



NOTICE OF PUBLIC MEETING

Monday, July 11, 2022

City Council Chambers

680 Park Avenue, Idaho Falls, ID 83402

3:00 p.m.

The public is invited to observe City Council Work Sessions. However, to observe appropriate social distancing guidelines, as recommended by the Centers for Disease Control and Prevention (CDC), seating in the Council Chambers may be limited. All seating is available on a first-come, first-serve basis. The public also may view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>. The agenda does not include an opportunity for public interaction.

This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 not less than 48 hours prior to the meeting. They can help accommodate special needs.

CITY COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call

Mayor and Council:

- Acceptance and/or Receipt of Minutes
Action Item: To receive recommendations from the Planning and Zoning Commission (5)
- Calendars, Announcements, Reports, and Updates (10)
- Liaison Reports and Councilmember Concerns (10)

Idaho Falls Power and Municipal Services:

- Discussion: Disposition of City-owned Property (30)
Action Item: Council Direction to Staff

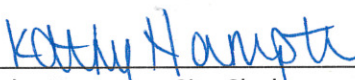
Public Works:

- Update: Greater Idaho Falls Transit (GIFT) Service/Progress (20)
Action Item: Council Direction to Staff

City Attorney, Police, and Parks and Recreation:

- Discussion: Public Use of City Spaces—Case Law, Current Practice Policy, etc. (45)
Action Item: Council Direction to Staff

DATED this 8th day of July, 2022


Kathy Hampton, City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: July 6, 2022

RE: July 5, 2022, Planning Commission Action

Planning Commission took the following action during the July 5, 2022, meeting.

1. **ANNX22-009: ANNEXATION/INITIAL ZONING.** Annexation of 8.899 acres, Part of the SW ¼ of Section 24, Township 2 North, Range 37 East with an initial zoning of CC, Central Commercial. Generally located north of Whitewater Dr. or Porter Canal, east of Pioneer Rd, south of Pioneer Rd, west of Snake River Parkway. On July 05, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the annexation with the initial zoning of CC, Central Commercial to the Mayor and City Council as presented.
2. **ANNX22-010: ANNEXATION/INITIAL ZONING.** Annexation of 4.88 acres, Part of the S ½ of Section 30, Township 2 North, Range 38 East. Generally located north of W 65th N, east of N 5th W, south of Commons Rd, west of the Idaho Canal. On July 05, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the annexation with the initial zoning of R2, Mixed Residential with the Approach Surface and Controlled Development Approach Overlay Zones to the Mayor and City Council as presented.
3. **PUD22-003: PLANNED UNIT DEVELOPMENT.** Bentley Townhomes for the E ½ of the SE ¼ of the NW ¼ of Section 16, Township 2 North, Range 38 East. Generally located north of Kearney St, east of N Woodruff Ave, south of Lincoln Rd or Bentley Dr extended, west of N 25th E. On July 5, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the PUD as presented with concerns of traffic to be forwarded on to City Council.
4. **RZON22-009: REZONE.** Luxury Riverfront Division 2 for a portion of Lot 1, Block 1 of Park Village Addition, Division 1. Generally located north of Higham St, east of the Snake River, south of Presto St, west of Latah Ave. On July 5, 2022, the Planning and Zoning Commission recommended to the City Council, by a 3 to 1 vote, denial of the rezone request to R3, Multiple Dwelling Residential
5. **PLAT22-021: FINAL PLAT.** Look Subdivision Division 2 for the N ¼ of Section 16, Township 2 North, Range 38 East. Generally located north of Kearney St, east of N Woodruff Ave, south of Lincoln Rd, west of N 25th E. On July 5, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.
6. **PLAT22-022: FINAL PLAT.** Bentley Way Division 2 for the NW ¼ of Section 16, Township 2 North, Range 38 East. Generally located north of Kearney St, east of N Woodruff Ave, south of Lincoln Rd or Bentley Extended, west of N 25th E. On July 5, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

7. **PLAT22-020: FINAL PLAT. Taylorview Townhomes Division 2 for the SE ¼ of Section 31, Township 2 North, Range 38 East. Generally located north of E 49th S, east of S 5th W, south of Sunnyside, west of S Holmes Ave.** On July 5, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).

