

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

November 4, 2004

The regular meeting of the Des Moines City Council was called to order at 7:10 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Thomasson.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Gary Petersen, Dan Sherman, Maggie Steenrod, and Susan White. Absent: Councilmember Richard Benjamin. Also present were City Manager Tony Piasecki, City Attorney Linda Marousek, Finance Director Paula Henderson, Chief of Police Roger Baker, Assistant City Attorney Richard Brown, Commanders Kevin Tucker and John O'Leary, Park and Recreation Director Patrice Thorell, Public Works Director Tim Heydon, and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Steenrod, seconded by Councilmember Sherman, and passed unanimously to excuse Councilmember Benjamin from attendance.

PUBLIC HEARING

Draft Ordinance No. 04-243 [Assigned Ord. No. 1350] - Public Hearing Regarding Year 2005 Special and General Property Tax Levies

Mayor Sheckler opened the public hearing.

Finance Director Henderson introduced the subject. She noted that the proposed ordinance included a special levy of \$595,000 for the police facility's debt service. Finance Director Henderson informed Council that cities had been instructed to submit an estimate in their property tax levy ordinances as the value of the state-assessed property was not yet available from King County. If the estimate was higher than the allowable levy, the Assessor would reduce the requested amount for the City to an amount no greater than the allowable levy. If the estimate was less than the allowable levy, the amount requested could only be increased from the amount certified in the ordinance. The proposed ordinance had been written with an estimated regular levy amount of \$2,712,000. The City's assessed valuation was identified as \$2,184,141,785.

Mayor Sheckler called for speakers.

SPEAKER

Jack Bates, 1817 South 244th Place

As Mr. Bates said that his comments were not related to the special and general property tax levies, he would speak at the next meeting.

Mayor Sheckler called for additional speakers three times.

None responded.

Mayor Sheckler closed the public hearing.

MOTION was made by Councilmember White and seconded by Mayor Pro Tem Thomasson to suspend Rule 26(b) in order to enact Draft Ordinance No. 04-243 on the first reading.

VOTE ON MOTION: Motion passed, 5 – 1, with Councilmember Steenrod opposed.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Petersen, and passed unanimously to enact Draft Ordinance No. 04-243, determining the amount of funds to be raised by ad valorem taxes for the year 2005 for general City expenditures and the 1995 general obligation bonds for police facility construction.

DISCUSSION ITEMS

2005 Budget Department Reviews

Mayor Sheckler asked staff to continue their presentation of the proposed 2005 departmental budgets. He asked Chief Baker to discuss Draft Ordinance Nos. 04-185 and 04-194 at the appropriate time during the presentation of the Police Department's budget.

Chief Baker informed Council that the police department had not filled any vacancies during 2004. Three draft ordinances were being proposed to offset operating costs.

Mayor Pro Tem Thomasson questioned whether police officers would be expected to perform the duties of a Records Specialist and Evidence Room Technician if those positions were cut. He felt that this would result in less productivity and increased costs for the City. Mayor Pro Tem Thomasson questioned the impact of retaining the Records Specialist and Evidence Room Technician positions and cutting two additional police officer positions.

Chief Baker stated that Council needed to provide direction regarding Draft Ordinance Nos. 04-185 and 04-194 before the department's budget could be identified.

Finance Director Henderson said that a \$442,000 shortfall still existed in the proposed general fund budget. This figure assumed the passage of the proposed Crime Free Rental Housing Program and Alarm Registration and False Alarm ordinances, the implementation of a parking tax and the business license registration fee, the adoption of a B&O tax, and the acceptance of the remainder of the cuts proposed by the City Manager.

Draft Ordinance No. 04-185 Rental Property Crime Abatement Program

City Manager Piasecki noted that the Public Safety and Transportation (PS&T) Committee had reviewed the proposed ordinance.

Assistant City Attorney Brown reviewed the following edits proposed since Council's last review of Draft Ordinance No. 04-185:

1. Definitions clarified.
2. Appeal language moved to new section.
3. Crime Free Rental Housing Program defined.
4. Basis for fee identified.
5. Non-profits identified as exempt from ordinance.

6. Revenues gained through the program dedicated to the administration of the Crime Free Rental Housing Program.

Assistant City Attorney Brown explained that existing rental property owners would have an entire year (2005) to complete the three phases of the program. New rentals would be given six months to comply. The 2005 fee was identified as \$100 per unit. Future fees would be set by the City Manager upon the recommendation of the Chief of Police based upon the actual costs of the program.

