



City of Tacoma

Community Vitality and Safety

Committee Minutes

747 Market Street Tacoma, WA 98402

Conference Room 243

June 22, 2017

4:30 PM

Chair Keith Blocker, Vice Chair Marty Campbell,
Joe Lonergan, Lauren Walker Lee, Ryan Mello (alternate)

Call To Order

Chair Blocker called the meeting to order at 4:34 p.m.

Present: 3 - Blocker, Lonergan and Mello

Absent: 2 - Campbell and Walker Lee

Council Member Mello, alternate member, participated telephonically.

Briefing Items

1. [17-0615](#) Encampment Removal Policy [*Request for approval by Council*]
[Jennifer Taylor, Deputy City Attorney, City Attorney's Office; Jeff Jenkins, Assistant Director, Public Works; Lisa Wojtanowicz, Community Services Division Manager, Neighborhood and Community Services]

At approximately 4:35 p.m., Jennifer Taylor, Deputy City Attorney, presented a draft policy on the enforcement and removal of unauthorized encampments on City property. She stated the intent of the policy is to strike a balance between an individual's rights with respect to their personal property and the City's right or need to clear public property. She stated homeless individuals have constitutional protected rights to their personal items so the City needs to follow due process regarding posting removal notices and allowing for a period of time where individuals can collect belongings that may have been taken into custody. She noted the policy is very similar to the City of Seattle policy from earlier this year that has already been legally scrutinized and survived review by a federal judge in the context of a temporary restraining order sought by plaintiffs trying to stop encampment removals.

Discussion ensued regarding the notification process and timeline, the process for collecting personal items that have been seized, how the City will distinguish personal items from trash in encampments, the 60 days allowed

for collection of personal items and how flexible that will be based on how often the collection site is staffed, and encampments on private property or the public right-of-way and how that is different.

2. [17-0616](#) Amendment to Human Habitation of Vehicles Ordinance [*Request for approval by Council*]
[Jennifer Taylor, Deputy City Attorney, City Attorney's Office; Keith Echterling, Assistant City Attorney, City Attorney's Office]

At approximately 4:50 p.m., Ms. Taylor reviewed proposed amendments to Tacoma Municipal Code 11.05.231 which prohibits vehicle habitation in the city, noting it was established in 2009, was amended in 2016, and is proposed for amendment again due to some enforcement challenges. She stated the amendment changes the law from a focus on the person to a focus on the use of the vehicle, adds a presumption that the registered owner is responsible for the improper use of the vehicle, reduces the penalty from \$250 to \$50 to further the City's equity objectives and be more aligned with parking violations, reduces the time permitted for use at any one location from 7 days to 72 hours, and requires a vehicle move from the spot of violation to a location no less than one-half of a mile at the conclusion of the 72 hours.

Discussion ensued regarding the distance a vehicle has to move, neighborhood concerns and how far this proposal actually mitigates the issue, why a permanent ban is not possible, potential challenges, and unintended consequences.

MOTION: Council Member Lonergan moved to advance this item to the full Council.

SECONDED BY: Council Member Mello.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 3 - Blocker, Lonergan and Mello

Absent: 2 - Campbell and Walker Lee

3. [17-0617](#) Camping in the City Proposal [*Request for approval by Council*]
[Keith Echterling, Assistant City Attorney, City Attorney's Office]

At approximately 5:05 p.m., Keith Echterling, Assistant City Attorney, presented proposed amendments relating to camping, noting this issue is prevalent throughout the country. He stated there is currently no anti-camping ordinance and the City relies upon Police power to remove health and safety issues and legally relies upon corollary and ancillary laws available in the Tacoma Municipal Code, such as trespassing, code enforcement violations,

or chronic nuisances. Mr. Echterling stated the proposal prohibits camping on private property at all times unless there is consent of a property owner or agent and to the extent that camping complies with current laws, such as the chronic nuisance code or adjacent property code. He stated the proposal for public property would regulate camping at all times within the city limits, except to the extent that camping would be permitted in areas that are specifically identified by the City as authorized for this use, such as the transitional and stabilization sites. Mr. Echterling then presented three alternate versions of Code amendments if the full staff proposal is not forwarded. He stated Alternate Version 1 would only enact the staff proposal for the duration of the declared emergency and would then sunset; Alternate Version 2 would allow camping between 10:00 p.m. and 6:00 a.m. only; and Alternate Version 3 would impose restrictions based on location.

