

REC ED

MAY - 8 1997

May 8, 1997

Mr. Jesus Olivares, Director  
Mr. Kendall Moss, Deputy Director  
Parks and Recreation Department  
City of Austin – Hand Deliver

Re: Request for expedited processing of Facility Naming Applications for Barton Springs Education Center and The Hillside Theatre at Zilker Park

Gentlemen:

Attached to this cover letter are two (2) "Applications for Facility Naming."

Both applications request facilities be named after Beverly S. Sheffield.

I respectfully request your immediate attention to these applications in order that they may be considered by the City of Austin Parks Board at its May 13<sup>th</sup> meeting, so that City Council may consider the application to name The Hillside Theatre at its May 22<sup>nd</sup> meeting. (Council Members Griffith and Garcia have agreed to sponsor this item.)

I apologize for the late filing of these applications. The goal is to get both approved prior to the donor reception and naming ceremony May 30, 1997.

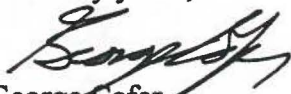
A full bio/resume of Mr. Sheffield's lifetime of public service and volunteer activities will be delivered to your offices Monday, May 12<sup>th</sup>.

There is widespread community support for these two applications. I urge you to make a positive recommendation and to allow both to be posted as addenda to the Parks Board's May 13<sup>th</sup> agenda.

Thank you for your attention to this matter.

On behalf of the fundraising committee for the Barton Springs Education Center,

Sincerely yours,

  
George Cofer

- 7 -

APPLICATION FOR FACILITY NAMING

GEORGE COFER ON BEHALF OF BARTON SPRINGS  
EDUCATION CENTER FUNDRAISING COMMITTEE

I/We THE HILLSIDE THEATRE request that the name of  
Person BEVERLY S. SHEFFIELD be considered for the

THE HILLSIDE THEATRE facility located at  
ZILKER PARK

Biographical Synopsis: 1946-1973: AQUATICS - PRAD DIRECTOR.  
HELPED CREATE LOCAL AUDUBON CHAPTER.  
AUSTIN COMMUNITY COLLEGE - FOUNDER.

NOTE: A COMPLETE BIO AND RESUME WILL BE  
AVAILABLE MONDAY, MAY 12TH.

Justification: HIS LIFETIME OF PUBLIC SERVICE  
AND VOLUNTEER LEADERSHIP NEEDS  
AND DESERVES TO BE RECOGNIZED.

Estimated cost for replacement of signs and plaques \$500.00  
I/We will pay full cost FULL COST or will participate      % in the  
cost.

Submitted to the Public Works Department this 8<sup>TH</sup> day of MAY,  
19 97.

George Cofer  
Signature

## - VITA -

NAME: Beverly S. Sheffield  
 BIRTH DATE: March 7, 1913  
 BIRTH PLACE: Alamo Heights, San Antonio, Texas

CHURCH: St. David's Episcopal - Vestry 1951-53; 1959-61  
 - Layreader & Chalice Bearer 1954-present

## EDUCATION:

1931 Completed Alamo Heights High School  
 1931-32 St. Mary's University of San Antonio  
 1932-35 The University of Texas - BS in Physical Ed.  
 1936-48 The University of Texas - Masters of Ed.  
 Jan. 1938 New York University - Recreation Administration

## PROFESSIONAL EXPERIENCE:

1937 Counselor - San Antonio Y.M.C.A. Camp  
 1930 Aquatic Director - San Antonio Y.M.C.A. Camp  
 1931 Activities Director - San Antonio Y.M.C.A. Camp  
 1932 & 33 Counselor - Byers Peak Ranch for Boys - Colorado  
 1934 Playground Leader - Lifeguard - Activity Leader  
                     Austin Recreation Department  
 1935-40 Aquatic Director - Supervisor and Assistant Director  
                     of Recreation, City of Austin  
 1941-42 Acting Director of Recreation  
 1943-45 Welfare & Recreation Officer - U.S.N.R.  
 1946-62 Director of Recreation, City of Austin  
 1963-73 Director of Parks & Recreation, City of Austin  
 1974-76 Director of the Office for the American Bicentennial Celebration  
 1977-78 Director of Trusts & Endowments for City of Austin  
 1978-87 Executive Director, Austin Community Foundation

1946 (Summer) Assistant Professor - University of Texas  
 1951 " " " " " "  
 1961 (Fall) " " " " " "  
 1952 (Fall) " " " " " "

1953-56 Instructor for correspondence course in "Municipal Recreation  
 Administration", International City Manager's Association

1952 Prepared a master plan for the Recreation Department entitled  
 "PLANNING AHEAD FOR RECREATION IN AUSTIN". The plan included a  
 study of the Parks & Recreation system and showed comparisons  
 national standards and other cities.



