~~)) SMC 10.11.052.
- m. Noise: ((~~SMC 10.08.020~~)) SMC 10.08.D.
- n. Loitering for the purpose of engaging in drug-related activity: SMC 10.15.020.
- o. Drug-related activity.
- p. Gang-related activity, as defined in: RCW 59.118.030.
- q. Any crimes of domestic violence.
- r. Any violation of any protection order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590.
- s. Warrant arrests, or any instance in which a DOC offender is located at a property while in violation of DOC supervision.
- t. Reckless Driving, Driving Under the Influence, Vehicular Homicide and Assault: RCW 46.61.500 through RCW 46.61.540.
- u. Possession of stolen property: RCW 9A.56; SMC 10.05.064.
- v. Trafficking in stolen property and/or criminal profiteering: RCW 9A.82.
- w. Theft, trafficking, or unlawful possession of commercial metal property: RCW 19.290.
- x. Identity theft: RCW 9.35.020.
- y. Rendering criminal assistance: RCW 9A.76; SMC 10.07.037; SMC 10.07.038; SMC 10.07.039.
- z. Possession of stolen vehicle: RCW 9A.56.068.

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((G))I. "Owner" means any person having any interest in the real estate in question as indicated in the records of the office of the Spokane County auditor, or who establishes under this chapter, their ownership interest therein.

((H))J. "Person" means natural person, financial institution, bank, joint venture, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, officer or employee of any of them.

((I))K. "Person associated with a property" means any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit, a property or a person present on property, including without limitation, any officer, director, customer, agent, employee or any independent contractor of a property, or a person in charge of or owner of a property.

((J))L. "Person in charge" of a property means any person in actual or constructive possession or control of a property, including, but not limited to, an owner, occupant, agent or property manager of a property under his control, and any bank or financial institution in actual or constructive possession or which possesses any sort of lien or interest in the property. There may be at any one time multiple persons in charge of a property all of which may be jointly and severally liable under this chapter.

((K))M. "Premises and property" may be used by this chapter interchangeably and means any building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as residential or commercial property.

((L))N. "Rental unit" means any structure or that part of a structure including, but not limited to, single-family home, room or apartment, which is rented to another and used as a home, residence or sleeping place by one or more persons.

Section 3. That SMC section 10.08A.030 is amended to read as follows:

10.08A.030 General Nuisance - Penalty

- ~~A. Any property within the City of Spokane which is a chronic nuisance property is in violation of this chapter and subject to its remedies; and~~
- ~~B. Any person in charge who permits property to be a chronic nuisance property shall be in violation of this chapter and subject to its remedies.))~~

No person in charge may maintain or permit nuisance activity under section 10.08A.020.H(1)(f) of this chapter upon any land or property within the City of Spokane. Any person in charge who maintains or permits nuisance activity under section 10.08A.020.H(1)(f) commits a gross misdemeanor.

Section 4. That SMC section 10.08A.040 is amended to read as follows:

10.08A.040 Chronic Nuisance Property - Procedure

- ~~A. When the chief of police, or his designee, receives police documentation confirming the occurrence of three or more nuisance activities within a sixty-day period on the property, the chief of police, or his designee, may review such reports to determine whether they describe the nuisance activities enumerated in SMC 10.08A.020.~~
- ~~1. Upon such a finding, the chief of police, or his designee, shall notify a property owner at the address shown on the county auditor records and shall notify the person in charge of the property in writing that the property is in danger of being declared a chronic nuisance property.~~
- ~~B. The notice shall contain:~~
- ~~1. the street address or a legal description sufficient for identification of the property;~~
- ~~2. a concise description of the nuisance activities that exist, or that have occurred on the property;~~
- ~~3. a demand that the owner or person in charge respond to the chief or his designee within ten days of service of the notice to discuss the nuisance activities and create a plan to abate the chronic nuisance;~~
- ~~4. offer the person in charge an opportunity to abate the nuisance activities giving rise to the violation; and~~
- ~~5. a statement describing that if legal action is sought, the property could be subject to closure, civil penalties and/or costs assessed up to one hundred dollars per day after the notice of the chronic nuisance property is received.~~
- ~~C. Such notice shall be either:~~
- ~~1. personally served, or~~
- ~~2. delivered by first class mail to the person in charge of the property with a copy mailed to the owner at the address indicated by the Spokane County auditor, if different than the person in charge of the property.~~
- ~~D. If the person in charge fails to respond to the notice within the time prescribed, the chief of police, or his designee, shall post such notice at the property and issue the person in charge a class 1 civil infraction.~~
- ~~1. If the person in charge fails to respond to the issued infraction the matter shall be referred to the office of the city attorney for further action.~~
- ~~E. If the person in charge responds as required by the notice and agrees to abate the nuisance activity, the chief of police, or his designee, and the person in charge and/or property owner may work out an agreed-upon course of action which would abate the nuisance activity.~~
- ~~1. If an agreed course of action does not result in the abatement of the nuisance activities or if no agreement concerning abatement is reached, the matter shall be forwarded to the office of the city attorney for enforcement action.~~
- ~~F. It is a defense to an action for chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or~~

diligence, determine that the property had become chronic nuisance property, or could not in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is chronic nuisance property.))

A. Chronic Nuisance Notice

1. When documentation confirms a chronic nuisance property, as defined by SMC 10.08A.020, the chief of police, or his designee shall notify the person in charge of the property in writing that the property is in danger of being declared a chronic nuisance property.
2. The notice shall indicate the following:
 - a. the street address or a legal description sufficient for identification of the property;
 - b. a concise description of the nuisance activities that have occurred on the property and whether the property is abandoned;
 - c. a warning that the person in charge of the property may be subject to monetary and criminal penalties as set forth in this chapter.
 - d. a demand that the person in charge respond to the chief of police or his designee within seven days of service of the chronic nuisance notice to discuss the nuisance activities and create a plan to abate the nuisance;
 - e. a statement that the person in charge shall have an opportunity to abate the nuisance giving rise to the nuisance; and
 - f. a warning that, if the person in charge does not respond, as required, or if the matter is not voluntarily corrected to the satisfaction of the chief of police, or his designee, the City may file an action to abate the property as a chronic nuisance property pursuant to this chapter and/or take other action against the property or person in charge.
3. Such notice shall be either:
 - a. personally served, or
 - b. delivered by first class mail to the person in charge of the property with a copy mailed to the owner at the address indicated by the Spokane County auditor, if different than the person in charge of the property.

