



POLICY AND SERVICES COMMITTEE MINUTES

Special Meeting
June 25, 2013

Chairperson Kniss called the meeting to order at 6:13 P.M. in the Council Chambers, 250 Hamilton Avenue, Palo Alto, California.

Present: Klein, Kniss (Chair), Price

Absent: Holman

ORAL COMMUNICATIONS

Aram James spoke regarding jury nullification or a jury's refusal to enforce laws.

Mark Petersen-Perez, Palo Alto Free Press stated the Human Relations Commission did not fulfill its mission when it did not provide input regarding homeless issues.

Roberta Ahlquist requested the Policy and Services Committee investigate rising rents. She noted that the Mediation Task Force could not provide assistance to tenants with respect to increased rents.

AGENDA ITEMS

1. Consideration of Ordinance Prohibiting Human Habitation of Vehicles.

Chair Kniss requested public speakers comment on the Draft Ordinance and clarified that vehicle habitation meant living in a vehicle.

James Keene, City Manager reported that Staff drafted the Ordinance at the direction of the Policy and Services Committee (Committee). Concern was raised about homeless persons spending the night at the Cubberley Community Center. The draft Ordinance regulated habitation of vehicles in the parking lot of the Cubberley Community Center, but not the overnight stays on the campus itself. In addition, the draft Ordinance did not deal with the full range and dynamics of the homeless issue in the community. City Staff attempted to resolve the issue through other means. Almost all surrounding communities had regulations concerning vehicle habitation. If adopted, the Ordinance would allow the Police Department to respond to complaints and would provide referrals for social services.

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Consuelo Hernandez, Community Development Block Grant Coordinator explained that the draft Ordinance gave the Police Department a tool to address complaints regarding people living in vehicles. Enforcement was meant to be gradual and incremental, with the judicial system used as a last resort. Staff intended on working with social service partners and the media to notify known vehicle dwellers of the Ordinance and its provisions. The Ordinance allowed 60 days for education, outreach and transition; an additional 30 days was allotted for warnings; and issuance of citations as warranted thereafter. The Ordinance effective date was six months after adoption. Staff anticipated a first reading of the Ordinance in August and a second in September 2013. A 60-day outreach effort was to begin in October 2013, followed by a 30-day period of issuance of warnings only.

Council Member Price requested Staff comment on the ability and capacity of social service agencies to provide services, and inquired whether Staff had sufficient resources to enforce the Ordinance.

Chair Kniss noted the Opportunity Center provided resident and non-resident services.

Mr. Keene indicated capacity was insufficient for the larger homeless issue. With respect to the Ordinance, Staff was capable of supporting enforcement and outreach. Partner agencies indicated they could fulfill their obligations as well. Staff anticipated a low number of referrals because enforcement was by complaint only.

Minka Van Der Zwaag, Community Services Manager reiterated that Staff and social service agencies could meet the demand as the system was based on actual complaints.

Council Member Price understood the Opportunity Center had waiting lists for housing services.

Ms. Van Der Zwaag reported the Opportunity Center housing was filled, however, the Opportunity Center continued to work with drop-in clients.

Council Member Price wanted to understand the process for opportunities for referrals and services.

Ms. Van Der Zwaag explained that the Opportunity Center provided permanent housing, not shelter.

Chair Kniss stated the Opportunity Center had 90 rooms available, and other agencies were able to provide additional housing.

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Ms. Van Der Zwaag noted other agencies were limited and said Alma Place and The Barker were key agencies in Palo Alto.

Chair Kniss indicated Alma Place was a good resource.

Council Member Klein reported the Opportunity Center was not owned or operated by the City of Palo Alto. He requested Staff comment on the situation at the Cubberley Community Center and suggested it be agendaized for the August 2013 meeting.

Mr. Keene explained that Staff observed the number of homeless people congregating at Cubberley Community Center increased over the past year. Staff was working to provide a response and would discuss possible options and solutions with the Committee after the Council Break ending August 2, 2013. Any solutions made regarding the Cubberley Community Center would require partnership with other agencies and additional resources.

Rob De Geus, Assistant Director Community Services observed that there was a significant increase in vehicle dwellers and homeless people at the Cubberley Community Center. He noticed that on any given evening, 30 or more homeless people could be found on the campus. Custodians struggled to remove people from the classrooms. Homeless people bathed in the bathrooms, verbally and physically intimidated Staff, and many of the homeless people had drug addictions and mental health issues.

Ms. Van Der Zwaag worked with InnVision Shelter Network, Momentum for Mental Health and Downtown Streets Team to gain insight and request assistance with outreach. She believed that Staff needed to focus intervention efforts in order to achieve an impact and said Staff was reviewing a proposal to address the situation.

