

COUNCIL MINUTES

February 13, 1998

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 February 13, 1998 at 7:30 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Joan Payne

STAFF PRESENT

C.K. Luster
Wayne Balmer
Neal Beets
John Gendron
Steve Hether
Joe Holmwood
Mike Hutchinson
Kim Fallbeck
Barbara Jones
Harry Kent
Karen Kille
Wayne Korinek
Dorinda Larsen
Larry Lines
Rich Lorig
Greg Marek
Tom Mattingly
Ruth Anne Norris
Ellen Pence
Bryan Raines
Tom Remes

STAFF PRESENT (CONT.)

Becky Richardson
John Smoyer
Debbie Vickman
Michael Whalen
Mindy White
Others

OTHERS PRESENT

Fred Brauer
Theresa Carmichael
Jim Davidson
Vince DiBella
Bev Hart
Keno Hawker
Jim Marschke
Robbie Sherwood
Rex Travis
Ginnie VanderWaal
Others

Mayor Brown excused Councilmember Payne from the meeting.

1. Review items on the agenda for the February 17, 1998 Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

8. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- *a. **Z97-75** The northeast corner of Southern Avenue and Signal Butte Road. Rezone from R1-9 to R1-6-PAD and C-2 (60± acres). This case involves development of a single-residence subdivision and a future retail parcel.

Garry Jestadt, owner; Kaufman and Broad of AZ., Inc., applicant. **TABLED AT THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING.**

Councilmember Giles requested that the zoning cases tabled at the November 17, 1997 Regular Council Meeting, Z97-75, Z97-77, Z97-89, and Z97-90, be removed from the consent agenda.

Community Development Manager Wayne Balmer informed Council that the applicants for the zoning cases that were tabled at the November 17, 1997 Regular Council Meeting have met with staff and have submitted revised plans. Mr. Balmer noted that a stipulation stating that the development must be in compliance with the design guidelines has been added.

- *b. **Z97-77** South and east of the southeast corner of Hawes Road and Guadalupe Road. Rezone from R1-43 to R1-6-PAD (95± acres). This case involves development of a single-residence subdivision. Woodside Homes, owner; Ralph Pew, applicant. **TABLED AT THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING.**

Councilmember Giles requested that the zoning cases tabled at the November 17, 1997 Regular Council Meeting, Z97-75, Z97-77, Z97-89, and Z97-90, be removed from the consent agenda.

- *c. **Z97-89** The 9800 and 9900 blocks of East Southern Avenue (north side). Rezone from R1-43 to R1-6-PAD (25± acres). This case involves the development of a 166-lot subdivision. Southern & Crismon Road Property, Ltd., owner; Maracay Homes, applicant. **TABLED AT THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING.**

Councilmember Giles requested that the zoning cases tabled at the November 17, 1997 Regular Council Meeting, Z97-75, Z97-77, Z97-89, and Z97-90, be removed from the consent agenda.

- *d. **Z97-90** The 6600 block of East McDowell Road (south side). Rezone from R-3-PAD to R-2-PAD (9.26 acres). This case involves the development of a 72-lot subdivision. Daniel and Susan Giblin, owners; Great Western Homes, applicant. **TABLED AT THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING.**

Councilmember Giles requested that the zoning cases tabled at the November 17, 1997 Regular Council Meeting, Z97-75, Z97-77, Z97-89, and Z97-90, be removed from the consent agenda.

- *e. **Z97-97** The 1500 block of South Alma School Road (east side). Site Plan Review (1± acres). This case involves the development of an athletic shoe store. GMRI, Inc., owner; Robert Kubicek Architects, applicant.

Councilmember Kavanaugh requested that this case be removed from the consent agenda to allow for discussion on the Fiesta Quadrant.

- *f. **Z98-4** The 4100 and 4200 blocks of East Broadway (north side). Rezone from AG to R1-6-PAD (35± acres). This case involves the development of retirement town homes. Hughes Development, owner; Planning Resources, applicant.

In response to a question from Councilmember Giles, Mr. Balmer advised that the proposed subdivision is in compliance with the design guidelines and is compatible to the surrounding area. Mr. Balmer explained that the development will be a gated retirement community with attached homes.

2. Hear a Town Center Corporation status report and see the "Best of Town Center Awards Video."

Theresa Carmichael, President of the Mesa Town Center Corporation, showed an 11 minute video representing improvement and growth that has been accomplished within the Mesa Town Center over the past 12 years. Ms. Carmichael provided a list of the business owners that have won the Best of Town Center awards during the last 12 years and noted that 90 percent of the award winning businesses remain involved in the Mesa Town Center.

Vince DiBella, Mesa Town Center Corporation Business Development Chairman, stated that the Mesa Town Center Corporation has successfully attracted several businesses to the downtown area during the past 12 years. Mr. DiBella noted that 12 years ago 112 properties were available within the Mesa Town Center and that currently there is only 28 available.

Mayor Brown thanked Ms. Carmichael and Mr. DiBella for the presentation and commended them for the exceptional service they have provided the City of Mesa.

3. Consider a proposal from Peat Marwick to conduct the holding facility background review and site comparison portions of the Police Department management review.