B. Requirement to Respond

A person in charge who receives notice pursuant to this section must, within seven days, contact the officer who issued the notice to establish a plan of action to eliminate the conditions, behaviors or activities which constitute a nuisance at the property.

C. Abatement Agreement

1. The person in charge shall enter into an abatement agreement or otherwise produce a plan approved by the chief of police or his designee to abate the nuisance within fifteen days of the issuance of the chronic nuisance notice.
2. The abatement agreement shall be signed by the person in charge and shall include the following:
 - a. The name and address of the persons in charge of the property;
 - b. The street address or a description sufficient for identification of the property, building, structure, or land upon or within which the nuisance is occurring;
 - c. A description of the nuisance activities and whether the property is abandoned;
 - d. The necessary corrective action to be taken, and a specific date or time by which correction must be completed.

D. Corrective Action

Once the person in charge has entered into an abatement agreement or otherwise produced an approved plan to abate the nuisance, he or she must abide by the approved plan and promptly take corrective action to eliminate the nuisance. Corrective action may include, but is not limited to:

1. Effective tenant screening, leasing and rule enforcement;
2. Implementing physical improvements for crime prevention;
3. Providing security for the property;
4. Evicting persons responsible for the nuisance activity; and

5. Pursuing other remedies available to the owner pursuant to any lease or other agreement.

All corrective action must conform to state and local laws, including but not limited to RCW 59.18.580, the Victim Protection Limitation on Landlord's Rental Decisions.

Section 5. That there is adopted a new section 10.08A.045 to chapter 10.08A of the Spokane Municipal Code to read as follows:

10.08A.045 Penalties

A. Failure to Respond

It is a class 1 civil infraction for any person in charge to fail to respond to the chief of police or his designee within seven days of service of the chronic nuisance notice.

B. Failure to Enter Agreement or Produce an Approved Plan to Abate

It is a class 1 civil infraction for any person in charge to fail to enter into an abatement agreement or otherwise produce an approved plan to abate the nuisance within fifteen days of the issuance of the chronic nuisance notice.

C. Failure to Abate Nuisance

After the issuance of the chronic nuisance notice, and after the time to enter into an abatement agreement or otherwise produce an approved plan has passed, every subsequent nuisance activity is a class 1 civil infraction.

D. The penalties and remedies of this chapter are not exclusive and do not affect any other enforcement actions taken by the City under this chapter, or any other section of the municipal code or law or enforcement actions taken by a different jurisdiction.

Section 6. That SMC section 10.08A.050 is amended to read as follows:

10.08A.050 Commencement of Abatement Action – Enforcement

A. ~~((Once the matter is referred to the city attorney, the city attorney shall immediately review and make a determination to initiate legal action authorized under this chapter or state statute, or may seek alternative forms of abatement of the nuisance activity. The city attorney may initiate legal action on the chronic nuisance property and seek civil penalties and costs in superior court for the abatement of the nuisance.))~~

- ~~B. (In determining whether a property shall be deemed a chronic nuisance property and subject to the court's jurisdiction, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. The City may submit official police reports and other affidavits outlining the information that led to arrest(s) and other chronic nuisance activity occurring or existing at the property. The failure to prosecute an individual, or the fact no one has been convicted of a crime, is not a defense to a chronic nuisance action.))~~
- ~~C. Once a superior court determines the property to be a chronic nuisance under this chapter the court may impose a civil penalty against any or all of the persons in charge of the property and/or the owner of the property, and may order any other relief deemed appropriate. A civil penalty may be assessed for up to one hundred dollars per day for each day the nuisance activity continues to occur following the date of the original notice by the chief of police, or his designee, as described in [SMC 10.08A.040](#). In assessing the civil penalty, the court may consider the following factors, citing to those found applicable:~~
- ~~1. The actions taken by the person in charge and/or owner to mitigate or correct the nuisance activity.~~
 - ~~2. The financial condition of the persons in charge.~~
 - ~~3. The repeated or continuous nature of the nuisance activity.~~
 - ~~4. The statements of the neighbors or those affected by the nuisance activity;~~
 - ~~and~~
 - ~~5. Any other factor deemed relevant by the court.~~
- ~~D. The superior court which determined the property to be a chronic nuisance property shall also assess costs against the person in charge and/or owner in the amount it costs the City to abate, or attempt to abate, the nuisance activity.~~
- ~~E. If the superior court determines the property to be a chronic nuisance property, the superior court shall order the property closed and secured against all unauthorized access, use and occupancy for a period up to one year, and may impose a civil penalty and costs.~~
- ~~F. Once a determination has been made by the superior court that the chronic nuisance property shall be subject to closure, the court may authorize the City to physically secure the premises and initiate such closure.~~
- ~~1. Costs for such closure shall be submitted to the court for review.~~
 - ~~2. Any civil penalty and/or costs awarded to the City may be filed with the city treasurer who shall cause the same to be filed as a lien on the property with the county treasurer.~~
 - ~~3. The City shall file a formal lis pendens notice when an action for abatement is filed in the superior court.~~
- ~~G. The superior court shall retain jurisdiction during any period of closure or abatement of the property.~~