Discussion ensued regarding the differences between the staff and alternate versions, the difference between private and public property, potential challenges, and what property owners are responsible for or have the authority to do regarding right-of-way and sidewalks abutting their property where individuals may camp. Discussion continued whether to sunset camping regulations based on the City's continuation of established transition and stabilization sites, the disparity between the number of individuals experiencing homelessness and the services available.

Public comment was heard from:

1. John Xitco, 820 A Street
2. Angela Thompson, Associated Ministries
3. Zachary Kinneman, 1201 Puyallup Avenue
4. Al Ratcliffe, 1424 North Winnifred Street
5. Theresa Power-Drutis, New Connections
6. Rosemary Powers, New Connections
7. Peter Roach, Associated Ministries

Discussion continued regarding the disparity between the need and the services, what requirements may exist to have services available, what to do about or for individuals who are not interested in using available services, the role of Washington State and Pierce County, encampments or tent cities run by private entities, if private property owners could allow camping on their properties with appropriate sanitation.

MOTION: Council Member Lonergan moved to advance Alternate Version 1 to the full Council.

SECONDED BY: Council Member Mello.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 3 - Blocker, Lonergan and Mello

Absent: 2 - Campbell and Walker Lee

4. [17-0618](#) Prohibiting sitting/lying on sidewalks Proposal [*Request for approval by Council*] [Keith Echterling, Assistant City Attorney, City Attorney's Office]

At approximately 6:16 p.m., Mr. Echterling presented the staff recommendation to amend Tacoma Municipal Code 8.12A.020, stating the amendment would compile under one chapter the majority of sidewalk-related provisions within the City. He stated this ordinance would regulate how sidewalks are used by individuals to engage in certain conduct, such as sitting or lying, at specific hours, 6:00 a.m. to 11:00 p.m., throughout the city. Mr. Echterling discussed the potential constitutional challenges and stated without an ordinance that specifically outlines what conduct is prohibited, enforcement efforts are left too interpretive, and this ordinance is intended to be coupled with the previous ordinance to have comprehensive enforcement. He discussed exceptions for medical emergencies, those with sensory or physical needs that require momentary mobility breaks on the sidewalk, and those who are homeless during a time where shelter service or transitional housing is not an available service. Mr. Echterling then discussed the tiered system for violations.

Discussion ensued regarding the draft code changes in the Committee packet, the reason for striking some of the chapters in their entirety, the language regarding vehicular or pedestrian interference, and the exception to the ordinance for those who are homeless when services are not available. Mr. Echterling clarified that those who choose to not accept services when available are not covered in this exception. Discussion continued regarding the language and intent of the proposed ordinance, unintended consequences or confrontations with enforcement officers, potentially adding a length of time into the definition of a violation or if there are other methods to decrease the amount of discretion used in enforcement, and violations.

Public comment was heard from:

1. Theresa Power-Drutis, New Connections

Chair Blocker stated the Committee will not be recommending to move this

particular ordinance forward.

Topics for Upcoming Meetings

5. 17-0619 July 13, 2017-Tacoma Community Redevelopment Authority Interviews

Will Suarez, Committee Liaison, stated the next meeting is July 13, 2017, and includes interviews for the Tacoma Community Redevelopment Authority. He stated there may not be a quorum on July 27, 2017, so more items may be added to the July 13 meeting.

Other Items of Interest


There were no other items of interest.

Public Comment

Public comment was heard earlier in the meeting.

Adjournment

There being no further business, the meeting adjourned at 6:51 p.m.


Keith Blocker, Chair


Doris Sorum, City Clerk's Office