- 1853 Recreation Planner & Consultant for the City of Odessa & Ector County, Texas. A 64 page printed report was issued on the Park & Recreation system.
- 1954 Prepared a master plan for a 68 acre park in San Marcos, Texas and served as a consultant to the Parks Board in the development of the plan.
- 1949 Prepared a 97 page report on a study of "The Community Use of Ship Playground".

Served as consultant and guest speaker on the subject of parks and recreation to numerous towns and cities in central Texas.

#### PARTICIPATION IN PROFESSIONAL ORGANIZATIONS:

American Recreation Society: (Merged with the National Recreation Association, the Institute of Park Executives and other professional recreation groups to form the National Recreation & Park Association in 1966.)

Southwestern Geographical Representative	1951-
Member of Personnel Practices Committee	1953-
Chairman of Study & Research Committee	1954-
Chairman of Nominating Committee	1955-
Member of Membership Committee	1956-
Chairman of the History Committee	1957-
Treasurer	1960-
Member-at-Large - Executive Committee	1961-
Secretary	1962-
2nd Vice President	1963-

#### National Recreation Association: (merged into NRPA 1966)

Member of Advisory Committee on Recruitment, Training and Placement of Personnel	1957-
Member of Advisory Committee on Defense Related Services	
Member of Advisory Committee on Recreation Research	
Member of Committee on International Recreation Services	
Chairman National Advisory Committee on Recreation Administration	1959-
Chairman National Advisory Council	1962-

#### Southern Regional Education Board:

Member of the Study Committee on Recreation Leadership and Training needs in the Southern Region	1953-
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## PARTICIPATION IN PROFESSIONAL ORGANIZATIONS (continued)

## Texas Amateur Athletic Federation:

Member of the Executive Committee

Chairman of the State Swimming Meet

1937-38-

Texas Beach &amp; Pool Association:

Vice President

1939

President

1940

## American Institute of Park Executives: (merged into NRPA - 1966

Member

1958-

## Texas Recreation &amp; Park Society:

Treasurer

1940-

President

1949-

Editor - "Texas Recreation News"

1954-

Chairman of the Legislative Committee

1961-

Chairman of the Certification Committee

1957-

Chairman of the Citation &amp; Awards Committee

1963-

Member Legislative Committee

1977-

## National Recreation &amp; Park Association:

National Registration Committee

1966-

Board of Governors - Professional Division

1967-

(became the National Council) - Chairman

1968-

Vice Chairman - Board of Trustees

1968-

## National Park &amp; Recreation Society:

Nominating Committee

1966

Distinguished Fellow Committee

1969

Chairman Constitution &amp; By-Laws Committee

1973

## PUBLICATIONS:

"Mothers' Clubs Bridge the Season", RECREATION, Sept. 1941

Published by the National Recreation Association

"Organized Recreation Programs", TEXAS MUNICIPALITIES, Dec. 1949

## PARTICIPATION IN CIVIC ORGANIZATIONS:

Austin Rotary Club - member

1956 - present

Junior Chamber of Commerce - past member &amp; Board member

1942

Austin Chamber of Commerce - past member

Austin Heritage Society - founding member

1953 - present

Austin Symphony Society - member Board of Directors

1946-7

Y.M.C.A. - past member of Board of Directors

Austin Area Garden Council - member of Board of Directors

1955-7

and a founding member

**PARTICIPATION IN CIVIC ORGANIZATIONS: (continued)**

Travis County Chapter American Red Cross - Board of Directors and 12 years service as Chairman of Water Safety	1966-7
Austin United Fund - past member Board of Trustees	
Travis Audubon Society - founding member & member of Board	1954-7
Austin U.S.O. - member of Board	1952-6
- President	1967-6
Natural Science Association - founding member and member Board of Directors	1960-7
Austin Ballet Society - member Board of Directors	1962-6
Austin Aqua Festival - founding member and Secretary	1962-7
Austin Community Council - founding member and member Board of Directors	past
Montopolis Community Center - member Board of Directors	1965-7
Laguna Gloria Art Museum - member Board of Directors	1965-7
Austin Arts Council - founding member and Board member	1968-7
Austin Boys Club - member Board of Directors	1968-7
Austin Community Foundation -incorporator, founder and Governor Emeritus	1977 - presen