City Manager Charles Luster stated that the firm of KPMG Peat Marwick, recently approved by Council to conduct a management review of the Police Department, has provided pricing on the two tasks that were excluded from the original proposal (conducting a background review of the holding facility and a site comparison review). Mr. Luster noted that the two tasks would increase the cost of the review to \$145,000 but stated that if it is determined that the site comparison review is not required, the cost would only increase to \$125,000.

In response to a question from Councilmember Walters, Mr. Luster explained that KPMG Peat Marwick would assess three potential sites for a holding facility and noted that one of the sites to be assessed would be the current holding facility.

Mayor Brown requested that KPMG Peat Marwick be invited to a future Study Session to brief Council on the management review that they have been requested to conduct as part of the proposal.

In response to a question from Councilmember Giles, Mr. Luster stated that it is not required that a holding facility be constructed near the court but noted the importance of constructing a single-holding facility to assist in the utilization of video arraignments.

Councilmember Walters referred to Mesa's large size and suggested that more than one holding facility be considered.

Mayor Brown reiterated that KPMG Peat Marwick will be addressing Council's concerns at a future Study Session.

4. Acknowledge receipt of minutes of meetings of various boards and committees.

- a. Library Advisory Board meeting held February 3, 1998
- b. Design Review Board meeting held February 4, 1998
- c. Merit System Board meeting held February 5, 1998

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that receipt of the above listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters
NAYS - None
ABSENT - Payne

Mayor Brown declared the motion carried unanimously by those present.

5. Discussion concerning proposed revisions to the Personnel Rules as recommended by the Merit System Board.

Personnel Director John Smoyer briefly highlighted proposed changes to the Mesa Personnel Rules. (See Attachment 1.)

In response to a question from Vice Mayor Gilbert, City Attorney Neal Beets advised that upon acceptance of employment with the City, an employee assigns to the City all rights to patent a product that may be developed during City time. Mr. Beets explained that if the City chooses not to obtain a patent that the employee may purchase the rights to the product at that time.

Mayor Brown thanked Mr. Smoyer for the presentation.

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 and general information.

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

Tuesday, February 17, 1998, 5:45 p.m. - Regular Council Meeting

Friday, February 20, 1998, 7:30 a.m. - Study Session

Monday, April 27, 1998, 8:00 a.m. - Budget Review

Tuesday, April 28, 1998, 8:00 a.m. - Budget Review

Wednesday, April 29, 1998, 8:00 a.m. - Budget Review

Mr. Luster informed Council that a tour of the Flood Control District scheduled for Friday, February 27, 1998 has been canceled.

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

- a. Hear from Fred Brauer regarding zoning requirements for RV parks.

Fred Brauer, 5055 East University, spoke in opposition to the recent enforcement of zoning regulations within recreational vehicle (RV) parks. Mr. Brauer stated the opinion that the requirements impose financial and emotional stress on the homeowners and requested that the City grandfather existing RVs.

- b. Hear from Rex Travis regarding zoning requirements for RV parks.

Rex Travis, 3020 East Main, advised that the enforcement of the zoning regulation has resulted in an increase in the number of individuals selling their RVs. Mr. Travis indicated that the requirements create financial difficulties for homeowners and stated the opinion that the current placement of the RVs has not created any safety hazards. Mr. Travis requested that Council grandfather existing RVs.

Mayor Brown thanked Mr. Brauer and Mr. Travis for the information.

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

Ginnie VanderWaal, 306 South Recker Road, advised that she recently purchased an existing RV with an Arizona Room. Ms. VanderWaal noted that she is required to move the Arizona Room 8" to be in compliance with the ordinance. Ms. VanderWaal stressed that the cost to move the room will impose a financial hardship on her. Ms. VanderWaal suggested that the City grandfather existing RVs.

Jim Marschke, 4860 East Main, manager of Tower Point RV Park, advised that Tower Point RV Park initiated a program that assists homeowners in bringing their units into compliance. Mr. Marschke indicated that the park's management assists the homeowners in obtaining the lowest price for the repairs and noted that the costs of the repairs rarely exceed \$1,000. Mr. Marschke expressed support for the ordinance and noted the importance of improving the safety of RV parks.

Mayor Brown thanked the speakers for their comments.

Building Inspection Superintendent Tom Mattingly noted the importance of the RV park owners, management, and homeowners working together to bring the RVs into compliance with the ordinance. Mr. Mattingly reported that not all of the park owners are supportive of the ordinance.

Mayor Brown suggested that staff work with the park owners and managers to bring the RVs into compliance and requested that staff provide updates regarding their efforts and accomplishments.

10. Adjournment.

Without objection, the Study Session adjourned at 8:45 a.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Attachment

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 13th day of February 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK

ATTACHMENT 1

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, RELATING TO PERSONNEL; AMENDING SECTIONS 110, 210, 220, 260, 330, 350, 433, 510, AND 810 OF THE MESA PERSONNEL RULES; ADDING NEW SECTIONS 370 AND 437; AND REPEALING CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Section 110, Mesa Personnel Rules, is amended to read:

Section 110: Definitions

The following words and phrases used in these Rules have the defined meanings unless otherwise clearly indicated by the context.

Alcohol - Includes Brandy, Whisky, Rum, Tequila, Mescal, Gin, Wine, Porter, Ale, Beer, any Malt Liquor, Malt Beverage, Absinthe, or compound or mixture of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits and beverages containing more than one-half of one percent (1/2 of 1%) of alcohol by volume.

Applicant - A person who has filed a valid application for employment.

