

City Council Work Session

October 1, 2007
5:30 PM
Airport Operations Center

ATTENDANCE:

Mayor/Council (please check) Tussing, Ronquillo, Gaghen, Stevens, Brewster, Veis, Ruegamer, Ulledalen, Boyer, Jones, Clark.

ADJOURN TIME: 7:26 p.m.

Agenda

TOPIC #1	<i>Public Comment</i>
PRESENTER	
NOTES/OUTCOME	

- None

TOPIC #2	<i>Board and Commission Reports</i>
PRESENTER	
NOTES/OUTCOME	

- None

TOPIC #3	<i>Swords Park Tour (4:00 p.m.)</i>
PRESENTER	
NOTES/OUTCOME	

Tour of Swords Park

TOPIC #4	<i>Advisory Boards & Commissions</i>
PRESENTER	
NOTES/OUTCOME	

- **None**

TOPIC #5	<i>Prosecuting Transients</i>
PRESENTER	
NOTES/OUTCOME	

- City Administrator Volek: reviews the three papers from city departments. State puts severe limits on cities on transients or homeless or public intoxication. Have ordinances on several behavioral issues, but not direct on homelessness. Public intoxication is not a criminal offense. The number of homeless individuals is likely to rise. Vagrancy and panhandling are two different issues. The more laws and ordinances the City puts into place regarding it, the more difficult it will be for them to engage in resources that would benefit them.
- Rich St. John: Outlines Police Department's responses. If jail is the only option, it will cost the City, due to jail charges. If the City continues to pay for the jail expense, we will be \$33,000.00 over the budget.
- Councilmember Clark: The City has to pay the County for jail?
- St. John: Yes, if charged under City ordinance.
- Councilmember Stevens: Are the same people working the system?
- St. John: It's a deterrent as long as they're in jail. Crisis Intervention Center is useful. We are looking for alternatives at this point. If we check on "man down" they're our responsibility. Also, the only place we have to take them is either to the hospital, or to jail. It is illegal to jail someone for mental illness.
- Councilmember Boyer: Can they only keep them for 24 hours?
- City Administrator Volek: I believe that's the policy.
- St. John: The Crisis Intervention Center doesn't "jail" them and if someone wants to leave, they may. Law enforcement is only handling out of sight out of mind, but it's expensive because County charges City for cell time.
- Councilmember Gaghen: There was a panhandler on the corner of 4th and 27th Streets. This was impeding traffic. Is this lawful?
- St. John: You can't block traffic if you're intoxicated? Drivers could be cited for impeding traffic. When I see him, he's holding a sign and that's legal. Judges don't like to tie up jail space, but people want these folks off the street. Criminal Coordinating Council recently formed will be looking into this.
- Mayor Tussing: Of 1,000 citations, what percent of these are convicted?
- St. John: most don't go to trial, they sit in jail until the Judge releases them with time served.
- Councilmember Gaghen: What does the County charge for cells?
- St. John: Don't know but will get it tomorrow and email it to everyone.

