



COUNCIL MINUTES

October 29, 2020

The City Council of the City of Mesa met in a Study Session Meeting via a virtual format streamed into the lower level meeting room of the Council Chambers, on October 29, 2020 at 7:31 a.m.

COUNCIL PRESENT

John Giles*
Mark Freeman*
Jennifer Duff*
Francisco Heredia*
David Luna*
Kevin Thompson*
Jeremy Whittaker*

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

(*Council participated in the meeting through the use of video conference equipment.)

Mayor Giles conducted a roll call.

1. Review and discuss items on the agenda for the November 2, 2020 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None

Items removed from the consent agenda: None

2-a. Hear a presentation, discuss, and provide direction on the City's proposed strategic plan to reduce homelessness through service coordination, enforcement, and a housing path to recovery.

Deputy City Manager Natalie Lewis introduced Mesa Homeless Coordinator Police Officer Aaron Raine and displayed a PowerPoint presentation on the 2021/2022 strategic plan for homelessness. **(See Attachment 1)**

Ms. Lewis explained that homelessness continues to be a growing concern for the community. She reported the specific strategies the City would like to achieve over the next three years focus on the unsheltered population. She indicated the strategic plan will be part of the Housing Master Plan, which will be forthcoming to Council for review and discussion in December.

Ms. Lewis highlighted the presentation topics which have been formulated based on the feedback received from Mesa's community partners and non-profits, comments from Council and the

community members, along with lessons learned during the pandemic. (See Page 2 of Attachment 1)

Ms. Lewis presented the homeless count overview for Maricopa County which has dramatically increased over the last five years. She reported that the unsheltered homeless in the county has tripled since 2015, which is the reason the community is seeing the impact more and why Council is hearing more about homeless issues. (See Page 3 of Attachment 1)

Ms. Lewis compared the unsheltered homeless population in Mesa from 2017 to current, which is consistent with the county numbers. She pointed out the geographic spread of where homeless are located has grown throughout Mesa. She mentioned the City has improved identifying the homeless through the Point-In-Time count that occurs in January and the Homeless Management Information System that is used to identify individuals accessing homeless services throughout the county, state, and nation. (See Page 4 of Attachment 1)

Ms. Lewis continued by saying based on the information obtained, the strategic plan was created focusing on the unsheltered population as a policy, resource, and guidance document for Council and the community. She advised the strategic plan is meant to be a standalone document, as well as a portion of the Housing Master Plan. (See Page 5 of Attachment 1)

Ms. Lewis provided an overview of the guiding principles for the strategic plan, which are value based. (See Page 6 of Attachment 1)

In response to a question from Councilmember Thompson regarding enforcing urban camping, Ms. Lewis stated there is uncertainty about the ability to enforce urban camping due to the Ninth Circuit Court Case *Martin v. City of Boise*. She reported police officers can approach someone camping in a park and can only enforce the urban camping laws if they have offered them services that were refused. She added we need to be cognizant that the homeless have the same rights to occupy parks as everyone else does, but if there is evidence of a crime being committed the police will act.

Ms. Lewis continued discussing each guiding principle. She elaborated that Phoenix and Mesa are engaging in discussions on redefining what regional means to make sure that the surrounding communities are helping to share the cost and impacts of direct services in their communities as well. She remarked she will be coming back to Council in the next few weeks to have a detailed conversation regarding recommendations for how Mesa will participate in the regional discussion. (See Page 6 of Attachment 1)

Ms. Lewis pointed out the Public Safety strategies will include continuing the Off the Streets Program into 2021, enforcing the urban camping laws to ensure everyone feels safe in public spaces, integrating technology to help with surveillance, continuing the Community Court which serves as an incentive for individuals to receive services, and reducing evictions due to COVID-19. She explained the Emergency Solutions Grants that have been provided for coronavirus purposes will be used to fund hotel rooms for the homeless. (See Page 7 of Attachment 1)

Ms. Lewis presented the strategies for using Mesa's funds as wisely as possible and funding successful programs. She said the City wants to continue collaborating with and supplementing what the non-profits are already doing. (See Page 8 of Attachment 1)

Ms. Lewis highlighted the strategies for working regionally. She advised that \$1.5 million of Community Development Block Grant (CDBG) funding has been set aside so the City will have the ability to participate and help regionally. (See Page 9 of Attachment 1)

Ms. Lewis reviewed each of the housing path to recovery steps. She mentioned the City has many existing assets already in place but have also discovered the need for additional tools. She added not everyone will go through the entire system, that each person will enter and exit the system in different ways and places, but the intention is to provide services no matter the situation. (See Page 10 of Attachment 1)

Ms. Lewis advised there is not a one size fits all when dealing with the homeless population and the City tries to make sure everyone involved in the process understands what services are available and how to connect people to those services. She listed common field scenarios that may come up and how those scenarios would be handled. (See Page 11 of Attachment 1)

Officer Raine explained a police officer who encountered a referral through a Mesa non-profit or school district would struggle to know which services would be needed, so the Police Department (PD) has partnered with Community Bridges to connect with all the different services available.

