

**City of Phoenix
Special City Council Meeting
Public Works Office
1000 S. 'B' Street
Thursday, July 24, 2014**

Mayor Jeff Bellah called the Special meeting of the City Council to order on Thursday, July 24, 2014 at 6:30 p.m. in the Public Works Office.

ROLL CALL

PRESENT: Bruce Sophie, Carolyn Bartell, Chris Luz, Stan Bartell, Jeff Bellah

ABSENT: Karen Jones, Terry Helfrich

Staff Present: Steve Dahl, City Manager/Recorder
J. Ryan Kirchoff, City Attorney

Mayor Bellah drafted a response (on file) to the employee complaint letter from Public Works employees, Theresa Syphers, Heidi Otis, and Matias Mendez. He began by addressing the first listed complaint, which was the Public Works superintendent being on-call rotation. Councilor S. Bartell commented he wanted to discuss the wording in the Public Works superintendent contract. Additionally, he inquired whether it was in the employee's description to be required to be on rotation. Attorney Kirchoff stated that duties to be on rotation would be required per the supervisor and the employees cannot determine how their supervisor should perform his duties.

Further discussion followed, as Mayor Bellah read aloud the determination that they would support the City Manager's decision. Councilor S. Bartell inquired whether it was appropriate to discuss the reasons behind removing the superintendent from the rotation and whether the employees were noticed sufficiently. Attorney Kirchoff advised that Council not go into any of the issues brought up in the complaint specifically, rather simply define whether they were going to address each of the issues or refer them to administration. He added that a notice on an agenda for specific issues would be required should Council decide to discuss any item further.

Mr. Dahl responded to the question regarding removing Mr. Caldwell from rotation by explaining he is required to attend meetings and be a backup on-call person, should anyone call in sick and he did not feel it was appropriate to add more to Mr. Caldwell's schedule. Attorney Kirchoff further advised council to defer this issue back to administration so as not to enact a precedent that allows employees to go to council with other issues. Mayor called for a vote for to refer this item back to administration. Councilor Sophie seconded.

**ROLL CALL VOTE AS FOLLOWS:
Ayes: Sophie, C. Bartell, S. Bartell, and Luz
MOTION APPROVED WITH FOUR AYES**

Mayor Bellah addressed the second item in the letter as not being specific; furthermore, it is hearsay. Attorney Kirchoff followed up with noting this is not a statement of misconduct; therefore, does not fall within the guidelines of a grievance. Mayor Bellah read aloud his response to this item. Attorney Kirchoff recommended Council not concede to this item without substantiation, so as not to create a liability. Further discussion followed, as Mayor Bellah read aloud the response as corrected.

**ROLL CALL VOTE AS FOLLOWS:
Ayes: Sophie, C. Bartell, S. Bartell, and Luz
MOTION APPROVED WITH FOUR AYES**

Mayor Bellah addressed the third item and read aloud his response with corrections. Further discussion followed, as Attorney Kirchoff recommended Council remove the wording of suggesting to the employees to file a complaint. Council further suggested changes to the wording of the response. As discussion progressed, Mr. Dahl explained Mr. Caldwell informed him in part regarding the SCADA issue when it happened; however, he was unaware of the issues relayed in the letter. Additional discussion followed, regarding the personnel manual and whether the SCADA issue is valid due to timeliness. Attorney Kirchoff pointed out the complainant parties skipped the City Manager in addressing the SCADA issue, which makes the complaint invalid due to the time frame; however, that does not preclude the Council from directing Mr. Dahl to look into the matter further, it simply doesn't fall under something Council can address to the complainants. Further discussion followed, as Mayor Bellah read aloud the response as corrected.

**ROLL CALL VOTE AS FOLLOWS:
Ayes: Sophie, C. Bartell, S. Bartell, and Luz
MOTION APPROVED WITH FOUR AYES**

Mayor Bellah addressed the fourth item as being invalid, as the proper procedure for filing a complaint was not performed. Council concurred.

**ROLL CALL VOTE AS FOLLOWS:
Ayes: Sophie, C. Bartell, S. Bartell, and Luz
MOTION APPROVED WITH FOUR AYES**

Mayor Bellah further read aloud the final paragraph prepared for the response. Attorney Kirchoff suggested removing the second sentence, so as not to appear like the Council is validating the Public Works employees' allegations. Further discussion followed regarding the SCADA system. Council requested Mr. Dahl conduct a formal review of the scope of the SCADA incident. Council advised they need to be informed of the result of the investigation of the excavation locates. Mayor Bellah noted he will revise the draft as corrected throughout the meeting. Mayor Bellah raised the question of holding an executive session regarding

performance standards. Attorney Kirchoff replied that this issue can be addressed outside of a quorum following the meeting. Mayor called for a vote on the summary statement as corrected.

ROLL CALL VOTE AS FOLLOWS:
Ayes: Sophie, C. Bartell, S. Bartell, and Luz
MOTION APPROVED WITH FOUR AYES

The meeting adjourned at 7:51 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder