OFFICE OF THE CITY CLERK

COUNCIL MINUTES

December 10, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 10, 2012 at 5:56 p.m.

COUNCIL PRESENT	COUNCIL ABSENT	OFFICERS PRESENT
Scott Smith	None	Christopher Brady
Alex Finter		Debbie Spinner
Christopher Glover		Linda Crocker
Dina Higgins		
Dennis Kavanaugh		
Dave Richins		
Scott Somers		

Invocation by Pastor Mike Cash of the East Valley Free Will Baptist Church.

Pledge of Allegiance was led by Councilmember Kavanaugh.

Mayor’s Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Councilmember Kavanaugh commented that he and Councilmember Glover attended the Arizona Asian American Association Festival, which was held at the Mesa Arts Center. He said that a special presentation to the City of Mesa was made to commemorate the event.

Director of Arts and Culture Cindy Ornstein reported that the Arts and Culture Department was honored to host the Arizona Asian American Association Festival. She introduced Maribel Dillard, President of the Arizona Asian American Association (AAAA), who was prepared to address the Council.

Ms. Dillard thanked the City of Mesa and the Mesa Arts Center for hosting the Festival. She also expressed appreciation to Councilmember Glover and Councilmember Kavanaugh for their support. She introduced Yayu Khoe, President of the American Chinese Arts and Culture Association.

Ms. Khoe, on behalf of the Asian community, presented the City with a painting created by Fan Rong, an American citizen who was born in China and has displayed his paintings throughout the world.

Mayor Smith thanked the AAAA for the gift and said that the Arizona Asian American Association Festival is a positive addition to the community.

Mr. Rong thanked the Mayor and the City Council for accepting his painting, which he hoped would help to establish a relationship between the citizens of Mesa and the Asian community. He also extended his best wishes to the State of Arizona on its 100th anniversary.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Vice Mayor Somers, seconded by Councilwoman Higgins, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the October 11 and December 3, 2012 Council meetings.

3. Take action on the following liquor license applications:

*3-a. Downtown Mesa Association

This is a one-day charitable event to be held on Friday, January 4, 2013, from 6:00 p.m. to 10:00 p.m. at Main Street from Center to Robson. **(District 4)**

*3-b. Downtown Mesa Association

This is a one-day charitable event to be held on Friday, February 1, 2013, from 6:00 p.m. to 10:00 p.m. at Main Street from Center to Robson. **(District 4)**

*3-c. Downtown Mesa Association

This is a one-day charitable event to be held on Friday, March 1, 2013, from 6:00 p.m. to 10:00 p.m. at Main Street from Center to Robson. **(District 4)**

*3-d. The Phoenix Lesbian and Gay Pride Committee Inc.

This is a one-day charitable event to be held on Saturday, January 5, 2013, from 8:00 a.m. to 1:00 a.m. at 932 East Main Street. **(District 4)**

4. Take action on the following contracts:

*4-a. Purchase of Seventeen (17) Replacement SWAT Tactical Entry Vests. **(Citywide)**

Purchasing recommends awarding the contract to the highest scored proposal, TYR Tactical, LLC, at $34,896.00, including applicable sales tax. This purchase is funded through an Arizona Department of Homeland Security grant.

*4-b. Purchase of Twenty (20) New Tipping Refuse Scale Systems for the Solid Waste Management Department. **(Citywide)**

Refuse scales help to reduce the possibility of having overweight loads on our commercial vehicles and fines assessed as a result. This purchase will retrofit existing trucks. Scale systems are included in the specifications for new truck purchases.

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, Wayne Industrial Holdings, dba Wayne OEM Parts and Service, at $50,190.56, including applicable sales tax.

*4-c. Renewal of Term Contract for Temporary Employment Services for the Mesa Convention Center and the Mesa Arts Center. **(Citywide)**

This contract will provide a variety of experienced temporary agency workers who have the skills and qualifications necessary to perform assigned work at the Mesa Convention Center and the Mesa Arts Center. The Chandler contract is specific for hiring staff that are familiar with Arts and Culture venues and will fill the need until a new contract is bid for Arts and Culture and Parks, Recreation and Commercial Facilities next year.

Purchasing recommends authorizing renewal of the existing City Contract for the Mesa Convention Center with TS Staffing, Labor Ready Gilbert and Arizona Labor Force, Inc., at $88,000 annually; and authorizing utilizing the City of Chandler cooperative contract for the Mesa Arts Center with Devau Human Resources at $450,000 for the period from January 1, 2013, through December 31, 2013; for the combined total award of $538,000 annually.

*4-d. Purchase of Seven Replacement CNG Automated Side Loading (ASL) Refuse Trucks, One with a Pony Cart, for the Solid Waste Management Department. **(Citywide)**

On February 6, 2012, Council approved a purchase of two Replacement ASL to the lowest, responsive and responsible bidder, Rush Truck Centers of Arizona, Inc., dba Rush Truck Center at $649,558.98, including applicable sales tax. The contract is valid for one year from the award date. Fleet Services recommends utilizing this contract for purchase.

Purchasing recommends authorizing purchase from the existing contract with Rush Truck Centers of Arizona, Inc., dba Rush Truck Center at $2,479,973.28, including applicable sales tax.

*4-e. Purchase of Two Replacement Heavy Duty Trucks with 10 Yard Asphalt Patch Bodies for the Transportation Department. **(Citywide)**

Purchasing recommends awarding the contract to the lowest, responsive and responsible bidder, Freightliner Sterling Western Star of Arizona, at $465,664.00, including applicable sales tax. This purchase will be funded by the FY 2012/13 Vehicle Replacement Fund at $315,000 and by the Transportation operations budget and the Local Street Sales Tax Fund at $150,664.

*4-f. Dollar Limit Increase to Term Contract for Tire Rubber Modified Surface Seal (TRMSS) for the Transportation Department. **(Citywide)**

TRMSS is a product that incorporates asphalt, tire rubber and polymers and is applied on asphalt streets to protect the pavement from deterioration, extend the serviceable life of the pavement and improve its appearance. Transportation inadvertently exceeded the contract amount and there are outstanding invoices to be processed.

Purchasing recommends a dollar limit increase to the contract with Wright Asphalt Products Company LLC, in the amount of $70,000, from $540,000 to $610,000.

*4-g. Term Contract for Temporary Employment Services for Qualified Electric Utility Personnel. **(Citywide)**

Energy Resources requires assistance in staffing highly technical positions to complete their Capital Improvement Projects. The positions covered in this contract include Lineman, Substation Electrician and Electric Meter Journeyman.

Purchasing recommends awarding the contract to The MEC Group, LLC (single bid), at $600,000 annually, not to exceed amount. This contract is funded by the Enterprise Fund, Electric Sub Fund and Enterprise Capital Projects Funds – CPF (CIP) and the Electric Bond Fund.

*4-h. Worker's Compensation Self-Insured Surety Bond Renewal. **(Citywide)**

The Surety Bond is required by the Industrial Commission of Arizona in order to allow the City to have a self-insured Workers' Compensation Program.

Purchasing recommends authorizing the securing of the Surety Bond through Travelers Casualty and Surety Company of America for approximately $290,000.00.

*4-i. Extension and Dollar Limit Increase for the Security Services Contract for the Mesa Arts Center and various City Departments and Facilities. **(Citywide)**

This contract provides security services for various City facilities, including the Mesa Arts Center, the Municipal Building, the East Mesa Service Center, the Libraries and the Museum of Natural History. A new contract has been solicited and presented to Council, but is being held for further consideration until staff can fully respond to the protest appeal and address questions. This will be a month-to-month extension for up to two months.