Appointment - The approval by the City Manager to employ a certified eligible from a list.

Anniversary Date - The date on which an employee's eligibility for benefits is based.

Announcement - The public notice of examination to fill positions by open competition, or the notice to employees of an examination to fill positions from within the City service.

Candidate - A person who has made a passing score on an examination and whose name is placed on an employment list.

Class - A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title and the same pay range apply to each position in the group.

Class Title - The designation given to a class, each position allocated to the class, and to the occupant of each position.

Classified Employee - ~~A salaried exempt or nonexempt employee subject to and protected by the City Merit System.~~
ALL CITY EMPLOYEES EXCEPT UNCLASSIFIED EMPLOYEES.

Days - Calendar days unless otherwise stated.

Demotion - The movement of an employee from one (1) class to another class having a lower maximum rate of pay.

Department - A major unit of the City government.

Department Head - The City employee responsible for the operation of a department.

Dismissal - The separation of an employee from service for cause.

Division - A unit of a department.

Division Head - The City employee responsible for the operation of a division.

Drugs - Includes prescription-only drugs, marijuana, peyote, dangerous drugs, narcotic drugs, vapor releasing substances containing a toxic substance or a controlled substance, all as defined by the laws of the state of Arizona.

Examination - The evaluation procedure used to determine the relative excellence of applicants.

EXECUTIVE PAY AND BENEFITS PLAN: A PLAN, CONSIDERED BY THE CITY COUNCIL DURING BUDGET HEARINGS, THAT PROVIDES A FLEXIBLE PAY SCALE AND ADDITIONAL BENEFITS TO ATTRACT AND RETAIN SENIOR MANAGEMENT PERSONNEL.

FLSA: FEDERAL FAIR LABOR STANDARDS ACT, AND AMENDMENTS.

Hire Date - The date an individual begins work.

Job Share - Two (2) employees filling one (1) full-time budgeted position by each employee working one-half (1/2) of the regular work shift.

Merit Increase - A salary increase within the limits of a pay range established by class.

Part-time Employee - A person who is appointed to perform the duties of a position for less than forty (40) hours a week.

Performance Appraisal - The evaluation of an employee's performance of job duties and responsibilities.

Probation - A pre-determined period of time during which an employee is required to demonstrate ability to perform the duties of the job in a satisfactory manner.

Probationary Employee - An employee who has not completed the probationary period for a transfer, promotion, rehire, reinstatement, or New hire.

Promotion - The advancement of an employee from one (1) class to another class with a higher maximum rate of pay.

Public Service Employee - A person appointed under the provisions of a public service employment program. These persons shall not be entitled to benefits unless specifically approved by the City Manager.

Qualified - Meeting the minimum qualifications as defined in the class specification plus any special requirements that may be published for that position.

Rater - The individual who completes the Performance Appraisal Form.

Reclassification - Changing the classification of a position when a material change in duties or responsibilities occurs.

Regular Full-time Employee - A person who is appointed to a full-time position that requires working a full schedule or regular work week for the job class, who has successfully passed a probationary period.

Regular Part-time Employee - An employee that works a minimum of twenty (20) hours per week on a year-round basis and is eligible for part-time benefits.

Reinstatement List - A list of names of persons qualifying for reinstatement.

Resignation - A written notice filed with the City Manager indicating an employee's intention to terminate employment with the City.

Retirement - Any employee covered by either the Public Safety or Arizona State Retirement Plan who has reached the designated age and possesses the appropriate number of years of service, and who elects to receive an annuity benefit from either plan.

Seasonal Employee - A person who is appointed to perform the duties of a position which requires staffing during certain parts of each year.

Section - A unit of a division.

Temporary Employee - Appointments either full or part-time for a period of ninety (90) days or less.

Transfer - The movement of an employee from one (1) position in the City service to another position in the City service in the same pay range.

Unclassified Employee - ~~An executive position appointed either by the City Manager or City Council. This class of employee does not have the protection of the Merit System.~~ THE CITY MANAGER, ASSISTANT CITY MANAGER, CITY CLERK, DEPARTMENT MANAGERS, CITY MAGISTRATES, PART-TIME EMPLOYEES, SEASONAL EMPLOYEES, AND TEMPORARY EMPLOYEES.

Verbal Reprimand - Counseling by a supervisor to make an employee aware of unacceptable conduct or performance, and outlining a course of action to remedy the problem.

Written Reprimand - Written documentation to make an employee aware of unacceptable conduct or performance, and outlining a course of action to remedy the problem.

Section 2: Section 210, Mesa Personnel Rules, is amended to read:

- A. Citizenship: Applicants for sworn law enforcement positions must be United States citizens. Applicants for all other positions must present evidence of United States citizenship, or of status as a legally registered alien who has a right to work, prior to employment.
- B. Age:
 - 1. The only minimum age requirement for employment in the City of Mesa is that imposed by state law on the employment of minors.
 - 2. The minimum age for the initial employment of recruit police patrol officers and recruit firefighters shall be designated in administrative regulations.
- C. Residency: The City Manager will designate those employees required to live in the incorporated City limits. Any change in a City employee's residency status shall be reported to Personnel within fourteen (14) working days.

