



OFFICE OF CITY CLERK

PUBLIC SAFETY COMMITTEE

January 24, 2008

The Public Safety Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 24, 2008 at 10:09 a.m.

COMMITTEE PRESENT

Mike Whalen, Chairman
Kyle Jones
Tom Rawles

COMMITTEE ABSENT

None

STAFF PRESENT

Alfred Smith

1. Items from citizens present.

Chairman Whalen, noting that Steve Collins submitted a request to speak regarding agenda item 4, offered him the opportunity to address the Committee during the discussion of the item, and Mr. Collins agreed to make his comments at that time.

2. Hear an update and discuss the Transitional Response Vehicle program.

Fire Chief Harry Beck displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to provide an update on the Transitional Response Vehicle (TRV) program, which was developed to respond to basic life support calls in high activity areas of the City. He stated that the goal was to improve the department's overall response times. He introduced Captain John Delaney of the Operations Division, who was instrumental in developing and tracking the program.

Captain Delaney continued the presentation by noting that each TRV unit operates on a twelve-hour shift with a staff of two. He identified the types of calls that a TRV unit would respond to, some of which include the following: leaking hydrants, lines down, minor car accidents, children locked in vehicles, fall injuries and flu symptoms. He referred to a map that identified a five-mile radius from Stations 202 and 205 and indicated the geographic locations of TRV responses (see Attachment 1). Captain Delaney reported that TRV 202 responded to a total of 765 incidents, an average of five per day, during the period of August through December of 2007, which improved Engine 202's response time to 4.24 minutes from 4.32 minutes for the same time period in the previous year. He noted that the overall ability of Engine 202 to respond to incidents in their area improved from 58 percent in 2006 to 69 percent in 2007.

Captain Delaney advised that Unit 205 responded to 450 incidents, an average of four per day, during the period of September 17, 2007 through December 2007. He noted that although the

average response time for that time period increased by one second when compared to the previous year, the department's overall response times increased by three seconds in the current year.

Captain Delaney reported that the cost for operations and maintenance of a fire engine is \$1.51 per mile compared to \$0.83 per mile for the TRV pick-up. He stated that plans include expanding the response areas to a ten-mile radius and improving the dispatch protocols for the TRVs.

Chief Beck explained that additional support is required from the dispatch center in order to identify those calls that are appropriate for a TRV response. He noted that the program data indicates that these two-person units are effective in the high-volume areas.

In response to a series of questions from Chairman Whalen, Chief Beck advised that the funding for the pilot program was approximately \$1.2 million and that funding is included for the next budget year. He explained that staffing for the TRV program is accomplished by utilizing existing firefighters on an overtime basis, and that the department plans to continue the program at Stations 202 and 205. Chief Beck advised that staff would continue to monitor and refine the program. He noted that although there was some initial reluctance to change, the program has gained support in the department. Chief Beck cited an example where a paramedic unit was able to transfer a case to the TRV unit, which enabled the paramedics to be available for higher priority calls. He advised that the TRV unit is staffed by one paramedic and one EMT (Emergency Medical Technician).

Chief Beck referred to a chart titled, "MFD Response Times" (see Attachment 2). He stated the opinion that unless the department receives additional resources, response times could escalate by ten or fifteen seconds annually and that adding resources would enable response times to stabilize at an annual increase of two to three seconds. Chief Beck added that the department's resources are at maximum capacity in terms of service demands.

Responding to a series of questions from Chairman Whalen, Chief Beck advised that other municipalities provide mutual aid in Mesa approximately four percent of the time, and that Mesa provides assistance outside of the City approximately five percent of the time. He noted that there has been a regional effort to prepare a model or a format that would provide minimum service levels to County islands. Chief Beck noted that municipalities typically do not wish to provide service outside of their contiguous boundaries.

Chairman Whalen thanked Chief Beck and Captain Delaney for the update.

3. Hear a presentation, discuss and make a recommendation on changes to the livestock regulations.

Zoning/Civil Hearing Administrator Gordon Sheffield advised that the Community and Neighborhood Services Committee would also consider this issue. He explained that the proposal is to change a violation of the livestock regulations from a criminal offense to a civil offense, which transfers the enforcement responsibility from the Police Department to Code Compliance.

