

**NEWPORT BEACH HOMELESS TASK FORCE  
REGULAR MEETING MINUTES  
City Council Chambers  
100 Civic Center Drive, Newport Beach CA  
Tuesday, August 20, 2019  
4:00 PM**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 4:04 p.m.

**2) ROLL CALL**

Homeless Task Force Committee Members:

Mayor Pro Tem and Chair Will O'Neill (excused absence)  
Council Member and Vice Chair Brad Avery  
Council Member Joy Brenner  
Helen Cameron  
John Heffernan  
Terry Moore  
Thomas Peterson  
David Snow  
Rev. Cindy Voorhees  
Jean Wegener

Staff Members:

Grace Leung, City Manager  
Carol Jacobs, Assistant City Manager  
Seimone Jurjis, Community Development Director  
Natalie Basmacyan, Library Services Manager  
Jaime Murillo, Principal Planner  
Lauren Wooding-Whitlinger, Real Property Administrator  
Jon Lewis, Chief of Police  
Dennis Birch, Deputy Chief of Police  
Anthony Yim, Homeless Liaison Officer  
Jennifer Biddle, Administrative Support Specialist

**3) PUBLIC COMMENTS**

Teresa Hernandez reported Anaheim Mayor Sidhu installed a temporary shelter and prohibited overnight camping in public parks within 60 days of his election. The City should offer shelter to the homeless and enforce the prohibition against overnight camping in parks.

Dean Stratton referred to an article in *City Journal*. Solutions to homelessness should focus first on addiction. He questioned whether shelters would in actuality be drug dens. Any violation of vagrancy laws should be prosecuted. Solicitation of donations at street intersections should be illegal.

An unidentified speaker wanted to know what actions the City is taking right now.

Debbie Cruttenden agreed with Dr. Dru's statement that the problem is mental illness and addiction rather than homelessness. Contagious diseases will decimate homeless encampments and spread to residents.

Charlie Pulse inquired whether Hoag Hospital has committed \$3 million for shelters, whether the homeless population in Corona del Mar totals 64-67, and whether the United Way has donated \$2.9 million to Corona del Mar. He asked what the City is asking Hoag Hospital to do. City Manager Grace Leung reported under a Development Agreement with the City, Hoag Hospital will provide \$3 million, which the City will dedicate

to homeless shelters and services. Those funds have not been allocated at the current time. Committee Member Cameron added that the State allocated \$2.9 million to United Way to provide support and housing for veterans.

Susan Bolus shared a story of a homeless person urinating in public. Ten tents are located at the bus terminal, and one has a no trespassing sign on it. She wanted to know immediately what the City is going to do to remove the homeless people from that area. Services and programs are available.

Mary hoped there would be sufficient time for Committee Members to share their work over the past month.

Nancy Engle Vanotten suggested funding be allocated to educate citizens about their rights, the City oppose laws that protect the rights of the homeless to the detriment of citizens, and the Task Force consider programs that require the homeless to work.

#### **4) CURRENT BUSINESS**

##### **1. 07-22-2019 Homeless Task Force Special Meeting Draft Minutes**

Vice Chair Avery read Susan Eaton's note requesting the minutes reflect that she did not and does not support the City of Boise's appeal of the legal decision. Most individuals need temporary housing for longer than 14 days.

Committee Member Cameron moved to approve the minutes of the July 22, 2019 meeting as amended. Committee Member Snow seconded the motion. The motion carried by the following roll call vote:

**Ayes:** Avery, Brenner, Cameron, Heffernan, Moore, Peterson, Snow, Voorhees, Wegener  
**Nays:** None  
**Abstaining:** None  
**Absent:** O'Neill

##### **2. Presentation by the Newport-Mesa Unified School District**

**Recommendation:** Receive and file

Phil D'Agostino, Newport-Mesa Unified School District (NMUSD), reported the McKinney-Vento Homeless Assistance Act (Act) established eligibility criteria for the direction and delivery of services to students and their families. The Act requires school districts to immediately enroll students, provide free or reduced-cost lunch, provide connections to community resources, and to provide transportation to and from school as needed. Staff are trained to identify and support homeless students and their families. Once a student is identified as homeless, staff has his parents complete a needs assessment at the time of enrollment. Students who live in a house or apartment occupied by more than one family due to loss of housing or economic hardship are considered homeless. A runaway or unaccompanied student is considered homeless. A student living in substandard housing; in a shelter; in a motel, hotel, or weekly rate housing; in an abandoned building; in a car; at a campground; or on the streets is considered homeless. In the prior year, NMUSD identified and enrolled 114 students who qualified as homeless. A majority of these students are living in temporary or transitional housing located in Costa Mesa. The largest segment of homeless high school students attend Newport Harbor High School, which is the largest high school in NMUSD. Social workers, social work interns, school psychologists, and behavior specialists are available to students during the school day and work with students and families to ensure students attend school on time, are successful in their courses, and receive counseling and support as needed. Homeless students have the right to continued enrollment as long they remain in transitional housing or they qualify as homeless. Not complying with the Act could result in litigation and the loss of federal funding.