- H. ~~Spokane municipal court is to have jurisdiction of all civil infractions issued pursuant to this chapter.~~
- A. The matter may be referred to the city attorney for review and a determination of whether to initiate legal action.
- B. In any action filed, the City shall have the burden of showing by a preponderance of the evidence that the property is a chronic nuisance property. Police reports, official city reports, and affidavits may be offered as evidence of chronic nuisance. The failure to prosecute an individual, or the fact no one has been convicted of a crime, is not a defense to a chronic nuisance action.
- C. If the superior court determines the property to be a chronic nuisance under this chapter the court may:
1. impose a warrant of abatement ordering the complainant to take all necessary steps to abate, deter and prevent the resumption of such nuisance; which may include but is not limited to, the immediate:
 - A. vacation of the premises;
 - B. closure and securing of the premises;
 - C. removal of litter, rubbish and junk vehicles from the premises;
 - D. safety inspection by Code Enforcement, Building Official, Fire Marshal, or any other government agency;
 - E. removal of personal property subject to seizure and forfeiture pursuant to RCW 69.50.505. or RCW 10.105.010.
 2. impose the expenses of abating, or attempting to abate, the nuisance on the property and/or the person in charge;
 3. impose a fine, civil penalty or award damages;
 4. order the property into receivership in accordance with RCW 7.60 and thereby recover from the property the reasonable, necessary expenses of abating the nuisance and returning the property to productive use;
 5. order the person in charge to pay relocation assistance to any tenant who must relocate because of the order of abatement, and who the court finds not to have caused or participated in nuisance activities at the property; and

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6. any other further relief deemed appropriate by the court.
- D. In assessing the penalties and remedies, the court may consider the following factors:
1. The actions taken by the person in charge to mitigate or correct the nuisance activity.
 2. The financial condition of the person in charge.
 3. The repeated or continuous nature of the nuisance activity.
 4. The statements of the neighbors or those affected by the nuisance activity; and
 5. Any other factor deemed relevant by the court.
- E. Any fine, civil penalty and/or expense awarded to the City may be filed with the city treasurer who shall cause the same to be filed as a lien on the property with the county treasurer. Expenses shall be submitted to the court for review and may be collected on execution.
- F. The City shall file a formal lis pendens notice when an action for abatement is filed in the superior court.
- G. The superior court shall retain jurisdiction during any period of closure or abatement of the property.
- H. Spokane municipal court is to have jurisdiction of all civil infractions issued pursuant to this chapter.

Section 7. That SMC 10.08.030 is repealed.

Section 8. That SMC 10.20.020 is repealed

PASSED BY THE CITY COUNCIL ON _____, 2016.

Council President

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Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Date: March 3, 2016

To: Community Assembly

Re: PeTT Representative Reports
February PeTT meeting - 2/23/16

Transportation Benefit District (TBD) / Citizens Transportation Advisory Board (CTAB)

Jim Bakke (North Indian Trail) PeTT CTAB Representative

- CTAB 2015 Annual Report and 2016-2017 TBD Program (excerpt attached)

Plan Commission Transportation Subcommittee (PCTS)

Kathy Miotke (Five Mile Prairie) and **Charles Hansen** (Whitman) PeTT PCTS Co-Representatives

- "Out Year Arterial Projects" 2018+ okayed for integrated levy funding (attached, dark highlight)

LINK Spokane Policy Advisory Group (Comprehensive Plan Chapter 4 Transportation Review)

Carlie Hoffman (Emerson-Garfield) PeTT Representative

Comprehensive Plan Transportation Vision and Goal Consolidation Exercise (Meeting #1 and #2)

- Chapter 4 Vision Examples:
 - Vision #3A *The public's right-of-way entrusted to the City Spokane's transportation system will enable foster the safe mobility of people and commerce across a spectrum of transportation modes and supports and protects enhances quality of life and individual rights.*
 - Vision #3B *Spokane will have a multimodal transportation system that provides safe and efficient mobility, supports economic and community vitality, and promotes a healthy, livable community.*
- Chapter 4 Draft Goals:
 - *Provide Transportation Choices*
 - *Accommodate Access To Daily Needs and Regional Destinations (Work, Food, Healthcare, School)*
 - *Promote Economic Opportunity*
 - *Respect Natural & Neighborhood Assets*
 - *Enhance Public Health & Safety*
 - *Maximize Public Benefits and Fiscal Responsibility with Integration*

Citizens' Transportation Advisory Board



2015 Annual Report & 2016 & 2017 TBD Program Recommendations

Final 2015 CTAB Annual Report and 2016 & 2017 TBD Program
Recommendations

TRANSPORTATION BENEFIT DISTRICT ANNUAL REPORT

November 30, 2015

Presented by: Citizens' Transportation Advisory Board (CTAB)

TBD PROGRAM BACKGROUND

In February of 2011 the Transportation Benefits District (TBD) Board adopted Resolution 2010-0002 which established the Citizens' Transportation Advisory Board (CTAB). The CTAB is responsible for the review of transportation projects for their consistency with parameters established in Chapter 8.16 SMC and Ordinance No.C-34648 regarding how the TBD monies are to be used. By statute, the monies need to be used specifically for projects that serve 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.

-Chapter 8.16.060(B)

Projects need to be identified in the 6-Year Pavement Maintenance Program element of the City's 6-Year Comprehensive Street Program. CTAB has primarily chosen to implement project work for residential streets. Pursuant to Ordinance No. C-34690, ten percent (10%) of the funds generated by the TBD will be directed to implement the pedestrian program of the 6-Year Comprehensive Street Program.

The 6-Year Pavement Maintenance Program establishes the work components of the program including: pothole repair, sub-grade repair, crack sealing, skin patching, thick overlay, grind/overlay, and utility cut patching, in addition to other maintenance programs such as leaf pick-up, snow removal, street sweeping, street grading, restriping, weed control and pavement maintenance and repair for the City's 760 lane miles of arterial streets and 1,460 lane miles of residential streets.

Resolution 2010-0002 instructs the CTAB to annually submit to the TBD Governing Board a report on progress made in carrying out the Citizens' Transportation Advisory Board's responsibilities. This report presents the 2015 CTAB Annual Report to the TBD Governing Board.

