



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

PUBLIC HEALTH AND SAFETY COMMITTEE

CITY COUNCIL
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Date: September 16, 2019
Time: 3:00 p.m.
Location: Executive Conference Room, City Hall, 215 SE 7th Street

Committee members present: Councilmembers Karen Hiller, Sylvia Ortiz (Chair), Aaron Mays.

City staff present: Lisa Robertson (City Attorney), Luther Ganieany (Police Legal Advisor), Mike Haugen (Director, Code Services), Corrie Wright (Director, Housing Services), SGT Joshua Klamm (TPD), Doug Gerber (Deputy City Manager)

Call to Order

Councilmember Ortiz called the meeting to order at 3:06pm. Committee members and staff introduced themselves.

Approve August 12th, 2019 Meeting Minutes

Councilmember Hiller made a motion to approve the August 12th minutes. Councilmember Mays seconded. The motion was approved 3:0.

Updates on Camping Ordinance & Unsheltered Population Programs

- SGT Klamm, TPD, reported on the “Block Party” event held on August 30th, 2019. The idea behind the event was to get to know the campers behind the Mission encampment and find out what their barriers are. A report of barriers collected was provided to the Councilmembers. The biggest barrier self-reported was income and the lack of ability to find a job. SGT Klamm stated that the information collected at the event will give us a better idea of where to go next and what immediate help we can give now. SGT Klamm provided the following information regarding the “Block Party” event:
 - Average age of camper behind rescue mission was 41
 - 40 people filled out questionnaires
 - 20 out of the 40 people were from the North Topeka encampment
 - 26 people fill out birthplace, 16 of those were from Topeka
 - Transportation and ID’s were also listed as barriers for the people
 - Partners of the event included, Valeo, Topeka Rescue Mission and Homeless Task Force
 - Multiple items were given out at the event such as, bug spray, tents, toilet paper etc.

- SGT Klamm responded to Councilmember Hiller's inquiry about the area recently being outfitted with handwashing stations and porta-potties with the following:
 - Valeo picked up tab for 3 porta-potties and 2 hand washing stations for 1 month
 - Shawnee County Health Department will pick it up for the following 2 months
 - They are services weekly and have talked about the possibility of these being serviced bi-weekly

Councilmember Mays requested how the information collected would be used. SGT Klamm responded, there is a small work group who will review the data and brainstorm possible next events for the area. The goal is to start knocking the barriers collected off the list. He clarified that the list is a living document due to the transient members staying in the area; barriers are going to always be changing.

- Corrie Wright, Director of Housing in the Neighborhood relations department provided an update on the current Shelter + Care program in relations to the homeless community.
 - Currently on a waiting list of about 15, which will take about 2 months to go through
 - There is an opportunity for 3 outside camping referrals for Shelter + Care per month
 - Gave out 33 vouchers and housed 76 % of the people
 - 22 of that 25 are still housed
- Carrie Higgins, Chair of the Homeless Task Force was present and answered questions from the Councilmembers. Councilwoman Hiller requested a list of current active members on the task force. Higgins responded that she would provide a list and commented that currently there is about 55 individuals attending the meetings, but that group is constantly growing.

Barry Feaker, Director of the Topeka Rescue Mission, followed Higgins commenting that the Homeless Task Force is a phenomenal effort of energy in finding solutions for everyone. He stated we have learned a lot and have a lot more to learn. He included that this is one of the most encouraging outreaches he has seen in the community.

Dr. Russell concluded comments stating the porta potties and the block party have been successful and truly appreciated. He encouraged City Council to come and spend some time with the constituents in the area.

- City Attorney Lisa Robertson commented that the documents provided to the Councilmembers at the meeting today are an edited version of the initially proposed complete ban of camping.

Luther Ganieany reviewed the total ban of camping on public and private property stating that staff has run into the inability to go further with passing the ordinance due to the shortage of shelters and or available options for someone that does not have another choice but to sleep in public. Staff has looked into emergency shelters, shelter beds, hotel vouchers and starting their own camp ground and have not come up with anything. His comment concluded that we do not have the ability to do a total ban.

Ortiz clarified the comment stating that in order to pass the ordinance we would have to offer homeless persons a place to stay and we do not have this right now. We will not be able to move forward with this ordinance without a solution.

Mr. Ganieany continued by reviewing the current options presented to Council on the proposed public camping ordinance.

Option 1: Total ban on camping. Legal is recommending this option is not passed by the Council for constitutional concerns.

Option 2: Partial ban on camping. This would keep momentum going and accomplish a secondary purpose of protecting infrastructure areas that remain a concern. Specific areas that will be prohibited are under bridges and overpasses, on levees, and on bus stops/shelters. (Found on tab 3 of the document). Additional details of the ordinance include:

- This does not include the Riverfront, they will still be able to camp there
- They can camp on other public property not listed
- Camping overnight in park is not allowed as it has a status of a park and has a closing time
- Sidewalks can be camped on as long as they are not blocking it

The benefit of doing this, is giving an alternative place to sleep. We do not have to provide a shelter or another camping site, because they can already go somewhere else and camp legally.

Chairwoman Ortiz said that it was her understanding how this all came about was the store front owners in NOTO were upset about camping and trash being left in front of their doors. When they asked TPD for assistance, TPD replied that the current ordinance does not allow them to do anything.

Mr. Ganieany confirmed that was true as well as a few other issues such as, camping on city easement, across the street from the Rescue Mission, outside the Topeka Police Department, and bus shelters. In addition to that there are issues with people accumulating large amounts of processions under bridges and overpasses. If those

items were to catch fire, we would have a similar situation to the recent fire on the Kansas Bridge.

