

**UPDATE TO CONTINUED
COUNCIL AGENDA ITEM – 9:15AM**

DATE: March 25, 2008 (*Continued from March 11, 2008*)

TO: Fresno City Council

FROM: Councilmember Brian Calhoun

BY: Council Assistant Ann D. Kloose

AGENDA ITEM: Direct staff to research an addendum to the existing solicitation ordinance to prohibit the dangerous practice of solicitation on median islands within the City of Fresno. – Councilmember Calhoun

UPDATE TO ORIGINAL STAFF REPORT

This agenda item was tabled during the last Council meeting on March 11, 2008 for the purpose of giving the City Manager an opportunity to have the appropriate staff in attendance from the Traffic Engineering and Police Departments. It should be noted that this issue was brought forward to the Council for consideration following research by my Council staff and input from the Fresno Police Department and City Attorneys Office. The assistance provided by Northwest P.D. and the Traffic Division is appreciated.

Since this issue was briefly discussed, then tabled on March 11th, I have received several phone calls and emails of unanimous support for an ordinance to prohibit solicitation and panhandling on median islands. I am not surprised by the number of people bothered by this unsafe practice and I'm very encouraged by the compassion and concern our community has for the health and safety of all our residents.

I've attached a few samples of email that I have received and a few traffic safety letters to the editor that have recently appeared in the Fresno Bee regarding this issue.

The original staff report is included for your review and consideration.

COUNCIL AGENDA ITEM – 9:15AM

DATE: March 11, 2008

TO: Fresno City Council

FROM: Councilmember Brian Calhoun

BY: Council Assistant Shari L. Jones

Council Assistant Ann D. Kloose

AGENDA ITEM: Direct staff to research an addendum to the existing solicitation ordinance to prohibit the dangerous practice of solicitation on median islands within the City of Fresno. – Councilmember Calhoun

BACKGROUND:

Although certainly not unique to the City of Fresno, there currently exists a serious traffic safety issue which occurs daily throughout the city. This traffic safety issue results in more than a visual blight nuisance, even more serious is the potential for the loss of life on any given day.

There are numerous median islands in intersections throughout our community that currently have transients begging for money. Fresno Police records will show that the panhandlers are most often alcoholics, drug addicts or have mental health issues. Many of the signs advertising their plight or needs are not factual and are designed to prey on well intentioned but misinformed citizens. These transients spend an enormous amount of time at their "posts" and pose a danger to themselves and the community. They also present a very negative image of our city and harm the surrounding business community. According to police records, this activity also increases alcohol and drug related property crimes in the area.

People may give money to transients because they are intimidated by the often gruff demeanor and close physical proximity while they are momentarily trapped at a red light, or they choose to give to them for sincere charitable reasons. Regardless of the intentions, the unintended consequences are real. Those consequences can include; the frustration of missing a light while someone is giving the panhandler money, being involved in a rear end collision or being involved in a fatal pedestrian collision. These misguided efforts to help, also often allows the recipient to continue their alcohol or drug addictions and may prevent them from getting the help they need.

As mentioned, Fresno is not alone in being concerned with this unsafe practice. During the past year, more than a dozen municipalities throughout the nation from Olympia, Washington to Orlando, Florida have passed or strengthened restrictive panhandling ordinances, with several others currently undergoing the same process. Currently the City of Fresno has a ordinance in place to deal with aggressive panhandlers but does not deal with the serious traffic safety concern of individuals loitering on median islands.

DISCUSSION

The City of Fresno currently has very limited tools in place to effectively deal with the issue of panhandling on median islands, I have, therefore, identified some ideas for your consideration and discussion. The following will serve as an outline for your review.

The City of Fresno can adopt this active ordinance prohibiting individuals from loitering on median islands would provide the Police Department with the ability to issue citations.

The City of Fresno could consider adopting an ordinance making it unlawful for motorists to give donations to individuals loitering on median islands or traffic circles. Making it illegal to give donations would remove the incentive for loitering

and solicitation on median islands.

Any ordinance that the City of Fresno may consider adopting could include a 60 to 90 day grace period whereby police officers would educate the violators about the new ordinance. The police could also provide individuals in need of services information about treatment programs. Attached are a list of services available provided by the County of Fresno.

RECOMENDATION

Direct staff to return to Council within 60 days with an amendment to the existing solicitation ordinance which seeks to prohibit the dangerous practice of solicitation on median islands within the City of Fresno. The direction could include specific elements of the options outlined above or could defer to staff to research and recommend the most effective alternative.