Chair Kniss identified several cars and vans located in the Cubberley Community Center parking lot during the Cubberley tour the previous day.

Dennis Burns, Police Chief reported that complaints emanated from the Cubberley Community Center campus and surrounding areas. The Police Department did not actively track the number of homeless and vehicle dwellers but patrol teams found 20 people living in vehicles and 13 people on the campus the previous night. In 2010, the Police Department received 10 calls in relation to vehicle habitation, in 2011 16 calls, in 2012 39 calls, and 12 calls through the first half of 2013. He also noted that the prior week there was an altercation between two homeless men that resulted in one being taken into custody and one being taken to the hospital.

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Leslie Carmichael knew a few people who slept in their vehicles at the Cubberley Community Center. She opposed the draft Ordinance because it penalized people who did not have alternatives. She thought people would not be able to find housing in 90 days because of extensive waiting lists. She questioned the grounds for a complaint against a vehicle dweller.

Rick Toker, member of the Community Cooperation Team opposed the Ordinance because he thought it would lead to the criminalization of people living in vehicles; existing laws covered most situations.

Dr. Joel Wolfberg stated no landlord would accept a Housing and Urban Development Department (HUD) voucher for the amount of the supplement. Outreach to the homeless was difficult. He wanted the City to provide concrete assistance to the homeless population.

Alice Smith opposed the Ordinance and suggested the Committee review the Staff Report regarding the Santa Barbara program. She thought Staff should find a solution that did not criminalize the homeless.

Dr. Marilyn Winkleby provided profiles of four people living in their vehicles at the Cubberley Community Center. These people did not have substance abuse problems, their children attended local schools, and most of them worked locally. Any proposal had to be a viable solution.

Greg Schaefer referenced the Executive Summary which stated that the majority of homeless people were not a nuisance. Existing laws addressed complaints and vehicle habitation was not against the law.

Tony Ciampi believed the Staff Report was filled with fabrications and falsehoods. He added that the Ordinance would not abate any of the problems. Living in a vehicle did not harm anyone.

Andrew Voltmer encouraged the City to prohibit dwelling in vehicles and he thought the ban should include the Cubberley Community Center.

Mary Klein felt the Ordinance was small minded and made the homeless outlaws.

Heiri Schuppisser, Outreach Specialist for Momentum for Mental Health provided information about vehicle habitation and the services offered to such like people.

Dana St. George read and submitted a petition from the Humanist Community opposing the Ordinance.

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Lois Salo, Women's International League for Peace and Freedom felt the Ordinance violated the Fourth Amendment to the United States Constitution and remarked that anyone could be homeless at any time.

Katie Fantin had encountered the homeless people at Cubberley and said she opposed the Ordinance. She asked the Committee to wait on enacting the Ordinance to allow more discussion of solutions.

Abby Mohaupt brought out that Staff did not reach out to faith communities with respect to the proposed pilot program. She suggested that Staff contact the faith community again.

Roberta Alquist stated the vacancy rate for housing in Palo Alto was very low. The proposed Ordinance was a statement about less fortunate people and the policy was punitive.

Eddie Keating opposed the draft Ordinance. She was troubled by the broad definition of human habitation and questioned whether the faith-based pilot program required on-site supervision for three or more vehicles. Car dwellers needed a place within the City to sleep.

Norma Granch agreed with prior comments opposing the Ordinance and urged the Committee to continue the discussion for possible solutions.

Geoff Browning noted dwelling in vehicles, as opposed to living in a shelter, was often safer for women and children and said Social Services did not help that situation. He inquired whether the City allowed churches to modify their Use Permits to allow overnight parking in their parking lots.

Robert Gauntt suggested the City issue a statement in favor of amending the United States Constitution to align with the Declaration of Human Rights.

George Mills, Palo Alto Friends opposed the proposed ban on vehicle dwelling and said the proposed Ordinance unfairly penalized responsible vehicle dwellers for the inappropriate behavior of a few vehicle dwellers. He questioned the Police Department's data regarding homeless complaints.

Nick Selby supported prior comments opposing the proposed Ordinance and said the Committee should consider other options prior to adopting the Ordinance. He felt the definition of vehicle habitation was overbroad and vague, that the Ordinance lent itself to harassment, and it allowed arbitrary and discriminatory enforcement.

Aram James indicated vehicle dwelling, under the Ordinance, would be a crime under the Municipal Code, punishable by up to six months in the

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county jail. He thought the criminal justice system would not support this type of criminal case.

Marc Marasco supported the proposed Ordinance because of safety issues at the Cubberley Community Center.

Sean Osteen indicated the proposed Ordinance was punitive, overbroad, elitist, exclusionary, discriminatory, and un-American.