**SPECIAL HONORS & RECOGNITIONS:**

Meritorious Service Award - American National Red Cross	1954
Recipient of the Fellow Award - Texas Recreation Society	1957
Recipient of the Fellow Award - American Recreation Society	1961
Recognition Award - USO Board of Governors	1961
Recipient of Distinguished Service Award - American Institute of Park Executive	1965
National award for excellence in Parks & Recreation Management - National Sport Foundation	1969
Community Service Award - Austin Rotary Club	1970
Recipient of the Merit Award - American Park & Recreation Soc.	1971
Recognition Award - Austin Aquatic Club	1971
Appreciation Award - Zachary Scott Theater	1973
Appreciation Award - Travis County Historical Survey Committee	1976
Recognition Award - Texas American Revolution Bicentennial Commission	1976
Appreciation Award - American Freedom Train	1976
Appreciation Award - NAACP	
Austin's Most Worthy Citizen Award	1978
Appreciation Award - The Heritage Society of Austin	1980
Outstanding Citizen Award - The Counseling & Pastoral Care Center of Austin	1988
Distinguished Service Award - City Council, Austin	1988
Appreciation Award - Austin 150 Commission	1989
Recipient Dr.W.H."Deacon"Crain Award - Friends of the Summer Musical	1994



COMMENTS ON BARTON SPRINGS  
by Beverly S. Sheffield  
February 21, 1993

Barton Springs is like heaven, more a state than a place. That's how many, many devotees of this beautiful water hole feel about it. When one is walking toward the pool and passes a swimmer leaving they often smile at one another and one says, "How's the water today?", and the answer is, "God, it's wonderful!" This sort of interaction just doesn't happen at any other pool.

I made my first swim in Bartons in 1923, when I was 10 years old. In 1934 I began my career in the City Recreation Department as playground leader and lifeguard. I became the first Director of Aquatics in 1935. In those days special events at the Springs included Water Pageants, Bathing Beauty Contests, Swimming exhibitions, Swim apparel style shows, and the annual Forth of July fire works exhibition sponsored by the American Legion and later the Jaycees. Swimming and Red Cross Life Saving classes were taught there too.

In 1940 the Director of Recreation, Jim Garrison, took a leave of absence and I became acting Director. He told me that Barton Springs was a special place and that I had to be sure to take care of it. Frankly, at that time I did not know what he meant. And I did not really get a feel for Bartons until I became a serious swimmer at the Springs and met the many devotees of that beautiful water.... it was like heaven.

Many people don't realize that recreation is important for a full life. There are four things that a person lives by: their work, their love (family), their worship and their play. And the way one plays, their choices of leisure activities are essential for a full and happy life. The euphoria that come from physical recreation, like a mile swim in Bartons, makes one feel good about himself. It gives one a sense of well being.

I didn't really discover my own need for physical recreation until Charlie Morrison's 85th birthday party at the pool. I swam with his party givers to the dam and back and was exhausted. This prompted me to become a serious swimmer. I was 50 years old and decided that now was the time to start taking care of my own body.



I started logging my swims. It took me 80 days to swim the first 50 miles. Then when I completed 200 miles I thought, "My, I've swum all the way to Dallas". Then one day I completed swimming the distance from New York to Los Angeles, 2820 miles in 1714 swim days. Now I'm out in the Pacific heading for Hawaii.

I am always fascinated by the number of people who drive out to Bartons just to take a few minutes to look at the springs. This happens over and over again, regardless of the weather. There is a magic attraction to the water that the general public love and appreciate. Yes, even non swimmers.

My family has been told that when I die to cremate my body and sprinkle some of the ashes in Bartons. Yes, Bartons is like heaven.

As Director of the Park and Recreation the first time that I realized the need to protect Barton Springs was in the middle fifties. A large number of homes were built along Bluebonnet Lane and in the area that drained into what we call "Rabb Creek" which empties into the middle of the swimming pool. The trash and liter that was flushed down this drainage way was awful. Sometimes we would find small dead animals in the pool. And it happen each time a small rain shower hit that section of the city. One year we closed the pool about 30 times due to the dirty water that flooded into the pool from Rabb creek. The city finally built a by-pass to carry this runoff below the lower dam of the pool.

Developers began negotiating for the Rabb Tract in the early fifties. This land encompasses much of the Barton Hills subdivision. The late Walter Seaholm, City Manager, told me to lay out a golf course for that land. We gave the City Council the plan and they did not see fit to purchase the land. We did buy the creek bottom up to Campbells hole.

