



CITY OF TOPEKA

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EXCERPT

HOLLIDAY BUILDING 1st FLOOR CONFERENCE ROOM, Topeka, Kansas, Monday, November 18, 2019. The Public Health & Safety Committee members of the City of Topeka met in 3:00 P.M., with the following Councilmembers present: Ortiz (Chair), Hiller, Padilla,

The following is an excerpt of the draft minutes from the meeting of the Public Health & Safety Committee of the City of Topeka, Kansas held November 18, 2019, at 3:00 P.M.:

CONSIDERATION OF PARTIAL BAN (WITH ZONES) – CAMPING ORDINANCE

- Chair Ortiz called the representative for the Homeless Taskforce to the podium. Carrie Higgins, Chair for the Homeless Taskforce. The ordinance was presented to the Taskforce members at their past Wednesday meeting. Fifteen (15) voted in favor of the ordinance, fourteen (14) did not take a stance, and two (2) opposed. Chair Ortiz inquired if the two agencies that opposed the vote had commented on the reason for their vote. Ms. Higgins stated she did not recall a reason being given. Ms. Higgins stated that prior to the vote, there was about 30 minutes of discussion related to the pros, cons, and other ideas or options. Those individuals had spoken at that time, however Ms. Higgins did not recall the specific concerns mentioned and did not have a copy of the minutes.

Councilmember Hiller inquired if the members had received the proposed ordinance. Ms. Higgins stated that the City's Legal department met with the Taskforce department and had sent the most recent draft of the ordinance to the Taskforce President. This was then sent to the membership along with a request to review prior to the meeting. Councilmember Hiller inquired as to any reasons provided by the 14 who chose not to vote. Ms. Higgins stated that she felt the majority of the 14 agencies who did not vote were supportive of the ordinance but had some reservations. There were a lot of newcomers and were less familiar with the ordinance and did not feel comfortable voting at that time. Councilmember Hiller inquired if having more time for those members to review the ordinance would make a difference on the outcome. Ms. Higgins stated she felt that more time would not change the outcome and that the Executive Committee felt this version of the ordinance was a good compromise that allows for camping yet is respectful to business owners and protects the City's infrastructure.

Councilmember Padilla inquired as to the reasons provided by those members who had voted in favor of supporting the ordinance. Ms. Higgins stated that many of those members had been on the committee since the beginning of the discussion, or had served on the subcommittees and had been able to see the compromise and research that had gone into this ordinance and feel comfortable supporting it.

- SGT Josh Klamm, TPD, provided a few updates regarding the unsheltered population. The camp located behind the Topeka Rescue Mission is roughly 40-50 individuals. The port-a-potties and trash can are still there. The Shawnee County Health Department has been paying for the port-a-potties and will continue until the end of the year. At this time, there is no plan to continue this after the first of the year. A project in the works: various outreach programs are seeking grants to assist with weather proofing and providing a bit of warmth to the current tents. SGT Klamm stated the outcome of receiving the grant is currently unknown.

Chair Ortiz commended SGT Klamm for his work with the City ID program.

Councilmember Hiller inquired if SGT Klamm had been able to read through the ordinance with regard to the levee system. SGT Klamm confirmed that he had read through the newest proposed ordinance. From his understanding, the levee is referencing the dike; and if anyone is sleeping on top of it, they would be in violation. SGT Klamm stated that from his understanding, the ordinance more importantly is discussing the flood control devices. SGT Klamm noted the creek located to the east side of the Wal-mart in North Topeka, where a pump house (or structure of similar purpose) sits. The language of the ordinance allows for removing individuals who would camp on those types of devices. There have not been many instances of individuals camping on the levees, and those that do are camping under a bridge, which is also addressed in the ordinance.

Councilmember Hiller inquired if SGT Klamm felt the proposed ordinance would be something the Police Department would find to be manageable. SGT Klamm responded that he felt the ordinance would provide the police department with some clarity on what would be acceptable and what is not. With regard to the number of individuals who would be effected by the ordinance, SGT Klamm speculated that a low number, less than 5% city-wide, and that there are not many of the unsheltered individuals who have been living under the bridges. The bus stops would be a nightly check, however individuals do not camp there in a permanent way. Councilmember Hiller appreciated the feedback and noted she had wanted to hear from the various groups before moving forward with making a final decision.

Chair Ortiz expressed thanks to SGT Klamm for his work and presentations to the committee, but stated that his continued work and communication with the committee would be important. SGT Klamm stated there were a couple of concerns that he had heard from constituents and wanted to share those at this time. One was a suggestion to set up public lockers in the Downtown district to alleviate concerns of personal items being left behind and being confiscated by the police department. The other suggestion was made that if camping in the Downtown area would be banned by this ordinance, that perhaps a percentage of the revenue generated by special events at the Downtown Events center could be put toward homelessness issues. Chair Ortiz noted that those were both good suggestions and would be open to looking into that further.