The Purchasing Division recommends authorizing a two-month extension of the contract with Securitas Security Services USA, Inc., and a dollar limit increase of $100,000, from $280,000 to $380,000, based on estimated requirements.

*4-j. Purchase of a Replacement Internet Access Infrastructure Solution for the Information Technology Department. **(Citywide)**

In order for the City to securely provide Internet and web-based services to our citizens, business partners and employees, Information Technology supports a complex set of technologies called the Internet Access Infrastructure. Replacement of this infrastructure is part of our life cycle roadmap as previously presented at the Audit, Finance and Enterprise Subcommittee and scheduled for this year as key components are nearing or at end of life cycle and support. The infrastructure is central to the availability and performance of the City's access and use of the Internet, protecting the City's data and systems from the latest Internet security threats, while providing expanding access to City applications from mobile devices and internet connections.

Purchasing recommends awarding contracts to the highest scored proposals to CenturyLink Inc. at $540,211.08, and to Enterprise Network Solutions, Inc., (a Mesa business) at $616,150.60; purchasing Network Transceiver Modules from the lowest, responsive and responsible bidders as follows: Better Direct LLC, at $14,987.22, Qwest Communications Corporation dba CenturyLink Inc., at $7,869.60, Cybergear, Inc., (a Mesa business) at $23,415.22, Sotel Systems, LLC, dba MTR at $28,105.09, System Source Technologies, Inc., at $5,822.49, and US Critical, Inc., at $268.63; purchasing miscellaneous solution components through normal purchasing processes at $10,335.77; and project contingency funds at $60,000.00, for a combined total of $1,307,165.70, including applicable taxes.

*4-k. Term Contract for Water Main Condition Assessments. **(Citywide)**

The existing water distribution system includes approximately 2,300 miles of waterlines. Significant portions of the water distribution system date back to the 1950's and earlier with continual expansions to the present-day system. The water main condition assessments will help locate leaks and/or sections of piping requiring rehabilitation or repair due to corrosion, construction defects, reduced thicknesses of pipe walls or coatings or other causes.

Purchasing recommends awarding the contract to the highest scored proposal, Wachs Valves & Hydrant Services, LLC, dba Wachs Water at $900,400.00 for Year 1 (FY 12/13), $791,200 for Year 2 (FY 13/14) and $230,000 for Year 3 (FY 14/15), based on estimated requirements. This project is funded by the Enterprise Fund and Capital Projects Funds – CPF (Water).

*4-l. City's Annual Replacement Program of Personal Computers for Various City Departments. **(Citywide)**

This request addresses three needs. The City continues with its Cycle Replacement Program, a Citywide 5-year age strategy for PC acquisition, installation and support to address changing technology that requires the desktop computing platform to remain robust, scalable and manageable. This program is part of Information Technology's life cycle program as previously presented at the Audit, Finance and Enterprise Subcommittee. The program will replace approximately 950 standard desktops and laptops and 133 ruggedized notebooks for the Police and Fire Departments. Finally, ratification of an increase to Dell for the FY 11/12 program to pay orders that mistakenly resulted in an expenditure in excess of Council authorization.

Supplemental purchases (estimated at $220,000) will provide additional PC, laptop and monitor hardware purchases from departments that fall outside the replacement program. These purchases are made on an as-needed basis and the City is not obligated should individual departments not have this level of expenditures.

Purchasing recommends authorizing purchases from Dell, Inc., at $1,035,463.93 and CLH, International at $505,186.79, including applicable sales tax. The combined award is $1,820,000.

*4-m. Purchase of Two Replacement Electro-Hydraulic Modulating Actuators for the Brown Road Water Treatment Plant. **(Citywide)**

Two actuators need to be replaced at the Brown Road Water Treatment Plant. These actuators control the two influent butterfly valves that control the amount of water flowing from the canal into the plant.

Purchasing recommends awarding the contract to Industrial Automation Services (Sole Source) at $69,081.97, including applicable sales tax.

*4-n. Chicago Cubs Spring Training Facility and Riverview Site Development Baseball Complex Package. **(District 1)**

The next Guaranteed Maximum Price to be awarded to Hunt Construction Group for the Construction Manager at Risk is the Baseball Complex package. This work includes architectural systems and finishes, field/baseball equipment, playing fields, scoreboards, stadium seats, metal building systems, asphalt and concrete paving, lighting, fencing, mechanical systems, electrical systems, water well equipping, security system, food service equipment, fire protection systems, and landscaping.

The recommended total GMP award amount for this project is $60,303,221. Funding is available in the FY 12/13 Cub's Stadium Bond Program.

5. Take action on the following contracts and resolutions regarding the Mesa Center for Higher Education:

*5-a. Mesa Center for Higher Education – Remodel, 245 West 2nd Street. **(District 4)**

The basement and first floor of the existing building will be remodeled to provide nine classrooms of various sizes, four computer labs, and six science/engineering labs. The remodeled space will also include offices and administrative areas, student gathering and study areas, conference rooms, and space for building support functions, such as heating, cooling and data support. Exterior enhancements to the building will include a new entryway screen wall that will incorporate signage for the educational institutions, a freestanding monument sign at the northwest corner of the parking lot, and the addition of an exterior seating/gathering area at the main entry to the building.

The recommended total award amount for this Guaranteed Maximum Price #2 package is $4,634,065.70, based on the Construction Manager at Risk proposal of $4,212,787.00, plus an additional $421,278.70 (10% contingency allowance for change orders). This project is funded by the Economic Investment Fund (included in the City's Enterprise Fund).

*5-b. Purchase of New Furniture for the Mesa Center for Higher Education, 245 West 2nd Street. **(District 4)**

Purchasing recommends authorizing purchase from the Tri-University contract with Target Commercial Interiors at $811,673.86, including applicable taxes. This purchase is funded from the Enterprise Fund and the Economic Investment Sub Fund.

*5-c. Approving and authorizing the City Manager to enter into a Lease Agreement with Wilkes University for the use of Mesa's Center for Higher Education located at 245 West 2nd Street **(District 4)** – Resolution No. 10164.

*5-d. Approving and authorizing the City Manager to enter into a Lease Agreement with Westminster College for the use of Mesa's Center for Higher Education located at 245 West 2nd Street **(District 4)** – Resolution No. 10165.

6. Take action on the following resolutions:

6-a. Approving the street name change from 8th Street to Rio Salado Parkway from west Mesa City limits to Country Club Drive. **(Districts 1 and 3) – this item was removed from the Consent Agenda and considered under "Items not on the Consent Agenda."**

*6-b. Approving and authorizing the City Manager to accept a Memorandum of Agreement with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This Agreement provides funding for overtime earned by Mesa Police Department officers assigned to the ATF Task Force. **(Citywide)** – Resolution No. 10167.

*6-c. Extinguish a portion of a Twenty (20) foot wide Public Utilities Easement at 2605 North Power Road. **(District 5)** – Resolution No. 10168.

This Public Utility Easement is being extinguished because permit applications have been submitted for commercial development of the property. The plans under review include a new Public Utilities Easement area to be dedicated to further accommodate the commercial development.

*6-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community for the receipt and distribution of Proposition 202 funds in the amount of $267,000 for the Mesa Fire and Medical Department Immunization Program and the Guerrero Rotary park revitalization project. The balance of the funds will be distributed to other Valley community agencies, for a total amount of $632,000 **(Citywide)** – Resolution No. 10169.