About this same time, the late Robert Mueller, former locker boy at Bartons and later cashier, offered to sell a strip of land, about 40-50 acres, lying on the South side of the creek from the pool to Campbell hole. Again the City Council did not come up with the funds to gain control of this valuable piece of land.

In the middle sixties Austin's first environmental group organized under the leadership of Mrs. Charles "Bobby" Crenshaw and Russell Fish. They brought their concerns about Barton Creek to me and our Park planners, headed by Don Stence, drew up a plan for a green belt up Barton Creek. Nothing substantial came from this effort except it began to create some citizen interest in extending Zilker Park up Barton Creek.

Our staff decided that the Park and Recreation Department should investigate the possibility of creating a soil erosion project on Barton Creek. This is a program of the U.S. Agriculture Department that develops small flood control dams on a creek to check run off. Private land owners must give permission for their land to be flooded and if they wanted a permanent body of water they would have to supply the funds for a higher dam.

We held two meetings with representatives from the City, State and Federal officials and land owners to discuss the merits of the flood control dams. The talks broke down because I could not get the City Manager, the late W.T. Williams to support the idea. For the project to be created it was necessary to have it sponsored by a political entity.

It was always my thought that the development immediately above the Springs was bad only because of sight pollution. We could build a by-pass around the pool for the runoff water. What we really needed to do was spend every dollar that we could get for land above the first sink hole that recharges the aquifer. I remember how disappointed I was when the \$750,000 paid by the AISD to the City for the part of Zilker Park that was used for the new Stephen F. Austin High School, was not used to extend Zilker Park up Barton Creek. When I wanted to budget all of these funds for land purchase up Barton Creek the City Manager's office told me we had to use the money for a new golf course, a new district park, a new swimming pool etc.

At the time when I saw several ideas for creating a Barton Creek greenbelt go unheeded there was no Barton Creek posse and for many years we not even had a Parks and Recreation Board. There was no one for me to talk too.





## MEMORANDUM

**TO:** Parks and Recreation Board Members

**FROM:** Kendall Moss, Deputy Director  
Parks and Recreation Department

**DATE:** June 20, 1997

**SUBJECT:** Traditional Neighborhood District  
Ordinance and Criteria Manual

A Traditional Neighborhood District (TND) team composed of staff from most City departments has been working with the crafters of this proposed new ordinance in the Development Review and Inspection Department (DRID) since January. Over the months, PARD staff have been able to resolve most issues in support of the ordinance, but still have some outstanding differences for your consideration.

- o PARD has requested the following language to be in the ordinance, but DRID has declined:

"Generally, private open space shall be available for public use except in cases where access can be, and normally is, controlled, such as at swimming pools, tennis courts and recreation buildings."

The language is requested to avoid exclusionary actions on the part of a developer or Owner's Association like fencing an entire park and posting signs indicating that open spaces are only open to residents.

- o PARD has also requested language stating that a greenbelt may be no less than 200' in width. DRID has offered to state that the average width of a greenbelt may not be less than 150'. PARD knows from experience that a greenbelt only functions well if the width is adequate to provide a sense of openness and security. Too often swathes labeled as greenbelts turn out to be uninviting drainageways narrowly defined by fences along back property lines. An average, too narrow width is neither specific nor adequate enough to ensure a successful greenbelt.



- o PARD was concerned about maintenance of all the required plantings in the public street rights-of-way. DRID has recently added to Section IV.B. (page 21 of the ordinance) that the Conditions, Covenants and Restrictions of the TND must "provide for the maintenance of the landscaping and trees within the streetscape."
- o The Open Space Design Criteria in the Criteria Manual is incomplete. Staff have provided input on definitions, more extensive language, and suggested different illustrations. To date PARD and DRID are in agreement.
- o Forestry was asked to review the Street, Streetscape and Utility Design Criteria and Landscape Criteria of the Criteria Manual, and made these comments which have not yet been forwarded to DRID:

A 6' or smaller planting strip is too small for large shade trees.

A 10' side planting strip can accommodate large shade trees which can eventually arch over the road. Consider eliminating medians in exchange for wider planting strips.

Trees must be watered for the first two years to ensure survival.

Trees planted right next to the curb create a problem opening car doors.

Plant only container grown trees.

RECOMMENDATION: Support staff requested changes and additions to the draft ordinance.