Public Works- Greater Idaho Falls Transit (GIFT)



Ridership Report

June 2022

Dates: June 3 - 30, 2022 24 days of service.

Rides: 2,599

Passengers (unlinked passenger trips): 3,976

Percent of rides scheduled: 982 (38%)

Percent of rides on-demand: 1,617 (62%)

Vehicle revenue hours: 1,811

Total vehicle hours: 1,968

Vehicle revenue miles: 19,301

Total vehicle miles: 20,223 (140 miles a day average per vehicle)

Passenger miles: 11,043

Unique rider accounts: 528

Passengers per revenue hour: 2.2 (High goal 7.73)

Percent of rides shared: 283 (11%)

Average wait (on-demand rides): 10 minutes

Average ride time (on ride): 11 minutes

Average experience rating (out of 5): 4.9 (out of 627 ratings)

No shows: 97

Spanish speaking rides: 5 - This indicates we need to do a better job getting the message to this community.

Rider app new accounts: 1,548 (459 are discount fare riders)

Fares collected (net cc processing): \$3,800

Discount fare rides: 956 (37%)

Standard fare rides: 1,643 (63%)

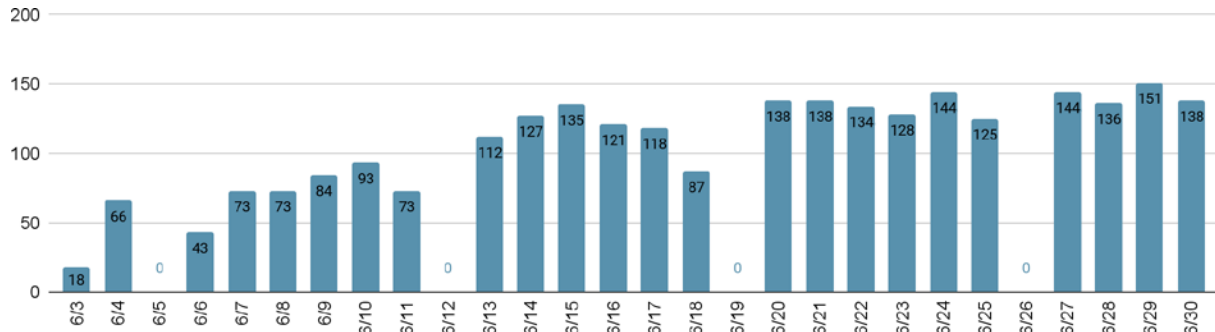
Ride Creation

Rider app: 1,755 (68%)

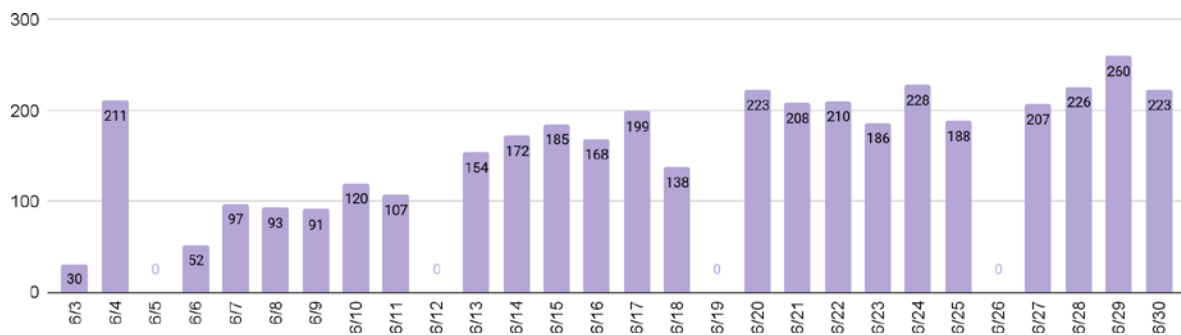
Driver app: 52 (2%)

Call in: 792 (30%)