In response to questions from the public, Mr. D'Agostino advised that NMUSD identified 114 homeless students in the 2018-19 school year. The census for the current year has not been completed, but he anticipates identifying 100-125 homeless students, which includes homeless students identified in the past. He did not have the breakdown of homeless students living in Costa Mesa and Newport Beach.

### 3. Update from City Net on July 2019 Activity

#### **Recommendation:** Receive and File

Matt Bates, City Net, reported City Net uses the Department of Housing and Urban Development's (HUD) definition of homelessness. The Department of Education's definition of homelessness is much broader. City Net is sympathetic to the community's concerns, but City Net's broader concern is healthy communities. In July 2018, City Net worked with law enforcement and City staff to conduct a homeless census for Newport Beach. The January, 2019 point-in-time count delivered a number, but demographic information from it has not been released. The census found a population of 86 homeless, while the point-in-time count found a population of 64 and the CalOptima data reported a population of 71. The actual number falls between 64 and 86. Eighty-eight percent of homeless reported that they sleep in Newport Beach primarily and/or lived in Newport Beach immediately prior to becoming homeless. A typical homeless individual in Newport Beach is a white, 40-59-year-old male who has a disability or disabilities. Forty-seven percent of homeless individuals reported having a disability. Based on City Net's experience, the percentage of homeless people with a disability is under-reported. Sixty-five percent of homeless reported having no income. An overwhelming majority of individuals with income reported the amount is less than \$1,000 per month. Fifty-three percent reported they do not receive CalFresh benefits, and 37 percent reported having no health insurance. Forty-one percent reported being homeless for two years or less. Data across Orange County indicates 40-50 percent of people become homeless every two years. The countywide point-in-time count found 6,800 homeless individuals. City Net engages in weekly outreach, in-reach partnerships, street exit and housing stabilization, and collaboration with the community. City Net's job is to triage and assess situations, identify barriers, and work with the Continuum of Care to provide shelter.

In reply to Committee Member Wegener's inquiry, Mr. Bates explained that the monthly Dashboard Report provides narratives of encounters with Newport Beach homeless individuals.

In response to Committee Member Voorhees' queries, Mr. Bates advised that ten individuals have exited the street for the three months ending July 31. The main challenge to street exits is the lack of shelter beds. Once in a shelter, individuals receive help to qualify for permanent housing.

In answer to Committee Member Snow's questions, Mr. Bates related that homeless individuals commonly decline services. City Net's methodology is to continue asking and to provide contact information. At some point, homeless people realize they need help and contact City Net or respond to in-person contact.

In reply to Committee Member Peterson's inquiry, Mr. Bates stated in 2018 City Net and the City established survey questions. Using an app, staff and volunteers asked the survey questions and recorded the responses. When the data was uploaded, it was associated with a GIS location. The data was geographically mapped and analyzed for demographic information.

In response to Council Member Brenner's query, Mr. Bates was unsure whether the homeless person at the library has exited the streets. Homeless Liaison Officer Tony Yim reported the individual is not housed but is doing well.

In answer to questions from the public, Mr. Bates indicated the length of time to find housing for a homeless individual varies. Success for City Net is moving an individual from the streets and into shelter. Data shows 88-92 percent of individuals who City Net removes from the streets remain in housing after 12 months. Staff along with law enforcement and the healthcare agency have engaged with the homeless at the bus terminal every day over the past week. City Net can refer homeless individuals to the Courtyard and Wise Place in Santa Ana. Homeless individuals have to qualify for beds at private agencies such as the Orange County Rescue Mission. The majority of homeless do not qualify for beds at private agencies. Homeless Liaison Officer Yim added that police officers conduct outreach with homeless individuals around the City. Since City Net has been working in the community, the process of moving individuals from the street to shelter to permanent supportive housing has accelerated. City Net has provided him with a great deal of assistance, and progress is being made. Based on his experience, citing and arresting homeless

