



COUNCIL MINUTES

May 27, 2004

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 May 27, 2004 at 7:33 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Dennis Kavanaugh
Janie Thom
Claudia Walters
Mike Whalen*

COUNCIL ABSENT

Rex Griswold

STAFF PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

*(Councilmember Whalen participated in the entire meeting through the use of teleconferencing equipment.)

Mayor Hawker excused Councilmember Griswold from the entire meeting.

1. Consider the following resolutions:

- a. Approving a Management Policy regarding a forum for employee issues – Resolution No. 8246.

City Manager Mike Hutchinson stated that in response to the “Meet and Confer” ordinance that was proposed to the Council several weeks ago by representatives of organized City employees, the Council directed staff to review the process and provide recommendations. He expressed support for the resolution and the management policy being presented for Council consideration, and he explained that the documents were the result of negotiation and compromise by both parties. Mr. Hutchinson also noted that the policy applied to all City of Mesa employees, individual employees as well as those employees represented by an organized group.

Firefighter Ty Perkins, representing an organized employee group, stated that although agreement was reached on the management policy, the remaining issue of concern relates to the title of the process. He explained that the “Employee Issues Forum” has been in existence since 1991, and that utilizing the title “Meet and Discuss Issues Forum” would acknowledge to the employees that a new process is in place.

In response to Mayor Hawker's concern that the term "meet and discuss" is similar to language utilized in collective bargaining, Mr. Perkins stated that the management policy includes seven references to "meetings" and two references to "discuss." He noted that the policy addresses the process of meeting and discussing employee issues.

John Giles, an attorney representing the employee organization, stated that although the terminology may have some labor law connotations, the employee group expressed a preference for a title that reflects the fact that a new and improved management policy is in place.

In response to a question from Councilmember Walters, City Attorney Debbie Spinner advised that staff recommends "Issues Forum" as the proper title to avoid any connotation relative to collective bargaining. Ms. Spinner also stated the opinion that the process outlined in the management policy is appropriate and within the framework of the Charter.

Councilmember Walters expressed the opinion that the process outlined in the policy was more significant than the title.

Vice Mayor Kavanaugh stated the opinion that only the substance of the process could create a legal issue, and that a title change would indicate to employees that a new process was adopted. He further stated that the important issue related to the fact that both management and the employee groups were united in support of the proposal.

In response to Mayor Hawker's concern relative to the fact that the Council does not normally approve management policies, Ms. Spinner advised that according to the Charter the Council's role is to develop broad policy and to approve the personnel rules and the budget; that the City Manager's responsibility is to implement the Council's directives through management policies; that the Council directed staff to prepare a process for Council review that would address employee concerns without violating the Charter prohibitions to collective bargaining; that the policy and resolution before the Council are broad in nature and do not violate the Charter prohibitions relative to Council interference in daily operations; and that other management policies would not require Council approval.

Mayor Hawker stated the opinion that Council approval of the management policy was unnecessary, and that Council approval of one policy might encourage future Council consideration of all management policies.

Councilmember Whalen expressed support for the policy and the resolution, and he added that Council approval would convey the message that the City is responsive to employee concerns.

In response to a question from Councilmember Thom, Ms. Spinner stated that the policy and resolution before the Council do not impact the Charter provision relative to the Council's responsibility for establishing Police Department policy.

Councilmember Walters suggested that the process be titled "Meet and Discuss Employee Issues Forum."

Vice Mayor Kavanaugh concurred with Councilmember Walters' suggestion, and he added that action on the resolution and the policy indicates the Council's awareness and involvement, and that the policy would not be changed without notice to the Council.

Mr. Giles stated that many surrounding communities have established similar policies; that the issue has been divisive in other communities; that a confrontation at the ballot box has been avoided in Mesa; and that the proposal demonstrates that the City of Mesa maintains a good working relationship with labor.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the management policy titled the "Meet and Discuss Employee Issues Forum" be approved and that Resolution No. 8246 be adopted.

Mayor Hawker expressed the opinion that the policy is the result of compromise, and he advised that many of his initial concerns have been addressed. He stated that the City maintains a good relationship with employee organizations, and he added that the policy would enable both individual employees and employee groups to come forward with their concerns.

