



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH AND SAFETY COMMITTEE

CITY COUNCIL
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Date: June 15, 2018
Time: 3:30 p.m.
Location: Holliday Building, 1st Floor Conference Room – 620 SE Madison

Committee members present: Councilmembers Sandra Clear, Sylvia Ortiz (Chair) and Mike Padilla

City staff present: Brenda Younger, City Clerk; Luther Ganieany, Topeka Police Legal Advisor; Lisa Robertson, City Attorney; Brent Trout, City Manager; Sergeant Joshua Klamm, Topeka Police Department; Sasha Haehn, Director of Department of Neighborhood Relations; and Corrie Wright, Division Director of Housing Services.

Call to Order

Councilmember Ortiz called the meeting to order.

Appoint Committee Chair

Councilmember Clear moved to appoint Councilmember Ortiz. The motion seconded by Councilmember Padilla carried unanimously (3-0-0)

Approve Minutes from September 28, 2017 meeting

Councilmember Clear moved to approve the minutes. The motion seconded by Councilmember Padilla carried unanimously. (3-0-0)

Introduction of TMC 9.45 Article III: Camping on Public and Private Property

Lisa Robertson, City Attorney, reported staff presented two separate ordinances to the Governing Body on May 8, 2018. She stated the ordinance relating to camping on public and private property was referred to the Public Health and Safety Committee; and the ordinance relating to traffic and pedestrian safety was referred to a Special Committee appointed by the Deputy Mayor that will work independently from the Public Health and Safety Committee. She stated Luther Ganieany, Topeka Police Legal Advisor, has performed extensive research on the matter and will provide a presentation to the Committee. She requested Committee members discuss what was important to them and what they would like to be included in the ordinance.

Luther Ganieany, Topeka Police Legal Advisor, reported the camping ordinance presented to the Committee for consideration would serve as (1) an enforcement piece of camping on public or private property without permission of the property owner; and (2) establish protections for personal property. He highlighted the challenges, complexity, resources and services available to assist with the issue; compliance measures as well as the legal obstacles outlined in the Pottinger Protocols and Exceptions. He stated staff was recommending a collaboration of agencies including law enforcement as well as behavioral health and social service providers resulting in tailored interventions that connect people with housing, social services and treatment. He reported

the agency partnership would meet the community goal of reducing the number of people inhabiting public spaces. He continued discussion on the Homeless Outreach Team (H.O.T) a program created for the purpose of educating and serving as a resource guide for social services offered through outreach and diversion. He noted enforcement of the proposed camping ordinance would serve as a last resort in dealing with homelessness.

Councilmember Clear questioned if the ordinance could be approved without having the H.O.T. Program in place; how the proposed ordinance would influence property rights of business owners; and what efforts are being made by the current Homeless Task Force in regards to addressing camping on public property.

Luther Ganieany stated the ordinance could be approved without the program being in place and business owners would still have their traditional property rights.

Corrie Wright, Division Director of Housing Services, reported the Homeless Task Force currently has several outreach teams that are involved in the community. She stated with regard to the homeless campsites and how it relates to criminalization the Homeless Task Force would welcome the opportunity to discuss the issue in more detail at their next meeting and report back to the Committee with what they believe may be viable options to address the matter. She noted the Homeless Task Force consists of approximately 40 members representing various organizations in the community with the goal to address homelessness in Topeka.

Councilmember Ortiz encouraged the Homeless Task Force to get involved in the process as they will be crucial to the success of the program and helping to manage the homeless community.

Corrie Wright reported the goal of the Homeless Task Force was to help homeless people get into a shelter no matter what; however, there is only one shelter in Topeka and not all individuals are allowed in the shelter for various reasons such as behavioral and medical issues or substance abuse.

Councilmember Clear asked if a homeless person could be sent to a shelter located in another city.

Luther Ganieany reported a homeless person from the Topeka community would need to be placed in a local shelter as it would become a problem to try and transport homeless people to other communities.

Councilmember Ortiz noted many times the services offered to homeless people are refused.

Corrie Wright reported recently the Homeless Task Force has implemented a coordinated assessment of the individuals included in their database receiving resources in the community for the purpose of providing additional services to individuals as needed.

Councilmember Ortiz questioned how the ordinance would address repeat offenders and how long would personal possessions be held.

