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CIVIL SERVICE COMMISSION

**LONG BEACH CIVIL SERVICE COMMISSION
CHARLES HICKS JR., PRESIDENT
NOVEMBER 6, 2013**

The regular meeting of the Civil Service Commission was held at 8:00 a.m., Wednesday, November 6, 2013, in the Board Room of the Commission, 333 West Ocean Boulevard, Seventh Floor, Long Beach, California.

MEMBERS PRESENT: Carolyn Smith Watts, Charles Hicks Jr., Jeanne Karatsu, Jonathan Gotz, Larry Keller

MEMBER EXCUSED:

OTHERS PRESENT: Mario R. Beas, Executive Director & Secretary
Melinda George, Deputy Director
Marilyn Hall, Executive Assistant
Christina Checel, Senior Deputy City Attorney
Salvador Ambriz, Personnel Analyst
Debbie McCluster, Personnel Analyst
Caprice McDonald, Personnel Analyst
Robert Pfingsthorn, Personnel Analyst
Lourdes Ferrer, Personnel Analyst
Donna de Araujo, Personnel Analyst
Ken Walker, Personnel Operations Manager, Human Resources

President Hicks presided.

MINUTES: It was moved by Commissioner Gotz, seconded by Commissioner Smith Watts and carried that the minutes of the regular meeting of October 16, 2013, be approved as prepared. The motion carried by a unanimous roll call vote. Commissioners Karatsu and Keller abstained from voting as they were not present.

It was moved by Commissioner Smith Watts, seconded by Commissioner Karatsu and carried that the Dismissal Appeal 08-D-1213 hearing minutes of August 14, 2013 and September 4, 2013, be approved as prepared. The motion carried by a unanimous roll call vote.

CONSENT CALENDAR (2-6): It was moved by Commissioner Smith Watts, seconded by Commissioner Keller and carried that the Consent Calendar items be approved with the amendment of Street Maintenance Supervisor being added to the examination results. The motion carried by a unanimous roll call vote.

EXAMINATION RESULTS:

Request to approve examination results.

Garage Service Attendant – 163 Applied, 42 Applied
Mechanical Engineer – 23 Applied, 5 Qualified
Police Recruit – 4609 Applied, 1377 Qualified
Public Safety Dispatcher – Lateral – 5 Applied, 5 Qualified
Street Maintenance Supervisor – 34 Applied, 5 Qualified

The motion was made to approve request on Consent Calendar.

RETIREMENTS:

Request to receive and file retirements.

Michael Masai/Police Officer/Police
Clytie Mager-McLaughlin/Clerk Typist III/Police
Darrell Bean/Gas Distribution Supervisor I/Long Beach Gas
& Oil
Patricia Fleming/Clerk Typist III/Public Works

The motion was made to receive and file on Consent Calendar.

DISABILITY RETIREMENT:

Request to receive and file disability retirement.

Araceli Thue/Police Officer/Police

The motion was made to receive and file on Consent Calendar.

RESIGNATIONS:

Request to receive and file resignations.

Elisabeth Carr/School Guard/Police
Daniel Lee/Office Systems Analyst III/Harbor
James Lin/Ambulance Operator/Fire
Zackary Neighbors/Combination Building Inspector Aide I
/Development Services

The motion was made to receive and file on Consent Calendar.

RESCHEDULE FOR HEARING:

Request to approve reschedule for hearing.

Suspension Appeal 23-S-1213, November 13, 2013

The motion was made to approve on Consent Calendar.

PROVISIONAL APPOINTMENT:

The Secretary presented a communication from Meg Rau, Administrative Officer, Development Services, requesting Commission authorization to appoint Ruth Anne Salau Kurkjian, to the classification of Neighborhood Services Specialist III, on a provisional basis. After discussion, it was moved by Commissioner Gotz, seconded by Commissioner Keller and carried that the request be granted in accordance with Civil Service Commission Policy 1.02 and Section 43 of the Civil Service Rules and Regulations. The motion carried by a unanimous roll call vote.

PROVISIONAL APPOINTMENT:

The Secretary presented a communication from Margaret Huebner, Director of Human Resources, Harbor, requesting Commission authorization to appoint Richard Perkins, to the classification of Construction Supervisor on a provisional basis. After discussion, it was moved by Commissioner Karatsu, seconded by Commissioner Keller and carried that the request be granted in accordance with Civil Service Commission Policy 1.02 and Section 43 of the Civil Service Rules and Regulations. The motion carried by a unanimous roll call vote.