CITIZENS' TRANSPORTATION ADVISORY BOARD MEMBERS:

CTAB Member	Position	Term
Vacant	District 1	
John Covert	District 2, Chair	Expires November 11, 2016
Charles Harmon	District 3	Expires November 11, 2016
Brian Duncan	Member at Large	Expires November 11, 2016
Wilma Flanagan	BAB	Expires November 11, 2016
John Dietzman	PCTS	Expires November 11, 2016
Jim Bakke	PeTT	Expires November 11, 2017

Term Limits

On October 7th, 2013 the TBD Governing Board modified Resolution 2010-0002 to stagger term limits for the CTAB to prevent all appointments from expiring on the same date and year (the updated terms are reflected above). Board appointments have changed to the following:

- District 1 3 year term
- District 2 3 year term
- District 3 3 year term
- Member at Large 1 year term
- BAB 2 year term
- PCTS 2 year term
- PeTT 2 year term

Citizens' Board Vacancies

The District 1 position is currently vacant. An Advisory Board Member will be identified through the Transportation Benefit District Board and approved by the City Council.

TRANSPORTATION BENEFIT DISTRICT (TBD) GOVERNING BOARD:

Member	Position
Ben Stuckart	Chairman
Mike Fagan	Member, Dist. 1
Amber Waldref	Member, Dist. 1
Mike Allen	Member, Dist.2
Jon Snyder	Member, Dist. 2
Candace Mumm	Member, Dist. 3
Karen Stratton	Member, Dist. 3
Anna Everano	TBD Administrator

TBD OUTREACH

An ongoing citizen outreach plan is in place designed to enhance the visibility of the TBD fund. The goal is to provide a variety of methods to inform the City of Spokane residents about how the Transportation Benefit District fees are being utilized. The plan identified popular forms of communication that would reach a majority of citizens.

Accomplishments

- The TBD continued a positive working relationship with the Department of Licensing (DOL) and the Department of Revenue (DOR) which has significantly minimized the number of citizens being charged outside of the TBD boundary.
- The TBD had a successful audit by the Washington State Auditor's Office with no findings.
- Board positions were filled through Sept. 2015 and the current vacancy is being addressed.
- Phone Stats: As of November 23, 2015 the TBD line has received 64 phone calls.
- The CTAB and TBD Governing Board fully supported the TIP (Targeted Investment Project.)

Outreach in 2015

- City Channel 5 produced a video of 2015 completed projects.
- There will be active distribution of Press Releases when new TBD projects are launched, and on-going media notification of projects progress.
- Continue to educate the community of the Transportation Benefit District Projects through social media.
- Require continued placement of signage at TBD project locations.
- Continue to update information on the CTAB/TBD City of Spokane website.

BUDGET (AS OF NOVEMBER 6, 2015)

The TBD program budget consists of the vehicle tab revenue stream and interest gained on the interim banking of such funds. Revenues and costs reported within this report reflect account balances as of November 6th, 2015.

Total Revenue

Funds collected 2011	\$522,382.20
Funds collected 2012	\$2,520,311.82
Funds collected 2013	\$2,547,688.44
Funds collected 2014	\$2,786,148.50
Funds collected 2015	\$2,332,115.81
Total Revenue To Date:	\$10,708,646.77

PROGRAM EXPENDITURES TO DATE

	<u>2011/2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Total</u>	<u>%</u>
Admin	\$2,125.90	\$9,191.74	\$6,772.60	\$10,319.72	\$28,409.96	.40%
Grind & Overlay	\$960,363.60	\$550,748.01	\$706,174.39	\$580,220.51	\$2,797,506.51	37.3%
Chip Seal	\$597,845.82	\$732,175.18	\$685,163.92	\$94,260.22	\$2,109,445.14	28.2%
Crack Seal	\$212,333.39	\$275,385.31	\$413,577.03	\$403,623.25	\$1,304,918.98	17.4%
Sidewalk	\$79,878.90	\$294,674.38	\$365,223.21	\$114,147.36	\$853,923.85	11.4%
Other*			\$346,675.36	\$51,765.89	\$398,441.25	5.3%
Total:	\$1,852,547.61	\$1,862,174.62	\$2,523,586.51	\$1,254,336.95	\$7,492,645.69	

* "Other" includes the following: Arterial curb ramps from the 2014/2015 allocation, project signs to designate TBD dollars at work, and work addition to the 2014 Grand Blvd project.

2015 PROGRAM REMAINING OBLIGATIONS

	<u>2015 Allocations</u>	<u>2015 Expenditures to Date</u>	<u>2015 Remaining Obligation</u>
1st Ave Project	\$759,390.00	\$165,800.00	\$593,590.00
Grind & Overlay	\$932,400.00	\$380,456.03	\$551,943.97
Chip Seal	\$777,000.00	\$93,117.99	\$683,882.01
Crack Seal	\$518,000.00	\$403,623.25	\$114,376.75
Sidewalk	\$102,934.00	\$47,516.63	\$55,417.37
Total:	\$3,089,724.00	\$1,090,513.90	\$1,999,210.10

TOTAL REVENUE

<u>Funds Collected</u>	<u>Funds Spent</u>	<u>Remaining Obligations</u>	<u>Remaining Funds</u>
\$10,708,646.77	\$7,492,645.69	\$1,999,210.10	\$1,216,790.98

2015 PROGRAM ACCOMPLISHMENTS

The following projects were completed in 2015 as approved in 2014. Photographs for each project have been included in Appendix A.

