

**LONG BEACH CIVIL SERVICE COMMISSION
F. PHIL INFELISE, PRESIDENT
JUNE 22, 2011**

The regular meeting of the Civil Service Commission was held at 8:00 a.m., Wednesday, June 22, 2011, in the Board Room of the Commission, 333 West Ocean Boulevard, Seventh Floor, Long Beach, California.

MEMBERS PRESENT: F. Phil Infelise, Jeanne Karatsu, Carolyn Smith Watts
Charles Hicks Jr., Gerald Good

MEMBER EXCUSED:

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

President F. Phil Infelise presided.

MINUTES: It was moved by Commissioner Smith Watts, seconded by Commissioner Karatsu and carried that the minutes of the regular meeting of June 8, 2011, be approved as prepared. The motion carried by a unanimous roll call vote.

It was moved by Commissioner Smith Watts, seconded by Commissioner Karatsu and carried that the minutes of the regular meeting of June 15, 2011, be approved as prepared. The motion carried by a unanimous roll call vote.

It was moved by Commissioner Karatsu, seconded by Commissioner Hicks and carried that the Dismissal Appeal 06-D-1011 hearing minutes of June 1, 2011, be approved as prepared. The motion carried by a unanimous roll call vote.

It was moved by Commissioner Smith Watts, seconded by Commissioner Good and carried that the Suspension Appeal 32-S-910 hearing minutes of June 8, 2011, be approved as prepared. The motion carried by a unanimous roll call vote.

CONSENT CALENDAR (2-4):

It was moved by Commissioner Good, seconded by Commissioner Hicks and carried that the Consent Calendar items be approved. The motion carried by a unanimous roll call vote.

EXAMINATION RESULTS:

Request to approve examination results.

Deputy Chief Harbor Engineer – 8 Applied, 5 Qualified

The motion was made to approve request on Consent Calendar.

RESIGNATIONS:

Request to receive and file resignations.

Sara Laramie/Criminalist II/Police
Lisa Scott/Special Services Officer III/Airport

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

TRANSFER:

Request to approve transfer.

Christina Garcia/Assistant Administrative Analyst II/Development Services to Assistant Administrative Analyst II/Harbor

The motion was made to approve the transfer on Consent Calendar.

REQUEST FOR EXCEPTION TO CIVIL SERVICE RULES AND REGULATIONS – ARTICLE VIII SECTION 115(3)

Requesting Exception to Article II, Section 7 of the Civil Service Rules and Regulations – Qualifications and Requirements for Clerk/Clerk Typist, Limiting Applications to City Employees and Laid Off City Employees

The Secretary presented a staff report, prepared by him, requesting Commission approval for an exception to Article II, Section 7 of the Civil Service Rules and Regulations – Qualifications and Requirements, for Clerk/Clerk Typist, as an open-competitive examination, limiting applications to City employees and City employees terminated due to layoffs. The Secretary briefed the Commission regarding this request. After discussion, it was moved by Commissioner Good, seconded by Commissioner Hicks and carried to approve the Exception to Civil Service Rules and Regulations, Section 115(3), Article II, Section 7 –

Qualifications and Requirements. The motion carried by a unanimous roll call vote.

**COMMUNICATION REGARDING
SELECTIONS FROM REFUSE
FIELD INVESTIGATOR ELIGIBLE
LIST:**

The Secretary presented a communication from Surian Pearson, Refuse Operator, regarding his exclusion from being selected from the Refuse Field Investigator eligible list. Mr. Pearson addressed the Commission, stating his concerns that he had been interviewed three times for the position of Refuse Field Investigator and has never been selected nor had any feedback as to why he was not selected. He also indicated that he felt that he was being discriminated against because he is a Union Steward. He requested the Commission investigate the interview process to determine what, if any, inconsistencies there were in the interview process. He also informed the Commission that he had not received a Performance Appraisal Review in three years. Cynthia Stafford, Personnel Services Officer, Public Works, informed the Commission that the department has a selection process that has not been concluded, and that she did not feel comfortable discussing the matter at this time in open session. Commissioner Hicks stated that if there is a process currently in place, it would be premature for the Commission to make a decision. Commissioner Good questioned as to how often an employee is to receive a Performance Appraisal Review. He requested Ms. Stafford report back to the Commission the reason Mr. Pearson had not received a Performance Appraisal Review in three years. Christina Checél, Deputy City Attorney and Commission Advisor, informed the Commission that many of the issues Mr. Pearson raises, although valid issues, are outside the jurisdiction of the Commission. She also informed the Commission that any issue regarding potential union retaliation has not business before the Commission. She also stated that department selection is contained within the department and any investigation by the Commission would not be appropriate and non-career employment is also outside the jurisdiction of the Commission. Regarding Mr. Pearson's communication to the Commission being posted, she stated that because Commission agendas are available to the public, there is no violation. Commissioner Good stated that he would like to know when the communication from Mr. Pearson was posted on his department's board. Commissioner Smith Watts indicated to Ken Walker, Manager, Personnel Operations, Human Resources that maybe some type of