*Kendall Moss*

Kendall Moss, Deputy Director  
Parks and Recreation Department

**The City Council will soon consider repeal of the City's Encampment Ordinance.**

**Here are the salient points for you to know:**

**Enclosed For Your Information are:**

- Copy of the Encampment Ordinance
- Copy of City Council's resolution requesting City staff to review the results of the first year of the Ordinance
- Copy of the City staff's status report and relevant supporting documents and communication among staff following Council's request of that report. (including communication from Assistant City Manager Joe Lessard, Court Clerk Ron Zimmerman, and Presiding Municipal Judge Penny Wilkov)
- Copy of Downtown Austin Alliance's editorial position on the Ordinance

**Keeping Two Separate Issues Straight—Encampment Ordinance vs. Homeless Problem**

- First, the Council acted in January 1996 to adopt the Ordinance—a tool/a mechanism for the Austin Police Department to use for immediate relief of an unwanted situation (i.e. transients camping in public parks, creeks, in our City's greenbelts, and on private property).
- At the same time, realizing the presence of a second and different issue, the City Council formed the Homeless Task Force to study the homeless problems in-depth and to make recommendations that would affect problems of a much broader scope than the Encampment Ordinance affected.

**Some of the Results of the Encampment Ordinance**

- Downtown parks, alleyways, and greenbelts are no longer inhabited by encampments of transients.
- The Austin Police Department has a tool it can now use to keep our public sidewalks and parks clean and friendly so that ALL citizens and visitors to Downtown may feel comfortable using our public areas.
- Capt. Duane McNeill, APD Tactical Services, has reported that from the law enforcement perspective:  
  
——"The camping ordinance has proven to be very beneficial and efficient in helping (the police) to control order maintenance problems. Order maintenance is related to urinating and defecating in public, aggressive panhandling, and sleeping in streets, alleys, and parks. It promotes a safer environment for Downtown visitors, businesses, employees, and residents."  
  
• It has allowed the police to break up encampments that presented fire hazards, health threats, prized public green lands being turned into open landfills, eyesores, and sewers, not to mention the contaminants of human waste turning our creeks into outdoor toilets.
- From its inception in mid-January 1996 through February 25, 1997, the Ordinance resulted in 2,087 violations of public camping being recorded with the Court Clerk's Office, with an

additional 8,240 violations of public intoxication, and 1,165 violations of human waste occurring in public (parks, sidewalks, creeks).

- In a May 1997, Montgomery & Associates performed a 5-county survey in which 13% of those surveyed believed that transients were the biggest weakness of Downtown Austin as opposed to 21% who said transients were the biggest weakness in May 1995. While both show transients as a notable concern not to be dismissed, the 8% difference is high enough to be significant and may well be attributable to the crackdown on disorderly behavior often demonstrated by transients
- The Homeless Task Force was given the charge of focusing on the homeless situation, not the Encampment Ordinance. Again, in January 1996, Council saw these as two separate issues.
- The Downtown Austin Alliance has a representative on the Homeless Task Force and no where in its report to the City will its members recommend alteration or repeal of the Encampment Ordinance. Once again, this further demonstrates that the two issues are different:

—the Encampment Ordinance  $\neq$  the much larger homeless problem.

- Citizens have obviously noticed the difference and are pleased the previous encampments are gone.

—EX: The staff at the Dougherty Arts Center mentioned their reassurance to the Alliance staff that it was "no longer a problem and if we see anyone over here, we just call the police and it's taken care of."

#### **What Would Happen If this Ordinance is Repealed?**

Again, the purpose of the ordinance was to protect our public properties and as a preventative measure against public disorder, not the separate issue of the homeless.

Would those who call it failure prefer a return to the situation before the ordinance? Would they like to revisit the environmental and health threats of the trash and fire hazards that turn our prized public lands into open landfills and eyesores, not to mention the contaminants of human waste that turn our creeks into outdoor toilets. Anyone who is interested is welcome to review the photographs of the encampments that existed before the ordinance. Would those who claim "failure" like to return to the days when families and taxpayers of Austin were threatened by transients camping in our parks and greenbelts, aggressively panhandling us on every street corner, urinating and defecating in our public right-of-way?



Encampment ordinance—a proven success story for Austin

There have been various voices raised saying that the encampment ordinance has “failed.” In particular, there has been the comment that the ordinance did not “solve the homeless problem.” (AAS, 4/9/97; KTBC Channel 7 News, 6/4/97; KLBJ's AM station, 6/5/97). Of course it didn't. The purpose of the ordinance was to protect our public properties and as a preventative measure against public disorder, not the separate issue of the homeless. Would those who call it failure prefer a return to the situation before the ordinance? Would they like to revisit the environmental and health threats of the trash and fire hazards that turn our prized public lands into open landfills and eyesores, not to mention the contaminants of human waste that turn our creeks into outdoor toilets. Anyone who is interested is welcome to review the photographs of the encampments that existed before the ordinance. Would those who claim “failure” like to return to the days when families and taxpayers of Austin were threatened by transients camping in our parks and greenbelts, aggressively panhandling us on every street corner, urinating and defecating in our public right-of-way?

