Councilmembers Present: Bassett, Bottcher, Elliott, Miller, O'Brien, Tabb and Mayor Lillquist

Others present were City Manager Barkley, City Attorney Pidduck, Chief Miller, Chief Sinclair, Captain Hansberry, Deputy Clerk Keno and sixty plus members of the audience including representatives of the Downtown Task Force, Campus-Community Coalition, CWU, Ellensburg Downtown Association and Ellensburg Chamber of Commerce.

DOWNTOWN ISSUES

The purpose of the special meeting is to discuss ways to reduce conflicts between residents living in the downtown and downtown businesses providing late night entertainment.

Chief Miller summarized the agenda report, including overall crime and disorder trends for 2008 and early 2009. The Police Department has a responsibility to all areas and neighborhoods in the City and strives to have a balanced approach on a consistent basis. Based on statistical data, the downtown core is the second busiest area in terms of the total number of incidents handled by the Department. Area 21 in the north end of town produces the largest number of incidents and arrests for the Department, and the timing of these calls for service nearly match that of the downtown with the same days and times of the week.

Chief Miller provided background information on the foot beat patrol which was instituted by Council in 2001 when the City did not have the northeast housing issues it has today. He explained the personnel makeup of the foot beats as well as the hours staffed. Current costs for mandatory foot beat are $15,247 for both on duty and overtime coverage. The overall cost in 2008 for foot beat in the downtown was $5,105. Council asked questions of Chief Miller.

Council heard presentations and comments from a City commission, various community groups, and individuals.

Howard Lyman, Chairperson of the Downtown Task Force (DTTF), reported the Task Force researched portable decibel systems and strongly recommends Council employ this tool to eliminate problems and ambiguity with the noise ordinance. Council requested a copy of the Task Force's internal research memorandum on the system.

Lynne Harrison, Campus Community Coalition (CCC) Coordinator, gave a presentation on the Coalition, and its subcommittee, The Hospitality Resource Alliance (HRA), including history, objectives, educational efforts and results. In answer to Council questioning, the Coalition has no
specific recommendations.

Timothy Bishop, Executive Director of the Ellensburg Downtown Association (EDA), reviewed the Association’s recommendations concerning downtown late night activity as outlined on page 15 of the agenda packet. There is an on-going issue of over-indulgence and over service. The Association recommends the City begin first with a strong but voluntary good neighbor policy based on a similar agreement employed by the City of Nanaimo, British Columbia and included on pages 16-19 of the agenda packet. In response to questioning by Council, City Attorney Pidduck advised the agreement in the agenda report is not a voluntary agreement, it is mandatory. Staff would need to research this issue if Council wishes to proceed in this manner. Staff would likewise need to research the issue of over-service with EPD enforcement. The Police Department currently sends reports to the Liquor Control Board (LCB) and has statutory authority to cite for over-service violations.

Officer Mike Murphy of the Washington State Liquor Control Board answered Council's questions about over-service and undercover operations.

Marshal Madsen, Executive Director of the Ellensburg Chamber of Commerce, stated the Chamber recognizes the challenges in the downtown based on evidence seen. The use of decibel (SPL) meters would be a wise approach to help with the noise ordinance.

Keith James, Vice President of the Associated Students of the CWU Board of Directors, read a letter in response to the EDA's recommendations regarding downtown late night activity. Mr. James spoke in support of more coordinated efforts by downtown patrols, the proposed expansion of Central Transit to include a community transit program to provide safe transportation for any community member at night and the University's courtesy assistance team (CATS). Council requested Mr. James provide information on Eastern Washington University's (EWU) funding stream for its transit program.

Frank Erickson, impacted building owner in the downtown, stated he has lost renters due to noise, vandalism and broken windows. Mr. Erickson referenced materials he submitted on pages 51-55 of the agenda packet. He does not believe the decibel system would work. City Attorney Pidduck responded to Mr. Erickson's statements on hearsay.

Reed Larsen spoke in support of the Police Department and favors a restitution process as part of the penalty process for violations.

Teddy Kollman, downtown bar owner, cited the need to work together and stated the bar owners are working hand in hand with the Police Department and the Liquor Control Board. Most bar patrons do not come downtown until 11-11:30 p.m. In response to Council inquiry, Mr. Kollman was agreeable to cleaning up the sidewalks around his business after closing and installing trash cans outside his business.
Lacey Knudsen, CWU student and President of the newly-formed Responsibility Consumption Club, spoke about the organization and their personal behavior pledge.

David Hartless, downtown bar employee, reminded Council that other than Fred Meyer the bars generate more sales tax revenue than any other business in the City. He questioned where the businesses responsibility ends once the patron leaves the bar. Perhaps trespass hours with signage in the downtown should be instituted.

Richard DeShields, bar patron, spoke about looking at the positives and education campaigns. Not everyone is causing the problem.

Megan Terrill, landlord outside the downtown area, said she is not asking the bar owners to clean up her sidewalks.

Larry Nickel, showed a DVD of downtown late night activity, read from a prepared statement and cited problems with administrative policy and the need for adjustment of that policy. He spoke in support of a three strike rule. Beer gardens need to be addressed; staffing requirements are not being met. A tolerance policy exists downtown that is not tolerated in other areas of the City. The noise ordinance needs to be prosecuted directly in the downtown. Noise violation fines should be paid to the City—not the County. The Police Department needs improvement and retraining. Mr. Nickel placed a packet of materials into the meeting record including DVDs and articles from the CWU newspaper, The Observer.

Chief Miller responded to Mr. Nickel's comments; the Department does not operate a different tolerance policy downtown than in other areas of the City. There is no tolerance on open doors and the Department will write a separate citation for open doors at establishments. There is no dispersal policy. If police cars are coming and going at 1:30 a.m. it is because they are handling other calls in the City. The noise ordinance works very well and with good results. The officers cannot write tickets if the noise has ceased or the officer cannot hear it. Council asked questions regarding noise meters.

Following discussion, Council expressed interest in the following:

- A layered penalty system for subsequent violations of the noise ordinance.
- Information on the cost of expanding transit to move bar patrons out of the downtown (Keith James proposal)/incentives to taxi companies/assistance from the Community Assistance Team (CAT) at CWU.
- Data on funding and staffing a foot beat shift.
- A discussion of ECC 5.60.060(C) - Unreasonable noise unlawful.
- A review of the noise ordinance at some point in the future (July, 2009) to discuss foot patrols and to receive information on staffing costs, as well as implication and any unintended consequences.
• Review of beer gardens

• Staff research on the City's ability to revoke business licenses for multiple violations.

Council requested the Hospitality Resource Alliance (HRA) review the Nanaimo, British Columbia good neighbor contract in terms of the burden it places on the businesses. Council is interested in whether such agreements are working in other communities.

Move to disband the Late Night Task Force. Miller

Affirmed

Council would like staff to look into EDA recommendation #4 that the City adopt local ordinances necessary to allow the Police Department to issue over service citations.

Building occupancy was discussed.

ADJOURN Motion to adjourn at 10:52 p.m. Tabb

Affirmed

_________________________________
Mayor

ATTEST: ________________________________

City Clerk