- D. **Physical and Mental Disabilities:** Physical and mental conditions of an applicant for City service shall be disqualifying only if they are of a nature which will preclude the full performance, with reasonable accommodations, of the essential functions of the position. Evaluation of physical and mental condition shall be conducted by a physician or other health care practitioner designated by the City.
- E. **Fingerprinting, Substance Abuse Testing and Background Check:** All new City employees are required to be tested for substance abuse, and have their background and/or driving record checked prior to their hire date. In addition, the following persons shall provide a full set of fingerprints to the City of Mesa:
1. All current city employees who have not previously been required to provide fingerprints, and
 2. All prospective city employees, and
 3. All temporary agency employees and volunteers who are anticipated to be in contact with minors, disabled or homebound persons, and
 4. All employees, temporary agency employees or volunteers that have not provided services to the City of Mesa for a period of six months or more.

The City of Mesa shall forward those fingerprints, accompanied by the appropriate fees, to the Arizona Department of Public Safety for the purpose of obtaining a state and federal criminal history records check. The Arizona Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation.

- F. **Academic Achievement:** All postsecondary academic achievements required to meet the minimum qualifications of a position must be attained in an academic institution recognized by an accrediting association, as determined by the Personnel Director.
- G. **Loyalty Oath:** Every officer and employee of the City of Mesa shall take and subscribe the Loyalty Oath prescribed by state law.
- H. **Outside Employment:** A regular full-time employee may engage in outside employment, however, the employee shall inform the RC Manager. The employee may be asked to choose between the City employment and outside employment if it is found that the outside employment interferes with the employee's duties with the City.
- I. **BY ACCEPTING EMPLOYMENT WITH THE CITY, EMPLOYEES ASSIGN TO THE CITY ALL RIGHTS TO PATENT OR OTHERWISE PROTECT INVENTIONS OR INTELLECTUAL PROPERTY OF ANY KIND THE EMPLOYEE MAY DEVELOP ON CITY TIME, OR WITH CITY PROPERTY, OR ARISING OUT OF THEIR CITY DUTIES AND RESPONSIBILITIES.**

Section 3: Section 220, Mesa Personnel Rules, is amended to read:

SECTION 220. EMPLOYMENT LISTS

- A. **General:** A vacancy in a position in the City service may be filled first by any employee who, by direction of the City Manager, is being transferred or demoted into the class of that position.
- B. **Order of Use of Lists:** If there are no employees to be transferred or demoted to a class, the Personnel Director shall forward names from lists established for that class in the following order:
1. Layoff lists

2. Promotion lists (See Section 620. E.)
3. Reinstatement lists
4. Open competitive lists

C. Duration on Lists: Candidates remain on lists as follows:

1. Layoff lists: One (1) year from effective date of layoff.
2. Promotion lists: Six (6) months or until the employee is promoted or separates from City employment, whichever occurs first, OR UNTIL FEWER THAN THREE (3) CANDIDATES REMAIN ON THE LIST.
3. Reinstatement lists: One (1) year from effective date of request for reinstatement. (See Section 250. E.)
4. Open competitive lists: Six (6) months or until less than three (3) candidates remain on the list, whichever occurs first.
5. Extension of lists: Lists may be extended one (1) time, not to exceed six (6) months, upon the request of the Department Head with approval of the Personnel Director and City Manager. Requests for extension must be made prior to the expiration date of the original list.

D. Insufficient Candidates: If the Personnel Director determines that there is an insufficient number of candidates on existing lists, the Personnel Director may initiate recruitment to fill a vacancy. Recruitment from within the City service will have first priority. If the Personnel Director determines that there is an insufficient number of qualified employees for the class of the vacancy, open competitive recruitment may be initiated.

Section 3: Section 260, Mesa Personnel Rules, is amended to read:

SECTION 260. EMPLOYMENT OF RELATIVES

Employment of relatives of current City employees shall be governed by the provisions of A.R.S. 38-481 and the following paragraphs.

A. Definition of Relative: Relative means employee's spouse, child, parent, sister, brother, grandchild, grandparent and their spouses; and the parent, sister, brother, or child of a spouse. Step relationships and employee court-appointed legal guardians are included in this definition.

B. Definition of Department: For the purpose of this policy, department will be defined as follows:

- | | |
|----------------------------------|--------------------------------|
| City Attorney Department | General Services Department |
| City Court Department | Management Services Department |
| Community Development Department | Office of the City Manager |
| Community Services Department | Police Department |
| Electric Department | Public Works Department |
| Fire Department | Utilities Department |

C. Department Managers/Officers: The following department managers/officers LISTED BELOW AND OTHER CITY OFFICERS, SUCH AS THE PERSONNEL DIRECTOR, WHO HAVE AUTHORITY TO APPROVE PERSONNEL

RELATED DECISIONS ON A DEPARTMENT WIDE OR CITYWIDE BASIS will not be allowed to have a relative employed in any City department as a full-time, part-time, seasonal, or temporary employee, or an employee employed through a temporary employment agency. THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE THE DISMISSAL OF AN EMPLOYEE HIRED BEFORE A RELATIVE BECOMES A DEPARTMENT MANAGER OR OTHER OFFICER UNDER THIS SECTION.

City Manager	Fire Chief
Assistant City Manager	General Services Manager
City Attorney	Management Services Manager
City Clerk	Police Chief
Community Development Manager	Presiding City Magistrate
Community Services Manager	Public Works Manager
Electric Utility Manager	Utilities Manager

- D. Mayor, City Council, Boards and Committees: Mayor and City Council members will not be allowed to have a relative employed in any City department as a full-time, part-time, seasonal, or temporary employee, or an employee employed through a temporary employment agency. THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE THE DISMISSAL OF AN EMPLOYEE HIRED BEFORE A RELATIVE IS ELECTED.