Assistant Police Chief Ed Wessing introduced Police Lieutenant Tim McClary who provided insight of the police side when encountering individuals who may or may not want help, and how certain scenarios are handled and ways to provide assistance. He noted over 3,700 homeless contacts have been made since May, with 79% of those individuals entering the judicial system, as well as receiving human services.

Assistant Chief Wessing mentioned typically the PD gets involved when a complaint is received from a member of the community about an individual, which can be challenging if the individual is not committing a criminal offense. He added this program allows the PD to work with non-profits when the issue is outside of the justice system to connect the individual with appropriate resources.

In response to a series of questions from Mayor Giles regarding the course to follow if coming across an individual who needs assistance, Officer Raine explained there are two navigators from Community Bridges located at Paz de Cristo between 12:00 p.m. to 7:00 p.m. that can assist individuals with housing programs and services. He stated the navigators will triage the individual to decipher which program the individual can qualify for depending on their situation. He added that sending someone to Paz de Cristo for an in-person conversation to assess their needs is the best solution.

In response to a question from Councilmember Duff, Assistant Chief Wessing commented a hotline number to PD might not be an effective way to handle homeless issues because the calls are prioritized based on the information received. He stressed that the calls should continue to be routed to the non-emergency PD line and that each division has a community action officer whose primary function is to respond to community concerns. He indicated the community action officer will follow up with the community members to hopefully resolve their issues long term. He recommended to continue using the 644-2211 non-emergency line.

Officer Raine added the Mesa PD website has homeless information and a phone number for the Community Bridges Projects for Assistance in Transition from Homelessness (PATH) team. He clarified the PATH team is a 24-hour team that will contact individuals.

Officer Raine described a situation where an individual is loudly complaining and nuisance complaints are received, the officer must determine whether the person is exercising their right to free speech or if their conduct is disorderly and disturbing the peace. He commented the goal in every police contact is voluntary compliance to avoid enforcement action. He outlined the actions an officer would take in a nuisance complaint situation.

Officer Raine explained a circumstance where someone placed in temporary housing is not following the rules. He stated if someone has been found to have violated the rules of a shelter, the punishment could vary from being permanently removed, removed for three days, or a warning. He added staff reviews each situation to find the best solution, keeping in mind the goal is to help people succeed.

Officer Raine noted that oftentimes there is a mental illness element with homelessness. He indicated Community Bridges staff has a mental health background, as well as the Mesa PD's Crisis Response Team who work closely with providers to ensure the appropriate level of care is provided.

City Manager Christopher Brady stated specific discussions have taken place with the Police and Fire Chiefs to work together on developing a behavioral health response team that will assist in de-escalating situations. He added many cities across the country are recognizing the best response might not be sending a police officer into a mental health situation. He mentioned Public Safety will identify additional resources needed and the information gathered will be brought to Council before the end of the year.

Ms. Lewis summarized that the City wants to have a 'no wrong door' approach. She added if citizens feel there is an emergency, 911 should be called; if there is no immediate emergency, the non-emergency number can be used or the Community Bridges hotline number. She advised if someone encounters a homeless individual or family, refer them to Paz de Cristo.

Councilmember Thompson expressed his irritation on how the homeless are sometimes treated better than other citizens in the community, and that over the years millions of dollars have been spent on park bonds that residents are afraid to take their children to because the homeless are camping in the parks. He indicated a stronger approach needs to be taken, while remaining compassionate, to stop inviting more homeless into the community. He remarked the best approach is to stop the individual from becoming homeless because once that happens it is much more difficult to get them out of that situation. He suggested putting more funding towards preventing homelessness. He inquired at what point in time will the City say enough is enough and not allow the homeless to take over the community.

Mr. Brady reiterated per the ruling in *Martin v. City of Boise*, the City cannot enforce any trespassing or urban camping laws unless the individual is offered another option. He mentioned conversations with PD have taken place to encourage frequent checks of the parks and enforcing laws if individuals are there after hours. He added Community Court is another option for individuals to avoid payments or jail time, but if Council wants to discontinue that program that leaves the option of enforcing the code by taking the individual to jail. He agreed to committing more resources to the issue through technology and manpower, adding that it is difficult to enforce when there is no law that is violated.