*6-e. Approving and authorizing the City Manager to enter into a Lease Agreement with East Valley Adult Resources, Inc., for a portion of the property located at 247 North Macdonald **(District 4)** – Resolution No. 10170.

*6-f. Approving and authorizing the City Manager to enter into a Lease Agreement with Sirrine Adult Day Care of Mesa, Inc., for a portion of the property located at 247 North Macdonald **(District 4)** – Resolution No. 10171.

7. Take action on the following subdivision plat:

*7-a. "Crismon Gateway" – A Replat of Crismon Commons East **(District 6)**. The 1700-1900 blocks of South Crismon Road (east side) located north and east of Baseline Road and Crismon Road. 7 LC and 1 LC-BIZ commercial lots (24.708 ac). Ridgeview Investments LLC, and Arizona Limited Liability Company, Richard P. Richmond and Banner Health, an Arizona Non-Profit Corporation, Bill Smith, owners; Epsilon Design Group Engineering and Material, engineer.

Items not on the Consent Agenda

6-a. Approving the street name change from 8th Street to Rio Salado Parkway from west Mesa City limits to Country Club Drive **(Districts 1 and 3)** – Resolution No. 10166.

The Mesa Grande Community Alliance Steering Committee suggested changing the name of 8th Street to Rio Salado Parkway from west Mesa City limits at the Loop 101 to Country Club Drive as a part of their Community Revitalization Strategy. This change would act as a method to improve a regional connection between the City of Mesa and the City of Tempe, while eliminating confusion by offering a continuous street name until a natural break point at Country Club Drive.

Bob Meyers, a Mesa resident, addressed the Council and said that the Mesa Grande Community Alliance supports the street name change. He said that changing the name of 8th Street to Rio Salado Parkway will connect neighboring cities to Mesa by providing a common road that leads people to Mesa.

Julianna Hansen, a Mesa resident, requested that the Council not change the name of 8th Street to Rio Salado Parkway as it will cause confusion and inconvenience residents. She said that many people living on 8th Street are low income and that changing the name on documents could cause a financial hardship.

Lucille Hansen, a Mesa resident, voiced her concerns with regard to changing the name of 8th Street to Rio Salado Parkway. She indicated that it would be a hardship for her to change the address on the deed to her property. She concluded her comments by requesting that the Council not approve the street name change.

Councilmember Richins explained that the Post Office will handle most of the address changes and that a "shadow" address would be attached to Rio Salado Parkway so that any mail addressed to an 8th Street address would be delivered indefinitely. He said that the Post Office will notify the County and financial institutions of any address changes and residents can change the address on personal items, such as checks, as needed. He added that technology has made the transition easier than it has been in the past.

Councilmember Richins further advised that the street name change was originally proposed by the Mesa Grande Neighborhood group. He noted that creating a regional identity is important for the area and voiced support for such efforts.

Solid Waste Management Assistant II Erin Romaine explained that the Post Office has an address management program that will allow the agency to retain both addresses indefinitely. She stated that the Post Office's database connects with other State and local agencies, such as financial institutions and Cox Communications. She added that these institutions reconcile their data against Post Office data and will update their records accordingly.

Ms. Romaine further remarked that the street name change would be seamless for businesses and residents. She also noted that if approved the street name change would become effective in 90 days and dual street signage would be displayed for 12 months.

Mayor Smith remarked that the City has the option to leave the signage in place longer than 12 months. He added that residents can continue to use pre-printed items, such as checks, with the 8^{th} Street address and said that those items could be reordered with the new street name as needed.

Transportation Management Assistant II Amanda McKeever added that the Post Office will maintain the 8^{th} Street address in their database and correspondence will continue to be delivered as usual. She added that information regarding the street name change and contact information can be found online at mesaaz.gov/8thst or by calling 480-644-6450.

Vice Mayor Somers commented that several years ago the area of the City where he resides underwent a Zip Code change and that he still receives mail that is addressed with the old Zip Code. He said that today an address change is much easier and quicker than it was ten years ago.

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that Resolution No. 10166 be approved.

Carried unanimously.

Mayor Smith thanked the speakers for their comments and added that Linda Lloyd has submitted a speaker card in support of the street name change, but did not wish to address the Council.

8. Discuss, receive public comment, and take action on the ordinance introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the City Clerk before the item is voted on.

8-a. Adopting an Ordinance of the City Council acknowledging receipt of the report and recommendations of the Independent Commission on Compensation for Elected Officials and increasing the compensation for the Offices of Mayor and City Council.

Mayor Smith provided brief background information regarding the Independent Commission on Compensation for Elected Officials and the proposed increase in compensation for the Mayor and City Council. He said that this item has been described by the press and otherwise in a variety of manners and, therefore, he thought that it would be best to go back and explain to everyone what the Council is doing. He stated that the agenda reads as follows: 8-a. Adopting an

Ordinance of the City Council acknowledging receipt of the Report and Recommendations of the Independent Commission on Compensation for Elected Officials and increasing the compensation for the Offices of Mayor and City Council.

Mayor Smith announced that he would read the exact ordinance in order to provide a little bit of background. He explained that the Council is not voting to change salaries, but to accept a report from an independent commission who recommended that both the salaries and expense reimbursements for Councilmembers either be adjusted, increased, or left the same. Mayor Smith stated that the actual ordinance reads as follows:

> "WHEREAS, Title 2, Chapter 25 of the Mesa City Code established an Independent Commission on Compensation for Elected Officials ("Independent Compensation Commission");
>
> WHEREAS, the purpose of the Independent Compensation Commission is to establish a fair and reasonable compensation for Mesa's elected officials. The Commission is to ensure that the Mayor and City Council are "compensated for their time and effort on behalf of the City at a level that (1) is reasonable in light of the compensation paid to elected officials in other municipalities in the United States of similar size, (2) will include the costs and expenses necessary to perform their duties, (3) is likely to attract competent and effective people to serve in public office, (4) makes public service possible for every eligible citizen, not just those whose financial status enables them to serve, (5) takes into account the financial circumstance of the City, and (6) is determined by an Independent Commission on Compensation for Elected Officials."
>
> WHEREAS, the Independent Compensation Commission is to provide a report and recommendations to the Council within ninety (90) days following its initial meeting. "The recommendations of the Commission must be approved or rejected as a whole by the City Council"

Mayor Smith remarked that, in other words, the Council cannot amend the recommendations. He continued with the reading of the ordinance as follows:

> "WHEREAS, after holding several public meetings, reviewing compensation data from numerous comparable cities across the United States, and holding a public hearing, the Independent Compensation Commission has submitted its Report and recommendations.

Mayor Smith added that the Council is voting to acknowledge the Report and Recommendations of the Independent Compensation Commission. He continued with the reading of the ordinance as follows:

> WHEREAS, Section 202 of the Mesa City Charter requires that any change to the compensation for the Offices of Mayor and City Council be adopted by ordinance."

Mayor Smith indicated that the City Council has been given the responsibility to establish Council salaries and that no one else has that responsibility. He further read from the ordinance as follows:

> "Now, therefore, be it ordained by the City Council of the City of Mesa that the City Council acknowledges receipt of the Report and Recommendations submitted by the Independent Commission."

Mayor Smith explained that while it may seem like a technical issue, tonight the Council will be voting to either accept or reject the report of the Independent Commission. He noted that there have been several requests to speak on this issue.

Otto Shill, Chairman of the Mesa Chamber of Commerce Board of Directors, explained that the Mesa Chamber of Commerce originally initiated the discussions regarding the compensation for elected officials and that a committee was responsible for drafting the language contained in the ordinance read by the Mayor. He applauded the efforts of the Mayor and Council and said that the Chamber supports the adoption of the ordinance. He added that this Council, as a group, has helped to put Mesa in a positive light, not only in the community, but also in the State and across the country.