In response to a question from Committeemember Rawles, Mr. Sheffield confirmed that the proposal is to move the ordinance from Title 6 to Title 8 of the Mesa City Code, and he noted that the language would be reviewed with regard to enforcement and penalties.

It was moved by Committeemember Rawles, seconded by Committeemember Jones, to recommend to the Council that staff's proposal to transfer the livestock regulations from Title 6 to Title 8 of the Mesa City Code be approved.

Carried unanimously.

4. Hear a presentation, discuss and make a recommendation on proposed changes to the zoning ordinance regarding group homes and other minor modifications.

Zoning/Civil Hearing Administrator Gordon Sheffield noted that in August of 2007, the Council directed staff to review the requirements for Group Homes for the Handicapped (GHH) and Supervised Living Facilities (SLF). He advised that that staff has prepared recommendations, which have received unanimous approval from the Planning and Zoning (P&Z) Board and the Downtown Development Committee (DDC). Mr. Sheffield said that staff is seeking input from the Public Safety Committee regarding policing and licensing issues before presenting the proposal to the full City Council. He displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to provide an overview of the existing regulations and the proposed changes.

Mr. Sheffield reviewed the definition of "handicap" *Federal Fair Housing Act* (FFHA), which is the model for the definitions found in the Mesa City Code (Sections 5-2-2 and 11-1-6) for "handicapped," "Group Home for the Handicapped," and "Supervised Living Facility." He advised that a Supervised Living Facility (SLF) is a facility for "persons on probation, parole, prerelease from a jail, prison, or correctional facility," and he noted that no SLF facilities presently exist in the City.

Mr. Sheffield stated that a Group Home for the Handicapped (GHH) is permitted in single-residence and multiple-residence districts. He added that a GHH with more than five rooms and more than ten residents requires a Special Use Permit through the Board of Adjustment. He said that a GHH is also permitted in the Town Center Districts (TCR-1, TCR-2 and TCR-3). Mr. Sheffield outlined the criteria as listed below:

- Maximum of ten residents per home.
- No signage or identification visible from the street.
- Compliance with all building and fire regulations.
- Separation of 1,200 feet from another GHH.
- Compliance with all licensing requirements.
- Registration with the "Planning Division."
- Residents cannot pose a direct threat to others or property.

In response to a comment from Chairman Whalen, Mr. Sheffield confirmed that the City has a number of group homes in close proximity to each other that are "grandfathered in" because they were established before the 1,200-foot separation requirement was adopted.

Mr. Sheffield addressed the zoning requirements for a SLF, and he explained that an SLF is considered a "Social Service Facility" subject to the guidelines and located in R-4 zoning with a Council Use Permit.

Mr. Sheffield summarized the proposed changes to the GHH requirements as follows:

- Add "Recovery Homes" to the list of items that are not GHHs.
- Add "Individual Handicap Certification" of residents to GHH zoning requirements.

Responding to a question from Chairman Whalen, Mr. Sheffield advised that the documentation for each resident would be maintained in the home and be available during an inspection process.

Mr. Sheffield listed additional proposed changes to the GHH requirements:

- Define a Group Home (required to be located in a multiple-residence district) as being different from a Group Home for the Handicapped (permitted in a single-residence district).
- Delete the City's GHH and SLF licensing requirement.

Mr. Sheffield reported that staff is proposing to adopt the "Phoenix Model" for Supervised Living Facilities, which would add the following definition for a Correctional Transitional Housing Facility (CTHF) to the zoning ordinance:

A supervised residential center where individuals who are completing a sentence, reside for a defined period of time for counseling, job placement assistance, and similar services that assist in transitioning from institutional to community living. **The term shall include any boarding house, dormitory, or apartment building or other dwelling when developed, promoted, advertised, or operated as a CTHF, but shall not include GHH, or any facility providing counseling or other services to individuals who do not reside on the premises.**

In response to a comment from Committeemember Rawles that the bolded language in the definition referred to by Mr. Sheffield does not appear in the definition found in Exhibit 1 of the Committee Report (a copy is available for review in the City Clerk's Office), Mr. Sheffield stated that was an oversight. He listed the following proposed requirements for CTHF zoning:

- CTHF permitted in C-3, M-1 and M-2 zoning.