- Mark DeGroff, Street Reach Director with the Topeka Rescue Mission, stated that Rev. Barry Feaker voted in support of the ordinance during the Homeless Taskforce meeting. Mr. DeGroff stated he would like to see this ordinance put into place correctly and deliberately in

order to do all parties as much good as possible and to minimize any negative consequences that would come with implementing a new ordinance.

- Dr. Russell Burton addressed the committee as an advocate for the street homeless. Dr. Burton stated the newest draft is much improved from the initial copy, however feels that the individuals who are staying under the bridges, in doorways or in bus shelters are the most venerable of the population as they are not even able to maintain a shelter. These individuals need a warming shelter or to be in a Shelter First program. Dr. Burton read information and statistics about providing a shelter first program to the committee. Dr. Burton stated that a non-profit organization has recently been established called Second Chance Street Coalition which is umbrella-ed by the Community Resource Center. This will be the only non-profit that is dedicated to providing housing first to the chronically unsheltered population. Dr. Burton expressed thanks to the committee for their dedication to listening to the individuals who are affected by this ordinance.

Councilmember Hiller thanked Dr. Burton for his advocacy work with the unsheltered and for bringing information to the committee. Councilmember Hiller also thanked Chair Ortiz, the Neighborhood Relations Staff, the Homeless Taskforce and the unsheltered community members who attended meetings for bringing much needed information to the committee.

Councilmember Hiller stated that due to all of the work that has been done by Dr. Burton, SGT Klamm, and others has been instrumental in bringing the population who will be directly affected by this ordinance to a very manageable number from where it had been previously. Dr. Burton agreed, and stated that the ordinance is a fair compromise but will continue to work with the individuals who are being negatively impacted by this. Chair Ortiz stated that perhaps with the ordinance, the few individuals who are going to be negatively impacted will be motivated to receive the help that has been offered. Dr. Burton is hopeful for that as well.

Chair Ortiz inquired if there was further comments from the floor. There were none.

Chair Ortiz inquired if there was further discussion by the committee members.

Councilmember Hiller inquired if there was a standing list, or way to maintain a standing list of owners from the private or government sectors who wanted to provide a blanket statement to not allow individuals to camp on their property. Luther Ganieany, TPD Legal Advisor, noted that having a list would be difficult to maintain a standing list and would not cover if an owner gave permission to someone on a one-time basis, or property being sold without having that information maintained. Councilmember Hiller inquired about the steps for an owner to make the request as a situational basis. Mr. Ganieany stated that current practice allows for officers to contact the owner of a property when activity has been occurring to inquire if the owner would like to have individuals removed from the property.

Councilmember Padilla thanked Chair Ortiz for inviting him to sit on the committee for the remainder of the year. He appreciates the work that has been done from the year prior to this point and that a decision has not been rushed until the committee felt comfortable with doing so.

Chair Ortiz inquired with City Manager about moving forward with this proposal. Mr. Trout stated that the 90-day committee report will be scheduled for December 3, 2019. If the committee took action today, the information could be added to the agenda for the Governing Body to take action.

Chair Ortiz inquired with Mr. Ganieany about the timeline for when signage and the ordinance would go into effect should the Governing Body vote to approve it. Mr. Ganieany stated that signs have been posted to bridges already, mostly as there is work currently taking place on the Kansas Avenue Bridge, however signs would not be placed in most areas. The posting of notices was referencing when personal belongings were taken and that a notice would be left to let the owner know where to claim the belongings and the timeline of how long the belongings would be stored before disposal.

**MOTION TO REFER PROPOSED CAMPING ORDINANCE TO THE GOVERNING BODY
– WITH A RECOMMENDATION TO EITHER ADOPT OR WITHDRAW THE
ORDINANCE**

Councilmember Hiller noted that the staff was thorough with the information they provided to the committee. There were various options the committee could decide to take, but a recommendation to choose “Option C” to move the current proposal forward is noted.

Councilmember Hiller made a motion to approve “Option C” which states: To recommend that the Governing Body adopt the draft ordinance as amended. Partial ban which establishes “no camping” zones.

Councilmember Padilla seconded the motion. Motion passes 3:0.

I, Liz Toyne, City Council Executive Assistant of the City of Topeka, Kansas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt of the draft minutes from the meeting of the Public Health & Safety Committee, held on Monday, November 18, 2019, at 3:00 P.M.


Liz Toyne
City Council Executive Assistant