Upon tabulation of votes, it showed:

AYES -	Hawker-Jones-Kavanaugh-Thom-Walters-Whalen
NAYS -	None
ABSENT -	Griswold

Mayor Hawker declared the motion carried by a unanimous vote of those present and Resolution No. 8246 adopted.

- b. Approving and authorizing the City Manager to execute a Memorandum of Understanding between the City of Phoenix and the City of Mesa regarding financial support for the Central Phoenix/East Valley Light Rail Transit Project – Resolution No. 8247.

Assistant Development Services Manager Jeff Martin explained that the resolution before the Council authorizes the City Manager to execute an agreement between the City of Phoenix and the City of Mesa; that the agreement stipulates that the City of Phoenix will advance \$3 million to the City of Mesa on an interest free basis until a full funding grant agreement is received that provides 50 percent in matching funds from the Federal government for regional construction costs related to the Central Phoenix/East Valley Light Rail Transit Project; and that the City of Mesa's obligation to repay the \$3 million to the City of Phoenix is contingent on receiving the full funding grant agreement.

Mayor Hawker expressed support for the agreement. He confirmed that the City's participation in the Light Rail Transit Project and the City's obligation to repay the \$3 million were contingent on receiving the full funding grant agreement from the Federal Transit Authority for 50 percent of the project costs.

Mr. Martin stated that the City of Phoenix has been very cooperative regarding this project, and he noted that this is the second advance provided by the City of Phoenix to the City of Mesa prior to receipt of the full funding grant agreement.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that Resolution No. 8247 be adopted.

Councilmember Thom expressed concern that the City of Mesa would be obligated to repay the \$3 million to the City of Phoenix regardless of the full funding grant agreement. She also stated that the \$3 million from Phoenix will be directed to regional projects that are not located in Mesa; that the source of Federal funds is Federal tax dollars paid by all citizens; that the Council should not allocate any funds, regardless of the source, to the Light Rail Transit Project without the consent of the electorate; and that she would oppose the motion.

Vice Mayor Kavanaugh expressed support for the agreement, and advised that he respectfully disagreed with the comments made by Councilmember Thom. He stated that the City of Mesa continually cooperates on many regional projects in the Valley, and he cited the 91st Avenue Wastewater Project as an example. Vice Mayor Kavanaugh further stated that the City partners with Maricopa County on numerous transportation issues, and that Mesa residents benefit from regional facilities that are funded by tax dollars from other jurisdictions.

Councilmember Walters concurred with Vice Mayor Kavanaugh's comments and restated the fact that the City's obligation to repay the funds is contingent on receiving the full funding grant agreement. She added that under the present agreement, only one mile of the Light Rail Transit Project is planned for Mesa, and that any extension of Light Rail Transit in Mesa beyond one mile would be subject to voter approval.

Assistant City Attorney Ted Mariscal advised that provisions in Valley Metro Rail's Corporate Bylaws specifically state that Mesa's participation in the Light Rail Transit Project does not commence until the full funding grant agreement is approved. He explained that the subject letter agreement also references that aspect of the Bylaws.

Councilmember Walters explained that the Light Rail Transit facility planned for the Tri-City Mall location in the City of Mesa is part of the regional project, and that other communities in the region will contribute funds to construct the facility.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Kavanaugh-Walters-Whalen
NAYS - Thom
ABSENT - Griswold

Mayor Hawker declared the motion carried by a majority vote of those present and Resolution No. 8247 adopted.

2. Adjournment.

Without objection, the Special Council Meeting recessed at 8:14 a.m. in order to convene the Study Session.

The Special Council Meeting reconvened at 11:08 a.m. with all members present except Councilmember Whalen for the purpose of entering into an Executive Session.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the Council enter into an Executive Session.

AYES - Hawker-Griswold-Jones-Kavanaugh-Thom-Walters
NAYS - None
ABSENT - Whalen

Mayor Hawker declared the motion carried by a unanimous vote of those present.

Without objection, the Special Council Meeting adjourned at 11:09 a.m.

KENO HAWKER, MAYOR

ATTEST:

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 27th day of May 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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