communication regarding the process and why they were not selected for a position be available to employees. Mr. Walker informed the Commission that Human Resources would pursue Mr. Pearson's allegation of union animosity. He stated that once the selection process is completed, Human Resources will pursue the allegation. He stated that once the process is completed, he is sure Public Works will give Mr. Pearson feedback regarding his interview. Commissioner Hicks stated that his concern is that Mr. Pearson indicated that this is the third time and he has not received feedback from the previous two times. Chris Ward, Union Representative, stated that he felt this was in the jurisdiction of the Commission. Commissioner Good informed Mr. Ward that since it has been determined that this matter is outside of the Commission's jurisdiction, there is no need for further comments. After discussion, it was moved by Commissioner Hicks, seconded by Commissioner Good and carried to receive and file Mr. Pearson's communication. The motion carried by a unanimous roll call vote.

REQUEST FOR ORDER OF LAYOFF:

The Secretary presented an Order of Layoff to the Commission for the Registered Nurse, Community Worker and Microbiologist classifications. In addition, the Secretary presented a staff report prepared by him. After discussion, it was moved by Commissioner Good, seconded by Commissioner Smith Watts and carried to approve the Order of Layoff as prepared and to forward it to the City Manager. The motion carried by a unanimous roll call vote.

PROPOSED CIVIL SERVICE DEPARTMENT BUDGET 2011/12

The Secretary presented a staff report, prepared by him, and the proposed Civil Service Department Budget for Fiscal Year 2011/12, to the Commission for approval. He briefed the Commission on the proposed budget. Commissioner Good indicated that good work was done in the area of certification and hearings, which should address some concerns. After discussion, it was moved by Commissioner Good, seconded by Commissioner Hicks and carried to approve the proposed Civil Service Budget for Fiscal Year 2011/12, and submit it to the Mayor. The motion carried by a unanimous roll call vote.

**CONSIDERATION OF HEARING
OFFICER'S REPORT:**

SUSPENSION HEARING 10-S-1011

The Secretary presented a report prepared by Hearing Officer Dolores Martin, Attorney at Law, to the Commission, regarding the subject hearing which was conducted on June 10, 2011. After discussion, it was moved by Commissioner Good, seconded by Commissioner Smith Watts and carried that the hearing officer's report be approved as prepared. The motion carried by a unanimous roll call vote.

**CONSIDERATION OF HEARING
OFFICER'S REPORT:**

SUSPENSION HEARING 17-S-910

The Secretary presented a report prepared by Hearing Officer Joseph Heath, Attorney at Law, to the Commission, regarding the subject hearing which was conducted on May 6, 2011. After discussion, it was moved by Commissioner Hicks, seconded by Commissioner Good and carried that the hearing officer's report be approved as prepared. The motion carried by a unanimous roll call vote.

BULLETINS:

It was moved by Commissioner Good, seconded by Commissioner Hicks and carried that the following Job Opportunity Bulletins be approved. The motion carried by a unanimous roll call vote.

Clerk/Clerk Typist
Traffic Engineer

EMERGENCY ITEM:

The Secretary requested the Commission consider a request to file late application as an emergency item, pursuant to Government Code 54956.6. It was moved by Commissioner Smith Watts, seconded by Commissioner Hicks and carried to consider the emergency item pursuant to Government Code 54956.6. The Secretary presented a communication from Terry Meisch, requesting Commission approval to file a late application for General Maintenance Supervisor. Mr. Meisch was present and addressed the Commission. After discussion, it was moved by Commissioner Smith Watts, seconded by Commissioner Hicks and carried to deny the request to file late application. The motion carried by a unanimous roll call vote.