In response to a question from Mayor Giles regarding what can be done to apply stronger rules for the parks, Ms. Lewis stated discussions have taken place with the cities of Phoenix and Tucson who use their guidelines and code of conduct to regulate their parks. She reported the City is

looking at the issue as it relates to legal enforcement and will come back to Council with more information after the new year.

Councilmember Luna commented that Mesa is fortunate to have the ability to house the homeless in the vacant motel rooms and acknowledged staff's work on that program. He understands that because of the laws, enforcement is limited in some situations. He pointed out that having social service and mental health personnel working in cooperation with law enforcement to provide resources to avoid the individual going into the judicial system is key.

Vice Mayor Freeman reported every district has homeless issues and PS personnel are working hard to mitigate those issues. He mentioned the importance of knowing which programs are effective; and if it is determined a program is not working, something else needs to be tried. He indicated the need to change ordinances to be responsive to the changing needs of the community and to make the parks and public-owned facilities safe for all constituents. He advocates for stronger ordinances to manage programs like Community Court, non-profits, or sometimes jail time, but resources need to be available. He suggested using additional tools for collaboration, like faith-based organizations who can help people get jobs, technical education, and long-term employment.

In response to a question by Vice Mayor Freeman regarding whether Mesa is looking at collaborating with neighboring communities and towns on the homeless issue, Ms. Lewis replied all East Valley cities and towns have come to the table to discuss the issue and are looking for more direction from their governing bodies to understand how to move forward and come up with solutions together.

Councilmember Duff commented that October 31 is the deadline for the eviction moratorium and the fear is that homelessness will escalate dramatically at that point. She reiterated to the public that the City has assistance for mortgage and rent, as well as utilities. She encouraged the community to be advocates for those impacted by the pandemic.

In response to a question asked by Councilmember Duff regarding the Off the Streets Program, Assistant Chief Wessing advised officers are aware of the areas within their divisions where homeless typically congregate and do not wait to receive a call from the community. He remarked part of the Off the Streets enforcement strategy is officers going out and contacting homeless individuals unrelated to a call.

Officer Raine explained of the 3,700 contacts that have been made since May, 1,500 were offered services with some level of judicial involvement, and almost 1,200 were arrested. He added officers are actively going out and seeking contact on a consensual basis; and will engage in enforcement if there is an offense.

In response to a question posed by Councilmember Duff regarding the availability of affordable rentals, Ms. Lewis acknowledged the challenges of having enough housing to offer those in need. She highlighted that the housing issue is not just a Mesa issue but is a national issue and many cities are trying to find ways to create more affordable developments.

Councilmember Heredia echoed the comments already provided, adding that the mental health teams are a great tool when responding to calls. He commented that most communities are sympathetic on the homelessness issue and the City needs to rethink how we are handling the regional and state partnerships when providing support services for homelessness. He emphasized the importance of ongoing conversations with the whole region to figure out more

concrete strategies for regional support and taking a multi-faceted approach to prevent individuals from becoming homeless.

Mayor Giles pointed out the strategic plan will help in moving forward, but the plan will only work if it can be implemented. He inquired about the gaps in the chart and prioritizing to ensure a seamless transition.

Ms. Lewis confirmed the bridge to success portion within the housing path to recovery strategy is not up and running at this time.

Mr. Brady pointed out one of the reasons for presenting the strategic plan at this time was to make sure that Council endorses the possibility of using the funds from the federal government to address the issue but needs to have a non-profit provider who is willing to step up and offer these services. He explained part of the process is getting the word out to the non-profit community to create partnerships that will assist the City in implementing the strategic plan.

Mayor Giles inquired about the capacity in the community for each of the steps in the housing path to recovery chart and who is tracking the metrics.

Ms. Lewis responded that the emergency shelter hotel rooms have between 100 to 150 beds available, the recovery and job shelters have approximately 200 beds, and that there is a definite gap when it comes to the bridge to success. She added affordable housing is difficult to measure because there are many areas that provide housing assistance. She estimated there are between 2,000 to 3,000 units available. She remarked the metrics used currently are the contracts with non-profits when providing federal dollars for these purposes, and in their contracts, they are asked to document how many people in Mesa they are serving on the project with the funds provided.

Mayor Giles advised he would like to have a contact in the housing office or at the non-profit agency who will have the responsibility for regularly creating a report based on the metrics that will show accountability to measure the success of the program. He expressed interest in the turnover for affordable housing and whether there is improvement with those individuals moving into market rate housing at some point. He continued by saying at some point if there is not a willingness to help throughout the region, decisions will need to be made that will provoke a response. He noted the Community Court system is a great model that has worked and is clearly the best hope of making progress with the homeless situation. He said he is looking forward to hearing from the Police and Fire chiefs on how to change the delivery models within Public Safety.

