

## COUNCIL MINUTES

June 28, 2018

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 June 28, 2018 at 7:49 a.m.

### COUNCIL PRESENT

John Giles  
David Luna  
Mark Freeman  
Christopher Glover  
Francisco Heredia  
Jeremy Whittaker

### COUNCIL ABSENT

Kevin Thompson

### OFFICERS PRESENT

Christopher Brady  
Dee Ann Mickelsen  
Jim Smith

Mayor Giles excused Councilmember Thompson from the entire meeting.

#### 1. Review items on the agenda for the July 2, 2018 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 proposed licensing of structured sober living homes in Mesa.

Licensing Administrator Tim Meyer introduced Assistant City Attorney II Charlotte McDermott who displayed a PowerPoint presentation. **(See Attachment 1)**

City Attorney Jim Smith explained that the City mirrored the Prescott Ordinance which has been in effect for over a year and follows the Arizona State Statute. He stated that the City's proposed ordinance will apply to existing sober living homes with a delayed 90-day effective date and an additional 60 days for application submittal.

In response to question posed by Mayor Giles, Mr. Smith confirmed that the requirements begin when there are six or more residents and then a live-in manager is required. He noted that the Senate Bill does not regulate the minimum number of residents in a sober living home, however that will be addressed in the regulations.

In response to questions from Councilmember Freeman, Mr. Smith reported that sober living homes with less than six residents do not require a license. He confirmed that the ordinance will provide guidelines until the regulations are in place.

In response to questions posed by Vice Mayor Luna, Ms. McDermott replied that the Good Neighbor Policy would include providing the surrounding neighbors with contact information for the operator and house manager as well as the policies and procedures to address neighbors' concerns. She clarified that during the application process the manager would submit their policies and residents could request them from the manager or through the City by way of a public records request.

In response to a question from Councilmember Freeman, Mr. Meyer remarked that once the application is received by staff, inspections and compliance by the structured sober living home is required.

In response to a question posed by Mayor Giles, Mr. Smith responded that the City is in the process of retaining the same expert that the City of Prescott used. He noted that the City is able to return at a future date to amend the ordinance to change the number residents, if needed. He pointed out that once the regulations are adopted the City's ordinance would sunset.

Janice Gennevois, a Mesa resident, expressed her concern on how many sober homes are around the City with five or less residents. She remarked that she believes the ordinance is written well, however, the ordinance will not protect their neighborhood and asked Council to place a stay on the sober living homes for five residents or less until the regulations are implemented.

Anita Duncan, a Mesa resident, stressed her concern on the vulnerability of the neighborhood with children and elderly being next to sober living homes. She asked Council how they will differentiate or classify the specific type of homes such as sober living homes and boarding homes.

Barbara Sutphin, a Mesa resident, pointed out that correctional transitional facilities have different standards according to the City code and cannot be in a residential setting. She asked if the 816 sq. ft. sober living home is sufficient space for five residents, how do they receive treatment, and does the home fall under the correctional transitional facility. She requested Council to consider everyone in the community and how the homes impact the City.

Jen Duff, a Mesa resident, commented that staff needs to look at the definitions of facilities such as the sober living homes, halfway houses, and recovery facilities and how they impact the neighborhoods comprehensively.

Mr. Smith explained that the City distinguished the structured sober living homes based on the definition within the statute.

Discussion ensued relative to the definitions of group homes and regulations.

In response to a question posed by Vice Mayor Luna, Mr. Smith responded that regulations on group homes of five or less should be addressed when the regulations are implemented.

Mayor Giles encouraged staff and residents to lobby the state in order to adopt the regulations quickly.

In response to a question from Mayor Giles, Mr. Smith confirmed that the proposed ordinance for licensing of structured sober living homes in Mesa will be introduced on July 2, 2018 and adopted at the July 9, 2018 Council meetings.

Mayor Giles thanked staff for the presentation.

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

3-a. Parks and Recreation Advisory Board meetings held on January 10 and May 9, 2018.

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

Mayor Giles declared the motion carried unanimously by those present.

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

Councilmember Whittaker requested that pursuant to Section 211(b) of the Mesa City Charter and for the sole purpose of triggering the requirements under Section 211(b)(1) and 211(b)(2) and introducing an Ordinance to amend the Mesa City Charter to stabilize the City's utility rates by restricting utility service revenue for use in support of providing utility services, protecting utility service assets, and providing a cap on transfers of utility service revenues to the City's General Fund, in addition to authorizing the submission of such Charter Amendment to the electors of the City for adoption in accordance with the Mesa City Charter requirements. He noted a copy will be provided to the City Clerk at the conclusion of the meeting.

Mayor Giles recognized the Police, Fire and Medical Departments, and the Emergency Services Dispatch for receiving the Maricopa Association of Governments award for the "Text 9-1-1 Program."

Vice Mayor Luna acknowledged Fire Chief Mary Cameli for being honorably selected from the Arizona Fire Chiefs Association for the Alan Brunacini Fire Chief Officer of the Year for 2018.

Councilmember Heredia welcomed the students from the Mesa Sister Cities Youth Ambassador Exchange Program.

Councilmember Freeman: Councilmember Freeman's Mobile Office

Mayor Giles: Lehi Meeting

5. Scheduling of meetings and general information.

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

Monday, July 2, 2018, 4:45 p.m. – Study Session

Monday, July 2, 2018, 5:45 p.m. – Regular Council Meeting

Monday, July 9, 2018, 4:30 p.m. – Study Session

Monday, July 9, 2018, 5:45 p.m. – Regular Council Meeting

6. Adjournment.

Without objection, the Study Session adjourned at 8:37 a.m.

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JOHN GILES, MAYOR

ATTEST:

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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 28<sup>th</sup> day of June, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

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(Attachments – 1)

# Proposed Structured Sober Living Home Ordinance

Tim Meyer, Licensing Administrator



# Purpose

▶ To establish a licensing process that will protect the residents of structured sober living homes from operators who fail to provide a supportive, family-like living environment necessary to achieve and maintain sobriety; to create operation standards for the benefit of the residents; and to protect the residents and the surrounding neighborhood from bad operators.

# The proposed ordinance will require;

- ▶ Licensing of operators
- ▶ Certification of house managers including CPR and first aid
- ▶ Good neighbor policy
- ▶ Operation plan including written intake procedures, relapse and discharge policy; and maintenance and noise abatement
- ▶ House rules and regulations: prohibit use of drugs or alcohol, participation in recovery programs

# The proposed ordinance will require;

- ▶ House manager on premises 24/7
- ▶ Annual fire inspection
- ▶ Revocation process for non-compliance
- ▶ Narcan onsite and proper training for staff



# Applicability

- ▶ Group residential/group home for the handicapped
- ▶ Alcohol-free and drug-free housing for individuals recovering from substance use disorders
- ▶ Supervised setting
- ▶ Promotes independent living
- ▶ Provides structured activities
- ▶ Same as Phoenix and Prescott



# Questions?