Rides



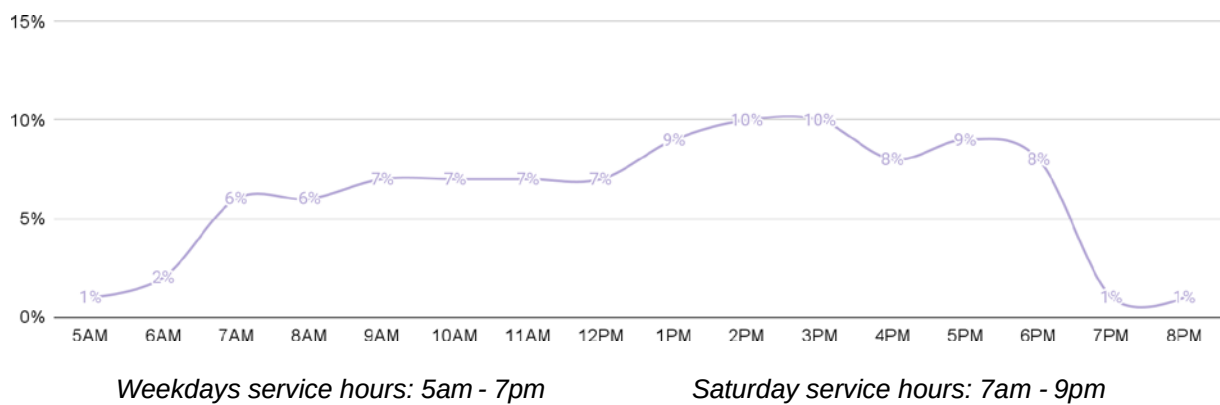
Passengers



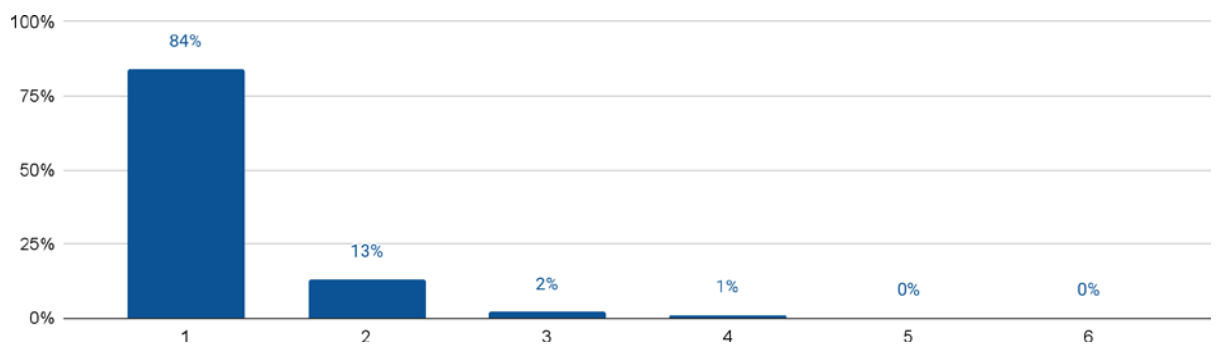
Rides per Account

1 ride: 209 accounts (209 rides)
2 rides: 125 accounts (250 rides)
3 rides: 37 accounts (111 rides)
4 rides: 24 accounts (96 rides)
5+ rides: 132 accounts (1,881 rides)

