

COUNCIL MINUTES

November 21, 1997

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 November 21, 1997 at 7:30 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Claudia Walters

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Linn Adams
Pauline Backer
Wayne Balmer
Neal Beets
Denise Bleyle
Kent Carroll
Mike Claspell
Dennis Compton
Fred Conway
Luigi Digirolamo
Von Faler
Gregory Fowler
Becky Gardner
John Geier
Carl Geis
Mike Hutchinson
Lars Jarvie
Barbara Jones
Greg Jones
Harry Kent
Wayne Korinek
Ron Krosting
Dorinda Larsen
Greg Marek
Chris Medrea
Frank Mizner
Keith Nath
Ruth Ann Norris
Ellen Pence

STAFF PRESENT (CONT.)

Bryan Raines
Andrea Rasizer
Leon Rawlings
Jeff Reichert
Tom Remes
Becky Richardson
Jeff Riker
Kathleen Savagian
John Smoyer
Dave Spaur
Doug Tessoroff
Lora Trimarco
Liz Trujillo
Janet Ulrich
Debbie Vickman
Jamie Warner
Jeff Welker
Mike Whalen
Mindy White
Paul Wilson
Tom Zehring
Others

OTHERS PRESENT

Keno Hawker
Chris Moeser
Tom Verploegen
Others

1. Discuss and consider stability pay for employees hired shortly after July 1, 1992 when stability pay was abolished.

City Manager Charles Luster provided a brief history of stability pay and stated that stability pay was discontinued July 1992. Mr. Luster explained that 12 fire fighters were hired September 1992 from an eligible list established August 1991. Mr. Luster noted that the job announcement used to establish the eligible list reported stability pay as a benefit. Mr. Luster informed Council that 35 additional City employees were hired under similar circumstances.

Chris Medrea, President of the Mesa Fire Fighters Association, spoke in support of the issuance of stability pay to the 12 fire fighters hired during September 1992. Mr. Medrea requested that Council consider initiating stability pay for the 12 fire fighters based on the fact that the pay was listed as a benefit on the job announcement.

Councilmember Kavanaugh spoke in support of approving the issuance of stability pay as requested and noted the importance of equitably correcting the misunderstanding.

Vice Mayor Gilbert commended Mr. Medrea for his efforts but indicated opposition to approving the issuance of stability pay. Vice Mayor Gilbert spoke in support of upholding the ordinance that was adopted by Council in 1992.

Councilmember Payne emphasized the importance of equitably compensating City employees. Councilmember Payne discussed the cost of projects the City has recently approved and the expenses that will be passed on to the consumer and encouraged Council to approve the requested stability pay for the 47 individuals.

In response to questions from Councilmember Walters, Mr. Beets stated the opinion that the job announcement was the only form of communication to the new employees regarding stability pay. Mr. Medrea said that the individuals relied on the job announcement and communications with fire fighters when they based their decision to apply. Mr. Beets explained that three individuals would be considered part of a notch group (people hired between July 1, 1992 and July 17, 1992, the effective date of the ordinance). Mr. Luster stated that approval of the request would affect 47 staff members.

Councilmember Walters questioned whether Council has the authority to approve the request without changing the original ordinance.

Mr. Beets spoke of the City's legal obligation regarding the utilization of public funds in the form of a gift to private citizens and advised that the approval of stability pay may be considered a gift.

Discussion ensued relative to whether benefits were reviewed with the employees upon hire, if precedence would be set if the request is approved, and whether the job announcement should be a part of the employment contract.

In response to a question from Vice Mayor Gilbert, Mr. Beets expressed the opinion that, if approved, a revision to the ordinance would not be necessary.

Councilmember Pomeroy noted that the individuals accepted a cost of living increase that was not reflected on the job announcement, upon employment and questioned why a decrease in benefits would not be accepted in the same manner.

Mayor Brown indicated opposition to providing stability pay as requested relative to Council's responsibility to protect public funds.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Payne, that the request to consider stability pay for 47 employees as identified by staff, be approved.