Ortiz stated that she would like to see the store front issue addressed in the ordinance.

Ganieany clarified for Councilmember Mays that the current proposed language did not cover the store fronts directly. It only covers if they are on private property (such as a parking lot) and if the person is blocking the sidewalk.

Ganieany continued that the second place for the partial ban would be on private property. This would address undeveloped areas where we have seen problems of camping. Many times it is hard for TPD to track down the owners of that property, so this would prohibit people to camp without written permission. TPD would be able to address this without the 3rd party involvement of the owner of the property. (In a typical criminal truss passing case, the owner aka 3rd party has to file a complaint in order for TPD to take action).

The ordinance will also allow law enforcement to dispose of property that is contaminated (feces, pests, etc.).

Ganieany concluded that the main point for the partial ban is to switch in reducing the scope with the intentions of allowing other areas of the city be allowed for camping, such as the Riverfront.

Hiller commented that she tries to go back and see what bothered people in the first place and see if it is something fair and productive. She addressed the following:

- Camping between bridges - there has already been a relocation on that.
- Camping on the trails (bike and pedestrian)
- People with huge trashy sites, trash that wouldn't be allowed on people's homes or private businesses

She asked what was being done about her last point and asked staff what vision they had to address this?

Robertson answered that our current property maintenance code would apply to anyone in the city right now. She explained that the problem is if you issue a citation to individuals in the homeless camps, she doesn't think you will get the response you want.

Mike Haugen, Director of Code Services agreed with Robertson stating that it is hard to translate who is responsible for the items, mostly due to the transient nature of the population. Reiterating that it is hard to hold one person responsible, because the tendency is for them to point their finger at the next person.

Hiller questioned if a permitting situation might help this? Clarifying that there are issues of people in the camp who are worried about safety. Building into this

solution, is TPD now working to address illegal activity?

Klamm replied that there is a concern about safety. However, it becomes difficult if there is no victim. No victim = no crime.

Ganieany explained that the permit system proposed was a system where people would be required to obtain a permit from the city in order to camp. There are not details on the process as of yet, it was proposed only as an idea. The concerns with this idea are the following:

- If people don't have a permit, what do we do?
- Is there a penalty attached?
- Is it made a crime?
- What barriers are we going to be putting in place?
- Does it cost money?
- Is there travel involved to obtain a permit?
- What is involved in the application process?
- Do applicants have to show an ID?
- How long is the permit good for?
- What happens when it expires?

He wrapped up by stating that all the above situations end in a system where the person is not allowed to stay there anymore and then what happens? We end in the result that points back to the camping ban.

Ortiz stated that she does not agree with the permit due to the fact that the population does not have transportation or jobs to get the permit.

Hiller commented if the rule is people can camp indefinitely on public property, we are simply using the permit system to find out who they are and where they are. She stated no fees would be involved and police would have the ability to give the permit on site. This would give us a record for responsibility.

Hiller also commented that she would like to review the definition provided on page 2 of "camping".

Motion to accept, reject, or amend currently proposed public camping ordinance

Public Comment:

- Albert Thomas - Mr. Thomas came to Topeka for the VA hospital. He said they have yet to come and check on him. He thinks the ordinance is a good idea.
- Pamela Burghart - Ms. Burghart was living in the area for 12 years. She said to her, it was living, not camping. She agreed that some sites are messy, but doesn't believe everyone should be penalized for it. She was sorry to see the idea from Misty Hastings go away. She concluded that littering in Downtown and NOTO is not only from homeless people, people in general litter.
- Dr. Russell asked what if we made camping illegal or what if we continued to

improve the living situation for the homeless population. The stated goal was to help the unsheltered population as much as possible and we are currently doing outstanding on that goal. If we went the other way and made it illegal it would only drive people onto city property and more sidewalks. This is only making it more difficult for the homeless population.

Dr. Russell also stated that moving people next to the river is not a good idea due to recent flooding and other issues this could cause.

SGT Klamm stated his estimation of the current homeless population would be around 100 people citywide. He said this number has gone down dramatically since the last meeting. Some of this was probably due to flooding, the railroad scare and the weather could be a factor as well.

Several people in the room stated that funding is and will always be an issue... Corrie Wright said that the collaborations happening with the Homeless Task Force are great and expanding our reach and making great strides even without all the funding needed.

Ortiz called to make a motion that we continue to look at this and look at the amendments on the store front.

Mays stated he likes that the partial ban protects our infrastructure, as the vandalism is costing the city money and is also important for the safety of everyone. He stated that he doesn't feel the portion mentioned on private camping is ready yet.

Hiller said she is eager to receive feedback people have. She would also like to see what the levee band covers.

- Deputy City Manager Doug Gerber clarified items staff needs to follow-up on before committee will make a recommendation to the Governing Body are the following:
 - Address storefronts
 - Clarification of flood control system (page 15). Provide a map of where the flood control system are
 - Work on the private property piece of the ordinance. If we can't find the owners of the property, how do we know if someone has written permission from the property owner? Councilmember Mays stated that the committee is not going away and this is something we could keep working on. He suggested we propose what is ready and hold off on some other pieces such as this.

Other Items before the Committee

None.

Schedule Next Meeting(s)

Councilmember Ortiz voiced a preference to set a meeting for July from 3:00-5:00pm.

Adjourn

Councilmember Ortiz adjourned the meeting at 4:26pm.

Meeting video can be viewed at: <https://youtu.be/mR91X2-Iodk>