Mr. Shill stated that the purpose of this ordinance is to encapsulate some of the positive things accomplished by this Council so that future Councils can continue in that same vein. He said that the Chamber believes that in order to continue the work accomplished by this Council, individuals will need to be compensated appropriately. In addition, he said that the Chamber believes it is appropriate to have a periodic review of compensation for the City's elected officials. He also stated that it is commonplace for non-profit, tax-exempt organizations to review the compensation of their employees and executives regularly to make sure that they are in compliance with appropriate rules.

Mr. Shill further indicated that the Chamber believes that the Council's current compensation has been low for a long time making it difficult for qualified citizens to serve. He explained that it would be difficult for citizens to leave their employment in order to serve if they are not adequately compensated. He added that the Chamber, for this reason, initiated the conversations and believes that it is important that the Council move forward.

Mr. Shill reminded the Council that when the Chamber presented their proposal it had two parts; one part related to compensation and another related to the duties and responsibilities of the Council. He said that future discussions regarding the duties and responsibilities of the Council need to take place so that the citizens of Mesa will understand why compensation and a regular review are important. He noted, however, that he would not hold up one piece of the proposal for another, but would suggest that the Council have a discussion so that the roles of the Council and the Mayor can be defined for the community.

Mr. Shill further commented that he understood that to some extent this is a political problem as the Council has to vote to accept their own pay raise, which is not a comfortable decision. He added that the Chamber wanted to make it clear that this was put forward in an effort to continue the work accomplished by this Council and in order to do that elected officials will need to be compensated accordingly.

Mayor Smith thanked Mr. Shill for his comments.

Tom Schuelke, a Mesa resident, stated that he objected to the word "independent" being used to describe the Commission on Compensation. He said that the ordinance that was passed in August setting up the Commission required the Council to select the Commission members and set up a policy in advance. He indicated that the policy should have been the subject of Commission deliberations and that the Commission did as it was directed and did not act independently.

Mr. Schuelke remarked that it has been said that the Council has not had a pay adjustment since 1998, however, since 2001 the Council has been eligible for cost of living increases in line with those given to City employees. He noted that many Mesa residents have not seen any type of cost of living adjustment in this tough economy. He suggested that before voting that the Council take into consideration that an increase in compensation could result in the wrong kind of people seeking office, people who are more interested in money than serving the City.

Mr. Schuelke stated that he believed the long-lasting ill will towards the Council that will be created if the ordinance passes will discourage competent civic-minded individuals from seeking office. He said that passing this ordinance is likely to lead to fewer quality Council candidates in the future rather than enhance the candidate pool as predicted in the August ordinance. He stated that if the Council feels they must vote for this ordinance he requested that they consider their recent denial of an amendment to defer the effective date of the salary increase until July. He requested that the Council seek the advice of the City Attorney and determine if deferring the effective date six months would allow the Council to uphold the City Charter's six-month provision and the Arizona Constitution's equal pay requirement. He said better yet, follow the suggestion made by the Vice Mayor as reported in the June 22nd Mesa Republic and not make the pay hike effective until the current Councilmembers' terms have expired.

Mr. Schuelke further remarked that this item has brought forth legal issues surrounding the City Charter and the Arizona Constitution and he pointed out that the conflict of interest that the Council must declare indicates that there is a problem with setting their own pay. He suggested that a change to the City Charter regarding Council compensation be referred to the people. He asked the Council if they would want to be remembered as "the Council that fixed the broken section of the City Charter" or as "the Council that schemed to double its own pay."

Mr. Schuelke referred to the Mayor's introductory comments and the bold print at the top of the ordinance which reads: "Acknowledging receipt of the report and increasing the compensation for the offices of Mayor and Council." He said that the title of the ordinance indicates that along with acknowledging the receipt of the Report and Recommendation of the Commission the Council would also be increasing their own pay. He inquired as to whether or not this was true or if the title of the ordinance had been changed since it was printed.

Mayor Smith thanked Mr. Schuelke for his comments and noted that he objected to the title of the ordinance at a previous meeting as it is not completely in line with what the Council was trying to accomplish. He stated that the City Attorney at the time indicated that the title of the ordinance was acceptable.

Ryan Russell, President of the Mesa Police Association (MPA), addressed the Council and said that the last four years have been difficult for the City with decreased revenues, drastic cuts, and City employees being asked to do more with less. He noted, however, that it appears that the City will emerge from this period a healthier organization because of the difficult decisions that were made by the Mayor and Council.

Mr. Russell indicated that he did not view the increase in compensation as a reward for doing a good job over the last four years, but rather as a tool that will entice a more diverse citizen group to run for future City Council positions. He said that the MPA wants to have a diverse group of citizens run for future Council positions and feels that sub-standard compensation may prevent qualified, passionate people from serving our community. He stated that he has seen first-hand the commitment it takes to be Mayor and Council of our City and that he regularly sees Councilmembers at many events around the City.

Mr. Russell stated that Mayor Smith often talks about our great form of democracy that allows individuals to get up before the Council and present their opinions. He added that one of our purest forms of democracy is the election process and that last month there was an election. He pointed out that the voters at the State level sent a message by resoundingly voting against Proposition 204. In addition, he said voters at the local level approved a $70 million Park Bond tied to a secondary property tax, which sent the message that the voters trust the Mayor and Council and approve of the direction they are moving the City in.

Mr. Russell commented that the City of Mesa is a billion dollar organization and that it would be hard to find a billion dollar organization in the private sector that pays the individuals tasked to lead the organization (Board of Directors) $19,000 a year. He pointed out that the last raise the Mayor and City Council received didn't even occur in this century. Mr. Russell concluded his comments by saying that the MPA supports the proposed compensation levels and wants the Mayor and Council to be compensated consistent with the Mayor and Council in surrounding cities.

Mayor Smith thanked Mr. Russell for his comments.

Marilynn Wennerstrom, a Mesa resident, stated that she did not believe that the issue of compensation received sufficient publicity. She said that based on previous comments she hoped that the Council would remember that the City Charter indicates that Council positions are considered part-time.

Ms. Wennerstrom remarked that there are Councilmembers who are employed full-time and inquired as to how they could stay awake for 24 hours at a time in order to do two full-time jobs. She requested that the Council keep in mind how the City Charter is written and that if the City wants a strong Mayor and government style like Chicago and other cities that Mesa has been compared to, a proposal should be made to have the Charter changed.

Ms. Wennerstrom indicated that she has some questions regarding the benefits provided to the Council, for example, the Mayor and Council are currently provided up to $150 for mileage. She said that the proposal is for the Mayor to now receive $450 for mileage and Councilmembers to receive $300 a month for mileage. She also inquired as to whether or not Councilmembers receive a $150 check or do they submit the number of miles driven each month. In addition, she asked how medical and dental benefits for the City's elected officials operate.

Ms. Wennerstrom pointed out that Mesa is only one of a few cities that have a limitation of terms for the Mayor and Councilmembers and noted that the maximum number of years that can be served is eight. She questioned how a Councilmember with a full-time job could serve eight years. She added that the Council also receives $80 a month for the use of their own cell phones and said these are nickel and dime issues within the ordinance, but have not been explained.

Mayor Smith reiterated that the amounts listed in the report are the amounts that the Commission has determined and proposed. He said they can debate whether those amounts are right or wrong, but they are what has been proposed and the Council can only accept or reject the report as a whole. He requested that the City Manager clarify how mileage reimbursement works.