Councilmember Payne reiterated the cost of recent projects approved by the Council and emphasized the importance of compensating individuals for their significant contributions as employees of the City.

Councilmember Walters indicated opposition to the stated motion. Councilmember Walters acknowledged the individuals' request and the importance of equitably compensating City employees but noted legal concerns relative to reinstating stability pay.

In response to a question from Councilmember Walters, Mr. Beets explained that the motion includes individuals hired July 1992 through September 1992.

Upon tabulation of votes, it showed:

AYES - Giles -Kavanaugh- Payne
NAYS - Brown- Gilbert-Pomeroy-Walters

Mayor Brown declared the motion failed.

(Councilmember Payne left the meeting at 8:15 a.m.)

2. See and discuss a Police Department video presentation concerning community policing.

Police Chief Lars Jarvie presented a video on community policing. Chief Jarvie explained that the video is utilized by the Police Department to teach officers the importance of community policing.

Assistant to the City Manager Ellen Pence informed the Council that the video was prepared by the City's Public Information Office and placed "first" in a national competition of videographers.

Vice Mayor Gilbert suggested that the community policing video be aired on the City's cable channel and include an additional segment involving discussion between Mayor Brown and Chief Jarvie.

3. Hear a presentation and discuss the Police Department Crime Free Lifestyle Program.

Police Commander Leon Rawlings provided a brief overview of the Crime Free Lifestyle program and stated that the program is comprised of detectives and citizens working together to prevent crime.

Detective Von Faler briefly informed Council of past criminal violations at mini-storage facilities. Detective Faler explained that the Crime Free Mini-Storage program was developed to reduce criminal activity at mini-storage facilities. Detective Faler stated that the program educates the managers and owners, requires improvements to surroundings, and requires the utilization of round disc locks. Detective Faler advised that crime has declined within facilities certified under the program.

In response to a question from Councilmember Giles, Detective Faler explained that educating managers and owners to screen applicants prior to renting a unit has assisted in decreasing illegal activity within mini-storage facilities.

Detective Jeff Reichert provided a brief history of the Crime Free Hotel/Motel program. Detective Reichert spoke of the three phases of the program: phase 1) a four-hour seminar; phase 2) an inspection of the lighting, landscaping, and property access; and phase 3) issuance of a Crime Free Hotel/Motel program certificate. Detective Reichert stated that the program is endorsed by the Mesa Convention and Visitors Bureau.

Detective Kent Carroll spoke of the Crime Free Mobile Housing program and advised that three phases must be completed to become certified under the Crime Free Mobile Housing program. Detective Carroll noted that phase 1) is an eight-hour training course for managers, phase 2) is the utilization of Crime Prevention Through Environmental Design (CPTED), and phase 3) is a safety social with management, residents, and police. Detective Carroll stated that upon successful completion of the three phases, the mobile home community may display a Crime Free Mobile Housing program sign. Detective Carroll noted that the three phases must be completed on an annual basis to remain a member of the crime free program.

In response to questions from Mayor Brown, Detective Carroll explained the types of crime frequently reported within mobile home communities. Detective Tim Zehring advised that since the implementation of the Crime Free Mobile Housing program illegal activities within mobile home communities have decreased.

Detective Faler briefly reviewed the Crime Free Redistribution program and explained that the goal of the program is to provide improved communication between the police and pawn shop owners. Detective Faler advised that changes to pawn shop regulations will be presented for Council consideration at a future Council meeting. Detective Faler stated that a database has been created to record pawn shop transactions and noted that several pieces of stolen property have been recovered through the use of the database.

In response to questions from Councilmember Giles, Detective Faler explained that training must be completed by all pawn shop employees and that the pawn shop must pass an inspection to become certified.