individuals is not a solution. Housing first models have generated more success. Mr. Bates advised that he is not an attorney, and the question of forcibly removing homeless individuals to shelters should be addressed to the City Attorney. Homeless Liaison Officer Yim clarified that officers need evidence to establish probable cause of a violation of law in order to arrest someone. Current case law states a tent located on public property is not evidence or probable cause. Mr. Bates related that not all homeless housing requires an individual to be clean and sober. Homeless Liaison Officer Yim indicated he could not address the policies guiding actions in other cities. The purpose of the Task Force is to develop a policy and an approach for homelessness in Newport Beach. Committee Member Heffernan explained that housing had to be available and located in or accessible to Newport Beach. Without available housing, a homeless individual cannot be arrested for homelessness. Few areas of the City are zoned for shelters, and the City Council has to decide whether to fund construction of a shelter.

An unidentified speaker disagreed with Homeless Liaison Officer Yim's comments. Mental illness and substance abuse diagnoses are very treatment resistant. The homeless situation is not getting better. The community is enabling homelessness. She questioned whether homeless individuals are Newport Beach residents and what makes them residents.

Council Member Brenner remarked that the Brown Act restricts the City Council as to when it can make decisions, obtain information, or discuss issues. The Task Force cannot work separate from public meetings. The Task Force needs time to interact with the experts so that it can craft potential solutions.

John Palmieri wanted someone to answer the question of why it is taking so much time for the City to act. Committee Member Cameron stated every city has different numbers of homeless people and different shelter and housing needs. She is familiar with the solutions implemented in Anaheim. The Task Force knows shelters are needed. Mr. Palmieri interpreted Committee Member Cameron's words as the number of homeless is less robust in Newport Beach than in Anaheim; therefore, the City is not taking action.

#### **4. Discussion of Immediate, Intermediate and Long-Term Solutions and Goals**

**Recommendation:** Provide direction to staff

[This item was not taken up during the meeting.]

#### **5. Subcommittee Updates**

**Recommendation:** Receive and file the reports of the subcommittees

#### Crisis Response to OCTA

Committee Member Peterson reported the City Manager, the Police Department, the Orange County Transportation Authority (OCTA), and the Irvine Company have communicated regarding the Transportation Center issue. The Irvine Company has deeded ownership of the Transportation Center to OCTA for specific use as a transportation center. Any improvements or changes to the property have to be approved by the Irvine Company. Homeless individuals have occupied the site for many years, and the numbers vary but typically range from six to twelve. City Net engages the homeless three times per week. The subcommittee has developed a two-pronged approach of engagement and enforcement and maintenance and improvements to the site. Twenty-four arrests were made at the Transportation Center between January and July 2019. Engagement efforts involve multiple agencies and multiple intense contacts. As of July 31-August 1, three homeless individuals have been placed in housing services. Power washing occurs nightly at the Transportation Center. OCTA personnel cleans restrooms three times per day. Landscaping maintenance occurs weekly. The existing irrigation system will be changed to a drip system. Vegetation will be replaced with drought-tolerant plants that provide less shade and more open areas. Discussions include installation of a perimeter fence and gate so that the area can be closed during the posted hours. OCTA has posted on its website a Request for Proposals for construction of a perimeter fence. Proposals are due September 10.

In reply to the public's inquiries, Committee Member Peterson indicated he did not see showers in the public restrooms. City Manager Leung clarified that there are no showers in the restrooms. At this time, OCTA believes leaving the restrooms open is better than closing them. Committee Member Peterson related that City Net staff will engage homeless people in the adjacent dog park. City Manager Leung advised that the Police Department is monitoring and enforcing the dog park as it is owned by the City. She observed one homeless person in the dog park the previous afternoon. The current proposal is to fence the entire OCTA property. Homeless people would be forced to leave the fenced area at the posted closing time. OCTA, with approval from the Irvine Company, will determine the landscaping.

An unidentified speaker remarked that all City parks will need to be fenced and locked because the homeless people from the Transportation Center will move to the parks.

An unidentified speaker wanted the homeless encampment at the pier removed. She suggested the City construct temporary housing so that the homeless could be removed.

#### Housing Options

Committee Member Voorhees advised that the subcommittee is awaiting demographic data for the homeless population. The subcommittee identified prevention, emergency housing, rapid re-housing, shelters, affordable housing, and permanent supportive housing as types of approaches to housing. The subcommittee is considering contracts with other cities to provide temporary emergency shelter beds until facilities can be constructed in Newport Beach. The subcommittee is investigating possible sites for "yes, in God's backyard" (YIGB) housing and for construction of shelters, particularly affordable, permanent supportive housing. The subcommittee is exploring use of United Way grant funding for veteran housing.

