

COUNCIL MINUTES

May 13, 2004

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 May 13, 2004 at 7:50 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

(Vice Mayor Kavanaugh participated in the meeting through the use of teleconferencing equipment.)

1. Review items on the agenda for the May 17, 2004 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 3, 5l, 7a (Hawker); 3, 7a (Whalen)

Items removed from the consent agenda: 7d, 8d

2. Discuss and consider and provide direction concerning a proposed City of Mesa Meet and Discuss process.

City Manager Mike Hutchinson reported that per Council direction, staff has met with representatives of Police and Fire labor organizations in an effort to improve the current employee issues forum process. He explained that as a result of those discussions, staff has drafted a two-page Management Policy designed to improve and strengthen such a process and said that yesterday, the labor organizations' representatives submitted a counterproposal to that document. Mr. Hutchinson stated that because of staff's time constraints as a result of the current budget hearing process, he recommended that this matter be brought back to the Council at an upcoming Study Session and not placed on the May 17, 2004 Regular Council Meeting agenda as he originally proposed.

John Giles, an attorney representing the Police and Fire labor organizations, provided a brief overview of various modifications incorporated into the organizations' counterproposal. He stated, among other things, that the document does not contain any components that would be contrary to the City Charter; that the organizations would encourage greater structure in the process for enhanced dialogue than has been presented under the issues forum policy; that the labor organizations' policy would be more structured than the City Manager's recommended proposal; and that he encouraged the City to consider allowing the labor organizations to utilize certain City resources (i.e., e-mail capabilities) for the benefit of their election process.

Mr. Hutchinson indicated that the City of Mesa currently has an open door policy and does not limit the number of groups with whom he can meet and discuss process. He commented, however, that the labor organizations' proposal would include holding an election to select exclusive representatives and added that he would be unable to meet and discuss with other members of the groups. Mr. Hutchinson voiced opposition to the City proceeding in such a direction. He added that the City becoming involved in the labor organizations' election would be a "slippery slope" for Mesa and said that the elections could be accomplished without the City's assistance.

Mr. Hutchinson further commented that there should be equity "across the board" within Mesa's workforce and noted that the City should not "single out" groups, for example, in terms of benefits and cost-of-living allowances. He also stated that the final Management Policy should not include language that could "start a separation in our workforce" and thereby create serious morale issues.

Councilmember Walters stated that she did not feel it would be appropriate for the labor organizations to utilize the City's e-mail capabilities for their election process. She questioned, however, what the downside would be in allowing the organizations to vote by computer if the City did not tabulate the votes.

In response to Councilmember Walters' inquiries, Mr. Hutchinson stated that staff would conduct research regarding that issue.

Discussion ensued relative to the differing opinions of the Mesa Police Association (MPA) and the Fraternal Order of Police (FOP) representatives concerning the election of designated representatives to meet with the City Manager; whether all Police employees (sworn and non-sworn) should be included as one group within the organization; the fact that the City Charter prohibits "collective bargaining;" and that it was the recommendation of City Attorney Debbie Spinner that any reference to elections in the Management Policy be deleted.

Mayor Hawker expressed support for Mr. Hutchinson's viewpoints regarding this item and said that in his opinion, the City could be "getting into a union atmosphere and calling it Meet and Discuss." He stated that union representation of City employees would require a Charter change, by way of an election, and he would prefer not to "cross that line."

Mr. Giles commented that if it is Ms. Spinner's legal opinion that the elections process language be eliminated from the Management Policy, he would concur with such an opinion.

Councilmember Jones stated that the primary goal to be accomplished concerning this agenda item is to ensure that Police and Fire concerns are conveyed to the City Manager and ultimately

reported to the City Council. He added that any elections/exclusive representative issues should be resolved between the Police and Fire labor organizations only and not the City.

Councilmember Whalen urged the FOP and MPA representatives to seek "common ground" with regard to representation issues.

3. Further discussion and consideration regarding the proposed Freeway Landmark Guidelines.

Zoning Administrator John Gendron reported that the May 17, 2004 Regular Council Meeting agenda contains an ordinance that would set forth the Council Use Permit process, as well as a resolution to adopt staff's proposed Freeway Landmark Guidelines. He explained that in that regard, he received a letter from David Udall, an attorney representing the Hurley family and Kimco DeRito, the developers of the Riverview at Dobson project, requesting that Section IV, A.2 of the Guidelines be modified to read: "Location and Siting. A Freeway Landmark Monument shall be located: 2. On property having a General Plan designation of Regional Commercial, **Mixed-Use Employment**, or Public/Semi-Public." (Note: Mr. Udall's letter indicated: "If the language is not changed, then it would require that the Hurley property go through a General Plan amendment process in order to be eligible for a freeway sign. This seems totally counterproductive to us since it is readily acknowledged that freeway signs ought to be at this location.")

Mr. Gendron displayed a map depicting the potential Freeway Landmark Monument locations and stressed that the locational considerations for freeway signs, including the General Plan designations and the spacing of the signs, are policy issues. He noted that the Guidelines contain a provision for their modification and said that as part of that process, the Council could approve locations other than the designated locations in the policy.