City Manager Christopher Brady explained that instead of a mileage reimbursement the City provides a car allowance consistent with what other City Councils and executives receive. He said that a flat dollar amount is allocated each month for the utilization of personal vehicles used for City business. He stated that mileage is not tracked as it has been found to be difficult to manage on a daily basis, therefore, the City has agreed to a flat amount (vehicle allowance) that is allocated each month to elected officials.

Mayor Smith commented that, as the Mayor, he must drive into Phoenix and to other meetings regularly. He said that the City of Mesa does not provide a car and there is not a carpool, therefore, it has been the policy for many years to provide a car allowance. Mayor Smith also requested that the City Manager discuss the medical and dental benefits that are available to the Mayor and Council.

Mr. Brady explained that for many years the Mayor and City Council have been able to receive the same health benefits offered to City employees. He said that the Mayor and Councilmembers pay the same premiums and deductibles as other City employees. He noted that the proposal does not change the health benefits coverage.

Mayor Smith thanked Ms. Wennerstrom for her comments.

Bryan Jeffries, President of the Mesa Firefighters Association, expressed his appreciation to the Commission, which is made up of volunteers. He said that he and his wife were listening to the news this morning when the Mayor and Council's salaries were announced. He stated that his wife remarked on how little the Council is paid for the amount of work that they do.

Mr. Jeffries remarked that the City of Mesa has a wonderful Council and addressed Ms. Wennerstrom's comments regarding the Council being a part-time job. He said that considering the population of the City is nearly half a million it does not make sense to have a part-time Council. He added that the Charter may say the position is part-time, but the commitment the Councilmembers have made to their constituents is more than part-time. He noted that in today's world some people work two and three jobs whether it is expected of them or not and that is what this Council does.

Mr. Jeffries stated that the pressure that is put on the Council and the service that they provide is tremendous. He pointed out that new colleges are coming into the downtown area and there is new development taking place on University Drive. He noted that during some of the most difficult times the City has had a "Dream Team" in each and every one of its Councilmembers. He added that there is not a right or wrong answer to this situation because people have different viewpoints.

Mr. Jeffries further remarked that he took exception to the comments made by Mr. Schuekle regarding how the Council would be perceived as “scheming for themselves” based on how they vote on this item. He stated that this Council would be remembered as one of the greatest Councils the City has ever seen and that regardless of which way the vote should go tonight this Council deserves the pay and more.

Mr. Jeffries commented that the City’s firefighters, paramedics and first responders think the world of this Council and support them. He said that the service that the Council provides is taxing, not only on themselves, but also their families. He noted that the expectations of the Council will continue to increase as the population increases towards the half million mark.

Mr. Jeffries also expressed concern regarding the Council sharing support staff which, he feels is an issue and should be resolved immediately. He stated that Councilmembers should have far more staff devoted to the service of their constituents than they have today. Mr. Jeffries concluded his comments by saying that all of the emergency responders in the City support the Council regardless of what they do and they deserve the pay regardless.

Mayor Smith thanked Mr. Jeffries for his comments and noted that Mr. Jeffries is a former Councilmember for the City of Phoenix.

Mark Schofield, a Mesa resident, stated that he was here to speak as a private citizen who has volunteered over the years on various committees. He said that he knows the type of work the Council does and that the amount of time they put in is quite substantial. He indicated that he was shocked to see that a City the size of Mesa is still in the dark ages with regards to the compensation for the Mayor and Councilmembers.

Mr. Schofield expressed concern regarding what the Mayor had read which was “to attract competent people to run” and stated that he believed that the Council is quite competent considering they have managed to cut over a $100 million from the annual budget. He noted that these cuts work out to be half of a billion dollars in five years, which is a huge savings for the City of Mesa.

Mr. Schofield indicated that this Council has displayed leadership, brought universities to the area, and encouraged the development at the Phoenix-Mesa Gateway Airport and light rail. He added that Mesa has needed this type of leadership for some time and that the City needs to continue to attract people of this Council’s competence level and interest in civic pride.

Mr. Schofield commented that he understands that some citizens may feel the Council shouldn’t receive this pay raise and that leaving the pay level where it is would only attract those who were civic-minded. He said taking that idea to the extreme the City could choose not to pay the Council anything and see who is civic-minded and willing to spend the hours this Council does to serve its citizens.

Mr. Schofield remarked that he was the only member of the “public” that attended the first few Commission meetings and reported that the Commission put in a great deal of time and effort and that the process was not easy for them. He said he believes the Commission’s final report proposes a fair and accurate compensation level for the City Council and Mayor.

Mayor Smith thanked Mr. Schofield for his comments.

Mayor Smith explained that the City Charter requires that the City Council establish a salary, which obviously creates a conflict as the Council will be voting on something that will affect them personally. He added that State law allows the Council to vote on issues when a majority of the Council has a conflict so long as such a conflict is placed on the record.

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that the ordinance of the City Council acknowledging receipt of the Report and Recommendations of the Independent Commission on Compensation for Elected Officials and increasing the compensation for the Offices of Mayor and City Council be adopted.

Mayor Smith provided brief background information regarding the ordinance and said that a little over a year ago he and other Councilmembers were approached by the Mesa Chamber of Commerce leadership regarding their observations and recommendations. He noted that one of their observations was that the City has grown since the City Charter was established and the current processes and procedures were put into place. He added that Mesa is now the 38th largest City in the country with a population approaching 450,000 within the City limits and close to half a million if the residents of the county islands within Mesa are included.

Mayor Smith further remarked that the Chamber of Commerce believes that the Council's compensation has not kept up with the City's growth and has created a problem that could limit the amount of people who could serve. He said that the Chamber did not believe that limiting the amount of people who could serve was positive and asked the Council to make changes. In response to this, Council enacted an ordinance establishing the Commission on Compensation. He recognized that considering your own pay creates an awkward situation. He added that, for himself, this was not a difficult situation, however, it is an awkward situation.

Mayor Smith, again, read from the ordinance that City Council will be voting on tonight that he believed was approved unanimously by the City Council as follows:

> "It shall be the policy of the City of Mesa that the Mayor and Councilmembers shall be compensated for their time and effort on behalf of the City at a level that (1) is reasonable in light of the compensation paid to elected officials in other municipalities in the United States of similar size, (2) will include the costs of expenses necessary to perform their duties, (3) is likely to attract competent and effective people to serve in public office, (4) makes public service possible for every eligible citizen, not just those whose financial status enables them to serve, (5) takes into account the financial circumstance of the City, and (6) is determined by an Independent Commission on Compensation for Elected Officials."

Mayor Smith commented that with this policy the City established a mechanism that would allow the Council to address the issue. He stated that the reason that this issue has not been addressed more than a couple of times in the past 45 years, since the adoption of the Mesa City Charter, was because there were no guidelines, and it simply stated that Council compensation shall be determined by the Council. He added that this created an awkward circumstance from the very beginning.

Mayor Smith stated that the City Council established a policy and set up an Independent Commission to review the issue of compensation which, to him, demonstrated true leadership. He said that is when the decision was made as to how the Council would proceed on this issue. He added that he did not believe there was ever any confusion, misunderstanding or anticipation that the Commission would come back and suggest that salaries would be reduced. Mayor Smith also stated that the Chamber of Commerce was clear from the beginning that they believed that salaries should be adjusted upward. He noted that he has been approached by many citizens who have also indicated that they believe that the salaries are insufficient.