In answer to queries from the public, Committee Member Voorhees indicated Principal Planner Murillo has provided a map of potential locations. The subcommittee is focusing on realistic sites for shelters. City Manager Leung clarified that sites with City facilities and sites in the airport area are under consideration. She requested time to review and develop plans for the sites before presenting them to the public.

Laura Curran noted Costa Mesa is building a full shelter and contracting with a church. She suggested the subcommittee explore partnering with Costa Mesa, Fountain Valley, and Huntington Beach for facilities.

An unidentified speaker suggested the City construct a military-style temporary shelter on a remote site and escort the homeless population to the site. After six months, the City can determine if the problem continues to exist.

#### Data Collection/Accuracy

Committee Member Snow related that the subcommittee hopes to customize housing solutions to the needs and characteristics of the homeless population. The subcommittee has been reviewing available data and wants to obtain data for Newport Beach specifically. The Newport Beach homeless population is predominantly male and slightly older on average than the county population. CalOptima data shows 72 percent of the Newport Beach homeless population has behavioral health diagnoses, of which 51 percent is not in treatment and 21 percent is in treatment. The best solution based on this data is permanent supportive housing. There could be a two-step process of shelters and then permanent supporting housing, but the problem of getting homeless individuals into housing will remain.

An unidentified speaker reiterated the question of whether the City can remove the homeless people from the Transportation Center.

An unidentified speaker felt the two main issues are providing mental health treatment and legally removing homeless individuals from the streets after constructing shelters.

In answer to questions from the public, Committee Member Cameron related that many homeless people do not want to go to a shelter, and homeless people with a disability do not do well in a shelter. Laguna

Beach was recently sued because people with disabilities were forced to go to shelters. She had not had anyone refuse permanent supportive housing. Committee Member Snow added that homeless individuals with several mental illnesses and those who have been on the streets for a longer period of time are more resistant to services.

An unidentified speaker was sure enforcement of overnight camping prohibitions would reduce the homeless population. She suggested the City reallocate funding for City Net to constructing temporary shelters so that homeless individuals can be removed from the streets.

#### What Other Cities Are Doing

Committee Member Moore noted the homeless population moves fluidly among Huntington Beach, Costa Mesa, and Newport Beach. Costa Mesa has instituted a robust response to homelessness. Costa Mesa recently constructed a bridge shelter for 50 people as a result of litigation. A collaboration among the faith-based community, the city government, and nonprofits has worked well in Costa Mesa. Laguna Beach has adopted a "housing first and harm reduction" model and has several different facilities. Laguna Beach offers safe shelter for 45 people every night, a bridge shelter, and year-round shelter and rehabilitation. Pasadena has ten times the number of homeless as Newport Beach. While Pasadena has been working with the homeless for 45 years, only in the last four years has Pasadena achieved some success. One nonprofit agency acts as the clearinghouse for all homeless solutions. The number of homeless people in Beverly Hills is declining because the community is working together to solve the problem. Huntington Beach recently purchased a building to provide a shelter but learned afterwards that it was not zoned for a shelter. Community involvement and collaboration are important for successful solutions. The one model that has worked in all cities is housing first.

An unidentified speaker suggested low-wage workers could choose to be homeless in order to receive all the services they cannot afford to purchase.

In response to an inquiry from the public, Vice Chair Avery indicated the City has confidence in its team. The City has delayed its response to the homeless problem. The community's anger and despair is rightly placed.

Council Member Brenner believed the City needs to establish a temporary shelter as quickly as possible. City Manager Leung is negotiating with Costa Mesa regarding long-term shelter. Something needs to be established so that anti-camping laws can be enforced. The Task Force will recommend the City request a proposal from Muriel Ullman to assist with homelessness, public engagement, and enforcement. She proposed forming a subcommittee for mental health.

#### Enforcement/Legal Constraints/Risk

Committee Member Heffernan advised that the City is constrained by rules on panhandling and removing homeless individuals. A shelter has to be located on a site that has the appropriate zoning. Property for a shelter may have to be purchased or leased, and neighboring property owners may object to a shelter. Housing the homeless is costly. Building a shelter will not prevent additional homeless people from moving into the area. A conservative City Council that has a conservative City Attorney has directed the City Manager and Police Department to act accordingly. At the current time, nothing can be done about the homeless problem.