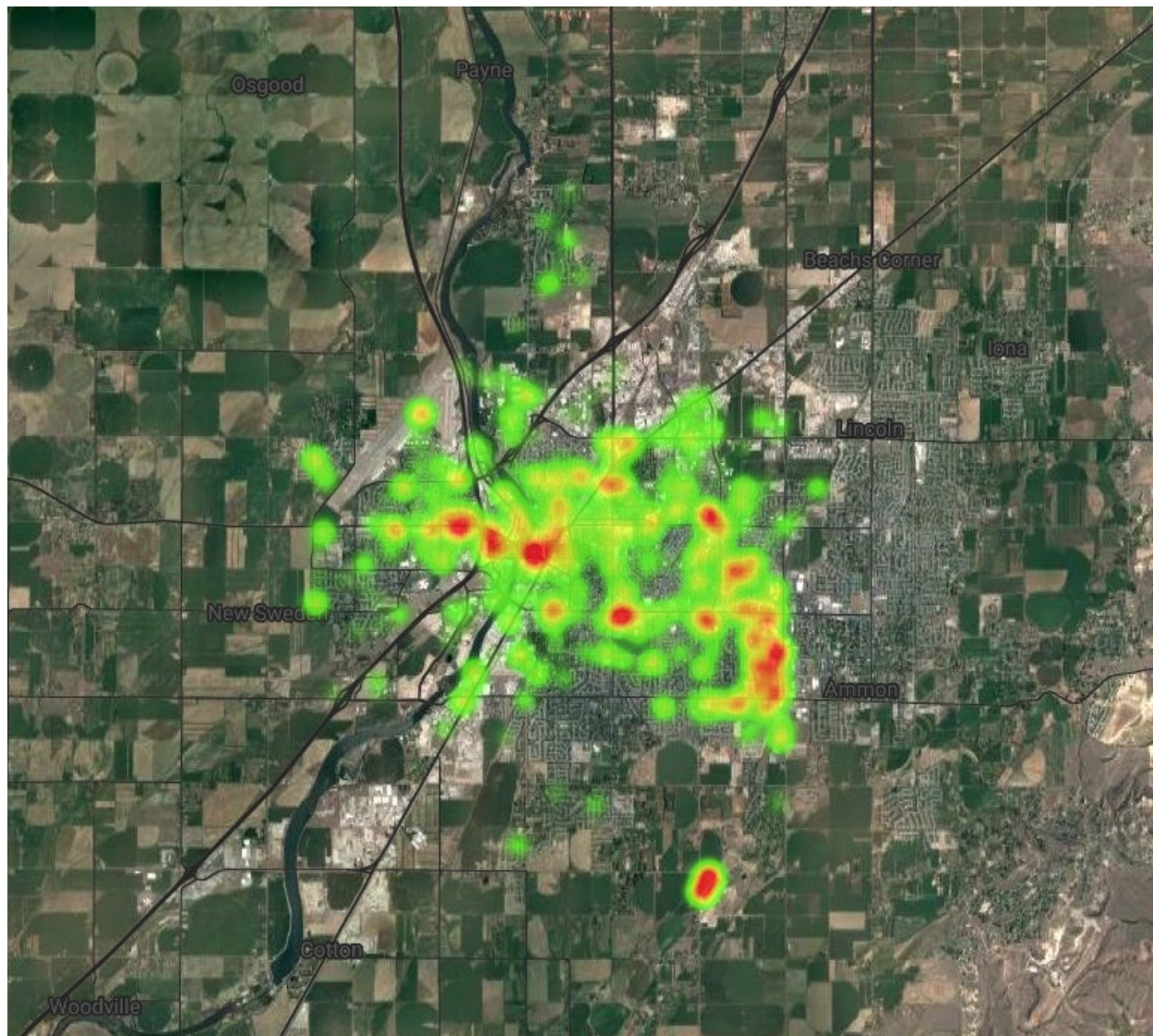
Demand by Hour



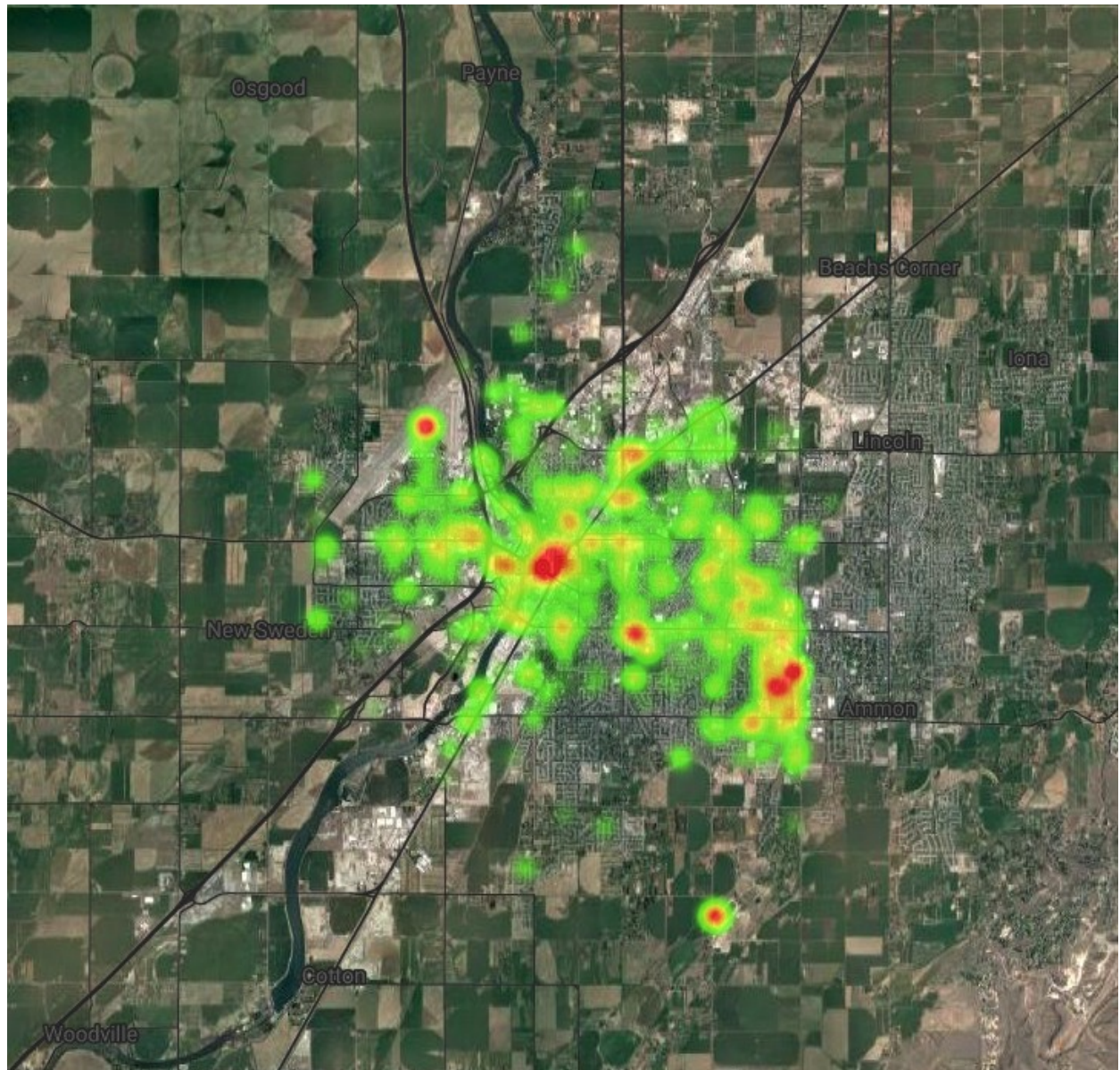
Passenger Distribution



Pickups Heat Map



Dropoffs Heat Map



Attorney, IFPD, and P&R - Public Use of City Spaces

THE SPOKESMAN-REVIEW

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Homelessness in Spokane: Woodward, city council split on approach to public camping enforcement

July 6, 2022 | Updated Wed., July 6, 2022 at 8:54 p.m.



Spokane Mayor Nadine Woodward takes a question on Wednesday during a news conference on homelessness and updates to Spokane's sit-lie ordinance. (Tyler Tjomsland/The Spokesman-Review)



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Spokane Mayor Nadine Woodward and the City Council are working to update the city's laws against public camping on city-owned land, with a particular focus on parks, railroad viaducts and public waterways.

Their efforts have spawned two bills aimed at changing the city's camping law. And while both would criminalize public camping as a misdemeanor, they differ in scope.

The landmark federal ruling in *Martin v. the City of Boise* has kept Spokane officials from enforcing current public camping prohibitions as well as the city's sit-and-lie law, which prohibits people from sitting or lying on public sidewalks during the daytime.

Martin v. Boise effectively prohibits cities from enforcing camping and sit-lie laws if they don't offer adequate shelter to the homeless. The unavailability of shelter space is why the Camp Hope homeless encampment, home to hundreds on state land along East Second Avenue, continues to exist.