Mayor Smith further commented that the Council demonstrated leadership when they adopted a policy and put a process in motion that would bring back completely foreseeable results; what wasn't foreseeable were the amounts. He said that the Commission Members did their job and he commended them for their efforts which, at times, were a bit awkward but produced exactly what they were charged with doing. He added that the Commission was charged with reviewing the compensation with the objective of creating a structure that would fairly compensate in a manner that would include all people.

Mayor Smith remarked that over the past four years he has encouraged individuals to run for office, however, the financial sacrifice is always a huge issue. He stated that the Council demonstrated leadership when it took action and significantly reduced the number of signatures required for individuals to run for office. He pointed out that this change was made well before anyone on the Council ran for re-election. He added that the Council has tried to create an atmosphere in which more people will have the ability to become engaged in City government.

Mayor Smith explained that leaving salaries low is exclusionary and blocks out a large segment of the City who may be interested in serving. He said that the Council showed leadership by undertaking this issue knowing what the outcome would be. He explained that the process and the work the Independent Commission on Compensation did was tough, but they did it; they showed up, they did their job and they provided a recommendation.

Mayor Smith pointed out that the greatest controversy within the Commission was whether the salaries in the final report were too low. He added that he believes that the amounts proposed by the Commission are fair and were set between the compensation provided to Councilmembers in Tempe and Phoenix and would help establish a framework. He applauded the Commission for their efforts and said that, frankly, his numbers would have been different and if they polled the members of the Council each one would have different numbers.

Mayor Smith further reiterated that the Commission Members did their job and, in his opinion, it would be a mistake and it would demonstrate a lack of leadership to now get to the edge and reverse their decision. He said that leaders do not take a group to the edge and then back off but rather follow through, go the distance, and do what is right. He stated that the newspapers have said that this is a "dicey" issue, however, he does not believe that it's "dicey" because it is the right thing to do and it is a step that goes far beyond how it would impact him personally or this Council.

Mayor Smith commented that this is an opportunity that doesn't come along very often and that opportunity is to establish a framework that would give many people cause to consider running for office. He said that he hopes that the citizens will have many choices for many years to come, and without this action it simply will not happen. He indicated that he would support the motion wholeheartedly because it is the right thing to do and is a continuation of the leadership demonstrated by this Council when it initially adopted this ordinance.

Councilmember Kavanaugh stated that he served on the Council in 1998 when, for the second time in the City's history, the Council voted to increase its pay and it was doubled. He said that in 1986, the only other time salaries were adjusted he believed the Council more than doubled the pay. He remarked that the votes were not easy for the members of the Council in 1986 or in 1998. He indicated that he did not know of any other job in the public or private sector that has had only two pay increases in the last 45 years. He added that public officials always get squeamish about voting for their own pay raises.

Councilmember Kavanaugh remarked that Mesa voters approved the City Charter that requires the Council to adjust their compensation. He said that pay has seldom been adjusted for a variety of reasons and that the proposed compensation looks like a large increase, however, if you factor in inflation and cost of living from 1967 to today the amount that the Independent Commission is recommending is not out of line.

Councilmember Kavanaugh commented that Councilmembers have always had concerns regarding how this issue will affect their political future and elections and in his experience, it has not been an issue of discussion as voters were interested in other issues, such as public safety, transportation, or the arts center. He said that voters today understand that the Mayor and Council jobs are full-time. He clarified that the Charter does not indicate that the City Council is part-time work and that when the Charter was enacted there was a differential in pay between Mayor and Council. He noted that those distinctions have blurred over the years in terms of the amount of time that is spent on City business.

Councilmember Kavanaugh further remarked that all of the Councilmembers he has served with have given their best effort to represent the people of Mesa in the best possible manner. He reported that this year the City has had two Independent Commissions that were required to make important and momentous decisions: the Redistricting Commission and the Compensation Commission. He indicated that he had his share of questions and concerns with both of these Commissions, and yet in the end he looked at the Redistricting Commission's recommendation and voted to accept their recommendation. He added that the Commission on Compensation did the research and made a good faith effort to serve the community. He noted that the research is there and demonstrates why the recommendations are fair.

Councilmember Kavanaugh further commented that compensation will be an important issue for future candidates. He said that he was lucky enough to have his own business that has allowed him to serve the City, however, if he worked for any other company or law firm he would not be able to devote as much time to City business. He added that the City wants to continue to attract good quality candidates to serve and he requested that his colleagues look long and hard at what the Compensation Commission has recommended and think back to the Redistricting discussions when there were some strange shaped districts to deal with.

Councilmember Kavanaugh recommended that the Council not put future political races at the forefront of making decisions and said that if they had done so in the past they would not have all of the accomplishments of the last four years. He said it takes bold leadership and willingness to stand up for your decisions and for this reason he would support the Commission's recommendation.

Councilmember Richins commented that he was offended by a speaker's comments with regard to "allowing the right kind of people to run" and noted that he did not hear the qualifiers that were used with such a comment. He said that "allowing the right kind of people to run" he believes is something that should not be allowed in Mesa, that anyone should have the opportunity to do this job which he said he has enjoyed doing.

Councilmember Richins indicated that he comes from a District that has deep leadership and that there are at least 100 people in District 1 that could serve with the current compensation level. He added that there are at least 200 to 300 that could serve if the compensation were higher. He remarked that he has four young children and he could be with them tonight, but he chose to be here because he loves Mesa and wants Mesa to be a great place for his kids to grow up.

Councilmember Richins stated that he did not ask to be put in this awkward position tonight and that nobody likes to discuss their own salaries. He said, however, he would do what he thinks is right and will support the ordinance so that more people would have the ability to run and serve and accomplish great things for our community. He added that he was proud of his service and for the opportunity to serve for four more years.

Vice Mayor Somers thanked the Commission for their hard work and said that regardless of the outcome tonight, their efforts would not be in vain. He indicated that there were other opportunities that should continue to be discussed and that a target compensation range between that of Tempe and Phoenix is logical.

Vice Mayor Somers remarked on how much of his children's lives he missed out on over the last six years. He expressed his appreciation to his wife, who shares the same sense of civic duty and pride that he has for the City of Mesa and, therefore, has allowed him to serve two terms on the Council knowing the amount of time it requires for so little pay.

Vice Mayor Somers stated that while he appreciates the sentiments regarding how proud people are of this Council, he did not want the pay adjustment to be based on this Council which, in his opinion, is collectively one of the best Councils that the City of Mesa has ever had. He remarked that Councilmembers may not always agree on an issue, but they do share a common vision which he believes has allowed this Council to get along so well and accomplish so much.

Vice Mayor Somers stated that Mesa voters recently demonstrated their confidence in this Council by passing the Parks Bond package. He also pointed out some of the other successes experienced by this Council, such as, the growth at Phoenix-Mesa Gateway Airport, the new colleges in downtown, the new freeway, and the expanded transit system. He said that the voters have continued to support economic development because they have confidence in this Council and that, he said, has provided the City with tremendous political capital.

Vice Mayor Somers further commented that there are bigger problems that the Council could tackle with that political capital rather than this, however, he agreed that the Council wants to attract civic-minded candidates and ensure that they are properly compensated in the future. He said that proper compensation would enable more people to run for office. He noted that six of the current Councilmembers ran unopposed and while he would like to believe that the reason for this was because there was such overwhelming approval for those Councilmembers, he said, sometimes democracy is not well-served and, therefore, he would like to see future Councils compensated.

Vice Mayor Somers said that his concerns are not with the amounts proposed by the Commission or how they calculated those amounts. His concern is that so much political capital is being spent when problems exist in the implementation, and the fact that he was having to vote on his own raise.

