

Sgt. Dan Fillipo: Officers walk through the garages once or twice a shift, more often during the evening hours. Officer presence often resolves an issue and citations aren't issued.

John Barisone: If lots are traditionally used for permitted activities the proposed ordinance will not affect these activities. No loitering ordinances have been disapproved by various courts as being vague, a 10 minute limitation resolves that issue. An ordinance could address restroom issues as necessary.

Chair Shattuck opened the item for public comment.

Ryan Coonerty, Bookshop Santa Cruz, City Council member: Hears lots of complaints about the garages from staff, customers and other business owners. Please take action on this. Police can work through these issues and they need the tools to define the community values. Must make sure there is a tool in place that says the parking lots are for parking, not for informal gathering places. Make sure there are protections in place. Don't create so many exceptions the Ordinance loses its values.

Angela Marie: Thanked DTC. Concerned that since she carools they often sit in car to wait for someone. Would like to feel she's not breaking the law. Ten minute rule is of particular concern. Staff calls are often about laws already on the books. Concerned about selective enforcement. Asked DTC to be cautious in progressing forward with this ordinance.

Anonymous man: Legislating additional laws won't prevent the activities that are going on. Police presence reduces the crimes. More laws aren't necessary. Find out what we're doing right and do more of it. This could easily become a selective enforcement issue. People are being pushed away from other areas. This ordinance isn't dealing with the problem.

Melody Zarik, Redtree Properties: There have been many times when she's found fecal matter on the stairs only a short time after the facility is cleaned. The problem is not the people being there but the lack of respect for the facility. The Downtown skybridge accessible lot always has trash, alcohol, drug paraphernalia, harassing individuals in an around it.

Glen Rebenold, homeless: This will result in ticketing homeless which will end up in jail time. After hours use is different from daily parking uses; objects to lack of trash pick up; bench removal especially impacts homeless. Farmers Market could adopt its own enforcement policy.

John Thielking, Human Rights Organization: In San Jose there are private parking lots with fines and jail time. Read letter. Inquired as to how far the Farmers Market permit extends. The special use permitting process could be changed. Add emergency exemption to Ordinance. Bathrooms aren't always open. Hardly ever sees anyone hanging out. Doesn't see a problem.

Jennifer Green, business owner, garage permit holder: Supports ordinance because she has asked for Police support on more than one occasion this past winter. Doesn't feel ordinance is aimed at homeless. Too few bathrooms Downtown, this should be addressed. Is nervous going to her car alone. This provides a tool for law enforcement to go about their business. Asked the City Attorney to address camping gear storage in the facilities. If the ordinance is made law, there needs to be support of the judicial branch of government so this will have teeth.

Don Zimmerman, board member of Santa Cruz Chapter of ACLU: Had limited opportunity to review Ordinance. Asked for additional time to formulate a statement while formalizing the ACLU's position with the San Francisco affiliate. There are civil liberties concerns. Ordinance would bar soliciting of any kind on any City parking lot. Burden is on the government to validate the restrictions. Freedoms of expression is at risk. Asked for substantiation for surface lots inclusion. What percentatge of calls result in arrests or citations? All lots must be included? City may consider excluding some or all of the lots. Consideration should be given to applying law from sunset to sunrise. The ACLU's warning of the potential for civil rights violations should be taken into consideration. Asked for further opportunity to respond and asked DTC to delay action until a formal response can made.