City Manager Piasecki noted that Section 16 of the proposed ordinance required a review of the program within five years.

Councilmember Sherman recommended that the language proposed in Section 2.3 of the proposed ordinance be revised. He noted that the proposed ordinance defined the licensee appropriately but later referred to the person as a "license designee."

Mayor Pro Tem Thomasson said that the substance of the draft ordinance was good and recommended that it be passed on to a second reading at the next Council meeting.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Sherman to pass Draft Ordinance No. 04-185 on to a second reading at one of the next two Council meetings to be determined by the Mayor.

Assistant City Attorney Brown recommended that the language in DMMC 5.04.010 be amended to eliminate the reference to single-family residences. He confirmed that the amending ordinance could be presented to Council at the same meeting as Draft Ordinance No. 04-185.

In response to Councilmember Steenrod's questioning regarding the cost/benefit analysis of the program, Commander Tucker said that a year was needed to gather data. A reduced volume of 911 calls was anticipated.

Chief Baker projected that, in three to five years, it would not be necessary to add additional police officers.

City Manager Piasecki said that the program would free officers to do more pro-active work to reduce crime in the City.

Councilmember Sherman spoke in support of the proposed ordinance as he said the program would improve the City's sense of safety and community as well as maintains and improve property values.

Mayor Pro Tem Thomasson questioned whether a lien should be added to Section 10.2.

Councilmember Steenrod said that she could support the program's goal of making the City safer but voiced concern that the \$100 per unit fee was too high. She suggested that the fee be set at \$50 and be re-evaluated next year. She described the program's financial impact for a 77-unit apartment complex. She said that the high fee could have a detrimental impact on people's willingness to purchase apartments in Des Moines.

Councilmember White voiced support for the proposed ordinance and said that more people would rent in Des Moines as they would know it was safe.

MOTION was made by Councilmember Sherman and seconded by Councilmember White to call the question. **VOTE ON MOTION**: Motion failed, 3 – 3, with Mayor Sheckler, Mayor Pro Tem Thomasson, and Councilmember Steenrod opposed.

Mayor Sheckler said that he would not support the motion as he believed staff and the PS&T Committee had done their jobs adequately and he did not wish to delay taking action.

VOTE ON MAIN MOTION: Motion failed, 3 – 3, with Mayor Sheckler and Councilmembers Steenrod and White opposed.

MOTION was made by Mayor Sheckler and seconded by Councilmember White to suspend Rule 26(b) in order to enact Draft Ordinance No. 04-185 on the first reading.

Councilmember Sherman voiced support for the proposed ordinance but noted that two members of the PS&T Committee had made suggestions for cleaning-up the language. He suggested that the corrections be made and then presented to Council before the meeting's end.

Mayor Pro Tem Thomasson said that DMMC 5.04.010 also needed correction. In response to Councilmember Steenrod's concerns regarding the fee, Mayor Pro Tem Thomasson stated that the PS&T Committee had discussed the fee structure. He said that the program needed to pay for itself and he hoped that the fee would decrease over time. Mayor Pro Tem Thomasson suggested that the City Manager provide a report concerning the fee to Council at the end of 2005.

VOTE ON MOTION: Motion failed, 3 – 3, with Mayor Pro Tem Thomasson and Councilmembers Sherman and Steenrod opposed.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Mayor Sheckler to pass Draft Ordinance No. 04-185 on to a second reading at a meeting to be determined by the Mayor. **VOTE ON MOTION**: Motion passed, 5 – 1, with Councilmember Steenrod opposed.

City Manager Piasecki confirmed that the companion ordinance regarding DMMC 5.04.010 would also be presented.

At 8:32 p.m., Mayor Sheckler declared a ten-minute break.

Draft Ordinance No. 04-194 – Alarm Registration and False Alarm Ordinance

Commander O'Leary informed Council that the police responded to approximately 1,200 false alarms in 2003. To date in 2004, the police have responded to 1,100 false alarms. Slightly more than 1% of all alarm calls are valid. These statistics are consistent with national trends. He estimated the cost of diverting police resources to these calls as \$50,000 per year. Commander O'Leary noted that the proposed ordinance was modeled after national programs. Its purpose was to decrease false alarm calls, ensure up-to-date notification information, and recover costs from the people responsible.