In response to a question from Councilmember Thompson regarding the incentive for communities to participate if those communities are not having the same issues as Mesa, Ms. Lewis advised through conversations with neighboring cities, some do have services in their communities and others work directly with the County to provide services. She mentioned conversations are occurring and progress is being made. She added at this point the need is for governing bodies to weigh in to provide direction for the next steps. She stated staff will come back to Council with the results of where this is headed and how the Council can help.

Councilmember Duff expressed concern for what can be done immediately. She understands the work that needs to be done and that it will take time, but asked what can be done right now? She discussed advocating to create models that will help faith-based communities facilitate home sharing, allowing dwelling units on properties, as well as financial incentives for accepting housing

vouchers. She emphasized the need to start thinking about housing in a more immediate way and working on regional solutions.

Councilmember Thompson inquired whether Gilbert, Queen Creek, and Apache Junction have the services that Mesa does to help the homeless population; and if not, what the incentive is to participate with the region.

Mr. Brady stated it is hard to confirm what each city has available. He pointed out that there have been conversations with other communities but no commitment to help. He commented that Apache Junction has offered to be a part of the solution and the other communities have not spoken up one way or the other. He added many surrounding communities believe this is not the role of the municipality and solely rely on non-profits for assistance. He stated bringing in individuals from other communities to be housed in Mesa is not the preference, adding that it is difficult to have these conversations with cities because there is little leverage to make them step up to the plate. He continued by saying his opinion is that the county should make the decisions for the region. He mentioned Mesa is trying to send the message that, at least initially, each city needs to deal with their own homeless population and not send them to other communities, and then eventually work out a regional solution to have complementary services around the East Valley to avoid duplicative services.

In response to a question from Councilmember Thompson, Mr. Brady advised that the homeless discussion needs to begin with the mayors and supervisors having political conversations on ways to come together to address the issue.

Mayor Giles acknowledged there was a tremendous amount of momentum on the topic right before COVID hit, when the City of Phoenix was expressing their concern that other communities were not providing any help and were leaving it to Phoenix to handle. He mentioned Mesa is in the same situation where other East Valley cities view Mesa as responsible for providing homeless services and choose to take the position that their cities are not affected by a homelessness problem. He commented the time has come to revisit the discussion and decide the model to follow, as well as define what the City is willing to do when it comes to regional cooperation. He emphasized staff has spoken with Mesa's non-profit partners and advised them that to continue receiving funding from the City of Mesa, they must focus on providing services to people in Mesa.

Mayor Giles thanked staff for the presentation.

2-b. Hear a presentation and discuss the state of the Court update.

Mr. Brady stated the state of the Court update will be rescheduled to a future Council meeting.

3. Acknowledge receipt of minutes of various boards and committees.

3-a. Housing and Community Development Advisory Board meeting held on September 3, 2020.

It was moved by Vice Mayor Freeman, seconded by Councilmember Thompson, that receipt of the above-listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Heredia-Luna-Thompson-Whittaker
NAYS – None

Carried unanimously.

4. Current events summary including meetings and conferences attended.

Councilmember Duff -	Natural History and i.d.e.a. Museum tour Virtual Dia de los Muertos event Planning meeting for Falcon Field’s 80th anniversary celebration LISC virtual Breakfast & Annual Community Awards
Vice Mayor Freeman -	Mesa Historical Museum - Cemetery walking tour
Councilmember Heredia -	Parks improvement virtual meeting Community meeting hosted by the Fiesta Division of the Mesa Police Department
Mayor Giles -	Natural History and i.d.e.a. Museum tour Community meeting hosted by the Fiesta Division of the Mesa Police Department

Councilmember Duff announced that the Arizona Natural History Museum and the i.d.e.a. Museum are opening to members this weekend and to the general public the following weekend. She encouraged everyone to experience the new interactions in the no-touch environment of the museums.

Councilmember Heredia stated the Dobson Ranch Library is holding a virtual meeting today from 6:00 to 7:00 p.m. where residents can give feedback regarding improvements to the library.

Councilmember Luna reported Saturday, October 31, the Mesa Public Library will be hosting the Halloween Boo Parade from 2:00 to 3:00 p.m. at all three locations and each car will receive a family pack of books.

5. Scheduling of meetings.

City Manager Christopher Brady stated that the schedule of meetings is as follows:

Monday, November 2, 2020, 5:15 p.m. – Study Session

Monday, November 2, 2020, 5:45 p.m. – Regular Council meeting

6. Adjournment.

Without objection, the Study Session adjourned at 9:22 a.m.

JOHN GILES, MAYOR

ATTEST:

DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 29th day of October 2020. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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(Attachments – 1)