Chairman Whalen said that it was his understanding that the City of Mesa presently has approximately 300 "recovery" or "group" homes. He noted that some of these homes would now be classified under the CTHF model, which would require them to move to a CTHF district.

Discussion ensued relative to the fact that the definition of "handicapped" can include past addictions; and that the Federal government's definition of "handicapped" is confusing.

Mr. Sheffield continued to outline CTHF requirements:

- Requires an approved Council Use Permit.

- A one-mile spacing requirement from another CTHF.
- Five hundred feet from a residential district or school.
- Compliance with Fire and Building regulations.
- Facility is limited to 30 beds.
- Individuals who pose a “direct threat to the health and safety of others” cannot be housed in the facility.

In response to a question from Chairman Whalen, Mr. Sheffield advised that City Attorney Debbie Spinner has discussed the transitional housing issue with the Maricopa County Probation Department and parole officials, but she could not be present at this meeting.

Further discussion ensued relative to the fact that parole and probation officials should identify where individuals who are not in recovery are being placed; that County probation officials have indicated a willingness to cooperate with the City; and that the County is required to obtain housing facilities for these individuals.

Mr. Sheffield advised that the City of Mesa does conduct inspections and charge an annual fee in order to address continuing concerns for the health, safety and welfare of handicapped individuals. He noted that a significant change is required to the Zoning Ordinance (Section 11-16-3: Commercial Uses Requiring a CUP). He explained that this section has been modified several times, which has resulted in the language being somewhat confusing. Mr. Sheffield said that changes to the Zoning Code may “grandfather” some existing GHs, and he added that staff would continue to address “grandfathering issues” with existing operators. He confirmed that there are 314 group homes for the handicapped in the City of Mesa and that approximately 180 of the 314 are homes for the elderly.

Responding to a series of questions from Committeemember Rawles regarding the terms “substance abuse treatment facilities” and “recovery homes,” Mr. Sheffield explained that an individual undergoing detoxification would be in a medically certified substance abuse treatment facility that is licensed by the State. He noted that although the definition is in the Zoning Code, it was not included in this presentation. Mr. Sheffield noted that treatment facilities have separate definitions and restrictions. He explained that following detoxification and being medically certified as handicapped, an individual would then be eligible to reside in a group home for the handicapped (GHH). Mr. Sheffield added that the term “recovery home” would no longer be utilized.

In response to concerns expressed by Committeemember Rawles that Mesa lacks facilities for individuals who do not have medical certification of an addiction and are seeking residential treatment for addiction, Mr. Sheffield advised that the individual could reside in a group home facility located in a multi-residence district.

Further discussion ensued relative to the fact that the proposal would eliminate the terms “recovery,” “juvenile,” and “elderly” group homes; that all of these homes would be categorized as Group Homes for the Handicapped (GHH); and that homes for the developmentally disabled are provided an exception.

Responding to a comment from Chairman Whalen, Mr. Sheffield advised that the City cannot legally perform background checks on home operators or residents.

Chairman Whalen reported that statistical data indicates a higher than average crime rate for the areas surrounding some of Mesa's group homes. He suggested that the State adopt legislation implement a State license requirement that includes standards and an enforcement mechanism.

Government Relations Coordinator Brent Stoddard came forward to address the Committee, and he advised that this subject of group homes is being discussed with Mesa's delegation to the State Legislature. He noted that the findings of a study group addressing this issue should be available in the next year.

In response to a question from Committeemember Rawles, Mr. Sheffield stated that the definitions of a boarding house and a group home are synonymous in the Zoning Code, and he advised that these facilities are required to hold a license from the Maricopa County Health Department.

Chairman Whalen invited Mr. Collins to come forward to address the Committee.