All Council-appointed board and committee members will not be allowed to have a relative employed as a full-time, part-time, seasonal, or temporary employee, or an employee employed through a temporary employment agency in a department/division about which the board/committee member advises the City Council.

- E. Employing Relatives in the Same Department:

1. A relative of a current City employee may be employed as a full-time, part-time, seasonal, or temporary employee, or an employee employed through a temporary employment agency, in the same department as the currently employed relative. However, no employee who has authority to recommend appointments, or has appointing authority, may appoint or recommend appointment of a relative to any position within the same chain of command. Relatives may not work for the same immediate supervisor if he/she is physically located in the same work area/office.
2. MANAGEMENT PERSONNEL WHO ROUTINELY SERVE IN AN ACTING CAPACITY FOR DEPARTMENT MANAGERS MAY NOT HAVE A RELATIVE EMPLOYED IN THAT CITY DEPARTMENT.

- F. Post Employment Relationships: In the event two current employees marry who are either in the same chain of command or report to the same supervisor, one party will submit a request through his/her Department Head to the Personnel Director for transfer. If a transfer compatible with this policy cannot be made within 90 days, one employee may be transferred at the discretion of the Department Head.

Section 4: Section 330, Mesa Personnel Rules, is amended to read:

SECTION 330. PERFORMANCE INCREASES AND DECREASES (See Section 530. Performance Ratings, Section 320. H. Demotion, Section 830. Demotion)

- A. Eligibility - New and Promoted Employees: After initial appointment to the City classified service, or promotion to a higher classification, an employee becomes eligible for advancement in the employee's pay range based on merit.

<u>Appointment Step</u>	<u>Amount of Service</u>
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A through C	Six (6) months
D through F	One (1) year

- B. Eligibility - Regular Part-time Employees: Regular part-time employees are eligible for a merit increase annually on their review dates.
- C. Eligibility - Continuing Employees: After an employee's initial merit advancement, the employee becomes eligible for annual merit increases on the employee's merit anniversary date each year, until the employee's salary reaches the maximum of the range. (See Section 320. E.)
- D. Qualifying Requirement: An employee must attain the performance rating indicated by City Management in order to qualify for a merit increase.
- E. Merit Decreases: If an employee's performance rating is not high enough to warrant a pay step increase, the employee may receive a pay reduction at the rate of one (1) pay reduction not to exceed five percent (5%) per regularly scheduled evaluation.
- F. Effective Dates: The merit review date is based upon the effective date of the personnel action (appointment, promotion, demotion, etc.) as follows:

<u>Effective Date</u>	<u>Merit Review Date</u>
2nd through 16th day of month	16th of month
17th through 1st day of succeeding month	1st day of succeeding month

- G. ~~Special Merit~~ EXCEPTIONAL PERFORMANCE Recognition Award: Upon the recommendation of the Division Director and the approval of the Department Head, ~~an Special Merit~~ EXCEPTIONAL PERFORMANCE Recognition Award may be given to FULL-TIME AND REGULAR PART-TIME ~~an~~ employees to recognize exceptional performance in the employee's class. ELIGIBLE EMPLOYEES MUST HAVE COMPLETED THEIR INITIAL PROBATIONARY PERIOD, AND RECEIVED AN OVERALL "ABOVE REQUIREMENTS" OR "EXCEEDS REQUIREMENTS" ON THEIR MOST RECENT ANNUAL PERFORCE APPRAISAL. TEAM MEMBERS CONSIDERED FOR EXCEPTIONAL PERFORMANCE RECOGNITION MUST HAVE RECEIVED AT LEAST A RATING OF "MEETS REQUIREMENTS." AN EMPLOYEE MAY RECEIVE NO MORE THAN ONE INDIVIDUAL AND ONE TEAM AWARD DURING A 12 MONTH PERIOD. This award will be for a specified amount and paid in a lump sum separate and apart from biweekly wages. AFTER THE CITY DEDUCTS THE APPROPRIATE AMOUNT OF TAXES, ~~the amount of the Special Merit~~ EXCEPTIONAL PERFORMANCE Recognition Award, NET OF TAXES, shall be NOT EXCEED two and one-half percent (2 1/2%) or five percent (5%) of the employee's base ANNUAL salary. computed for six (6) months [thirteen (13) pay periods].
- H. Unscheduled Merit Increases: Upon the recommendation of a Department Head and the Personnel Director, the City Manager may award an Unscheduled Merit Increase to an employee to recognize exceptional performance in the employee's class. This award is a permanent increase of one (1) pay step, and may be given only to employees below the maximum of the salary range to which they are assigned.