COMPLETED 2015 PROJECTS

<u>RESIDENTIAL GRIND & OVERLAY</u>		
<u>Location</u>	<u>Lane Miles</u>	<u>Maint Area</u>
**1st Av Erie St Altamont St	1.8	18,298
Dakota St Montgomery Av North Foothill Dr	0.7	8,351
F St Rosamond Av 6th Av	0.6	5,700
Hartley St Royal Dr Lyons Av	0.9	9,256
<u>TOTAL RESIDENTIAL GRIND & OVERLAY:</u>	<u>4.0</u>	<u>41,605</u>

** Project was split into 2 phases: 1st phase completed in 2015, 2nd phase to be completed in 2016.

<u>RESIDENTIAL CHIPSEAL</u>		
<u>Location</u>	<u>Lane Miles</u>	<u>Maint Area</u>
33rd Thru 36th From Grand to Perry	4.8	42,856
Elm St From Broadway to Boone Et Al	2.1	21,462
Regal St From Rowan to Francis Et Al	3.2	32,805
<u>TOTAL RESIDENTIAL CHIPSEAL:</u>	<u>10.1</u>	<u>97,123</u>

<u>RESIDENTIAL CRACK SEAL</u>		
<u>Location</u>	<u>Lane Miles</u>	<u>Maint Area</u>
Napa/Rich Lacrosse to Wellesley & Napa to Lacey	1.75	15,728
42nd Av Et Al	2.04	21,492
Pittsburg St Et Al	3.02	30,282
A St Et Al	4.44	48,627
Adams/Jefferson/ Madison From 4th to Sprague	1.92	28,753
Regal St Et Al	2.74	26,590
Jackson Av Ruby St Standard St	0.84	10,080
Highland Park Dr Et Al	2.20	23,240
Rockridge Et Al	5.04	51,435
Bedford Av Et Al	5.61	62,252
Lamar Av Et Al	1.24	13,208
Lloyd Et Al	1.23	12,968
Washington From Garland to Wellesley	1.01	8,883
Pittsburg/Pinecrest	1.37	16,975
<u>TOTAL RESIDENTIAL CRACK SEAL:</u>	<u>34.4</u>	<u>370,513</u>

COMPLETED SIDEWALK PROJECTS FOR 2015

Sidewalks

Arthur St: 26th to Plateau, and 13th to 11th

Freya St: 20th to 21st

Connect to Transit Hardscape Improvements (ADA ramps)

COMPLETED 2015 STREET MAINTENANCE RESIDENTIAL PROJECTS – INTEGRATED FUNDS

<u>RESIDENTIAL GRIND & OVERLAY</u>		
<u>Location</u>	<u>Lane Miles</u>	<u>Maint Area</u>
32nd Av - Regal to Ray	0.5	4,437
Marietta Av - Freya to Myrtle	0.6	5,800
<u>TOTAL RESIDENTIAL GRIND & OVERLAY:</u>	<u>1.1</u>	<u>10,237</u>

2016 & 2017 Program Recommendations

TBD funds are recommended to complete six residential street grind and overlay projects (an additional seventh project selected to be done by Street maintenance if scheduling allows), three chip sealing projects, two sidewalk projects, and numerous crack sealing projects in the 2016 construction season.

The 2017 recommendations scheduled below are approved for design purposes only. Construction funding for these projects will be approved in the next annual report.

The CTAB committee selected projects from each of the three legislative districts taking into account the condition of the street, use, and rating given by the Street Department. They also looked at the location i.e. is it next to a park, hospital, school, and/or shopping center.

2016 TBD PROGRAM RECOMMENDATIONS

<u>Project Name</u>	<u>Work Type</u>	<u>Area</u>	<u>Cost Per Yd.</u>	<u>Project Cost</u>	<u>Avg. PCR</u>	<u>District</u>
<u>2016 Grind & Overlay Projects</u>						
Crestline/Lee/Nora - Mission to Nora	Grind	5,734	\$41.20	\$236,241	46.0	1 - NE
Perry St - 2nd to Sprague	Grind	3,157	\$41.20	\$130,068	39.3	1 - NE
Arthur St - 39th to 37th	Grind	2,117	\$41.20	\$87,220	47.5	2 - S
Garfield Rd - 26th to Rockwood	Grind	4,732	\$41.20	\$194,958	28.6	2 - S
Cannon St - Kiernan to Garland	Grind	2,143	\$41.20	\$88,292	37.0	3 - NW
Cedar/Madison/Sharp- Boone to Sharp	Grind	5,531	\$41.20	\$227,877	41.0	3 - NW
**Myrtle – Marietta to Frederick	Grind	5,113	\$30.00	\$180,390	33.0	1 - NE
<u>2016 Chip Seal Projects</u>						
Rebecca from Upriver to Marietta Et Al	Chip	24,064	\$8.24	\$198,287	63.2	1 - NE
Comstock Park Et Al	Chip	26,670	\$8.24	\$219,761	60.4	2 - S
Kathleen from Sutherlin to Indian Trail Et Al	Chip	34,366	\$8.24	\$283,176	73.0	3 - NW

***Additional Contingent Project to be done by Street Maintenance if scheduling allows.*

Pedestrian Program

<u>Location</u>	<u>Estimated Cost</u>
Stone Street – Courtland to Empire	\$91,000
Hartson Avenue – Regal to Thor	\$270,000

Crack Seal Program

<u>Location</u>	<u>Estimated Cost</u>
All Districts	\$600,000

2016 STREET MAINTENANCE PROJECTS – Funded by Integrated Funds

<u>Project Name</u>	<u>Work Type</u>	<u>Area</u>	<u>Curb Ramp \$</u>	<u>Project Cost</u>	<u>Avg. PCR</u>	<u>District</u>
<u>2016 Grind & Overlay Projects</u>						
Lyons from Perry to Pittsburg	Grind	4,786	\$12,000	\$107,720	48.0	1 - NE
Rutter Pkwy from Fancher to City Limits	Grind	9,221	\$0	\$184,420	68.0	1 - NE
Park Blvd – Columbia to Euclid	Grind	5,287	\$6,000	\$111,740	26.7	3 - NW
Wellington Pl - Alice to Glass	Grind	2,528	\$28,000	\$78,560	45.0	3 - NW