**PROTEST OF WRITTEN EXAM
ITEM(S):**

STREET MAINTENANCE SUPERVISOR

The Secretary requested that this item be withdrawn, as there were no protests.

**REQUEST FOR ORDER OF
LAYOFF:**

The Secretary presented an Order of Layoff to the Commission (from its October 16, 2013 meeting) for the Administrative Analyst, Development Project Manager and Senior Accountant classifications, limited to the Workforce Development Bureau of Human Resources. In addition, the Secretary presented a staff report prepared by him. After discussion, it was moved by Commissioner Smith Watts, seconded by Commissioner Gotz and carried to approve the Order of Layoff as prepared. The Order of Layoff was forwarded to the City Manager on October 16, 2013, and was not executed. The motion carried by a unanimous roll call vote.

**CLARIFICATION REGARDING
APPLICATION OF CIVIL SERVICE
RULES AND REGULATIONS
SECTION 93(6) ORDER OF LAYOFF:**

The Secretary presented a request from Patrick H. West, City Manager, for clarification and modification of an Order of Layoff from September 2013. In addition, the Secretary presented a staff report prepared by Him. The Secretary stated that this item is before the Commission because of a decision it made in a 2012 order of layoff regarding an

employee hired as a selective certification, promoted and subsequently laid off. He stated that in the past, this type of employee would have been sent back to their original selective certification position for consideration in an order of layoff. However, in this situation, Human Resources did not agree and brought the matter to you. Your legal advisor informed you that the Civil Service Rules and Regulations did not specifically address that specific circumstance and you had the discretion to go either way. He stated that in the past, staff has conducted these orders of layoff based on a 1982 City Attorney legal opinion. He stated that one year later the Commission received another order of layoff with a selectively certified individual. He stated that because of the different circumstances with layoffs, a clearer process that addressed what happens with selective certifications on orders of layoffs be established in the rules. Ms. Checel stated that the two requests mentioned in these orders of layoffs are different in that there were two people in the position, and one position was a selectively certified employee, and the rules clearly defines what action to take in this situation. However, she stated that the 2012 situation was very different and because there was no rule that clearly defined the action, her opinion was that it was legal to move a person back to a classification without a selective certification and the Commission did. She stated that the question today is what do you do with the order of layoff that was given to departments regarding the selective certification. Do you remove the person with the selective certification from all the movement or do you keep the person in the selectively certified position. She stated that Section 93(6) of your rules states that the selectively certified position should not be included unless specified by the appointing authority. This was not the case and her position is that the person in the position should be removed from the equation. President Hicks questioned if the selective certification was position or individual based. Debbie Mills, Director of Human Resources stated that selective certification are position based. After discussion, it was moved by Commissioner Smith Watts, seconded by Commissioner Keller and carried for staff to modify the order of layoff of September 11, 2013. The motion carried by a unanimous roll call vote.

Ken Walker, Manager – Personnel Operations, Human Resources suggested a work session to discuss different situations regarding orders of layoffs.

**EXTENSION OF EXPIRING
ELIGIBLE LISTS:**

The Secretary presented a staff report, prepared by him, requesting Commission approval of the following eligible lists for six months, with the exception of Refuse Operator, which he requested be withdrawn. After discussion, it was moved by Commissioner Keller, seconded by Commissioner Karatsu and carried that the following eligible lists be extended for six months. The motion carried by a unanimous roll call vote.

Aquatics Supervisor
Emergency Medical Educator
Gas Construction Worker
Gas Field Service Representative
Personnel Analyst
Plan checker – Fire Prevention (5/15/13 & 5/30/13)
Port Financial Analyst
Public Health Nutritionist
Recreation Assistant
~~Refuse Operator~~
Senior Civil Engineer

BULLETINS:

The Secretary presented a staff report prepared by him, requesting Commission approval of the following job bulletins. President Hicks requested that the bulletin for Building Services Supervisor be amended from being opened for one week to two weeks. He also requested that all bulletins in the future be opened for two weeks. After discussion, it was moved by Commissioner Smith Watts, seconded by Commissioner Karatsu and carried that the following Job Opportunity Bulletins be approved, with Building Services Supervisor being amended to being opened for two weeks. The motion carried by a unanimous roll call vote.