- Mayor Tussing: How many calls do you receive on transient related violations?
- St. John: Don't know because lots of these calls blend together and have multiple causes and charges. Tough to report on these stats.
- Mayor Tussing: Do you still get calls about public intoxication?
- St. John: No, we usually get calls about concern for people who are passed out, and then calls are place to all the other agencies.
- Councilmember Gaghen: The Director of the center came to N. Park Task Force and presented statistics. Sells the program to the community.
- Councilmember Veis: Almost serving a different population than ones who will get a citation.
- St. John: Yes, they often deal with mental issues and sometimes along with substance abuse.
- Councilmember Veis: can we get more use out of the Crisis Intervention Center?
- St. John: No, we are getting as many people to the CIC as possible. The situation you have is some frequent fliers that have multiple misdemeanor charges.
- Councilmember Clark: Are there less violators going to ER?
- St. John: Yes, hospitals support the CIC on the pendulum swing, away from incarceration toward rehab. This swings every 15-20 years in a different direction. Throwing these violators in jail is not the answer.
- Councilmember Veis: Have you worked with the Committee on Homelessness?
- St. John: I don't believe we have a representative on the committee.
- Mayor Tussing: The is only one law enforcement slot, and I think someone from Corrections has that slot.
- St. John: We are working with DBA, CIC and new committee from the courts.
- City Administrator Volek: Brent, would you like to talk about the legal ramifications?
- City Attorney Brooks: St. John has touched on a lot of our research. If someone is a danger of harming themselves or others, they can be taken to the Psych Center at Billings Clinic. There is a limited time for involuntary commitments and it's a difficult process. Treatment centers are always full, limited resources because most of it is short term, 2-4 weeks. We can't prosecute due to homelessness but may for criminal actions. This is an evolving area of law, but at this point, if we take custody of them, we're responsible for them. CIC is a good option because they take care of the person until they're ready to leave and can care for themselves. Conduct offenses have been vigorously prosecuted. Can't prosecute for homelessness and/or pan handling. The can be prosecuted if they are blocking traffic, or breaking the law in some manner.
- Mayor Tussing: It's rare to see a homeless person in Helena, Bozeman or Butte. There are a lot in Missoula and here in Billings. Lincoln doesn't have visible homeless or intoxicated persons in downtown. The laws probably aren't the reason some cities don't have apparent problems. Why do we seem to have them?
- City Attorney Brooks: This is a difficult question to answer. I've talked to some other City Attorneys and college towns seem to attract them, maybe because there are resources to treat them and they may be more tolerant.
- Councilmember Stevens: There was a Bozeman newspaper article earlier this year, stating the reason they don't have a lot of homeless people, is because they don't have services available for them. They are trying to develop a center, but it's not very welcome there.
- City Attorney Brooks: I agree that resources are a factor. Billings used to have the reputation that it has a Psych center and other services for the mentally ill, etc.

- City Administrator Volek: Maybe it is more visible here because the Mission closes during the day while they may be able to stay indoors elsewhere. Concerns from hospitals and neighborhoods that downtown is pushing transients into other communities. Staff has some recommendations – see Brenda Beckett’s memo that went out via email over the weekend. There is a population of individuals who travel to and from adjacent reservations that stay in Billings for a limited time and then return. They are often highly visible. She has suggested that we begin conversations with Tribal Leaders, regarding service linkages. Continue to support the efforts of the Mayor’s Committee on Homelessness. Legal Department memo shows a Helena Municipal code that prohibits sleeping in public. Police suggestions are on St. John’s memo. These are the staff recommendations at this time. If you would like us to pursue one or any of these items, we would be glad to do that.
- Councilmember Stevens: One of the reports referenced more problems on west end. Is this in reference to people around Walmart?
- City Administrator Volek: Yes
- Mayor Tussing: According to the Downtown Vancouver Business Improvement Association, more than 90% crimes occur within 55 feet of a dumpster. Most pan handling, drug use, and problem street person interactions take place entirely within the dumpster clusters. To help eliminate this problem, all dumpsters are being removed from alleys within the Association’s area use and are being replaced with a daily bag pickup service. Dumpsters a problem here? Initiative in order here?
- St. John: Dumpsters do attract some vagrants.
- City Attorney Brooks: Some people choose this lifestyle. County commitments, tried to put people in a more attractive situation so they could see the contrast, and they choose homelessness.
- City Administrator Volek: There are a lot more people on the street since we de-institutionalized mentally ill. Many cities tried to control, but have been struck by courts.
- Councilmember Clark: Are people prohibited from city parks after 10:00 p.m.?
- City Administrator Volek: Yes.
- Councilmember Gaghen: The area that I hear most about is the block west of the Rescue Mission. It is a terrible image for the neighborhood. Can’t be intoxicated and enter the Mission, so many stay outside the building and hang around it. The image is very distressing when you come and go in that area. This is a tough issue to solve.
- City Administrator Volek: We currently have a \$300,000 grant to deal with homelessness issues. This is not enough to do a lot, because it’s such a huge problem. We are trying to aggregate more money to be incorporated with this grant, so we can better do something.
- Councilmember Brewster: It would be nice if we could segregate these people and help the ones that want help.
- Councilmember Boyer: We have resources available, but many don’t want to follow rules that the resource centers have. It’s a very complex issue.
- Councilmember Ulledalen: Burger King parking lot is chronic hangout. Owner trimmed the trees to flush out the transients, but destroyed mature landscaping in doing so.
- Councilmember Ulledalen: Any way to outlaw dumpster diving?
- St. John: We could do that, but it creates one more citation and jail time.
- City Attorney Brooks: Don’t think we can do that unless it’s considered disorderly conduct, blocking the alley, throwing garbage out. It’s very difficult to prosecute a person just being in a dumpster.