Mayor Pro Tem Thomasson said that the PS&T Committee had briefly reviewed the proposed ordinance. He hoped the committee could continue its review and present the ordinance to Council in an adoptable state.

City Manager Piasecki asked Councilmembers to contact Assistant City Attorney Brown or Chief of Police Baker with any concerns.

MOTION was made by Councilmember Sherman and seconded by Councilmember Petersen to pass Draft Ordinance No. 04-194 to a second reading for enactment on the next available schedule.

Councilmember Steenrod asked that the proposed ordinance clearly clarify how many free false alarms were allowed.

MOTION was made by Councilmember Steenrod and seconded by Councilmember Sherman to amend the proposed ordinance to allow two free false alarm calls in 2005 only.

Councilmember Sherman questioned whether Councilmember Steenrod, as maker of the motion, would consider allowing two free false alarm calls indefinitely.

Councilmember Steenrod said that the proposal was not acceptable.

Mayor Pro Tem Thomasson noted that Section 9.3 gave the Chief of Police discretion to determine future fines. In order to be consistent with the proceeding draft ordinance, he suggested that the City Manager determine the fine amounts. He voiced his preference for allowing the first two false alarms to always be free and, after the first year, have the fee set by the City Manager.

The maker and seconder of the motion **accepted** Mayor Pro Tem Thomasson's suggestions **as a friendly amendment**.

VOTE ON AMENDMENT: Motion passed unanimously.

VOTE ON MAIN MOTION: Motion passed unanimously.

Mayor Pro Tem Thomasson scheduled a PS&T meeting for Thursday, November 11, 2004, at 6:00 p.m.

2005 Budget Department Reviews, Continued

Finance Director Henderson displayed the list of potential cuts to the Police Department that were not recommended by the City Manager.

Councilmember Steenrod suggested that the department consider crime reporting via the internet.

In response to Mayor Pro Tem Thomasson's questioning regarding having a detective perform the Evidence Room Technician job duties at a higher salary, Chief Baker explained that the detective would be able to respond to emergency calls. He was working with the Police Guild to establish better staffing schedules.

Park and Recreation Director Thorell reviewed the list of parks recommended for closure or reduced maintenance.

City Manager Piasecki proposed that the Park Manager and Public Works Superintendent positions be eliminated and a new position to oversee both divisions be created. He also recommended that a new Project Manager position, funded by CIP funds, be established.

In response to Mayor Pro Tem Thomasson's questioning, Park and Recreation Director Thorell informed Council that most of the flower programs were staffed by volunteer groups. She expressed concern that, after the cuts, there might not be enough staff to oversee the volunteers.

Mayor Pro Tem Thomasson suggested that the South Marina Park be included in the Marina budget. He questioned whether the Recreation programs covered the full costs associated with them, including Finance and Administration costs.

Councilmember Sherman asked how much of the anticipated \$2,000,000 for Recreation programs was not covered by revenues.

Park and Recreation Director Thorell said that the Recreation program was focusing on providing larger programs that targeted youth. Including grants, the Recreation and Senior Programs brought in approximately \$650,000. Park and Recreation Director Thorell described the proposed Maintenance Administration Fund.

Councilmember Sherman suggested that the police track the Department of Corrections personnel who work in the City to determine whether any crime results from the program.

City Manager Piasecki said that the other cities contributing to the Mount Rainier Pool fund have indicated that Des Moines could eliminate its capital reserve fund contribution. He recommended that Council direct administration to draft an addendum to the agreement changing the City's allocation. One time sales tax money could be used to finance the City's remaining share.

Council concurred.

City Manager Piasecki recommended that the Public Works and Community Development departments be combined as modeled by the City of Renton. The reorganization would require the elimination of the Public Works Director and Community Development Director positions and the creation of a new position to oversee the combined department.

Public Works Director Heydon informed Council that 20% cuts were currently proposed for the Public Works Department. He reviewed the recommended cuts identified in the agenda packet and their anticipated impacts.

NEXT MEETING DATE – Regular Meeting, November 11, 2004 at 7:00 p.m.

ADJOURNMENT

The meeting expired at 10:30 p.m.

Respectfully submitted,

Angela M. Chafty
Deputy City Clerk

ACTION ITEM FROM 11/04/04 MEETING

- Amend Draft Ordinance No. 04-185 as directed by Council.
- Draft an ordinance correcting DMMC 5.04.010.