When Austin's City Council passed the encampment ordinance in January 1996, the proponents of this ordinance made it clear that the problem was the occupation and destruction of public property. The problem of homeless people in Austin is not and should not be addressed by allowing camping in public parks and greenbelts. The Community Action Network established a task force to address the problems of homelessness in this community. That task force issued its report in December 1996, recommending a homeless services campus similar to the one in Orlando, Florida. The task force DID NOT recommend repealing the encampment ordinance as any part of a solution. In recommending a safe, service-providing campus, the task force recognized that the encampments of the past were not beneficial to homeless people and should not be brought back.

Again, the problem is NOT the homeless who avail themselves of the city's myriad of social services agencies providing shelter and available opportunities targeted to serve their needs. The problem is those who, by their own choosing, have openly refused Austin's extensive and readily available network of social services that would gladly help them and, instead, practice deviant behavior.

The people on the front lines in maintaining public order, promoting safety, and enforcing laws are the police. They do not see this ordinance as a "failure." Captain Duane McNeill, APD Tactical Services, has reported that from the law enforcement perspective, "The camping ordinance has proven to be very beneficial and effective in helping (the police) to control order maintenance problems. Order maintenance *is related to urinating and defecating in public, aggressive panhandling, and sleeping in streets and alleys.* It promotes a safer environment for Downtown visitors, businesses, employees, and residents." From its inception in mid-January 1996 through February 25, 1997, the ordinance resulted in 2,087 violations of public camping being recorded with the Court Clerk's office, with an additional 8,240 violations of public intoxication and 1,165 violations of human waste occurring in public.

What more could we ask of any ordinance than that it accomplish its intended purpose? Far from being a failure, the camping ordinance is one of the City's best moves in the struggle to maintain the liveliness and beauty of our public spaces for the enjoyment of ALL Austinites and visitors to the city.

## ORDINANCE NO. 96-0104-B

AN ORDINANCE AMENDING CHAPTER 10-1 OF THE CODE OF THE CITY OF AUSTIN, 1992, PROVIDING THAT CAMPING IN PUBLIC AREAS SHALL BE UNLAWFUL; PROVIDING FOR SEVERABILITY; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE CODE OF THE CITY OF AUSTIN, 1992; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** That Section 10-1-13 of the Code of the City of Austin, 1992, is hereby amended to read as follows:

**§ 10-1-13 CAMPING IN PUBLIC AREAS**

(A) Except in designated areas, it shall be unlawful for any person to camp in any public area.

(B) As used herein, the term public area shall mean an outdoor area to which the public has access and includes, but is not limited to, streets, highways, parks, parking lots, alleyways, pedestrian ways, and common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(C) For purposes of this section, the term "camp" means to use a public area for living accommodation purposes such as, but not limited to, the following:

(1) sleeping, or making preparations to sleep, including the laying down of bedding for the purpose of sleeping;

(2) storing personal belongings;

(3) making any fire;

(4) using any tents or shelter or other structure or vehicle for sleeping;

(5) carrying on cooking activities; or

(6) doing any digging or earth breaking.

(D) The activities listed in subsection (C) of this section shall constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting the activities, are in fact using the area for living accommodation purposes regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

(E) It shall be an affirmative defense to prosecution that a person is the person who owns the property or has secured the permission of the property owner to camp in a public area.

**PART 2.** That if any provision, section, sentence, clause, or phrase, of this ordinance, or application of same to any person or set of circumstances is for any reason held to be



CITY OF AUSTIN, TEXAS

unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Austin in adopting this ordinance that no portion hereof or provision or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

**PART 3.** That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five (5) members of the City Council.

**PART 4.** That this ordinance shall become effective upon the expiration of ten (10) days following the date of its passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

January 4, 1996

§  
§  
§  
§  
§



Bruce Todd  
Mayor

APPROVED:



Andrew Martin  
City Attorney

ATTEST:



James E. Aldridge  
City Clerk

## **RESOLUTION**

**WHEREAS**, the City's encampment ordinance has now been in effect since January 14, 1996; and

**WHEREAS**, the Community Action Network's Homeless Task Force will be issuing a report in the early part of 1997; and

**WHEREAS**, the City administration and the Municipal Court officials have been involved in enforcing the ordinance since its enactment; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Manager, the Presiding Judge and Clerk of the Municipal Court are hereby directed to critically review the results of the implementation of the ordinance and report back to the Council within sixty (60) days on the results of such review; and

**BE IT FURTHER RESOLVED:**

That such review be preformed in partnership with all pertinent community organizations, particularly the Community Action Network.