- City Administrator Volek: We will continue working on this topic, and wait for Council direction.
- Councilmember Gaghen: We need to publicize the complexity of this issue, and feel we are being criticized for not dealing with the problem. We get complaints, but complainants don't know our legal ramifications, and our limits.
- Councilmember Clark: Stop giving them money and they go away.
- Councilmember Ulledalen: There is a notorious red van in the Burger King parking lot. Police were more gracious than I would have been. They are full time residents and refuse want help.
- Councilmember Stevens: Spare change for real change, where is this?
- City Administrator Volek: Donation boxes are located in many downtown retailers.
- Lisa Harmon: We don't have adequate day shelters. HUB is the only one and it's limited to the mentally ill. It's turning into more because the mission closes during the day and they have to find daytime shelter. We need to take more responsibility for at-risk populations.
- Councilmember Boyer: Are there any service providers pursuing money to do day shelters?
- Harmon: Not to my knowledge. Trying to streamline the application or intake process so that all agencies know about the population. Shelter with literacy or training programs. We use bus therapy too, not just other cities sending us their problems.
- Councilmember Veis: Spare change working?
- Harmon: Yes, but not taking in a lot of money. If HUB closes, we're really in trouble. The subcommittee from the homeless commission is working on day shelter or day care solution.
- Councilmember Ulledalen: Are there minimum standards for a day shelter?
- Councilmember Boyer: if people still want to do drugs in day shelter, there has to be rules for the day shelter.
- City Administrator Volek: Mission has that rule but will still try to care for them on the street. Lots of cities getting away from excluding drug dependent people.
- Councilmember Veis: Has the Rescue Mission thought about staying open during the day?
- Harmon: I don't know the reason they operate that way. There are many long term residents at the Mission. Some of them have been there 10 – 12 years, making it difficult for "new" people to tap into the resource. You can check with Gary Drake.
- Harmon: There are models around the nation that we can learn from but don't know about specific standards.
- Councilmember Boyer: Models?
- Harmon: Denver and Portland have models, but some criticize them because they think these centers and services attract even more homeless people. We are researching Native American assistance – or building a multi-cultural center. We are looking at the day shelter in New Mexico.
- Councilmember Veis: Staff report says we're doing about all that we can. Citizens want prosecutions.
- Harmon: We have bike patrol, citations, warnings, making homeless and law breakers uncomfortable in the downtown area. We don't have the answer and can't speak for service providers. We can do surveying, collecting data, the really complex issue, and will keep working toward solutions.

TOPIC #6	<i>Cost of Service Study</i>
PRESENTER	Bruce McCandless
NOTES/OUTCOME	

- After presentation, will ask the Council to nominate members and decide when and which citizens will be appointed to the review committee.
- Council goals call for the study.
- Traditional cost of services studies help get people who use these services to determine what the costs are; others are used to determine whether or not to annex areas. What the City is doing is a blend: identify costs, especially those identified by taxes and fees, and then ask citizens to prioritize services and identify those that can be eliminated, as well as where we should grow.
- Staff suggests a process of RFQs to identify the scope of work and a consultant to perform the work in two phases: identify data and costs on tax-supported services, especially, as phase I; and in phase II, to undertake the work. This could be done either through a single contract or by separating the two phases.
- We need a work group. We already have 3 or 4 staff members, but we need Councilmembers, and eventually citizens need to be added.
- Councilmember Veis: On page 2, second paragraph of draft, needs editing. At what level of fund will it be: every fund, at each department in fund, etc?
- McCandless: Five operations using reserves should be included. Wouldn't want to do all funds.
- Councilmember Veis: How many funds in the Library should be covered?
- McCandless: City Administrator Volek asked for a report on how many services make up more than 5% of budget. Could submit to a consultant who would know what cities do and ask them to focus on services and how they are funded. Are they essential? How are they funded?
- Councilmember Veis: So based on services that take up at least 5%?
- McCandless: Yes.
- Councilmember Veis: We're hoping to learn about internal services funds.
- McCandless: Don't know in some funds what services are provided. Use cost-allocation with proxies for work provided. Is there a better way to do that? Are they sufficient? A consultant can provide recommendations.
- Councilmember Veis: In Water and Wastewater for example, are there some funds that may not be necessary to examine?
- McCandless: We have good data, but we may end up discarding.
- Councilmember Veis: In phase I, consultant should tell us how much data is out there. Does it exist? Type and form, how much of task to compile data and how good it will be at the end of the day?
- McCandless: That was the intent and we could beef it up.
- Councilmember Veis: We need something that is realistic, not just raising mills, so get a recommendation that has half a chance of going forward. We have to be realistic; otherwise it won't do us any good.
- McCandless: Will state the consultant is to make recommendations on service delivery strategies as well as costs.

