

# COUNCIL MINUTES

October 9, 1998

The City Council of the City of Mesa met in a Special Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on October 9, 1998 at 4:00 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
John Giles  
Keno Hawker  
Bill Jaffa  
Dennis Kavanaugh  
Pat Pomeroy

## COUNCIL ABSENT

None

## STAFF PRESENT

C.K. Luster  
Wayne Balmer  
Cindy Barris  
Neal Beets  
Denise Bleyle  
Jamie Brennen  
Mike Hutchinson  
Barbara Jones  
Jeff Martin  
Ellen Pence  
Bryan Raines  
Tom Remes  
Mindy White

## OTHERS PRESENT

Robbie Sherwood  
Others

1. Consider a proposed settlement relating to the Youth Development Institute group home located at 833 West McLellan.

City Attorney Neal Beets distributed to Council a copy of a proposed settlement agreement relating to the Youth Development Institute (YDI) group home, which is similar to an agreement reviewed recently with neighbors. Mr. Beets presented an overview of the agreement, noting concessions on behalf of both the City and David and Patricia Cocoros (YDI).

Mr. Beets said that a major issue in developing the agreement involved the length of time that YDI could potentially remain at the McLellan location. Mr. Beets stated that the agreement stipulates a length of time of 10 months, representing a compromise between the neighbors' preference for a maximum length of time of 6 months and YDI's preference for either an indefinite length of time, or if not feasible, a minimum of 12 months. Mr. Beets stated that pursuant to the agreement developed, YDI will attempt to sell the group home through a private sale, and if they receive a net purchase offer of \$130,000 with an occupancy date of no sooner than June 1, 1999 and no later than July 31, 1999, YDI will accept the offer and vacate the group home before August 1, 1999. Mr. Beets said that if YDI does not receive a qualifying offer by June 30, 1999, then by July 31, 1999, the City will purchase the group home from YDI for \$130,000 and YDI will vacate the group home by August 1, 1999.

Mr. Beets noted that YDI additionally agrees not to operate another group home for minors with sexual behavior disorders in any single-residence or multiple-residence zoning district in the City and that each party promises not to commence a lawsuit against the other.

Mr. Beets recommended that Council approve the proposed agreement.

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Councilmember Kavanaugh noted the difficulties encountered in developing the agreement and commended Mr. Beets and staff for their efforts.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that the proposed settlement agreement relating to the Youth Development Institute group home located at 833 West McLellan be approved.

Councilmember Jaffa expressed agreement that it is in the City's best interest that the facility be closed but stated concern that a precedent may be set establishing a "right-to-use" situation. Mr. Beets expressed the opinion that the agreement does not establish a use by right and that a genuine dispute exists between the City and YDI.

Brief discussion ensued concerning consideration of potential future group home applications.

Mayor Brown recognized concerns noted by Councilmember Jaffa but commented that the proposed agreement does not establish a precedent and that future applications will be considered on a case-by-case basis. Mayor Brown stated the opinion that the agreement is necessary relative to the current situation. Mayor Brown commended Mr. Beets for his work.

In response to a question from Councilmember Jaffa, Mr. Beets indicated that he can perceive of a situation whereby the City has a basis for denying a group home application presented for approval.

Councilmember Hawker stated that the treatment of sexual behavior disorders is not an appropriate use and appropriate activity in residential areas. Councilmember Hawker encouraged amendments to federal laws governing group homes.

Carried unanimously.

2. Scheduling of meetings and general information.

There was no discussion of this item.

3. Adjournment.

Without objection the Special Session adjourned at 4:11 p.m.

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WAYNE BROWN, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting of the City Council of Mesa, Arizona, held on the 9th day of October 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1998

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BARBARA JONES, CITY CLERK