Section 5: Section 350, Mesa Personnel Rules, is amended to read:

Section 350. Overtime

- A. **Eligibility:**
1. All classified employees, except those identified in Paragraph 2, below, are eligible to receive overtime pay when earned.
 2. Executive, administrative, or professional employees who meet the criteria established in the federal Fair Labor Standards Act as amended, are exempt from overtime pay.
 - a. Notwithstanding any other provision of these Personnel Rules or any other policy of the City, ~~all executive, administrative, and professional employees of the City shall receive a salary that is not subject to deduction for absences of less than one (1) day~~ FOR PURPOSES OF PUBLIC ACCOUNTABILITY, ALL CITY OF MESA FLSA EXEMPT MESA EMPLOYEES MUST USE ACCRUED LEAVE FOR ABSENCES OF MORE THAN FOUR (4) CONSECUTIVE HOURS DURING A WORK DAY; OTHERWISE, FLSA EXEMPT EMPLOYEES WHO DO NOT HAVE ACCRUED LEAVE AVAILABLE WILL HAVE THEIR PAY DOCKED OR BE PLACED ON LEAVE WITHOUT PAY.
 - b. FLSA EXEMPT EMPLOYEES NEED NOT USE ACCRUED LEAVE FOR ABSENCES OF FOUR (4) CONSECUTIVE HOURS OR LESS IN A WORK DAY.
 - c. ALL EMPLOYEES, INCLUDING FLSA EXEMPT EMPLOYEES, MUST SEEK AND OBTAIN A SUPERVISOR'S PERMISSION TO BE ABSENT DURING THE WORK DAY.
- B. **Overtime Schedules:** All classified personnel except those identified above shall be eligible to receive overtime compensation for hours worked in excess of forty (40) hours during any work week, fifty-three hours (53) for firefighters.
- C. **Identification:** The Personnel Director will publish a list of all classified positions in the City service, identifying those positions eligible for overtime, and identifying the category of overtime for each position.
- D. **Payment:** Eligible employees, when authorized to work overtime, shall be compensated at one and one-half (1-1/2) times the hourly rate for each hour of overtime worked.
- E. **Compensatory Time:** At their request and with the approval of their supervisor, eligible employees may receive compensatory time in lieu of overtime payment. Compensatory time shall accrue at one and one-half (1-1/2) hours for each hour of overtime worked. The maximum amount of overtime that may be converted to compensatory time is forty (40) hours. (40 hours overtime = 60 hours compensatory time.) Once an employee has accrued compensatory time, that time cannot be converted into overtime pay.

Section 6: The Mesa Personnel Rules are amended by adding a new section 370, to read:

SECTION 370: EXECUTIVE PAY PLAN

THE CITY MANAGER, ASSISTANT CITY MANAGER, DEPARTMENT MANAGERS, AND THOSE CITY OFFICERS SPECIFICALLY ESTABLISHED IN THE CITY CHARTER, OR BY THE CITY COUNCIL IN THE CITY CODE, SHALL PARTICIPATE IN AN EXECUTIVE PAY AND BENEFITS PLAN. THE CITY COUNCIL SHALL CONSIDER THE EXECUTIVE PAY AND BENEFITS PLAN DURING ANNUAL BUDGET HEARINGS.

Section 7: Section 433, Mesa Personnel Rules, is amended to read:

SECTION 433. BEREAVEMENT LEAVE

A. Authority: A regular or probationary full-time employee may be granted paid

bereavement leave due to a death in the employee's immediate family.

B. Definition: For the purpose of this section the term immediate family means the employee's spouse, child, stepchild, mother, father, sister, brother, mother-in-law, father-in-law, brother-in-law, sister-in-law, STEP-PARENT, step-parent-in-law, grandparent, and grandchild.

C. Amount of Leave: The amount of bereavement leave is limited to three (3) days FOR FUNERALS THAT OCCUR IN STATE, AND FIVE (5) DAYS FOR FUNERALS THAT OCCUR OUT OF STATE.

D. Chargeability: THE THREE (3) DAY bBereavement leave will NOT be charged to sick leave. ~~If the employee wishes to take leave beyond three (3) days, it will be charged to vacation leave.~~ THE ADDITIONAL TWO (2) DAYS TO ATTEND AN OUT OF STATE FUNERAL WILL BE CHARGED TO SICK LEAVE.

Section 8: The Mesa Personnel Rules are amended by adding a new section 437, to read:

SECTION 437. INCENTIVE LEAVE

INCENTIVE LEAVE IS AN ADDITIONAL DAY (EIGHT HOURS) OF PAID LEAVE. ONE DAY OF INCENTIVE LEAVE WILL BE PROVIDED ANNUALLY TO EMPLOYEES IN EACH OF THE FOLLOWING INSTANCES:

1. PERFECT ATTENDANCE FOR THE PREVIOUS CALENDAR YEAR.
2. PARTICIPATION IN THE CITY'S TRIP REDUCTION PROGRAM AT LEAST 150 WORK DAYS A YEAR.

EMPLOYEES SHALL USE INCENTIVE LEAVE AS VACATION LEAVE. THE LEAVE SHALL BE USED IN THE CALENDAR YEAR IN WHICH IT IS GRANTED; IT CANNOT BE CARRIED OVER INTO THE NEXT CALENDAR YEAR.