In an effort to bar public camping while complying with *Martin v. Boise*, two City Council bills propose bans on camping at all times in specific areas regardless of available shelter space. The effort hedges on a footnote in the *Martin v. Boise* ruling that some state laws might be constitutionally permissible in certain cases even when shelter space is unavailable.

'There's no guarantees'

One bill, sponsored by Council President Breean Beggs and Councilmember Lori Kinnear, would ban camping at all times within 100 feet of any downtown railroad viaduct, within any city-owned park or park facility and on any portion of land within 35 feet of the Spokane River or Latah Creek.

To justify this total ban, the bill's language says those are "camping areas that create an unreasonable risk of harm or pose a substantial danger to the community"

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“There’s no guarantees on complying (with Martin v. Boise), but our version, we think, comes pretty close,” Beggs said.

Another version, sponsored by councilmembers Michael Cathcart and Jonathan Bingle with Woodward’s input, extends the at-all-times camping ban beyond those areas to anywhere within the downtown Spokane police precinct and business improvement district boundaries, as well as areas within a half mile of a “city-supported congregate shelter.”

A city-supported congregate shelter is defined by the ordinance as any private or public facility that provides short-term or contingency communal living. This includes homeless shelters, but does not include places with individual room occupancy, such as Airbnbs, college dorms or hotels, city spokesman Brian Coddington said.

The downtown police precinct boundary, according to the legislation, extends from Spokane Falls Boulevard/Riverside Avenue and I-90 between North Division Street to Maple Street. The downtown business improvement district [encompasses much of that area](#) as well as north of Spokane Falls Boulevard, between Division and North Monroe streets.

As with the Beggs-Kinnear version, a camping ban on all other city-owned property would be enforced only if there is enough available shelter space.

“You will never have enough beds for every single person who is homeless. You just won’t,” Woodward said. “So we have to do a better job of utilizing the system that we have right now, and that’s getting to functional zero, where you have as many people exiting the system as are now entering so you don’t have to continue to build more shelters and provide more beds.”

The Cathcart-Bingle version also updates the city’s sit-and-lie law.

The legislation would continue to prohibit sitting and laying on sidewalks from 6 a.m. to midnight while doing away with some exemptions, including homelessness when shelter

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“This has been a long ongoing conversation that has really centered on how do we comply with the ruling in the Martin v. Boise decision,” Cathcart said.

Beggs said he and Kinnear deliberately limited the scope of their proposed at-all-times ban to parks, viaducts and the waterways, arguing the Cathcart-Bingle version covers too broad of an area to be legal under Martin v. Boise.

On the other hand, Woodward said of the Beggs-Kinnear bill, “That ordinance proposal does not go far enough.”

“I think the mayor would be happy if she could remove anybody camping anywhere, but that’s not what the law is right now,” Beggs said. “So the question is how far can we go under the law and how much risk do you take on having all our laws struck down and being sued for money?”

‘We make it easy to be homeless’

Both the Beggs-Kinnear and Cathcart-Bingle versions criminalize illegal camping violations as misdemeanors for referral to Spokane Community Court.

“Getting into community court, you have to be charged with a misdemeanor,” Beggs said. “I don’t love it, but I’m currently in the camp that a misdemeanor charge with jurisdiction by community court is slightly better than a citation.”

The Beggs-Kinnear version was discussed last week during the council’s Public Infrastructure, Environment and Sustainability Committee meeting. The latest Cathcart-Bingle version is scheduled for discussion Monday during the council’s Public Safety and Community Health Committee meeting, Woodward said.

Initial drafts of the two were released within an hour of each other last week, as councilmembers sought community feedback on the proposed measures. Based on that feedback, the Cathcart-Bingle version was reworked with the mayor’s input. The latest version received a ringing endorsement Wednesday from Woodward, who was joined for a news conference by Cathcart, Bingle and dozens of community members.

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Woodward said the city's camping ordinance has not been updated since 2018, while the sit-and-lie laws have remained the same since 2014.

Wednesday's news conference took place just down the street from the Sprague Avenue-Division Street viaduct, where Woodward ordered a fence built beneath the viaduct in an effort to keep the street clean and safe.