2017 TBD PROGRAM RECOMMENDATIONS

<u>Project Name</u>	<u>Work Type</u>	<u>Area</u>	<u>Cost Per Yd.</u>	<u>Project Cost</u>	<u>Avg. PCR</u>	<u>District</u>
<u>2017 Grind & Overlay Projects</u>						
Helena St - Trent to Broadway	Grind	5,067	\$42.44	\$215,043	23.5	1 - NE
Garfield Rd - 29th to 26th	Grind	5,038	\$42.44	\$213,813	46.5	2 - S
Crown Av - Assembly to Alameda	Grind	6,330	\$42.44	\$268,645	29.3	3 - NW
Gordon & Pittsburg	Grind	11,920	\$42.44	\$505,885	54.7	1 - NE
<u>2017 Chip Seal Projects</u>						
Broad from Lidgerwood to Nevada	Chip	23,373	\$8.49	\$198,437	71.5	1 - NE
D St from 23rd to Grandview Et Al	Chip	52,919	\$8.49	\$449,282	55.7	2 - S
Arrowhead from Shawnee to Bedford Et Al	Dbl-Chip	32,596	\$12.74	\$415,110	70.8	3 - NW

SIDEWALK PROJECTS

Project concepts for the sidewalk program have been selected and prioritized for 2017 and out-years. The City's Pedestrian Master Plan was utilized in this selection process. This prioritization will facilitate grant applications and thus delivery years are meant to be flexible to meet requirements of grant programs.

<u>Location</u>	<u>District</u>	<u>Estimated Cost</u>
Cincinnati – Mission to Euclid	1	\$320,000
Division St – Cozza to Magnesium	1	\$220,000
North Hilliard – Central to Francis et. al.	1	\$450,000
Arthur St – 30 th to 43 rd	2	\$850,000
11 th Ave (Grant Park) – Arthur to Perry	2	\$60,000
37 th Ave – Latawah to Manito	2	\$185,000
Francis Ave – Sutherlin to Assembly	3	\$300,000
Driscoll – Wellesley to Bismark	3	\$230,000
Pettet Dr – Mission to Westpoint	3	\$110,000

2017 STREET MAINTENANCE PROJECTS – Funded by Integrated Funds

<u>Project Name</u>	<u>Work Type</u>	<u>Area</u>	<u>Curb Ramp \$</u>	<u>Project Cost</u>	<u>Avg. PCR</u>	<u>District</u>
<u>2017 Grind & Overlay Projects</u>						
Arthur St - 37th to 29th	Grind	9,143	\$62,000	\$244,860	20.3	2 - S
Manito Blvd – 37 th to 33rd	Grind	12,704	\$21,000	\$275,080	38.9	2 - S
Dalke Av – Addison to Nevada	Grind	6,615	\$31,000	\$163,300	52.3	3 - NW

2016 PROGRAM DISTRIBUTION

The TBD is projected to have approximately \$3.0 million available for projects in 2016. This total includes the projected \$2.5 million to be generated in 2016 and savings from prior year projects. All of these funds are being used for maintaining the City of Spokane's street infrastructure, of which a minimum of ten percent (10%) is designated for sidewalk infill and repair. The table below provides the approximate distribution of TBD funds as recommended within this report.

<u>Program Element</u>	<u>Funding%</u>
Residential Grind & Overlay	38%
Residential Chip Seal	23%
Residential Crack Seal	20%
Pedestrian Program	12%
Contingency Dollars	6%
<u>Total:</u>	<u>100%</u>

SUMMARY

The Citizens Transportation Advisory Board recommends that the Transportation Benefit District Board adopt the projects program described herein.

Proposed Out Year Arterial Projects

Project Name	Project Location	Project Description	Utilities	Timing concerns
Main Avenue	Monroe to Pine	Full depth reconstruction, SW repair, structural sidewalk mitigation, stripe bike lanes, redo lighting (parking funds)	replace CI distribution main, storm separation	possible CC line route PCI > 60
Sprague	Cedar to Division	Full depth reconstruction, SW repair, structural sidewalk, stripe bike lanes, redo lighting (parking funds)	replace waterline, CSO work Adams to Riverside	
Monroe Street 3-lane + paving	Indiana to Garland	Adds full depth reconstruction to already funded safety project	replace CI Transmission Main, storm separation	other grant timeline
Spokane Falls Blvd.	Post to Division	Full depth reconstruction, SW repair, structural sidewalk, redo lighting (parking funds)	replace waterline	Riverfront Park project
1st Ave	Maple to Bernard	Full depth reconstruction, SW repair, structural sidewalk, redo lighting (parking funds)	replace CI distribution main (Madison to Howard), storm separation?	
Howard Street	SFB to 4th	Full depth reconstruction, SW repair, structural sidewalk, redo lighting (parking funds)	replace CI distribution main (1st to 4th), storm separation?	PCI > 60
Riverside Ave	Monroe to Division	Full depth reconstruction, SW repair, structural sidewalk, redo lighting (parking funds)	replace CI distribution main, storm separation?	possible CC line route
Riverside Ave	Maple to Monroe	Full depth reconstruction, SW repair, structural sidewalk, redo lighting (???)	replace waterline, CSO work between Jefferson and Monroe (2017)	
Washington	SFB to 4th	Full depth reconstruction, SW repair, structural sidewalk, redo lighting (parking funds)	replace CI distribution main (SFB to 3rd), storm separation?	
Main Avenue	Cedar to Monroe	Full depth reconstruction, SW repair, structural sidewalk	CSO separation work (2017)	
Maxwell	Maple to Monroe	Full depth reconstruction, SW repair	replace CI distribution main from Adams To Monroe	near-term overlay, bikelane striping project
4th Avenue	Jefferson to Division	Full depth reconstruction, SW repair	replace CI distribution main, storm separation?	
Mallon	Monroe to Howard	Full depth reconstruction, SW repair	replace CI distribution main, possible storm separation	
Monroe	Maxwell to Indiana	Full depth reconstruction, SW repair	replace CI transmission main, storm separation?	PCI > 80