Luther Ganieany reported the repeat offenders would not be able to establish a camp because outreach efforts will be documented and if they pursue staying at the campsite then the enforcement piece would take effect. He noted personal property would be held for 90 days from the date seized.

Councilmember Clear asked if the Mission refuses people due to lack of available space and if the Mission enforces mandatory therapeutic or religious programming for their occupants.

Mike Foster, Topeka Rescue Mission, reported homelessness was a problem throughout the city and the Mission works to accommodate any person who seeks their services and would not reject a person due to lack of space. He stated he would need clarification on the term “therapeutic” and the Mission has no religious requirements; however, they do offer a voluntary chapel service. He stated they do require repeat offenders to participate in therapy programs.

Luther Ganieany clarified that therapeutic and religious requirements could be offered; however, these requirements could not be a mandatory condition for a person to receive shelter.

Councilmember Ortiz questioned if the Mission would consider serving as a bed site if the H.O.T. program was implemented.

Mike Foster reported the Mission would welcome the opportunity to work with the City in addressing homeless efforts; however, the Topeka Rescue Mission was not considered a public shelter.

Councilmember Padilla referenced businesses located west of Wannamaker and reported the business owners have problems with homeless people camping on their private property. He questioned if this would be considered criminal trespassing.

Luther Ganieany stated a person must have written permission from the property owner to occupy the area; however, the same protocol would apply in regards to offering outreach services and encourage the person to vacate the area without requiring enforcement or arrest.

Councilmember Clear questioned if they should include language in the ordinance that would address camping permits issued by other agencies along the river and in other areas of the city.

Lisa Robertson stated initially there were discussions relating to the City implementing a permitting process; however, it would be ideal if another agency implements a permitting process and that process could be referenced in the ordinance.

Councilmember Ortiz requested City Attorney Robertson determine if the Kansas Department of Wildlife, Parks and Tourism was in the process of implementing a permitting system as mentioned by Councilmember Hiller and report back at the next Committee meeting. She requested Corrie Wright gather input from the Homeless Task Force and report back at the next Committee meeting.

Topeka Police Sgt. Joshua Klamm, Behavior Health - Crisis Intervention Team (CIT), reported TPD has been working to create a Homeless Outreach Team that will fall under the umbrella of the CIT. He stated officers will receive mandatory training to become CIT Certified. He provided an overview of the program and noted it should be fully implemented by August or September; however, the biggest obstacle will be sufficient manpower.

Councilmember Padilla stated he was encouraged by the creation of the Homeless Outreach Team; however, proper training and selection of officers will be crucial in the success of the program.

Topeka Police Sgt. Klamm questioned enforcement of the ordinance as it relates to individuals that are intoxicated and would not be allowed to stay at the Topeka Rescue Mission as well as those individuals that

are banned indefinitely from the Topeka Rescue Mission.

Councilmember Ortiz expressed the importance of creating a public-private partnership that could address special circumstances such as those described by Sgt. Klamm.

Councilmember Lesser questioned where the burden would fall in regards to obtaining proof of permission for a person to camp on private property. He cautioned the Committee in creating language that would burden the property owner.

Luther Ganieany stated the proposed ordinance would require the person camping on private property to provide written permission to occupy the property.

Brent Trout, City Manager, stated he appreciates the deliberate process being used to consider the ordinance being proposed. He commended Committee members for involving all the necessary players to ensure a positive outcome. He expressed the importance of people feeling comfortable in their community while assisting those in need and taking personal rights into consideration.

Pat DeLapp expressed concern with the regulations of the Topeka Rescue Mission and suggested finding a federally funded alternative organization that could handle those individuals that are noncompliant with the regulations of the Topeka Rescue Mission. He suggested the City create a general form that could be signed annually by property owners prohibiting camping on private property. He noted it would be difficult to confirm if the written permission being presented was legitimate.

Councilmember Ortiz announced the Homeless Task Force would meet on July 11, 2018, and the next Public Health and Safety Committee meeting would be scheduled after that date.

Other Business

Councilmember Ortiz reported on an incident that occurred involving two large goats running at large in her neighborhood. She requested staff review the code section that would address the issue to avoid it from happening in the future.

Upon no other items being presented to the Committee for consideration, Councilmember Ortiz adjourned the meeting at 4:59 p.m.

Meeting video can be viewed at <https://www.topeka.org/citycouncil/public-health-safety-committee/>