Section 9: Section 510, Mesa Personnel Rules, is amended to read:

Section 510: Standards of Conduct

- A. General: In addition to the conduct prohibited to all Arizona public employees by A-R.S. 38-501 through 38-505, A.R.S. 38-531, and A.R.S. 38-532, a violation of the standards of conduct listed in Subsection B. below, or Article IX, Section 902., of the Mesa City Charter, is cause for discipline or dismissal of a City employee.
- B. Causes of Discipline or Dismissal:
1. Incompetence or inefficiency in the performance of duties.
 2. Abusiveness in attitude, language, or conduct to the public, wards of the City, or fellow employees.
 3. Violation of any lawful or official regulation or order. ~~or~~ Failure to obey any lawful and reasonable direction given by the employee's superior officer or supervisor.
 - 4.a. The use or possession of drugs, unless:
 - (I) such use or possession is pursuant to orders from a duly licensed physician as part of a lawful course of treatment, or unless
 - (II) in the case of a vapor releasing substance containing a toxic substance, such use or possession is consistent with manufacturer's instructions and is authorized by the City for the performance of certain job-related functions.
 - b. The use or possession of alcohol while on duty or during a break therefrom, or reporting for duty under the influence of alcohol or with a detectable odor of alcohol on one's breath or about one's person.
 5. Accepting a bribe in the course of work or in connection with it.
 6. Using, threatening to use, or attempting to use undue influence, extortion or blackmail in securing employment benefits or advantages for the employee or any other person.
 7. Conduct of a type which will bring discredit or embarrassment to the City.
 8. Conviction of any felony or conviction of a misdemeanor involving moral turpitude.
 9. Falsification of City documents or records, making false statements concerning duties with the City, making false statements to supervisor or other management employee, or using fraud to secure an appointment with the City.
 10. Causing bodily injury to person(s), damage to public property or wasting public supplies due to negligence or willful misconduct.
 11. Being absent from duty without authority.
 12. Engaging in outside business activities on City time, or using City property for personal use UNLESS AUTHORIZED BY WRITTEN CITY OR DEPARTMENTAL ADMINISTRATIVE POLICY APPROVED BY THE CITY MANAGER OR DEPARTMENT MANAGER.
 13. Engaging in illegal discriminatory action against another employee or applicant for employment on the basis of race, sex, religion, color, national origin, age, marital status, or disability.

14. Failure to maintain minimum standards, licenses, or qualifications required for any position.

Section 10: Section 810, Mesa Personnel Rules, is amended to read:

Section 810: Types of Disciplinary Actions

Disciplinary actions taken against City employees shall be limited to the following:

1. Verbal reprimand;
2. Written reprimand;
3. Disciplinary probation;
4. Suspension;
5. Demotion;
6. Dismissal.

FOR DISCIPLINARY AND TERMINATION PURPOSES, CLASSIFIED EMPLOYEES ARE ENTITLED TO THE DUE PROCESS, GRIEVANCE, AND APPEAL PROCEDURES PROVIDED UNDER THESE PERSONNEL RULES AND BY LAW. UNCLASSIFIED EMPLOYEES ARE SUBJECT TO THE SPECIFIC DISCIPLINARY OR TERMINATION PROCEDURES THAT ARE FOUND IN THE CITY CHARTER OR OTHER LAW THAT APPLY TO THEIR POSITION, AND IF NO SPECIFIC PROCEDURES APPLY, THEN THEY ARE SUBJECT TO THE SAME DISCIPLINARY AND TERMINATION PROCEDURES AS AT-WILL EMPLOYEES.

Section 11: Title 1, Mesa City Code, is amended by adding a new Chapter 30, to read:

CHAPTER 30: ADDITIONAL CITY OFFICES AND OFFICERS

1-30-1: CITY OFFICES AND OFFICERS

UNDER SECTION 210(A) OF THE CITY CHARTER, THE FOLLOWING CITY OFFICES AND OFFICERS ARE CREATED, IN ADDITION TO THOSE EXPRESSLY ESTABLISHED BY THE CITY CHARTER OR ELSEWHERE IN THE CITY CODE:

- A. AIRPORT DIRECTOR: UNDER THE SUPERVISION OF THE COMMUNITY DEVELOPMENT MANAGER, THE AIRPORT DIRECTOR SHALL BE RESPONSIBLE FOR ALL ASPECTS OF FALCON FIELD OPERATION AND OTHER DUTIES AS ASSIGNED BY THE COMMUNITY DEVELOPMENT MANAGER.
- B. ASSISTANT ELECTRIC UTILITY MANAGER: UNDER THE SUPERVISION OF THE ELECTRIC UTILITY MANAGER, THE ASSISTANT ELECTRIC UTILITY DIRECTOR SHALL BE RESPONSIBLE FOR ADMINISTRATIVE LEADERSHIP, MANAGEMENT, AND OPERATION OF THE CITY'S ELECTRIC UTILITY SYSTEM.
- C. ASSISTANT POLICE CHIEF: UNDER THE SUPERVISION OF THE POLICE CHIEF, ASSISTANT POLICE CHIEFS FILL HIGH-LEVEL ADMINISTRATIVE AND LEADERSHIP POSITIONS IN THE POLICE DEPARTMENT.