Proposed Out Year Arterial Projects

Project Name	Project Location	Project Description	Utilities	Timing concerns
Post St.	Main to 3rd	Full depth reconstruction, SW repair, structural sidewalk, redo lighting (???)	replace CI transmission main, storm separation?	PCI > 60
Napa	Sprague to 2nd	Full depth reconstruction, SW repair, structural sidewalk (?)	replace CI distribution main, storm separation?	coordinate with Sprague project?
Belt	Garland to Rowan	Full depth reconstruction, new sidewalk, SW repair, crosswalks, bike lane	storm separation	PCI > 60
Maple Street	Riverside to Pacific	Full depth reconstruction, SW repair, bike lane	replace CI distribution main	
Stevens	SFB to 4th	Full depth reconstruction, SW repair, structural sidewalk, redo lighting (???)	replace waterline (SFB to Main)	PCI > 60
4th Avenue	Sunset to Maple	Full depth reconstruction, SW repair	replace CI distribution main , storm separation	
Fort George Wright	Gvmt Way to river	Full depth reconstruction, SW repair, new sidewalk/pathway on south side (2 locations)	MS4 outfall separation	



PEDESTRIAN, TRAFFIC AND TRANSPORTATION (PeTT) COMMITTEE

* A Committee of the Community Assembly of Spokane Neighborhood Councils *

February 23, 2016

West Central Community Center – 1603 N. Belt Street

6:00 – 7:30 PM

CALL TO ORDER AND INTRODUCTIONS: 6:10 PM

Trudy Lockhart	Chief Garry Park
Patricia Hansen	Cliff-Cannon
Elaine Thorne	Comstock
Harrison Baldwin	East Central
Carlie Hoffman	Emerson/Garfield
Kathy Miotke	Five Mile Prairie
Jim Bakke	North Indian Trail
Paul Kropp	Southgate
Bonnie McInnis	West Central
Rod Minarik	ONS
Bob Turner	Streets
Andy Schenk	Streets

CURRENT AGENDA: REVIEW & APPROVAL

February agenda was reviewed and approved as presented.

LAST MONTH'S MINUTES: REVIEW & APPROVAL

January's meeting minutes were reviewed and approved as presented.

PRESENTATION

The City's Transportation Benefit District (TBD) and The Citizen Transportation Advisory Committee (CTAB).

Andy Schenk, City Street Department and Jim Bakke, CTAB

"Citizens' Transportation Advisory Board: 2015 Annual Report and 2016 & 2017 TBD Program Recommendations".

By statute, the monies need to be used specifically for projects that serve 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." Chapter 8.16.060(B)

- Andy presented reports from each year detailing Budget, Program Accomplishments, Program Recommendations and Streets Maintenance Projects.
- In February 2016, The City launched a new program “Link Spokane – Integrating City Infrastructure for Better Outcomes”. Unless an emergency arises, street maintenance and repairs are under a 3-year moratorium before re-cutting the pavement.
- Andy reported that asphalt prices have leveled off for the last three years, at approximately \$70/ton, which stabilizes the budget.

REPORTS

1. Spokane Transportation Policy Advisory Group: Carlie Hoffman (PeTT Representative)
 - a. Carlie reported the Group continues to streamline Mission, Vision and Goal statements from the previous Transportation Chapter 4.
2. Office of Neighborhood Services: Rod Minarik
 - a. Rod and Bob reported on Photo Red Funds and Sidewalk Repair in the Neighborhood.
 - b. At the March CA meeting, Committee 2016 Goals will be adopted.
3. Streets Department: Bob Turner
 - a. Bob reported on the 2016 Summer Construction season.
 - b. A permanent speed indicator will be installed on the north side of the Maple Street Bridge as you exit north of the bridge.

NEW BUSINESS (To be discussed at March meeting).

1. PeTT “addendum” for the CA’s policy and procedures document.
 - a. Three previous addendums were presented for discussion in March:
 - i. 2008 Mission and Vision statements (to be considered)
 - ii. 2010 Mission Statement (review only)
 - iii. 2010 Rules of Order (review only)
 - b. Discussion regarding proposed STA rate hike.

NEXT MEETING & AGENDA

1. March 22, 2016

ADJOURNED: 7:25 PM

2016 Community Assembly/Community Development Goals

The CA Community Development Committee will provide a forum for educating neighborhoods regarding CDBG funding and make policy and other recommendations in regard to neighborhood funding, through the Community Assembly, to the CHHS Board.

2016 CA/CD Committee Goals

- Assist Neighborhoods with information that will assist with their funding allocations
- Recommend funding priorities for Neighborhoods
- Improve education and outreach to all Neighborhoods

CA/CD Committee of the Community Assembly Minutes

Date: Tuesday, March 1st from 5:35-6:55 p.m.

Location: at the West Central Community Center, in the Newton Room

Present: Valena Arguello, Tim Massee (Emerson Garfield), Jessie Norris (West Central), Elaine Thorne (Comstock), Fran Papenleur (Audubon Downriver), Kathryn Alexander (Bemiss), Bill Forman (Peaceful Valley), Alexandra Stoddard (Nevada Leidgerwood), Don Sundhal (Whitman), Bonnie McInnis (West Central)

ONS: Heather Trautman, Charlie Klein

Welcome and Introductions

Approve February 2, 2016 Meeting Minutes: Minutes approved with the change that the word 'premature' was stricken. Bill Foreman moved and Kathryn Alexander seconded. Approved unanimously.

Recap of the February Community Sidewalk Discussion: The committee felt that we needed more specific guidance from the CA in order to move forward. The way the program is funded seems to be key, but we also need clarity from HUD that a mixed approach would be acceptable. It was decided to move the Sidewalk Proposal back to the end of the year *after* the CDBG application process. Valena will ask for guidance from the CA at the April meeting.