**REQUEST TO RECONSIDER
HEARING OFFICER REPORT:**

SUSPENSION APPEAL 26-S-910

The Secretary presented a communication from Patrick H. West, City Manager, requesting the Commission to reconsider its decision to reject and modify the hearing officer's report, regarding Suspension Appeal 26-S-910, and either rehear the case or refer it to another hearing officer. The Secretary requested the Commission recess the hearing to a closed session, pursuant to Government Code 54957.8. It was moved by Commissioner Good, seconded by Commissioner Smith Watts and carried to recess the hearing to a closed session pursuant to Government Code 54957.8.

RECONVENE:

The Commission reconvened to the regular meeting and announced the following decision: After considering arguments from counsel and department representatives, and after due deliberations, the Commission decided to sustain its initial decision overturning the July 9, 2010 charge against suspension appeal 26-S-910. The Commission denies the City Manager's request to reconsider the ruling in this matter. Finally, the Commission directs its legal counsel to prepare findings to be included with the final decision. This decision was unanimous.

ADJOURNMENT:

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



MARIO R. BEAS
Secretary

MRB:meh

Charles Durnin, Chair
Donita Van Horik, Vice-Chair



Becky Blair, Commissioner
Alan Fox, Commissioner
Leslie Gentile, Commissioner
Phil Saumur, Commissioner
Melani Smith, Commissioner

FINAL AGENDA AND MINUTES

CALL TO ORDER (5:05 PM)

see media

A 5:05 p.m., Chair Durnin called the meeting to order.

ROLL CALL (5:05 PM)

see media

Boardmembers Phillip Joseph Saumur, Alan L. Fox, Charles Durnin, Leslie

Present: Fernald Gentile, Melani Smith and Donita Van Horik

Boardmembers Becky Blair

Absent:

Also present: Amy Bodek, Director of Development Services; Derek Burnham, Planning Administrator; Jill Griffiths, Planning Officer; Michael Mais, Assistant City Attorney; Monica Der Gevorgian, Planner; Craig Chalfant, Planner; Heidi Eidson, Bureau Secretary.

FLAG SALUTE (5:06 PM)

see media

Commissioner Saumur led the flag salute.

MINUTES (5:06 PM)

see media

see media

11-024PL

Recommendation to receive and file the Planning Commission minutes of May 5, 2011.

A motion was made by Commissioner Saumur, seconded by Commissioner Van Horik, to approve the recommendation with a correction to the motion for Item No. 3 to change "interior improvements" to "exterior improvements". The motion carried by the following vote:

Yes: 4 - Phillip Joseph Saumur, Alan L. Fox, Charles Durnin and Donita Van Horik

Abstain: 2 - Leslie Fernald Gentile and Melani Smith

Absent: 1 - Becky Blair

DIRECTOR'S REPORT (5:08 PM)

see media

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

SWEARING OF WITNESSES (5:11 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 (5:11 PM)

see media

see media

1. 11-026PL Recommendation to adopt revised findings for a Tentative Parcel Map and a Local Coastal Development Permit to subdivide an existing one-lot, 18.2-acre shopping center into two lots at 6411 E. Pacific Coast Highway within Subarea 18 of PD-1 (SEADIP). (District 3) (Application No. 1102-03)

Derek Burnham, Planning Administrator, introduced the item.

Mike Murchison, representing the applicant, spoke.

Bradley Hogin, representing the applicant, spoke.

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

Bradley Hogin spoke.

Michael Mais responded to a query from Commissioner Saumur.

Bradley Hogin responded to comments made by Michael Mais.

Bradley Hogin responded to a query from Commissioner Saumur.

Bradley Hogin responded to a query from Commissioner Van Horik.

A dialogue ensued between Chair Durnin and Derek Burnham.

Bradley Hogin responded to a query from Chair Durnin.

Mel Nutter, speaking on behalf of Los Cerritos Land Trust, provided public comment.

Mary Parcell, representing the local chapter of the Audubon Society, provided public comment.

Larry Goodhue provided public comment.

Michael Mais responded to a query from Commissioner Smith.

Commissioner Fox spoke.

Michael Mais responded to queries from Commissioner Saumur.

Commissioner Gentile spoke.