- D. ASSISTANT-UTILITIES MANAGER: UNDER THE SUPERVISION OF THE UTILITIES MANAGER, THE ASSISTANT UTILITIES MANAGERS SHALL BE RESPONSIBLE FOR ADMINISTRATIVE LEADERSHIP, MANAGEMENT, AND OPERATION OF THE CITY'S GAS, WATER, AND WASTEWATER UTILITY SYSTEMS.
- E. ASSISTANT TO THE CITY MANAGER: UNDER THE SUPERVISION OF THE CITY MANAGER, THE ASSISTANTS TO THE CITY MANAGER PERFORM ADMINISTRATIVE AND RESEARCH TASKS.
- F. BUDGET DIRECTOR: UNDER THE SUPERVISION OF THE MANAGEMENT SERVICES MANAGER, THE BUDGET DIRECTOR SHALL BE RESPONSIBLE FOR ADMINISTRATIVE SUPPORT IN DEVELOPING THE CITY BUDGET.
- G. CITY ENGINEER: UNDER THE SUPERVISION OF THE PUBLIC WORKS MANAGER, THE CITY ENGINEER SUPERVISES THE PROVISION OF ENGINEERING SUPPORT SERVICES FOR CITY PROJECTS.
- H. COMMUNICATIONS DIRECTOR: UNDER THE SUPERVISION OF THE GENERAL SERVICES MANAGER, THE COMMUNICATIONS DIRECTOR SHALL BE RESPONSIBLE FOR COORDINATING THE COMMUNICATION NEEDS OF THE CITY.
- I. COMMUNITY CENTER DIRECTOR: UNDER THE SUPERVISION OF THE COMMUNITY SERVICES MANAGER, THE COMMUNITY CENTER DIRECTOR SHALL SUPERVISE THE OPERATION OF THE MESA COMMUNITY CENTER.
- J. ECONOMIC DEVELOPMENT DIRECTOR: UNDER THE SUPERVISION OF THE COMMUNITY DEVELOPMENT MANAGER, THE ECONOMIC DEVELOPMENT DIRECTOR SHALL SUPPORT THE RETENTION AND RECRUITMENT OF BUSINESS ENTITIES.
- K. HOUSING DIRECTOR: UNDER THE SUPERVISION OF THE COMMUNITY SERVICES MANAGER, THE HOUSING DIRECTOR SHALL ADMINISTER THE CITY'S PUBLIC HOUSING AND REHABILITATION PROGRAMS.
- L. INFORMATION SERVICES DIRECTOR: UNDER THE SUPERVISION OF THE GENERAL SERVICES MANAGER, THE INFORMATION SERVICES DIRECTOR SHALL BE RESPONSIBLE FOR THE COMPUTER AND INFORMATION SERVICES NEEDS OF THE CITY.
- M. LIBRARY DIRECTOR: UNDER THE SUPERVISION OF THE COMMUNITY SERVICES MANAGER, THE LIBRARY DIRECTOR SHALL BE RESPONSIBLE FOR CARRYING OUT ALL POLICIES AND DIRECTIVES RESPECTING LIBRARY OPERATION.
- N. NEIGHBORHOOD AND COMMUNITY ASSISTANCE DIRECTOR: UNDER THE SUPERVISION OF THE COMMUNITY SERVICES MANAGER, THE DIRECTOR OF THE NEIGHBORHOOD AND COMMUNITY ASSISTANCE OFFICE SHALL BE RESPONSIBLE FOR CITY LIAISON WITH NEIGHBORHOODS, HOMEOWNER ASSOCIATIONS, AND COMMUNITY ORGANIZATIONS.
- O. PARKS, RECREATION AND CULTURAL DIRECTOR: UNDER THE SUPERVISION OF THE COMMUNITY SERVICES MANAGER, THE PARKS RECREATION, AND CULTURAL DIRECTOR

SHALL BE RESPONSIBLE FOR CARRYING OUT ALL POLICIES AND DIRECTIVES RESPECTING THE CITY'S PARKS, RECREATION, AND CULTURAL PROGRAMS.

- P. POWER OPERATIONS DIRECTOR: UNDER THE SUPERVISION OF THE ELECTRIC UTILITY MANAGER, THE POWER OPERATIONS DIRECTOR SHALL BE RESPONSIBLE FOR ADMINISTRATIVE LEADERSHIP, MANAGEMENT, AND OPERATION OF THE CITY'S ELECTRIC UTILITY SYSTEM.
- Q. PURCHASING DIRECTOR: UNDER THE SUPERVISION OF THE GENERAL SERVICES MANAGER, THE PURCHASING DIRECTOR IS RESPONSIBLE FOR COORDINATING THE CITY'S PURCHASING POLICIES CONSISTENT WITH THE CITY CHARTER AND CITY COUNCIL DIRECTION.
- R. REDEVELOPMENT DIRECTOR: UNDER THE SUPERVISION OF THE COMMUNITY DEVELOPMENT MANAGER, THE REDEVELOPMENT DIRECTOR SHALL BE RESPONSIBLE FOR DEVELOPING RECOMMENDATIONS AND CARRYING OUT ALL POLICIES AND DIRECTIVES RESPECTING REDEVELOPMENT AREAS.
- S. SOLID WASTE AND FACILITIES DIRECTOR: UNDER THE SUPERVISION OF THE PUBLIC WORKS MANAGER, THE SOLID WASTE AND FACILITIES DIRECTOR SHALL CARRY OUT ALL CITY SOLID WASTE PROGRAMS.
- T. TRANSPORTATION DIRECTOR: UNDER THE SUPERVISION OF THE PUBLIC WORKS MANAGER, THE TRANSPORTATION DIRECTOR SHALL BE RESPONSIBLE FOR CARRYING OUT CITY TRANSPORTATION POLICIES, INCLUDING THOSE PERTAINING TO MASS TRANSIT, BICYCLES, PEDESTRIANS, AND AUTOMOBILES.

Section 12: All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this day of , 1998.

APPROVED:

Mayor

ATTEST:

City Clerk