- Mayor Tussing: Main thrust is what it costs us to provide services, rather than suggest new ones?
- McCandless: Yes.
- Councilmember Veis: What guaranteed results will be useful? Do over, cut fees? Doesn't want to end up with useless information or useless data.
- McCandless: We can try with Legal's assistance.
- Councilmember Veis: Use for cost of services?
- McCandless: Except for MET, almost all operating rather than capital and wouldn't try to mix.
- Councilmember Veis: Say, please structure the data so we would be able to use it for impact fees?
- McCandless: We could ask that the Consultant would identify Capital needs in order to provide this service better. We certainly could try.
- Councilmember Boyer: At a recent seminar, Al Swanson could cite numbers for other communities, for example what it costs. Council should make decisions. Lots of enterprise funds for which she doesn't know what they include. Feels Council needs to know.
- McCandless: Consultant would make recommendation, what happens with these recommendations is still up to Council.
- Councilmember Boyer: Doesn't want it to drag on; think we need to bring citizens in later in the process.
- Councilmember Clark: Committee would work with consultant, and keep consultant on track.
- McCandless: Wouldn't take long or cost much and then bring back to the Council for direction.
- Councilmember Brewster: Wants incremental costs and benefits of annexation by area. How much saved by infill development. Could use to determine impact fees for incremental development.
- Councilmember Stevens: Concerned about what report shows. Would like recommendations based on expertise so Council can choose what to do. One of the systems that are impacted is schools: Would the Council like to ask SD#2 to work with us?
- McCandless: Schools can't directly charge impact fees.
- Councilmember Ulledalen: Realtors becoming defensive because they think we're heading toward impact fees. When study comes in, allow Council to transfer costs onto those who create them. Need to also look at costs we've already provided. Need to look at fees provided for other services.
- Councilmember Boyer: Like TBID where running money through City, could and probably should charge fees. Wants a study to show it.
- McCandless: TBID wanted Department of Revenue to collect the tax for them and would have been 16% less.
- Councilmember Veis: Brought up impact fees so data collected in this reports could be used for impact fees. If we knew up front, it would be useful for information at a later date, rather than re-mine the data later.
- McCandless: Can ask if this can be done.
- Councilmember Jones: Disappointed in PRPL study, thought it was a waste of time and money; should ask firms to identify principals they will be using to be working on the project.

- Councilmember Ulledalen: Cost/benefit study in private terms. Know finances are constrained. What can we afford? We've been providing services because that's the way we've always done them. We've bent over backwards to subsidize growth for jobs. Now that we're at 2% unemployment, we need to quantify this?
- Councilmember Stevens: We're providing Library services to Golden Valley and prices haven't changed in years.
- Councilmember Ulledalen: Do you have a sense of who else is doing this? Are they asking the same questions?
- McCandless: When you do an on-line search, you get two typical types of studies. Tischler-Bice, Management Partners and Maximus are some firms that do this type of work.
- Councilmember Ruegamer: Need to hear from someone who has done one, some city that has done one to see what they did with the information.
- Councilmember Veis: Water and wastewater already doing a study. This study shouldn't cover that.
- McCandless: Councilmember Boyer asked about timeframe. Were looking to have responses by the end of year. Two to three months for phase I, four to six months, not in time for '09 budget but in plenty of time for '10 budget. Suggested language.
- Councilmember Ulledalen: Wait until initial report to involve them, or it will be confusing, unless they have expertise.
- Councilmember Boyer: Need be expeditious, so things don't catch up.
- Councilmember Veis volunteers for Water/WW in addition to Councilmember Brewster.
- Councilmember Ulledalen, Stevens on Cost of Services, and Councilmember Boyer to check with Al Swanson.

Additional Information:

- Mayor will be meeting for third time with Human Relations Commission at 1 p.m., in City Hall conference room. Invites others to attend.
- Adjourn 7:26 p.m.