Councilmember Walters commented that although she appreciates Mr. Gendron's comments, she does not want to "start out with the exception." She noted that when the Council previously discussed the proposed Freeway Landmark Guidelines, she had recommended that when two major freeways intersected, within a certain defined distance of the intersection, the Council could include the Mixed-Use Employment designation. She requested input from Mr. Gendron regarding the downside of doing that as opposed to starting out with exceptions.

In response to Councilmember Walters' concerns, Mr. Gendron clarified that the Hurley property is currently zoned residential and would have to be rezoned for any use but that; that in conjunction with the rezoning, one could also concurrently run a Minor Plan Amendment to change the Plan designation from Mixed-Use Employment to Regional Commercial, which would be appropriate, as an example, for a car dealership; and that this could be accomplished concurrently with a Council Use Permit request for a freeway sign.

Discussion ensued among the Council relative to possible modification alternatives to the proposed Freeway Landmark Monument Guidelines.

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that staff be directed to modify the language in the proposed Freeway Landmark Guidelines to include the confluence of two freeways for Mixed-Use Employment as a possible consideration for modifications and alternatives.

Mayor Hawker voiced opposition to the motion and stated the opinion that there is already sufficient leeway in the Guidelines to achieve what is being proposed in the motion.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

4. Appointments to boards and committees.

Mayor Hawker recommended the following appointments to Boards and Committees:

BOARD OF ADJUSTMENT

Roaxanne Pierson
Carie Allen

DESIGN REVIEW BOARD

Tim Nielsen
Dave Richins

DOWNTOWN DEVELOPMENT COMMITTEE

Adam Decker
Nabil Abou-Haidar
Dean Taylor

ECONOMIC DEVELOPMENT ADVISORY BOARD

Michael Garcia
Patricia K. Schroeder
David Woods

HISTORIC PRESERVATION COMMITTEE

Ronald Peters
Tracy Wright Wagner
Lane Burdick

HOUSING & HUMAN SERVICES BOARD

(The slate of recommendations for all three seats for this board will be presented together in June.)

HUMAN RELATIONS ADVISORY BOARD

Dr. Robert Diaz
David Luna
Judy Taussig

JUDICIAL ADVISORY BOARD

Joan Ruffennach
Stella Hunsaker

LIBRARY ADVISORY BOARD

Irv Fellner
Maria Mancinas
Liz Purtell

MERIT SYSTEM BOARD

Jon F. Nielson

MUSEUM & CULTURAL ADVISORY BOARD

Laurent Teichman
Toni Brucato
Peter Cook
Daniel Harper

PARKS & RECREATION BOARD

E. LeRoy Brady
David Peterson
Connie Gullatt-Whiteman
Bernadine Mooney

PERSONNEL APPEALS BOARD

Ramona Sepulveda

PLANNING & ZONING BOARD

Frank Mizner
Dr. Michael Cowan

PUBLIC SAFETY RETIREMENT SYSTEM BOARD – Fire

Martin Whalen

PUBLIC SAFETY RETIREMENT SYSTEM BOARD – Police

Sgt. Joe Shelley
Martin Whalen

SELF-INSURANCE BOARD OF TRUSTEES

Carol Michele Ferrante

TRANSPORTATION ADVISORY BOARD

David Glass
Don Grant
Ron Taylor
Grady Van Noy

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Councilmember Thom voiced opposition to Mayor Hawker's appointment of Frank Mizner to the Planning and Zoning Board. She commented that because Mr. Mizner was the City of Mesa's former Planning Director, she views his appointment as a conflict of interest and believes he would exercise undue influence on the Committee. Councilmember Thom requested that the Council vote on Mr. Mizner's appointment separately from the other appointments.

Councilmember Walters modified her motion that the Council concur with the Mayor's recommendations and the appointments be confirmed, except for the appointment of Frank Mizner, to the Planning and Zoning Board.

Councilmember Jones seconded the modified motion.

Carried unanimously.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the Council concur with the Mayor's recommendation and that the appointment of Frank Mizner to the Planning and Zoning Board be confirmed.

Mayor Hawker stated that he is pleased that Mr. Mizner has agreed to participate on the Planning and Zoning Board. He also encouraged other former City employees, who have the time and expertise, to apply for appointments to Mesa's boards and committees.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

5. Acknowledge receipt of minutes of boards and committees.

- a. Downtown Development Committee meeting held April 15, 2004.
- b. Finance Committee meeting held April 19, 2004.
- c. Judicial Advisory Board meeting held February 11, 2004.

It was moved by Councilmember Walters, seconded by Councilmember Thom, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

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

There were no reports on meetings and/or conferences attended.

7. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Monday, May 17, 2004, 3:00 p.m. – Fire Committee

Monday, May 17, 2004, TBA – Study Session

Monday, May 17, 2004, 5:45 p.m. – Regular Council Meeting

Thursday, May 20, 2004, 7:30 a.m. – Study Session – Cancelled

Thursday, May 20, 2004, 9:30 a.m. – General Development Committee

Thursday, May 27, 2004, 7:30 a.m. – Study Session

8. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Study Session adjourned at 9:12 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 Study Session of the City Council of Mesa, Arizona, held on the 13th 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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