Vice Mayor Somers remarked that the goal of enabling people to run for office could be accomplished if the pay increase could be implemented sometime in the future so that he would not be voting on his own raise. He noted that while he appreciates the salary increase, he ran for office knowing he would only be making $18,000 a year. He indicated that, for him, it is not about the money and that he would serve regardless of the pay. He added that he would support this issue coming back to the Council next year with an implementation date set out in the future so that he would not be supporting his own raise.

Councilwoman Higgins offered the following statistics: the current unemployment rate in the City of Mesa as of October 2012 is 6.7%; there are 222,830 citizens in the labor force and of those residents there are 15,000 that are currently unemployed. In addition, she said that in September of 2012, home sales in the Phoenix Metropolitan area totaled 9,073 with approximately 3,000 of those home sales being some type of a distress sale.

Councilwoman Higgins commented that as an elected official she has the option to be in the Elected Officials Pension System, and on a yearly basis the City of Mesa contributes $6,935 to her pension fund. She said that she will be fully vested after five years in office and will receive a defined benefit at the age of 65. She added that the City also provides medical insurance for herself and her entire family, which is a benefit of $9,924 a year. Councilwoman Higgins noted that she receives a salary of $19,000 a year plus $17,000 in benefits. She stated that $36,000 a year is a fair salary for a part-time job and that she would never want to see someone run for office based on salary alone.

Councilwoman Higgins advised that individuals running for the City Council have to have a heart for community service. She said with 15,000 unemployed residents in the City of Mesa, many who are losing their homes, she could not with any clear conscience vote to increase her own salary at this time and, therefore, would not support the motion.

Mayor Smith stated that the following citizens submitted speaker cards in support of the recommendations of the Independent Commission on Compensation for Elected Officials, but did not wish to address the Council:

Stephanie Wright
Craig Ahlstrom
Spencer Wright
Kevin Thompson
Preston John
Sally Harrison
Augie Gastelum
Robert Meyers
Linda Lloyd
Bonnie Culver
Robert Sellinger

Mayor Smith stated that with all due respect if the pay increase is such a significant issue he wondered how the Council got this far in the process. He said that a process was put into place knowing where it was headed and that to come back now and state that somehow that process produced results that are somehow offensive does not show leadership. He remarked that he wished that this issue would have come up before the Council voted 7/0 to put the process into place and had the Independent Commission conduct the work they did. He added that this would demonstrate a lack of leadership and he would be disappointed.

Vice Mayor Somers said that with all due respect he disagreed with the Mayor's comments and said that certainly the Commission could have come forward, and certainly they were handcuffed more than he would have liked. He reiterated that the Council has an opportunity to potentially come back with some minor amendments and enact what the Council is really concerned about, which is the ability to help others in the future run for office and to be fairly compensated. He added that the Commission's work would be upheld and he believed that there would be support for that.

Councilmember Kavanaugh commented that State law supersedes the City Charter with regards to when changes in pay can become effective. He inquired what the process would be if the Council were to reject this recommendation tonight and a different recommendation was offered by the Commission. He said that it was his understanding that even if a recommendation was received as early as tomorrow it could not take effect until after the next cycle of elections.

Responding to a question from Councilmember Kavanaugh, City Attorney Debbie Spinner explained that the Council would need to take action on the recommendation and it would need to be effective before the new term begins, which would be early January.

Councilmember Kavanaugh stated that if the Commission were to review the pay increase in January or February of 2013 and a recommendation was accepted by Council, under State law it could not go into effect until January of 2015.

Ms. Spinner concurred with Councilmember Kavanaugh's statements.

Mayor Smith clarified that because the Council has staggered terms there will never be a time when at least part of the Council would not be voting on their own salary. He said that there will never be a time when this Council could make a clean break, and there will never be a point in time when there will not be a conflict. He noted that at a minimum there would always be at least three Councilmembers that would be impacted by the decision.

Mayor Smith stated that it is not an ideal situation and it would be nice to have a completely "independent" commission that would say "here is your salary." He said that unfortunately, the City Charter gives the Council that responsibility and they can't deduct that. He remarked that the decision is awkward and uncomfortable but "it is what it is" and sometimes you have to do things that are uncomfortable because of the long-term benefits.

Mayor Smith commented that a year from now the conversation will still be that there are at least three Councilmembers that will be voting to impact their own salary and you will never be in a situation where someone can pick and choose to wait until their salary is not affected. He added that in the beginning he had similar sentiments, but he realized that there would always be political issues.

Mayor Smith indicated that he believes this is exactly the type of issue they should use political capital for because it is so awkward and it does drive emotions. He said that the reason compensation is not brought up more often is because of the emotions and political considerations. He added that the issue of compensation should be handled at this time when a long-term change can be made. He remarked that the pay increase is not about his salary and that if one were to listen to the rumors the salary would only apply to him for a few more weeks. He stated that he was considering his successor and those of each of the Councilmembers and added that the timing is right.

Councilmember Finter indicated that he had met with the City Attorney prior to the Study Session and is contemplating making another motion if this one should fail. He inquired about the timeline should there be support for a second motion.

Ms. Spinner said that the question is: could a different ordinance be introduced and adopted before the Council goes out of session or before the end of the year so that it would become effective at the beginning of the new term? She advised that she has discussed this with the City Clerk and it is believed that if the Council were to introduce the ordinance on Thursday that it could be published on Friday. She explained that the City Council could not take action less than six days after it is published and that it is believed that the ordinance could be published in time for the Council to introduce it on Thursday and take final action on either December 21st or December 24th.

Councilmember Finter clarified that he would not be requesting that the Commission's recommendation be changed, but that Section 12 of the ordinance that specifically addresses the time for implementation, be amended. He requested that after the vote that he be granted the opportunity to make such a motion.

Mayor Smith remarked that he was not sure what Councilmember Finter's proposed amendments would be. He added that what Councilmember Finter was proposing would not affect the vote, but would be something made in response to a vote.

Councilmember Finter stated that he would make a motion to accept the Compensation Commission's recommendation with appreciation for their hard work on this difficult issue. He indicated that he would move that a minor change to the wording of Section 2 in the actual ordinance be refined to say that the Commission's compensation recommendations will begin immediately following the next Mayoral or Council election.

Mayor Smith questioned whether or not the issue could be brought up through a motion for reconsideration if the report is rejected.

Councilmember Finter stated that his vote would not be to reject the report, but to reject the ordinance implementation date.

Ms. Spinner explained that, procedurally, if the Council votes to reject the recommendations of the Commission then Councilmember Finter could make a motion, which in effect, would be a motion for reconsideration to alter or amend the one section of the ordinance and would only impact the effective date of the recommendation. She said this would be similar to the motion made at a previous meeting by Councilmember Richins to change the implementation date to July of 2013.

Mayor Smith inquired as to whether or not the Council could implement the pay increase separate from accepting the report and ordinance. He said that each Councilmember could implement themselves by rejecting the pay raise and returning it back to the City.

Councilmember Finter noted that by ordinance a Councilmember cannot reject the pay.
Mayor Smith clarified that Councilmembers could give the pay back to the City. He inquired as to whether or not the Council could accept the report and have separate implementation dates for the items within the report.

Ms. Spinner stated that the challenge comes within the wording in Section 2 where the ordinance says that “effective January 10, 2013, the compensation for the Offices of Mayor and Council will be as follows.” She said that the ordinance then sets forth the recommendations of the Commission. Ms. Spinner agreed that there is a difference between effective date and implementation date, however, she believed that the intent was that the compensation be changed by January 10, 2013.