Stephanie Munoz felt the proposed Ordinance was evil and un-American because the Constitution guaranteed equal protection for all citizens. She concurred with Mr. Borock's suggestion of a designated area for vehicle dwelling.

Chair Kniss reported the recommendation was to adopt the proposed Ordinance along with education, outreach, and referral to social service agencies. She requested the City Attorney review the proposed Ordinance and address concerns expressed by the public.

Molly Stump, City Attorney focused on section two of the Ordinance, the operative language to be included in the Municipal Code. Section one was a series of general findings relating to the adoption of the Ordinance. The Ordinance did not apply to private driveways or other parts of private property; it applied to streets, parks, alleys, and public parking lots. Two exceptions were: mobile living units used for human habitation allowed by another provision of the Code and guests of City residents for up to 48 consecutive hours. They were able to occupy vehicles when parked adjacent to the residents' dwelling. The definition section provided guidance with respect to human habitation and the key language was the use of a vehicle for a dwelling place. Eating a snack or taking a brief nap in a car did not qualify as using the vehicle as a dwelling place.

Chair Kniss inquired whether Santa Clara County had an Ordinance banning vehicle habitation.

Ms. Stump was not able to find an Ordinance for Santa Clara County.

Chair Kniss presumed people could live in their vehicles on Stanford University land because Santa Clara County did not have prohibition rights over that land.

Ms. Stump did not know whether Stanford University had an Ordinance prohibiting vehicle dwelling. The academic portion of Stanford University was located in an unincorporated area of Santa Clara County.

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MOTION: Council Member Klein moved, seconded by Chair Kniss to recommend the City Council adopt the Ordinance entitled: 'Ordinance of the Council of the City of Palo Alto Prohibiting Human Habitation of Vehicles' dated June 25, 2013.

Council Member Klein was concerned that Palo Alto would become a magnet for homeless people and felt a regional or national solution to homelessness was needed. Under California law, cities were not meant to provide social services, so the City needed a concentrated approach to the homeless problem.

Chair Kniss received numerous emails from residents supporting the draft Ordinance and neighborhood residents were concerned about their safety. If the Council did not provide the Police Department with a tool to address the problem, then the Council did not treat the issue fairly. She emphasized that the Ordinance would be utilized only if there was a complaint. In addition, she hoped the faith-based community would continue to work with the City.

Council Member Price reported her biggest concern was providing assistance to human beings. She questioned whether allowing individuals and families to continue to live in their vehicles helped them when they needed intensive support and assistance. If the City did not provide needed and quality services, then it had failed the community.

MOTION PASSED: 3-0 Holman absent

Chair Kniss requested those opposing the proposed Ordinance consider Council Member Price's comments and inquired whether the Committee could provide direction to Staff regarding the Cubberley Community Center.

Ms. Stump was concerned that an extensive discussion or direction to Staff would not be appropriate. She reiterated that the City Manager requested Staff to return with an Item relating to the Cubberley Community Center in the fall.

MOTION: Chair Kniss moved, seconded by Council Member Klein to direct Staff to bring back an actionable Cubberley Community Center Item to the Policy and Services Committee in August.

Mr. Keene requested discretion for Staff to return in August or September 2013 regarding the Cubberley Community Center.

Council Member Klein had some ideas that could be adopted without a great deal of Staff time; therefore, he wanted Staff to return in August.

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Council Member Price assumed the Item would include discussion of programs, approaches, and resources.

Mr. Keene noted he would not be available for any August meetings after August 5, 2013.

2. Stanford University Medical Center Development Agreement Funds Guiding Principles and Approval Process.

James Keene, City Manager understood the Council wished to establish Guiding Principles to inform expenditure of Stanford University Medical Center Development Agreement (SUMCDA) Funds. He felt the Item should be a conversation for the Committee, rather than Staff making a recommendation.

David Ramberg, Assistant Director Administrative Services reported the total amount received from Stanford University in the six categories was \$32.5 million. The City spent or committed \$4.9 million of the \$32.5 million that was allotted. When Occupancy permits were issued for the Stanford University Medical Center project, the City would receive an additional \$11.7 million. Staff proposed scenarios of spending \$30 million in 2014; \$44 million in 2017; \$51 million in 2023; \$2 million per year over 10 years; \$3 million per year over 10 years; and \$6 million per year over 10 years. Council comments indicated projects should have a lasting impact and funds were one-time in nature. Staff envisioned the Council providing input regarding projects twice a year outside the budget process.

Mr. Keene questioned the effectiveness of spending a specific amount each year for 10 years. Council considerations of projects outside the budget process allowed Staff to research and analyze information more readily. He preferred to spend the funds on worthwhile projects sooner, rather than later.