Building Services Supervisor
Clerk Supervisor
Port Security Systems Operator
Survey Technician
Transportation Planner

MANAGERS' REPORT:

Melinda George, Deputy Director, thanked staff and Donna de Araujo, Personnel Analyst, for the excellent work they did in the administration of the Police Recruit examination, and Deborah McCluster, Personnel Analyst for the recruitment effort. She informed the Commission that this was a unique examination, in that about one-half of the candidates were

waived from taking the written examination.

Donna de Araujo, Personnel Analyst, thanked staff for their assistance with the Police Recruit examination.

COMMENTS FROM PUBLIC:

Debbie Mills, Director of Human Resources, informed the Commission that with the announcement of the Executive Director's retirement, Human Resources wanted to offer their assistance in any way it can during the transition. She stated that she had received communications from several departments regarding their concerns of the examinations that are in pending status. She stated that because some of these positions are revenue-generating positions and there is an immediate need to fill them, departments are concerned with getting the examinations conducted as soon as possible. President Hicks stated that Commissioner Keller will be leading the effort on a replacement for the Executive Director and Commissioners Smith Watts and Gotz will be working with a Civil Service staff member and representative from Human Resources regarding some kind of transition plan to make sure Civil Service continue to meet the needs of departments. He requested that they meet to prioritize prior to the next meeting.

RECOMMENDATION TO APPROVE SALARY ADJUSTMENT FOR EXECUTIVE DIRECTOR:

It was moved by Commissioner Gotz, seconded by Commissioner Smith Watts and carried to recess the meeting to a closed session, pursuant to Government Code 54957.8, to discuss a salary adjustment for the Executive Director. The motion carried by a unanimous roll call vote.

After discussion, the Commission reconvened the meeting. It was moved by Commissioner Gotz, seconded by Commissioner Keller and carried to approve the PERS pickup (6%) for the Executive Director, effective November 16, 2013, and to adjust his salary (5%), retroactively to October 1, 2013. The motion carried by a unanimous roll call vote.

ADJOURNMENT:

There being no further business before the Commission, President Hicks adjourned the meeting.



MARIO R. BEAS
Secretary

MRB:meh

Donita Van Horik, Chair
Alan Fox, Vice Chair



Becky Blair, Commissioner
Molly Campbell, Commissioner
Mark Christoffels, Commissioner
Phil Saumur, Commissioner
Melani Smith, Commissioner

FINISHED AGENDA AND MINUTES

CALL TO ORDER (5:05 PM)

see media

At 5:05 p.m., Chair Van Horik called the meeting to order.

ROLL CALL (5:05 PM)

see media

Commissioners Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Donita Van
Present: Horik, Becky Blair, Mark Christoffels and Molly Campbell

Also present: Amy Bodek, Director of Development Services; Derek Burnham, Planning Administrator; Jill Griffiths, Planning Officer; Michael Mais, Assistant City Attorney; Jeff Winklepleck, Planner; Jorge Ramirez, Planner; Steven Valdez, Planner; Mark Hungerford, Planner; Scott Kinsey, Planner; Heidi Eidson, Bureau Secretary.

FLAG SALUTE (5:05 PM)

see media

Commissioner Blair led the flag salute.

MINUTES (5:06 PM)

see media

see media

13-061PL

Recommendation to receive and file the Planning Commission minutes of October 3, 2013.

A motion was made by Commissioner Blair, seconded by Commissioner Saumur, to approve the recommendation. The motion carried by the following vote:

Yes: 6 - Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Becky Blair, Donita Van Horik and Mark Christoffels

Absent: 1 - Molly Campbell

DIRECTOR'S REPORT (5:07 PM)

see media

Amy Bodek, Director of Development Services, provided the Director's Report.

Commissioner Blair spoke.

Chair Van Horik spoke.

Commissioner Christoffels spoke.

Amy Bodek spoke.

SWEARING OF WITNESSES (5:13 PM)

see media

Do you solemnly swear or affirm that the evidence you shall give in this Planning Commission Meeting shall be the truth, the whole truth, and nothing but the truth.