Detective Liz Trujillo provided a brief overview of the Crime Free Auto Theft program and stated that the program was designed to protect citizens from auto theft nationwide. Detective Trujillo explained that the Crime Free Auto Theft program is a national program and noted that the City of Mesa would be the first City in Arizona to commit to the program. Detective Trujillo advised that advertisements informing the public of the program will commence January 1998. Detective Trujillo briefly outlined the details of the program, explained that a sticker will be located in the back window of vehicles registered through the program and that the vehicles will be protected across the nation.

In response to a question from Mayor Brown, Detective Trujillo said that the State Auto Theft program will provide a portion of the program's funds.

Crime Prevention Specialist Lora Trimarco briefly highlighted the Operation Sky View program. Ms. Trimarco explained that individuals owning property with flat roofs have been requested to paint their address on their rooftop. Ms. Trimarco explained that the addresses assist the Police in locating property from the Police helicopter.

Mayor Brown thanked the Police Department for the overview of the crime free programs. Mayor Brown stressed the importance of informing the community of the programs and suggested that the Police Department be included in future speaking engagements.

4. Discuss and consider the Main Street streetscape project design elements.

Mayor Brown expressed concern regarding the cost of the project.

Redevelopment Director Greg Marek informed Council that the project's budget will be discussed at a future Council meeting.

Mayor Brown indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same and left the meeting.

Vice Mayor Gilbert indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same and left the meeting.

Councilmember Pomeroy indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Councilmember Giles assumed the role of Acting Chairman of the meeting.

Acting Chairman Giles suggested that as a result of declared conflicts by Mayor Brown, Vice Mayor Gilbert and Councilmember Pomeroy, and Councilmember Payne's absence, that this item be rescheduled for further Council consideration at a future meeting.

Mr. Luster acknowledged that this item will be rescheduled to a future Council meeting.

With discussion on this matter being completed, Mayor Brown and Vice Mayor Gilbert returned to the meeting.

Mayor Brown suggested that a budget session be held to provide Council an opportunity to discuss and prioritize downtown projects and that the concept of the conflict of interest versus setting priorities be discussed.

5. Receive and discuss the final review draft of the proposed development fee report.

Senior Management Assistant Bryan Raines explained that a consultant was retained in 1996 to review the City's development fees. Mr. Raines indicated that an initial review draft was presented to Council and released for public comment earlier this year. Mr. Raines provided Council a revised report and highlighted revisions.

In response to a question from Councilmember Kavanaugh, Mr. Raines noted that staff may present the revised report to the Planning and Zoning Board at a future Board meeting.

In response to a question from Mayor Brown, Mr. Raines indicated that water and wastewater impact fees have been collected for several years and noted that the revised report proposes that nonresidential development would only pay water, wastewater, arterial streets, police, and fire development fees.

Vice Mayor Gilbert spoke of improving the parks and cultural activities within Mesa and noted the importance of providing amenities deemed important to a community. Vice Mayor Gilbert questioned the amount of total revenues that would be collected based upon utilization of all the proposed development fees for both nonresidential and residential development.

Mayor Brown concurred with Vice Mayor Gilbert of the significance of cultural amenities to the community. Mayor Brown acknowledged the importance of the proposed development fees but suggested that the fees be initiated over time.

Mr. Raines informed the Council that a public hearing process will commence during January 1998 and noted that the consultant will discuss aspects of ordinances at a future Policy Session.

Mayor Brown thanked Mr. Raines for the information.

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

Mayor Brown advised that there were no reports on meetings and/or conferences attended.

7. Scheduling of meetings L and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Tuesday, November 25, 1997, 7:30 a.m. - Executive Session

Monday, December 8, 1997, 7:30 a.m. - Joint meeting with the Mesa School Board

Tuesday, December 9, 1997, 4:00 p.m. - Policy Session

8. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no prescheduled public opinion appearances.

9. Items from citizens present (maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no items from citizens at this time.

10. Adjournment.

Without objection, the Study Session adjourned at 9:45 a.m.

WAYNE BROWN, 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 21st day of November 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of December 1997

BARBARA JONES, CITY CLERK