Mayor Smith inquired as to whether or not moving the implementation date back would preclude the kind of specific date for implementation that the Council is having a hard time with, because it will need to be effective January 1, 2013.

Ms. Spinner explained that the ordinance will be effective on January 1, 2013, but the language contained in the ordinance says that the compensation will change on January 10, 2013. She indicated that the motion that Councilmember Finter is considering would change the effective date.

Councilmember Richins commented that this motion did not seem any different from the motion that he made last Monday regarding the implementation date, except that instead of a July 1^{st} implementation date the pay increase would begin following the next election of Council and Mayor.

Mayor Smith stated that if the ordinance were changed to show an effective date of January 1^{st} with an implementation date similar to what was proposed last week it would still need to be effective by the 1^{st} of January.

Ms. Spinner clarified that the ordinance must be effective at the beginning of the term, which is January 8, 2013, when the Mayor and Councilmembers are sworn into office.

Mayor Smith reiterated that the amendment offered by Councilmember Finter would show an effective date of January 10^{th}, however, it would not be implemented until the next Mayoral or Council election.

Councilmember Finter clarified that his motion would be for the Commission’s compensation recommendation to begin immediately following the next Mayoral or Council election.

Mayor Smith inquired as to whether or not that kind of a delay would actually constitute an acceptance of the Commission’s report. He said that it would appear that a delay of at least two years gets away from the spirit of the Commission’s activity.

Ms. Spinner stated that it would be up to the Council to decide and explained that the report itself is silent and doesn’t specifically address that issue.

In response to a question from Councilwoman Higgins, Ms. Crocker advised that an election can be held 120 days after being called.

Mayor Smith stated that with the Charter provision that was recently passed the next Mayoral election would probably be in 2014, unless the Council chose to do something earlier.

Ms. Spinner explained that if the Office of Mayor is vacant for more than two years there would have to be an election. She said that it could either be a Special Election or the next regular election.

Mayor Smith remarked that realistically that would probably shift into either the spring or the fall of 2014.

Councilmember Finter commented that because the Council is on two different election cycles the timing will never be right and with his amendment the next Mayoral or Council election would trigger the implementation of the salary increase. He stated that the spirit of the ordinance is to allow the best candidates to run and if his amendment is implemented the next Council will not face the same financial hardships.

Ms. Spinner expressed concern regarding whether or not there would be sufficient time to publish.

City Clerk Linda Crocker advised that the newspaper will notify her office tomorrow regarding whether or not the ordinance could be published by Friday.

In response to a question from Mayor Smith, Ms. Spinner explained that even though the amendment would not become effective until 2015, it would still need to be introduced. She said that the Council could take this issue up again in a year or two since the implementation date would not be until 2015. She noted, however, that Councilmember Finter's amendment would state that the compensation would be implemented after the next Mayoral or Council election. She said in the event that a Special election is called the pay increase could be implemented before January 2015.

Councilmember Finter expressed his appreciation to the Commission for their hard work. He said that the Council wants to send a message to the community that they want the best people to run. He noted that the Council previously sent this message to the community by decreasing the number of petition signatures required for individuals to run for office. He added that waiting two more years to implement the pay increase would probably send a contradictory message.

Councilwoman Higgins remarked that in two years two of the current Councilmembers would still be eligible to run.

Responding to a question from Councilwoman Higgins, Councilmember Finter explained that his plan would become effective immediately after those Councilmembers ran for office and could become a campaign issue.

Councilwoman Higgins stated that it would be different if there were a 5-year floating implementation date so that none of the current Councilmembers would be impacted.

Councilmember Richins asked the Mayor to call the question.

Mayor Smith said that the motion before them is whether to accept the Independent Compensation Commission's report regarding salaries for the Offices of Mayor and Council as delivered. He noted that a "yes" vote would be to accept the report and a "no" vote would be to reject it.

Mayor Smith called for the vote.

Upon tabulation of the votes, it showed:

AYES: Smith-Kavanaugh-Richins
NAYS: Finter-Glover-Higgins-Somers

Mayor Smith declared the motion failed by lack of a majority vote.

Councilmember Finter stated that he would like to make a motion to amend the ordinance. He explained that his vote was in opposition to the ordinance and not the Commission's report.

Mayor Smith inquired as to whether or not a motion could be made on an item that was not on the agenda or was on the agenda but failed.

Councilmember Finter noted that as mentioned in his prior comments he rejected the ordinance, not the report. He said that he would like to offer an amendment to see if there is support for a motion.

Ms. Spinner advised that if Councilmember Finter's motion relates to Adopting an Ordinance of the City Council acknowledging receipt of the report and recommendations of the Independent Commission on Compensation for Elected Officials and increasing the compensation for the Offices of Mayor and City Council, he could move forward.

In response to a question from Mayor Smith, Councilmember Finter explained that he would like to amend the ordinance.

Mayor Smith remarked that if you're amending an ordinance you are re-introducing an ordinance, or reconsidering an ordinance with an amendment.

Ms. Spinner advised that the motion would be to bring back an amended ordinance. She said that staff cannot amend the ordinance at this time and if any changes are to be made to the ordinance it will need to be reintroduced and republished.

Mr. Brady explained that with the direction of Council the item can be placed on the agenda for the Study Session on Thursday.

Ms. Spinner inquired as to whether or not there would be direction for staff to publish an ordinance if one is to be introduced on Thursday. She explained that there is a path for which Council can introduce and adopt an ordinance before the end of the year. Ms. Spinner stated that if the Council wants to introduce and adopt an ordinance before the end of year it will need to be published as soon as possible.

Ms. Crocker advised that staff has been in contact with the newspaper to inquire as to how soon an ordinance could be published. She said that if the ordinance is published this Friday then the Council could take action on either Friday, December 21st, or Monday, December 24th.

Ms. Spinner explained that realistically staff would need to draft an ordinance tonight or tomorrow morning and send the ordinance to the newspaper tomorrow. She said that if the Council wants to introduce the ordinance on Thursday then staff will need to have it published on Friday. She stated that whether or not the Council chooses to introduce it on Thursday the City will have only incurred the cost of publishing.

Mr. Brady stated that if the Council wants the option to consider this action on Thursday they would need to provide direction tonight, so that the item could be posted for Thursday and published in the newspaper.

Mayor Smith indicated that he would look to the majority and said that the idea would be to prepare an amendment and instruct staff to publish it so that on Thursday the Council would either formally adopt it or not adopt it. He added that in order to meet a publishing deadline Council would consider and take action on the ordinance this Thursday.

Mr. Brady clarified that the Council would not be locked into anything, however, if they want to have the option staff would need to start taking appropriate action tomorrow.

Ms. Spinner explained that on Thursday the Council would be introducing the ordinance.

Mayor Smith stated that a Special Council meeting would then need to be held to either accept or reject the ordinance.

Mayor Smith indicated that a majority of the Council is in agreement with moving forward with an amended ordinance, however, he was not. He said that in his opinion the Council had one shot and that this would be working against the process. He added that he was on the losing side.

Councilmember Finter requested to have his motion withdrawn. He stated that this process has already been extremely difficult and, therefore, he did not want the issue to move forward on his recommendation.

9. Items from citizens present.

Haryaksha Gregor Knauer, a resident of Tempe, expressed his support for the light rail extension and the Mesa Bicycle Plan. He requested that the City plant trees and provide shade for the bike racks in Mesa.

Mayor Smith thanked Mr. Knauer for his comments.

10. Adjournment.

Without objection, the meeting adjourned at 7:46 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 10th day of December, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

bdw