REGULAR AGENDA (5:13 PM)

see media

see media

1. 13-064PL Recommendation to find the proposed subterranean vacations of the eastern 3.5 feet of Broadway Court between Ocean Boulevard and Bronce Way, and a 560-square-foot section of Lime Avenue at the western terminus of Medio Street in conformance with the adopted goals and policies of the City's General Plan. (District 2) (Application No. 1309-16)

Derek Burnham, Planning Administrator, introduced Jeff Winklepleck, Project Planner, who presented the staff report.

Commissioner Christoffels spoke.

Amy Bodek, Director of Development Services, responded to a query from Commissioner Christoffels.

Jim Anderson, applicant, spoke.

Commissioner Campbell spoke.

Michael Mais, Assistant City Attorney, responded to a query from Chair Van Horik.

A motion was made by Commissioner Blair, seconded by Commissioner Campbell, to approve the recommendation with an amendment that Public Works clarify at what depth the vacations begin and include a legend on the exhibit when the item goes before City Council for action. The motion carried by the following vote:

Yes: 7 - Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Becky Blair, Donita Van Horik, Mark Christoffels and Molly Campbell

see media

2. 13-062PL

Recommendation to approve a Conditional Use Permit (CUP) request to allow the sale of beer and wine for off-site consumption (Type 20 License), at an existing convenience store located at 6820 Long Beach Boulevard within the Community Automobile-Oriented (CCA) zone. (District 9) (Application No. 1306-27)

Derek Burnham, Planning Administrator, introduced Jorge Ramirez, Project Planner, who presented the staff report.

Commissioner Smith spoke.

Jorge Ramirez responded to a query from Commissioner Smith.

Amy Bodek, Director of Development Services, responded to a query from Commissioner Smith.

Commissioner Smith spoke.

Amy Bodek responded to a query from Commissioner Blair.

Commissioner Blair spoke.

Amy Bodek responded to remarks made by Commissioner Blair.

Commissioner Saumur spoke.

Commissioner Campbell spoke.

Commissioner Christoffels spoke.

Amy Bodek responded to a query from Commissioner Christoffels.

Will Nieves, representing the applicant, spoke.

Commissioner Saumur spoke.

A dialogue ensued between Commissioner Saumur and Will Nieves.

A dialogue ensued between Chair Van Horik and Will Nieves.

Derek Burnham responded to a query from Chair Van Horik.

Amy Bodek responded to a query from Chair Van Horik.

Pastor Granderson Wright provided public comment.

Claude Merchant provided public comment.

George Cadenhead provided public comment and presented a petition into the record.

Edgeur Shaw provided public comment.

Jason Sims provided public comment.

Rex Richardson, Chief of Staff for the 9th District Council Office, provided public comment.

Will Nieves responded to comments made by the public.

Commissioner Saumur spoke.

Jorge Ramirez responded to a query from Commissioner Saumur.

Derek Burnham spoke.

Jorge Ramirez responded to a query from Chair Van Horik.

Commissioner Blair spoke.

Commissioner Campbell spoke.

Commissioner Fox spoke.

Amy Bodek and Jorge Ramirez responded to a query from Commissioner Fox.

Commissioner Fox spoke.

Derek Burnham responded to a query from Commissioner Fox.

Commissioner Fox spoke.

Commissioner Saumur spoke.

Derek Burnham responded to a query from Commissioner Saumur.

Commissioner Saumur spoke.

Commissioner Smith spoke.

Chair Van Horik spoke.

A motion was made by Commissioner Blair, seconded by Commissioner Campbell to approve the recommendation. The motion carried by the following vote:

Yes: 7 - Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Becky Blair, Donita Van Horik, Mark Christoffels and Molly Campbell

see media

3. 13-055PL

Recommendation to receive and file a Classification of Use request to define overnight care of dogs and cats, and approve a Conditional Use Permit (CUP) to incorporate supervised, twenty-four hour dog care at an existing dog grooming store located at 3434 Atlantic Avenue in the Community Automobile-Oriented (CCA) zone. (District 8) (Application No. 1307-10).

Derek Burnham, Planning Administrator, spoke.

A dialogue ensued between Chair Van Horik and Derek Burnham.

Steven Valdez, Project Planner, presented the staff report.

Commissioner Saumur spoke.

Derek Burnham responded to queries from Commissioner Saumur.

Commissioner Saumur spoke.

Derek Burnham responded to a query from Commissioner Smith.

Derek Burnham responded to a query from Commissioner Christoffels.

Commissioner Christoffels spoke.

Steven Valdez responded to a query from Commissioner Christoffels.