Steve Collins, 1825 South Cholla, the owner/operator of a group home, said that he would like to ensure that all group homes in Mesa are properly licensed, but Code Compliance representatives advise him that the department does not have sufficient staff to address the issue. He expressed the opinion that a proposal to penalize all group home operators for the offenses of a few would not solve the problem. He reported that his research of the "Phoenix Model" revealed that the City of Phoenix has no CTHF homes, and that prisoners are released to a group home or to the streets. Mr. Collins said that approximately 90 to 95 percent of his residents were recovering alcoholics or drug addicts who were incarcerated for committing burglaries as a means to support their habits.

Mr. Collins referred to a newspaper article that said that sixty percent of all individuals released on parole are sent to Mesa. He advised that the Department of Corrections informed him that the actual figure was eighteen percent. Mr. Collins stated that most group home residents have a history of drug and alcohol abuse, and he expressed concern that requiring certification of the handicap would violate privacy laws. He noted that the some areas identified as potential locations for CTHF homes are not accessible to public transportation, which would be an important issue for residents seeking employment. He added that many individuals are released to the streets in the absence of other alternatives.

Chairman Whalen noted that the discussion of group homes is an ongoing process and that efforts will continue in order to obtain community input and to identify possible alternatives. He thanked Mr. Collins for identifying many pertinent issues.

Committeemember Rawles concurred with Chairman Whalen that Mr. Collins provided valuable information. He expressed the opinion that some individuals released from prison take advantage of the "handicap" definition in order to live in single-family residential areas in a group home setting. He stated that this is an issue of concern to both the citizens of Mesa and the City Council.

Chairman Whalen advised that years ago addicts participated in a thirty-day treatment or readjustment period following detoxification, but that type of transition program is no longer

available. He stated the opinion that Mesa has experienced a proliferation of group homes because of the availability of inexpensive housing.

Mr. Sheffield advised that the City of Mesa ordinance limits the occupancy of group homes to two individuals per bedroom.

Commander Steve Stahl came forward to provide the Police Department's perspective on group homes, and he commended Mr. Sheffield and his staff for their efforts to research the issue and clarify the language. He concurred with earlier comments that there is insufficient staff available to enforce these types of regulations. Commander Stahl stated that the important issue is to determine acceptable locations in which released, convicted felons can reside.

Mr. Collins noted that the price of commercial property makes that type of investment cost-prohibitive. He suggested that the group home owners, the Police Department and the City cooperate in a joint effort to address these issues.

Mr. Sheffield noted that additional changes in the language must be presented to the Planning and Zoning Board before Council consideration of the issue.

In response to a series of questions from Committeemember Jones regarding methods of enforcement, Mr. Sheffield advised that a complaint would be routed to Code Compliance, staff would determine if the home is a registered site, and an unregistered group home in a single-residence district would be a zoning violation. He said that in addressing a complaint regarding a registered site, staff would ensure that the group home complied with Building Safety issues. Mr. Sheffield added that a violation of occupancy requirements would be identified during the annual fire inspection.

Further discussion ensued relative to the fact that regulations permit a group home occupancy of six residents without fire suppression; and that fire suppression equipment is required for an occupancy in excess of six.

Mr. Collins noted that an addendum to that regulation permits an occupancy of ten without fire suppression equipment in the event all residents are ambulatory, but smoke detectors and fire extinguishers are still required. He said that he was unfamiliar with the regulation that limits the occupancy to two individuals per bedroom, and he added that there was no reference to that limitation in the group home or Fire Department information.

Committeemember Jones requested that staff provide additional information regarding the occupancy limitation.

It was moved by Committeemember Rawles, seconded by Committeemember Jones, that agenda items 4 and 5 be tabled until comprehensive information is available.

Carried unanimously.

5. Hear a presentation, discuss and make a recommendation on repealing Title 5, Chapter 2 of the Mesa City Code regarding licensing of group homes.

There was no discussion of this agenda item (see motion under agenda item 4).

6. Adjournment.

Without objection, the Public Safety Committee meeting adjourned at 11:29 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Committee meeting of the City of Mesa, Arizona, held on the 24th day of January 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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Attachments (2)