2017 CDBG Neighborhood Application:

A suggested timeline for our work was:

- 1) Look over the application and get feedback from the NCs on their experience and any desired changes
- 2) The menu needs to be compliant with 2CFR200 – HUD's new compliance guidelines. George will come to help us better understand them as they apply to supporting non-profits with capital improvements. There was a brief discussion of the Menu of Capital Projects.
- 3) Moving the application opening to later in the year (September?) and the final deadline to Dec 31.

Legacy Funds:

Previously CDBG funds had a 5-year clock to be used. Now all funds need to be used within an 18 month period. This means that every project must be completed within 18 months for the funding date. As this becomes difficult for NCs to manage, ONS has

agreed to do a quarterly notice to let NCs know the state of their projects. NCs need to pay attention and ensure that they are not caught at a deadline.

2016 goals:

We felt we had achieved the first goal: Develop an allocation methodology that targets areas with the greatest concentration of poverty.

It was moved by bill Forman and seconded by Jessie Norris to keep the other three as goals for this year. The motion passed.

2016 Goals are:

Recommend funding priorities for neighborhoods

Assist neighborhoods with information that will help them choose their funding allocations

Improve education and outreach to all neighborhoods

Open Forum with Services Providers on their funding needs may be one way to do this

Submitted by Kathryn Alexander



Land Use Committee (LUC)
Minutes for February 18, 2016

Facilitator: Patricia Hansen

Secretary: Teresa Kafentzis

Draft

***Executive Committee: Kelly Cruz, Patricia Hansen,
Teresa Kafentzis, Margaret Jones, Barbara Biles***

I Introductions

- Karl J Zacher -- Browne's Addition
- Max Bunting – East Central
- Elaine Thorne – Comstock
- Kelly Cruz – West Central
- Barb Biles – Emerson Garfield
- Teresa Kafentzis – Southgate
- Greg Francis – Rockwood (Plan Commission Liaison)
- Melissa Wittstruck -- ONS

II Review and Approve Current Agenda

III Review and Approve Last Month's Minutes

Minutes for January 21, 2016 approved.

IV Old Business:

- **Continued Discussion: 2015-2016 Comp Plan Amendments**
- **Comments:**
 - Discussion, very informative, well presented at January meeting by Planning Department.
 - Realized the impact in 5-Mile NC with two huge apartment complexes, on infrastructure.
 - Began review of the 4 amendments presented:
 - Teresa gave overview on Queen B (KXLY radio) amendment from Southgate's point of view. SNC is cautiously optimistic and has been in ongoing conversations with the Parks Department. Have had discussions with KXLY's attorney but not KXLY directly.
 - Defer to Southgate so LUC doesn't make a contrary recommendation.
 - Request representation from Logan and Five-Mile, Balboa, Northwest, North Indian Trail neighborhoods to discuss impacts of other three comp amendments.
 - Patricia will send invitation to NC chairs for future LUC meeting.

- At some point, LUC plans to make comments and recommendations for CA to be included in the documentation. Need to set timeline to meet deadlines.
- Draft of comments must be based on SMC Section 17G.020.030
- **Continued Discussion: Infill Housing 2012 vs. 2016**
 - LUC History: LUC project in 2012, Patricia reviewed LUC minutes and found LUC discussed for 5 months. LUC obtained signatures from 19 neighborhood councils to support the infill housing ordinance. Went to City Council in September 24, 2012, requested “robust public discussion” on section that neighborhood councils did not support. Remainder of ordinance was approved.

V **New Business:**

Role of LUC in the adherence to proper process of approving comp plan amendments, zoning, or annexations by city departments.

- For example, in annexation hearing at City Council on February 8, an email to a developer from a city assistant planner was presented stating that the property in question would “not” be zoned a particular way. Southgate contends that only the City Council can make such decisions.

DISCUSSION:

- Development of recommendation protocol for LUC has been discussed in past meetings but not necessarily fully developed.
- Reminder that recommendations from LUC go to CA for action.
- Department employees should not have to be “reminded” to follow the rules, regulations, etc.
- Public reminder that LUC supports open, robust and public process.
- Wait to see if new neighborhood notification process makes a difference.
- Historically, city departments have not followed through on protocols, regulations, etc. in what can appear to be under the table deals to the public.
- Suggest surveying neighborhoods to find out if the notification process is working and if there are any changes to be made. Vet process for next year.
- Patricia will review minutes 2012—2013 from LUC to see if there are any attachments with regard to work done at that time.

Conclusion: Draft a statement to remind city departments to follow protocols with open and public process.

VI **Reports:**

- **Plan Commission Liaison, Greg Francis (Rockwood)**
 - Workshops have included code updates (critical chemicals above the aquifer)
 - Approved electronic fence ordinance with amendment to remove General Commercial zones. City Council first reading in late March.

- Jacob Brookes and Patricia Keinholtz are newest members. Two additional openings remain.
- **PeTT Committee – Paul Kropp (Southgate)**
 - Paul Kropp absent
- **Transportation Chapter – Margaret Jones (Rockwood)**
 - Margaret Jones absent

VII Elected Representatives – Councilwoman Waldref (as needed)

- Ms. Waldref has not attended LUC in over a year, ask President Stuckart if Amber Waldref will continue to be LUC Liaison?

VIII Good of the Order

- Comprehensive Plan Amendment Training on Feb 23 at Salk Jr High Library. Can also link to under Training on ONS website if unable to attend.
- SUGGESTION: Allow people to subscribe to development or comp plan amendments files online and automatically informed of updates to the files.
- What is the progress on the update of the Comprehensive Review due in June 2017?
- Follow up on inviting Logan and Five-Mile, Balboa, Northwest, North Indian Trail neighborhood representatives for discussion of comprehensive plan amendments in or adjacent to their neighborhoods.
- Follow up on draft statement regarding adherence to protocols, regulations, etc.

IX March 17, 2016 Meeting

- Infill Housing will be the only topic.
- Nathan Gwinn from Planning will be invited to present.

X Adjourned at 6:00 p.m.