Derek Burnham responded to a query from Commissioner Christoffels.

Chair Van Horik spoke.

A dialogue ensued between Chair Van Horik and Derek Burnham.

Michael Mais, Assistant City Attorney, responded to a query from Chair Van Horik.

Aaron Hovis, applicant, spoke.

Aaron Hovis responded to a query from Commissioner Christoffels.

Chair Van Horik swore in a member of the public wishing to speak.

Lori Perkins provided public comment.

Chair Van Horik swore in a member of the public wishing to speak.

Valerie Rhodes provided public comment.

Derek Burnham responded to a query from Commissioner Fox.

A motion was made by Commissioner Christoffels, seconded by Commissioner Blair, to approve the recommendation to receive and file a Classification of Use request to define overnight care of dogs and cats. The motion carried unanimously.

Commissioner Saumur spoke.

Chair Van Horik spoke.

A motion was made by Commissioner Smith, seconded by Commissioner Campbell, to approve the recommendation to approve a Conditional Use Permit request to incorporate supervised, twenty-four hour dog care at an existing dog grooming store. The motion carried by the following vote:

Yes: 7 - Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Becky Blair, Donita Van Horik, Mark Christoffels and Molly Campbell

see media

4. 13-063PL

Recommendation to approve Site Plan Review and Tentative Tract Map request to allow construction of a seven-story mixed-use development consisting of 222 residential units, 8,500 square feet of commercial lease space, and 289 parking stalls in a three-level garage located at 245 W.

Broadway in the PD-30 (Downtown Plan) zoning district. (District 2)
(Application No. 1302-12)

Michael Mais, Assistant City Attorney responded to a query from
Commissioner Blair.

Commissioner Blair recused herself from the item.

Derek Burnham, Planning Administrator, spoke.

Scott Kinsey, Project Planner, presented the staff report.

Mark Hungerford, Project Planner, discussed the design process portion
of the staff report.

Derek Burnham responded to a query from Commissioner Saumur.

Amy Bodek, Director of Development Services, responded to a query
from Commissioner Saumur.

Chair Van Horik spoke.

Scott Kinsey responded to a query from Chair Van Horik.

Chair Van Horik spoke.

Commissioner Fox spoke.

Gregory Sterling, representing the applicant, spoke.

Michael Bohn, project architect, spoke.

Michael Bohn responded to a query from Commissioner Smith.

Commissioner Smith spoke.

Commissioner Saumur spoke.

Michael Bohn responded to queries from Commissioner Saumur.

A dialogue ensued between Chair Van Horik and Michael Bohn.

Gary Shelton provided public comment.

Bob Ladd, ASLA, provided public comment.

Mario Nasab, owner of La Traviata Restaurant, provided public comment.

Kraig Kojian, President and CEO of Downtown Long Beach Associates, provided public comment.

Chair Van Horik swore in a member of the public wishing to provide public comment.

Erik Gray, Downtown Residential Council, provided public comment.

Chair Van Horik spoke.

Michael Bohn responded to comments made by the public.

Derek Burnham responded to a query from Chair Van Horik.

Derek Burnham responded to a query from Commissioner Smith.

Commissioner Smith spoke.

Commissioner Christoffels spoke.

A dialogue ensued between Commissioner Campbell and Amy Bodek.

Commissioner Campbell responded to a query from Chair Van Horik.

Michael Mais, Assistant City Attorney, responded to a query from Commissioner Campbell.

Commissioner Christoffels responded to queries from Chair Van Horik.

A dialogue ensued between Scott Kinsey and Commissioner Christoffels.

A motion was made by Commissioner Christoffels, seconded by Commissioner Campbell, to approve the recommendation with an amendment to modify language for special conditions 4B and 4C. The motion carried by the following vote:

Yes: 7 - Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Becky Blair, Donita Van Horik, Mark Christoffels and Molly Campbell

PUBLIC PARTICIPATION (7:55 PM)

[see media](#)

Michael Murchison provided public comment.

COMMENTS FROM THE PLANNING COMMISSION (7:57 PM)

see media

Chair Van Horik spoke.

Amy Bodek, Director of Development Services, spoke.

Chair Van Horik spoke.

Derek Burnham, Planning Administrator, spoke.

ADJOURNMENT (8:00 PM)

see media

At 8:00 p.m., Chair Van Horik adjourned the meeting.

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