**ADOPTED:** January 16, 1997

**ATTEST:** James E. Aldridge  
James E. Aldridge  
City Clerk

970116 - Item #24



## REPORT TO CITY COUNCIL

### ENCAMPMENT ORDINANCE STATUS REPORT

**Background:** The Encampment Ordinance has been in effect since January 14, 1996. A Resolution was passed on January 16, 1997 directing the City Manager, Presiding Judge, and the Municipal Court Clerk to critically review the impact of the ordinance and report back to Council.

**Summary of Results:** This report contains information from Municipal Court and the Police Department in the form of memoranda from Ron Zimmerman, Clerk of the Court, Penny A. Wilkov, Presiding Judge, and Joe Lessard, Assistant City Manager. The memoranda explain the process, statistical results, and opinions as to the effectiveness. In brief, the conclusions are as follows:

- ❖ The ordinance has provided a tool to provide immediate relief to unwanted situations, but has failed to provide an effective deterrent or any permanent solution to the transient issue.
- ❖ The ordinance has solved some problems and created others. It has succeeded in moving public camping farther out of sight from the business areas, but the problem has resurfaced in residential neighborhoods. A segment of the homeless population lives deep within brush and thickets making it difficult and time consuming to enforce the ordinance. There have also been examples of people moving into private yards to escape detection.
- ❖ Though most persons found guilty of the ordinance spend some time in jail, nothing has changed following their release. They still do not have a place to live; their likely course of action is to simply find a better hiding place.
- ❖ Significant numbers of defendants fail to appear in court: from January 16 - March 3, 1997, of the 143 field citations written by police officers, only 8 (5%) have appeared in court.

The encampment ordinance is by no means a panacea for the social problems associated with the homeless population, but it has been effective in moving the problem out of easy public view. At the very least, it provides a mechanism to take immediate action and provide at least a temporary relief from the problems associated with public camping until a better solution is discovered.





## MEMORANDUM

To: Mayor and Council Members  
From: Joseph L. Lessard, Assistant City Manager  
Subject: Camping Ordinance  
Date: March 14, 1997

Dealing with the homeless/transient situation is a complex issue, not just locally, but nationwide as well. It is doubtful that any law or ordinance can be written that will solve all the problems associated with this social issue. However, need still exists to deal locally with some problems connected to homelessness. The camping ordinance is one such example.

Austin's camping ordinance has been partially effective. It has provided tools with which to move violators away from business areas. This movement has resulted in fewer citizen complaints about the homeless such as sleeping in doorways, public indecency and soliciting. Yet, in many instances, problems were simply relocated.

Between January 1996 and February 1997, 2,067 camping ordinance violations were filed through Municipal Court. Of these, seven were dismissed, six individuals were found not-guilty, and 1,283 cases are still pending. For the 785 individuals found guilty, 686 received "jail credit time" as payment of their fine, in whole or in part. Offenders are then free to return and pick up where they left off prior to their arrest.

A recent American Statesman article addressed citizen concerns along Shoal Creek. A segment of the homeless population lives in the thickets and brush, making it more difficult for effective enforcement of the ordinance. Additionally, there have been complaints about some homeless ending up in citizens' backyards in an effort to further conceal themselves and avoid arrest. Subsequently, police officers have been actively seeking out these well-hidden locations, resulting in a significant use of police resources.

In essence, the ordinance has been effective in moving the problem out of easy public view. But the problem prevails. For some members of the community, it has moved from being a remote social issue to a very personal concern. Offenders are arrested, released and quickly return, causing the problem to continue in perpetuity. Yet, if the City were without the tools provided through the ordinance, the problem public camping poses would grow exponentially.

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Joseph L. Lessard  
Assistant City Manager

low




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MAR 05 1997

ASSISTANT CITY  
MANAGER'S OFFICE

## MEMORANDUM

To: Jesus Garza, City Manager

From: Ron Zimmerman, Clerk of the Court 

Date: March 3, 1997

Subject: Encampment Ordinance

On January 16th, Mayor and Council instructed the City Manager, the Presiding Judge and the Court Clerk to ... "critically review the results of the implementation of the ordinance and report back to the Council ..." This memo comprises my response. I will, of course, provide any additional information you need and will meet with any group you may designate for review purposes, at your discretion.