In reply to queries from the public, Committee Member Heffernan explained that a group of cities have asked the Supreme Court to review the City of Boise decision, specifically the definition of available housing. The City of Newport Beach could join the group of cities. Committee Member Moore remarked that the Task Force is not tasked with fundraising. People will not donate funds without the City adopting a plan for homelessness. Council Member Brenner added that the Task Force has discussed a public-private partnership. Vice Chair Avery indicated staff has not identified potential facilities for a shelter. Committee Member Heffernan clarified that a potential site has to be zoned for a shelter, which reduces the number of potential sites. Next, the City has to obtain a site through purchase, lease, or condemnation.

An unidentified speaker commented that the Surfrider Foundation tests water quality monthly. When the tests find poor water quality, the City will take action and receive many donations.

Vice Chair Avery indicated efforts to find a solution will increase. Residents need to continue to apply pressure.

Susan Eaton suggested the City sponsor educational programs for the public.

#### Education/Public Relations

Committee Member Wegener reported the City website is a point of education and needs to include a section for homelessness, business and resident needs and concerns, and contact information. A definition of resident may be introduced in the next meeting.

Committee Member Wegener moved to request a condensed presentation from Muriel Ullman regarding steps the City of Costa Mesa has taken to address homelessness at the September meeting. Council Member Brenner seconded the motion. The motion carried by the following roll call vote:

**Ayes:** Avery, Brenner, Cameron, Heffernan, Moore, Peterson, Snow, Voorhees, Wegener  
**Nays:** None  
**Abstaining:** None  
**Absent:** O'Neill

Committee Member Wegener moved to include a section on major issues in the news on the City website. Committee Member Snow seconded the motion. The motion carried by the following roll call vote:

**Ayes:** Avery, Brenner, Cameron, Heffernan, Moore, Peterson, Snow, Voorhees, Wegener  
**Nays:** None  
**Abstaining:** None  
**Absent:** O'Neill

Committee Member Wegener moved to designate one individual, perhaps a journalism intern, to report and issue accurate press releases related to homelessness. Council Member Moore seconded the motion. The motion carried by the following roll call vote:

**Ayes:** Avery, Brenner, Cameron, Heffernan, Moore, Peterson, Snow, Voorhees, Wegener  
**Nays:** None  
**Abstaining:** None  
**Absent:** O'Neill

Committee Member Cameron remarked that the community can build an effective solution for homelessness by working together and using the expertise of partners and the community. Newport Beach would benefit from affordable, permanent supportive housing.

Yvonne Jordan noted the City is paying \$200,000 per year to City Net as well as Homeless Liaison Officer Yim's salary. Installation of a fence at the Transportation Center is tangible progress, but the homeless will probably move to another location in Newport Beach. Perhaps the funds for art procured by an Assemblywoman can be designated for a shelter. Committee Member Snow reported the cost of homelessness is quite considerable. A study estimated the cost of homelessness countywide in 2015-16 at \$300 million. The cost of leaving an individual on the streets is approximately \$105,000 annually. Council Member Brenner added that the Assemblywoman obtained almost \$3 million for veteran homelessness in Orange County.

In response to Adriana Fourcher's inquiries, Council Member Avery reported Task Force recommendations will be considered in preparing a budget for the next round. Emergency funding is available. Ms. Fourcher commented that a complete representation of the community is not present at the meeting. Based on social media posts, homelessness is a high priority for Newport Beach residents. Emergency declarations and rapid budget approval will be the best way for the City to proceed.

In reply to Council Member Brenner's query, City Manager Leung advised that she would review the use of an emergency declaration to determine whether it could accelerate the process. Vice Chair Avery remarked that the City does not have a year to find and provide some form of relief.

Committee Member Cameron explained that Anaheim's emergency declarations were associated with obtaining federal funding. That is not relevant today.

An unidentified speaker expressed health and public safety concerns that result from homelessness. Homeless individuals ride the bus into Newport Beach and panhandle at the bus stop at the intersection of Dover and Pacific Coast Highway. Homeless people have gone through his mail, know his children's names, and have approached his wife. His child refuses to be home alone because she fears the homeless people. The proposed vegetation at the Transportation Center will be small and grow slowly. Steps can be taken that will allow police officers to remove homeless people.

5) **COMMITTEE MEMBER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**

None

6) **MATTERS WHICH COMMITTEE MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)**

None

7) **ADJOURNMENT**

There being no further business to come before the Newport Beach Homeless Task Force, the meeting was adjourned at 6:43 p.m.