Chair Kniss felt it was financially responsible to fund projects now, rather than trying to increase the amount of funds through interest earnings.

Council Member Price believed a refined master list should be informed by considerations such as alternate funding sources, effects of a recession on costs and operational and maintenance costs of projects. Community Health and Safety funds supported programmatic projects.

Mr. Keene agreed that programs could leverage Community Health and Safety funds to obtain sustained funding.

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Council Member Price noted that the Community Health and Safety funds were restricted funds. She suggested projects for Community Health and Safety funds be presented to the Policy and Services Committee (Committee) rather than the Finance Committee. She liked the idea of spending funds incrementally.

Malinda Mitchell, Peninsula Healthcare Connections Board Member indicated Peninsula Healthcare Connections submitted a proposal for funds and requested the Committee consider utilizing funds for services for the homeless. She thought that with additional services, much of the homeless problem could be eliminated.

Chair Kniss inquired whether Peninsula Healthcare Connections worked with frequent users of healthcare services.

Ms. Mitchell explained that the program allowed homeless and frequent users to establish a primary care base.

Council Member Klein preferred that the Council prepare a master list of projects. He inquired whether Staff could handle the workload if the Council spent all funds in one year.

Mr. Keene reported that handling the work load would depend on whether the Council implemented one project or many projects and on the complexity of the project(s). The Council needed to incorporate production as well as construction and operational costs of projects.

Council Member Klein felt the key element was developing a master list. He suggested that the Council modify the Infrastructure Committee master list to have a master list of projects to be funded by SUMCDA Funds and perhaps have a revenue measure. He also thought the Council could set aside funds for unforeseen projects. Council consideration of projects needed to be part of the budget process because the Capital Improvement Program (CIP) was part of the budget process.

Mr. Keene did not want to use SUMCDA Funds for typical CIP projects; he wanted to use them for transformative projects.

Council Member Klein did not believe that would be a problem if the master list was fully developed and most of the money was committed.

Council Member Price assumed the Council would receive periodic updates regarding projects funded with SUMCDA Funds.

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Mr. Ramberg noted the fiscal year (FY) 2014 budget included information regarding SUMCDA Funds. Considering projects for SUMCDA Funds separate from the budget allowed for careful deliberation.

Mr. Keene indicated SUMCDA Funds could be used to supplement CIP funds.

Council Member Price inquired whether the Committee supported having a parallel but separate track for Community Health and Safety funds.

Chair Kniss and Council Member Klein supported that concept.

MOTION: Council Member Price moved, seconded by Chair Kniss that the restricted funds for Community Health and Safety category of the Stanford University Medical Center budget be reviewed by the Policy and Services Committee.

Council Member Price explained that the process for Community Health and Safety funds would be parallel to the process for the remaining SUMCDA Funds.

MOTION PASSED: 3-0 Holman absent

Council Member Price added that the Committee for the Community Health and Safety funds was embedded in the process.

Chair Kniss inquired about the difference between guiding questions three and four.

Mr. Keene explained that the difference was spending funds in chunks or evenly over a number of years. The question was whether the Council preferred to allocate all funds at one time or over time.

Chair Kniss recommended utilizing a master list of projects with the most lasting effect and spending all funds within five to ten years.

MOTION: Council Member Klein moved, seconded by Council Member Price that once the City Council is in receipt of the Infrastructure Committee report, the Council should develop a ranked master list of projects to use for the Stanford University Medical Center funds, and each year thereafter as part of the budget process; the Finance Committee and Council shall review the status of Stanford University Medical Center funds and projects on the master list for possible revision, until such time that the funds are exhausted.

MOTION PASSED: 3-0 Holman absent

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Council Member Price stated the Motion provided a clear process and reflected the Committee's discussion.

Chair Kniss felt Council review of the master list should be part of the budget process, and inquired whether all funds would be spent within ten years.

Council Member Klein thought it could be added to the Motion that all funds were to be fully expended within ten years.

Council Member Price assumed that the good qualities of the process would apply to the Community Health and Safety process as well.

Mr. Keene indicated the process for the SUMCDA Funds would be similar to the CIP process. He thought strategic issues could shape the master list.

Chair Kniss suggested Community Health and Safety funds be utilized as matching funds.

Mr. Keene reported that by late summer or early fall 2013, the Infrastructure Committee report and the SUMCDA master list should converge, enabling Staff to present the process to the Council in August 2013.

FUTURE MEETINGS AND AGENDAS

Chair Kniss announced that the Policy and Services Committee would meet again in August 2013.

ADJOURNMENT: Meeting adjourned at 9:15 P.M.