From inception in mid January 1996 through February 25, 1997, 2,087 violations have been recorded with my office. The following outcomes have thus far occurred in these matters:

DISMISSALS:	13
GUILTY:	785
NOT GUILTY:	6
WARRANTS:	140


The remainder of the cases are pending. The 785 cases with guilty judgments were disposed of as follows:

- 686 - jail credit in part or in whole
- 235 - community service in part or in whole
- 79 - fine payment in part or in whole
- 3 - deferred disposition

Predictably, about 85-90% of the disposed cases are satisfied by jail credit in whole or in part. One violation, upon entry of a guilty judgment, could involve jail credit, fine and community service; consequently, the disposition numbers do not equal the guilty judgments.

Please let me know if I can be of further service in this matter.

RZ:bg

xc:  Joe Lessard, Assistant City Manager  
Penny Wilkov, Presiding Judge  
Assistant Chief Gross, APD



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MAR 13 1997


CITY MANAGER'S OFFICE

**MEMORANDUM**

**TO: Jesus Garza, City Manager**  
**FROM: Penny A. Wilkov, Presiding Judge**  
**SUBJECT: Encampment Ordinance**  
**DATE: March 11, 1997**

Attached is a brief overview of the court procedures for encampment ordinance violations as well as court dispositions for the encampment ordinance from January 16, 1997 to March 3, 1997.

Please let me know if I can provide any further information or if a presentation is anticipated.

  
Penny A. Wilkov  
Presiding Judge

PAW:dl

cc: Joe Lessard, Assistant City Manager  
Ron Zimmerman, Court Clerk  
Assistant Chief Gross, APD



## ENCAMPMENT ORDINANCE OVERVIEW

The arresting officer is given discretion under Art 14.06 of the Texas Code of Criminal Procedure to either:

- place an encampment ordinance violator in jail where they are seen by a judge at jail arraignment docket
- OR
- issue the violator a field release citation where they are not put in jail but given notice to appear at a later date in court.

### Jail Arraignment Docket

If the encampment ordinance violator is brought to jail, then he or she must be taken before a magistrate "without unnecessary delay." Arraignment dockets are held at 10:00 a.m., 2:00 p.m. and 8:00 p.m. weekdays, weekends and holidays.

Under normal circumstances, a defendant arrested after 7:00 p.m. is not seen by a judge until the following morning, both weekends and weekdays.

Release from jail can generally be secured by payment of the standard fine, presently set at \$200.00, as a "bond" to appear at a later court date. Alternatively, payment of the standard fine will result in the encampment violator's immediate release from jail without being seen by a magistrate.

If the encampment violator is indigent and unable to pay a fine or bond, then case law holds that alternative methods of payment such as payment plans, community service restitution or extension to pay must be offered.

At the arraignment docket, between January 1997 and March 3, 1997, the following dispositions of encampment cases occurred:

### ENCAMPMENT DISPOSITIONS ARRAIGNMENT DOCKET JANUARY 16 TO MARCH 3, 1997

RELEASED	27	100%
PAID BOND	16	100%
EXTENSION TO PAY	7	100%
COMMUNITY SERVICE	7	100%
INDETERMINATE	4	0%

Once a defendant defaults in payment of a fine or community service, the defendant can be placed in jail after being brought to a judge, if on duty, or overnight, if no judge is on duty. The judge must review the reasons for default and ability to pay at an "indigence hearing."

At an indigence hearing, if the judge finds that the defendant did not provide a justifiable reason for not completing payment plans, community service or extensions to pay, then the defendant may be ordered by the judge to remain in jail until the fines are either paid or laid out at \$50.00 per day.

### **Field Release Citation**

In the case where the arresting officer issues the encampment violator a citation, then the citation must contain written notice of the time and place the person must appear in court. Also, by authority of Art 14.06 Texas Code of Criminal Procedure, once a defendant is booked in jail, the defendant may be issued a "Release to Appear" at a later court date by the Sheriff's Department without the approval of the judge.

The disposition of encampment violators issued field release citations or released to appear are as follows:

### **ENCAMPMENT DISPOSITIONS FIELD RELEASE CITATIONS JANUARY 16 TO MARCH 3, 1997**

<b>APPEARED IN COURT</b>	<b>8</b>	<b>5%</b>
<b>DID NOT APPEAR - WARRANT ORDERED</b>	<b>143</b>	<b>95%</b>

### **Encampment Ordinance Issues**

- violations of court orders are not reported to judges;
- probable cause affidavits are often insufficient;
- significant numbers of defendants fail to appear in court;
- no specific camping deferral program exists.