A motion was made by Commissioner Van Horik, seconded by Commissioner Smith, to approve the recommendation. The motion carried by the following vote:

Yes: 4 - Charles Durnin, Leslie Fernald Gentile, Melani Smith and Donita Van Horik

No: 2 - Phillip Joseph Saumur and Alan L. Fox

Absent: 1 - Becky Blair

see media

2. 11-025PL

Recommendation to approve Tentative Tract Map No. 71509 for the purpose of dividing remnant pieces of land into 16 parcels for future development projects located at 2001 River Avenue within the California State University Research and Technology Center/Villages at Cabrillo Long Beach Vets Planned Development District (PD-31) Subarea D. (District 7) (Application No. 1010-07)

Commissioner Smith recused herself from the item.

Derek Burnham, Planning Administrator, introduced Monica DerGevorgian, Project Planner, who presented the staff report.

Wendy Grant, representing the applicant, spoke.

Wendy Grant responded to a query from Commissioner Saumur.

Wendy Grant responded to a query from Commissioner Van Horik.

Brian D'Andrea, representing the applicant, responded to a query from Chair Durnin.

Monica Der Gevorgian responded to queries from Commissioner Van Horik.

Brian D'Andrea responded to a query from Commissioner Van Horik.

A motion was made by Commissioner Van Horik, seconded by Commissioner Fox, to approve the recommendation. The motion carried by the following vote:

Yes: 5 - Phillip Joseph Saumur, Alan L. Fox, Charles Durnin, Leslie Fernald Gentile and Donita Van Horik

Excused: 1 - Melani Smith

Absent: 1 - Becky Blair

STUDY SESSION - 2ND & PCH PROJECT (LAND USE) (6:05 PM)

see media

Chair Durnin swore in late arriving members of the public wishing to provide public testimony.

Derek Burnham, Planning Administrator, introduced the item and provided a brief background of the project.

Craig Chalfant, Project Planner, presented the study session.

A dialogue ensued between Commissioner Saumur and Derek Burnham.

Derek Burnham responded to a query from Commissioner Van Horik.

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

David Malmuth, Project Developer, spoke.

David Sabunis, Studio One Eleven, discussed details of the project.

David Malmuth spoke.

Michael Mais, Assistant City Attorney, responded to queries from Commissioner Fox.

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

A dialogue ensued between Chair Durnin and Dave Roseman, City Traffic Engineer.

Dave Roseman responded to a query from Commissioner Van Horik.

Dave Roseman responded to a query from Commissioner Smith.

Amy Bodek responded to queries from Commissioner Saumur.

Craig Chalfant responded to a query from Commissioner Smith.

Bill Thomas provided public comment.

Steve Bellow provided public comment.

Carl Kernbauer, President of LB Marina Boat Owners Association, provided public comment.

Bob Alperin provided public comment.

Pat Towner provided public comment.

Chris Gensgelmer provided public comment.

Sandy Van Horne provided public comment.

Larry Goodhue provided public comment.

John Hoffman provided public comment.

Dan Halbertson provided public comment.

Randy Sarder provided public comment.

Mary Suttie provided public comment.

Kerrie Aley provided public comment.

Alan Songer provided public comment.

Mel Nutter, representing the Los Cerritos Land Trust, provided public comment.

Ken Croft provided public comment.

Larry Triesch provided public comment.

David Robertson provided public comment.

Andy Macafee provided public comment.

Josh Lowenthal provided public comment.

Jerry Kirkwood provided public comment.

Richard Roth provided public comment.

Marty Cox provided public comment.

Andrew Wang provided public comment.

Deanna Sclar provided public comment.

Elizabeth Lambe provided public comment.

Patty Clark provided public comment.

Commissioner Van Horik spoke.

Chair Durnin spoke.

Commissioner Saumur spoke.

Commissioner Smith spoke.

Commissioner Saumur spoke.

Commissioner Fox spoke.

Commissioner Gentile spoke.

Chair Durnin spoke.

PUBLIC PARTICIPATION (8:30 PM)

see media

Larry Goodhue provided public comment.

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

COMMENTS FROM THE PLANNING COMMISSION (8:35 PM)

There were no comments from the Planning Commission.

ADJOURNMENT (8:35 PM)

At 8:35 p.m., Chair Durnin adjourned the meeting.

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