

COUNCIL MINUTES

January 12, 1996

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 12, 1996 at 7:30 A.M.

COUNCIL PRESENT

Mayor Willie Wong
Jerry Boyd
T. Farrell Jensen
Dale Johnson
Joan Payne
Jim Stapley

COUNCIL ABSENT

Pat Gilbert

STAFF PRESENT

C.K. Luster
Wayne Balmer
Fred Conway
John Gendron
Shawn Hineman
Joe Holmwood
Tyrone Howard
Mike Hutchinson
Sharon Joyce
Frank Mizner
Ruth Anne Norris
John Oliver
Ellen Pence
Bryan Raines
Paula Sloan Rivera
Mindy White
Others

OTHERS PRESENT

Tom Verploegen
Others

(Mayor Wong excused Councilmember Gilbert from the meeting.)

1. Further discussion concerning halfway houses.

Community Development Manager Wayne Balmer referred to a draft ordinance and staff report presented at the January 11, 1996 Planning and Zoning Board meeting relating to halfway houses in Mesa. Mr. Balmer indicated that the Board unanimously recommended approval of the proposed ordinance with three conditions, and requested that the Council address the Board's concerns pertaining to the definition of halfway houses, development of a licensing procedure, and including criteria for locating halfway houses in R-4 zones in the ordinance.

Mr. Balmer advised that the Board suggested that the definition of halfway houses in the proposed ordinance be revised from "A residential facility..." to "A business" or "commercial facility..." Mr. Balmer stated that since the facilities provide a service for a fee, the Board's opinion was that halfway houses should be classified as commercial uses. Mr. Balmer explained

that staff selected the word "residential" to clarify that individuals in halfway houses physically reside in the home and do not leave at the end of the business day.

Mr. Balmer stated that the Board suggested that the ordinance contain specific criteria for locating halfway houses in R-4 zones, but added that staff expressed the opinion that the required Council Use Permit (CUP) process would assure that each case is evaluated individually by staff and the adjoining neighbors. Mr. Balmer noted that the proposed ordinance would limit halfway houses to the R-4 and TCB-1 districts.

Mr. Balmer explained that the third condition requested by the Planning and Zoning Board was that halfway houses apply for licensing subsequent to approval of a CUP and on a yearly basis thereafter. Mr. Balmer expressed the opinion that the additional licensing requirement would allow staff greater enforcement authority but would also require additional staff time and resources.

Mr. Balmer stated that an ordinance can be placed on the January 22, 1996 Regular Council Meeting agenda for introduction and considered by the Council on February 5, 1996.

In response to questions from Councilmember Boyd, Mr. Balmer advised that the Residential Recovery Association provides support to operators of halfway houses and strives to standardize and increase the quality of halfway housing projects. Mr. Balmer said that the Association was consulted when drafting the ordinance and added that a facility that obtains a CUP will have met the Residential Recovery Association's requirements for membership. Mr. Balmer noted that halfway houses in Mesa that are in compliance with the current City ordinance will be grandfathered uses under a new ordinance.

Discussion ensued comparing halfway houses as defined in the City ordinance to other uses such as foster and group foster homes which are regulated by the State of Arizona. Mr. Balmer said that since Mesa's Charter prohibits the City from adopting a housing code, the number of individuals who reside in a single-family home cannot be regulated, unless room rents are collected, and then the home may be considered multi-family.

Councilmember Boyd stated support for an annual licensing requirement and expressed the opinion that more comprehensive regulations may reduce the number of CUP applications for halfway houses in Mesa. Councilmember Boyd suggested that the proposed ordinance as drafted be introduced at the next Regular Council Meeting to expedite the process and requested that staff draft an additional ordinance establishing a licensing procedure for future adoption. Councilmember Boyd encouraged staff to obtain input from the Residential Recovery Association when developing licensing criteria.

Mayor Wong advised that it is the consensus of the majority of the Council that an annual licensing procedure be implemented to operate halfway houses in Mesa.

In response to a question from Vice Mayor Jensen, Mr. Balmer advised that the Residential Recovery Association will be asked to participate in monitoring halfway houses in Mesa to assure license compliance.

Mayor Wong requested input from the Council concerning the definition of halfway houses. Vice Mayor Jensen expressed support for retaining the term "residential" in the definition of halfway houses and stated the opinion that utilizing the term "commercial" or "business" may cause the intent of the ordinance to be misrepresented. Mayor Wong concurred with the Vice Mayor's remarks.

Mayor Wong stated that it is the consensus of the Council that the definition of halfway house remain as listed in the draft ordinance.

Discussion ensued concerning halfway houses in the R-4 and TCB-1 districts. Mr. Balmer advised that R-4 districts are typically the older residential areas of the City and that the proposed ordinance requires a 1,200-foot separation between facilities.

Councilmember Johnson expressed the opinion that the City should have the authority to regulate the number of individuals who reside in a home and suggested that the issue of a housing code be re-addressed. Councilmember Boyd suggested that should the housing code issue be evaluated in the future, staff should draft a ordinance detailing exactly what the City would be allowed to regulate with input from opponents of the past housing code issue.

Mayor Wong stated that it is the consensus of the majority of the Council to limit the location of halfway houses to R-4 and TCB-1 districts without specific criteria included in the ordinance.

2. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended.

3. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Tuesday, January 16, 1996, 7:30 a.m. - Police Committee

Friday, January 19, 1996, 7:30 a.m. - Study Session

Tuesday, January 23, 1996, 7:30 a.m. - Redevelopment Committee

Wednesday, January 24, 1996, 12:00 p.m. - Meeting with the Legislature

4. Prescheduled public opinion appearances. (Maximum of three speakers for five minutes per speaker)

There were no public opinion appearances scheduled for this meeting.

5. Items from citizens present. (Maximum of three sneakers for five minutes per speaker)

There were no items from citizens present.

6. See a demonstration of the Parks Department automated sprinkler and lighting system.

Parks, Recreation, and Cultural Director Joe Holmwood invited the Council to the Parks Maintenance facility for a demonstration of the new computerized sprinkler system. Mr. Holmwood advised that the system enables maintenance personnel to control the water source for all of the City's parks and automatically shuts off any valve that malfunctions and alarms the control center. Mr. Holmwood expressed the opinion that the system saves the City many gallons of water.

Mayor Wong requested that the Council meet at the 6th Street Maintenance facility at 8:30 A.M.

7. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Johnson, that the meeting adjourn at 8:15 A.M.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, 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 12th day of January, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of January 1996

BARBARA JONES, CITY CLERK