If the Cathcart-Bingle ordinance were to pass, the fences at the Sprague-Division viaduct as well as the Browne Street viaduct, installed in February, would no longer be needed, Coddington said.

"We make it easy to be homeless, and I know that's not a popular thing for some people to hear," Woodward said. "These ordinances and their updates are not to push people around, but it is to push them into assistance and to the services that they need to get them off the street, out of viaducts and off of fields."

THE SPOKESMAN-REVIEW

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LAW SCHOOL CASE BRIEF

Martin v. City of Boise - 920 F.3d 584 (9th Cir. 2019)

RULE:

An ordinance violates the [Eighth Amendment](#) insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them.

FACTS:

Plaintiffs are six current or former residents of the City of Boise (Boise), who are homeless or have recently been homeless. Each plaintiff alleges that, between 2007 and 2009, he or she was cited by Boise police for violating one or both of two city ordinances. The first, Boise City Code § 9-10-02 (Camping Ordinance), makes it a misdemeanor to use "any of the streets, sidewalks, parks, or public places as a camping place at any time." The Camping Ordinance defines "camping" as "the use of public property as a t

FEEDBACK

or permanent place of dwelling, lodging, or residence." The second, Boise City Code § 6-01-05 (the "Disorderly Conduct Ordinance"), bans "[o]ccupying, lodging, or sleeping in any building, structure, or public place, whether public or private . . . without the permission of the owner or person entitled to possession or in control thereof."

All plaintiffs seek retrospective relief for their previous citations under the ordinances. Two of the plaintiffs, Robert Anderson and Robert Martin, alleged that they expect to be cited under the ordinances again in the future and seek declaratory and injunctive relief against future prosecution.

ISSUE:

Did the city ordinances violate the Eighth amendment rights of the homeless residents?

ANSWER:

Yes

CONCLUSION:

The Court held that the two city ordinances -- a disorderly conduct ordinance and a camping ordinance, which criminalized sleeping outside on public property, whether bare or with a blanket or other basic bedding -- violated the [Eighth Amendment](#) insofar as it imposed criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter was available. Although amendments to the ordinances precluded the city from enforcement when there was room available at any shelter, there was a disputed issue of material fac

whether two plaintiffs had constitutional standing and could nonetheless be prosecuted because there was substantial record evidence that whether or not the city's homeless facilities were full, the homeless shelters refused admittance to homeless people who had exhausted the number of days allotted them.

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Essential Class Resources

The 12 Biggest Myths about Homelessness in America



Sep 24, 2019 | by Robert Polner

Modified Sep 24, 2019

Posted in [Education and Social Sciences](#)

Tagged [Silver School of Social Work](#),

[NYU Homepage Feature](#)

[New York, N.Y.](#)

Silver School of Social Work professor Deborah K. Padgett’s scholarship upends common assumptions about substance abuse, mental illness, and ‘bad choices.’

On a single night in January 2018, the US Department of Housing and Urban Development collected nationwide data to determine that there are now about 553,000 homeless people across the country—or nearly the same number as the entire the population of Albuquerque, New Mexico. While that is an improvement on the estimated 647,000 Americans who were homeless in 2007, it also reflects a lingering inability to solve a four-decade-old national crisis.

What exactly caused the American homeless rate to reach and sustain such heights? Some have cited the shutting of mental hospitals in the 1970s. Others have

pointed to the lack of safety nets for military veterans with Post Traumatic Stress Disorder. Still others have called out urban housing prices and cuts in government subsidies for affordable housing. Blaming the homeless, too, is not uncommon—bad choices, substance abuse, or a preference for life on the street are all popular explanations.

But the statistical realities of homelessness upend many common assumptions about its causes, and how best to address it. Two-thirds of all homeless are single adults, while the remaining third are made up of families and unaccompanied youths. Most “self-resolve,” or exit homelessness within a few days or weeks—in fact, only about 16 percent are chronically homeless. And while there are 190,000 visible homeless each night on the street in the United States, many more live in shelters or are otherwise hidden from public view—sleeping in cars, for example. Most often, popular perceptions of exactly why a person might be homeless are driven by those who are most visible, and by their portrayals in the media.

Silver School of Social Work professor [Deborah K. Padgett](#), a leading scholar on homelessness, is the co-principal author of [a recent study](#) that found that New York City policies to stem street homelessness, while well-intended, can increase rather than reduce alienation because they rarely take into account a homeless person’s individual needs—such as pet ownership, health issues, or difficulties obtaining identification documents, among other factors. Much of Padgett’s work has explored the long-term cost benefit and effectiveness of providing housing and support to homeless individuals up front, without first requiring treatment compliance and drug and alcohol abstinence. This increasingly used approach, which originated in New York, is known as “Housing First.”

NYU News asked Padgett to debunk some of the most common homelessness myths:

1. Most are mentally ill.

Decades of epidemiological research reveals that one-third, at most, have a serious mental illness. De-institutionalization or closure of mental hospitals was initially believed to be a prime cause of homelessness, but this occurred well before the sharp increase in the 1980s.

2. The majority abuse drugs and alcohol.

It is believed that only about 20 to 40 percent of homeless have a substance abuse issue. In fact, abuse is rarely the sole cause of homelessness and more often is a response to it because living on the street puts the person in frequent contact with users and dealers.

3. They're dangerous and violent.

Homeless persons are far more likely to be the victims of violence than the perpetrators. Of course, some homeless individuals may commit acts of violence beyond self-defense but such acts rarely affect the non-homeless individuals they encounter. To put it another way, any violence by homeless persons is either self-defense or due to the rare violent perpetrator who preys on other homeless people. Non-homeless need to understand this.

4. They're criminals.

Homeless persons *are* more likely to have criminal justice intervention. However, this is primarily because many of their daily survival activities are criminalized—meaning they might be given a summons or arrested for minor offenses such as trespassing, littering, or loitering.

5. “Bad choices” led to their homelessness.

Everyone makes mistakes, but the descent into homelessness is not necessarily the direct result of “choices.” Far more often a sudden illness or an accident, losing

one's job, or falling into debt leads to eviction—or doubling up with family or friends becomes untenable.

6. They prefer the freedom of life on the street.

There is no evidence to support this notion that homeless persons are “service resistant.” Since “Housing First” began in New York City in 1992 at the nonprofit Pathways to Housing, Inc., it became clear that the offer of immediate access to independent housing with support services is welcomed and accepted by most homeless. People on the street often reject the option of crowded, unsafe shelters—*not* housing in general.

7. They spend all their money on drugs and alcohol.

Interviews with street homeless persons show that most of their money goes to buying food and amenities such as socks, hygiene products, and bottled water. Although some do spend money on alcohol or drugs, the same can be said of anyone.

8. They just need to get a job.

A significant portion of homeless people do have jobs—they just cannot afford to pay rent. Some receive disability income due to physical or mental problems but still cannot afford rent. For those wanting to work—a common refrain among those interviewed by my research team—the complications of applying for a job with no address, no clean clothes, no place to shower, and the stigma of being homeless (or having a criminal record), make such individuals far less competitive in the low-wage job market.

9. The homeless are not part of “our community.”

Surveys have shown 70 to 80 percent of homeless persons are from the local area or lived there for a year or longer before becoming unhoused.

10. They live in unsanitary conditions because they don't care.

Living outdoors means having no regular place for bodily functions, to dispose of trash, to store food safely, or to bathe. A homeless person who “cares” has few alternatives. Our research shows that lacking access to a shower is one of the more humiliating aspects of being homeless.

11. The legal “right to shelter” is the best way to end homelessness.

Currently, shelter construction and maintenance absorb the vast majority of the \$3 billion spent yearly by the City of New York to address homelessness. Meanwhile, building affordable housing—the purview of state and local authorities that is left up to private developers—has not kept pace. Thus the “right to shelter” can, in practice, displace “the right to housing.”

12. In coastal cities with low rental-housing vacancy rates, it is impossible to find enough housing for homeless individuals and families.

New York City has a vacancy rate of 3.6 percent. Of an estimated 2.2 million rental units in the city, this means 79,000 are vacant. This number is greater than the approximately 61,000 persons labeled “homeless” in the city. It means that the argument that “we simply do not have enough existing housing” should be examined more closely.

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