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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, AUGUST 11, 2005
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Boureslan, Ali
Ellis, William - Chair
Gezelius, Ken
Graham, Elijah
Martinez, Ramy
Peña, Andrew
Schwartz, Elma
Scott, Valerie

MEMBERS ABSENT: Ruck, Lance

ALSO PRESENT:

Acosta, Chris – Library	Hengen, Elaine – Asst. City Attorney
Almonte, David-OMB	Holguin, Minnie - Human Resources
Arballo, Bill – AFSCME	Kilgore, Diane – Airport
Arrieta-Candelaria, Carmen - Comptroller	Loweree, Fred - El Paso Water Utilities
Bond, Terry – CSC Secretary/HR Director	Martinez, Lupe – Asst. City Attorney
Buenning, Rosy – CSC Recorder	Mueller, Paul - Human Resources
Calderon, Edmundo – Internal Audit	Reed, Amy – Museum
Conner, Rick – Engineering Dept.	Sanchez, Ana - Human Resources
Cook, Jerome	Sandoval, Robert – Employees' Association
Cross, Paul – Police Dept.	Sarmiento, George – Planning Dept.
Cuellar, Lupe – Asst. City Attorney	Smyth, Ellen – Solid Waste Management
Delord, Ron - CLEAT	Studer, William – Deputy City Manager
Fargo, Peter - Human Resources	Thomas, Linda – HR Asst. Director
Gonzalez, Daniel – Attorney	Wilson, Joyce – City Manager
Guzman, Luis E. Jr.	
Hamlyn, Debbie – Deputy City Manager	

The meeting convened at 6:07 p.m. with a quorum of 8 Commissioners present and Chair Ellis presiding.

Chair Ellis stated that this was Ms. Bond's last meeting as Human Resources Director and Secretary. On behalf of the Commission he recognized her many years of service in both capacities. He thanked her and wished her well in her new endeavors in California.

CONSENT AGENDA

Ms. Bond requested that Item 1 be tabled and that Item 17A be deleted, the person had withdrawn.

Commissioner Gezelius requested Item .5 be moved to the Regular Agenda and addressed after Item 14.

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

.5 Personal Services Contract with Francisco Nieves to perform the duties of Construction Inspector from August 15, 2005 through August 14, 2006, for the Engineering Department.

This item was discussed simultaneously with Item 14 (see discussion in Item 14).

MOTION TO APPROVE ITEM .5 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BOURES LAND AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Peña, Martinez, Gezelius, Boureslan, Schwartz, Scott
Nays: Commissioner Graham

1. Discussion and Action on Approval of Minutes:

July 28, 2005
2. Discussion and Action on Approval of Applications for Outside Employment:
 - A. Conway - Danny - Police
 - B. Dominguez - Maximo - Police
 - C. Lujan - Lawrence - Police
 - D. Maldonado - Miguel - Fire
 - E. Ponce - German - Police
 - F. Salazar - Rosa - Police
 - G. Seelig, Christine - Parks & Recreation
3. Notice of Promulgation of Eligible Lists:
 - A. EPWU Water Plant Technician II = Promulgated 06/29/05-Corrected (P-9)(O-3)
 - B. Police Records Unit Supervisor = Promulgated 07/20/05 (P-6)(O-1)
 - C. Senior Internal Auditor = Promulgated 07/26/05 (O-2)
 - D. Well Production Field Operator = Promulgated 07/26/05 (O-1)
 - E. Graphics Specialist = Promulgated 07/26/05 (P-1)(O-0)
 - F. Public Safety Senior Dispatcher-Fire = Promulgated 07/29/05 (P-3)
 - G. Zoo Veterinary Assistant = Promulgated 07/29/05 (P-5)
 - H. Code Compliance Inspector = Promulgated 08/02/05 (P-2)(O-2)
 - I. Senior Zoo Keeper = Promulgated 08/02/05 (P-6)(O-1)
 - J. Transportation Planner = Promulgated 08/02/05 (P-1)(O-3)
4. For Notation: Request to have appeal heard by Arbitrator:

Green, Calvin - Suspension - Police Dept. (CP05-037)
5. Discussion and Action on request to assign pending appeal cases:

Ramirez, Manuel - Termination - El Paso Water Utilities
6. Discussion and Action on request to have named placed on Transfer List:

Goodbar, Rebeca - Information Processor Operator - Engineering Dept.
7. Discussion and Action on request to have name placed on Reinstatement List:

Hernandez, Miguel - Guard - Museums
8. Discussion and Action on Approval of Merit Increases in accordance with C.S.C. Guidelines:

<ol style="list-style-type: none"> 1. EPWU-Avila, Daniel-Engineering Division Mgr 2. EPWU-Briones, Margarita-Clerk Typist III 3. EPWU-Carlos, Juan Jr.-Meter Reader 4. EPWU-Cooper, Richard-EPWU WW Plant Tech II 5. EPWU-Coria, David-Maintenance Mechanic I 6. EPWU-Duran, Rudy-Trades Helper 7. EPWU-Escalante, Francisco-EPWU Labor Lead Wrkr II-S 8. EPWU-Felix, Jose-Central Control Oper 9. EPWU-Fierro, Edward-Civil Engineer III 10. EPWU-Fierro, Jorge-Customer Service Worker 11. EPWU-Flores, Gerardo-Equipment Operator II 12. EPWU-Galindo, Veronica-Water Utilities Engineer Assoc 13. EPWU-Gamon, Jose-EPWU WW Plant Tech II 14. EPWU-Garzon, Jose-EPWU Plant Tech I 15. EPWU-Gomez, Enrique-Information Entry Operator 16. EPWU-Gonzalez, Albert-Equipment Operator II 17. EPWU-Graham, Ronald-Well Maintenance Worker II 18. EPWU-Griego, Jorge-Laborer 19. EPWU-Gutierrez, Ramon-Buyer 	<ol style="list-style-type: none"> 20. EPWU-Hayes, Gloria-Accounting Technician 21. EPWU-Hernandez, Amelinda-Laboratory Analyst 22. EPWU-Hernandez, Federico-Water Utilities Engin Assoc 23. EPWU-Hernandez, Humberto-Communications Disp. II 24. EPWU-Hernandez, Robert-EPWU WW Plant Asst. Supt. 25. EPWU-Hernandez, Rodolfo-EPWU Labor Lead Wrkr II-S 26. EPWU-Herrera, Rosendo-Trades Helper 27. EPWU-Herrera, Rudy-EPWU Safety & Claims Coor 28. EPWU-LaRue, Joel-EPWU Water Plant Tech II 29. EPWU-Lopez, Felipe-Civil Engineer IV 30. EPWU-Lopez, Javier-Environmental Enforc Insp 31. EPWU-Mares, Martha-Customer Relations Rep 32. EPWU-Monarez, Juan-Engineering Tech III 33. EPWU-Mota, Genaro-EPWU Water Plant Asst Supt 34. EPWU-Muriel, Mario-Engineering Tech III 35. EPWU-Murillo, Mary-Customer Relations Clerk 36. EPWU-Navarro, Felipe-EPWU WW Plant Tech II 37. EPWU-Ortiz, Alfonso-Engineering Tech IV 38. EPWU-Ortiz, Enrique-EPWU Labor Lead Wrkr II-S
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39. EPWU-Ortiz, Trinidad-EPWU Labor Lead Wrkr II-S
40. EPWU-Parra, Elizabeth-Secretary III
41. EPWU-Pedregon, Ricardo-Pre-treatment Insp - EPWU
42. EPWU-Perez, Diane-Water Cons. Education Spec
43. EPWU-Pinales, Juan-Maintenance Mechanic II
44. EPWU-Pineda, Manuel-Labor Lead Wrkr II-S
45. EPWU-Ponce, Javier-EPWU Const Supv II-W
46. EPWU-Pulido, Eduardo-EPWU Labor Lead Wrkr II-W
47. EPWU-Ramirez, Jose-EPWU Plant Tech II
48. EPWU-Ramos, Francisco-EPWU Const Supt-Sewer
49. EPWU-Ramos, Maria-Secretary I
50. EPWU-Rivas, Paul-Laboratory Services Mgr
51. EPWU-Rodriguez, Armida-Customer Rel & Billing Spvr
52. EPWU-Rodriguez, Guillermo-EPWU Plant Tech I
53. EPWU-Rodriguez, Miguel-Sewage Coll Maint Spvr
54. EPWU-Rodriguez, Norma-Clerk II
55. EPWU-Ruiz, David-Water Plant Tech II
56. EPWU-Ruiz, Hugo-EPWU WW Plant Tech II
57. EPWU-Salazar, Manuel-Electronic Controls Spec.
58. EPWU-Sanchez, Daniel-Electronic Controls Spec.
59. EPWU-Sanchez, Felipe-Stores Clerk II
60. EPWU-Segura, Hector-Labor Lead Wrkr I-W
61. EPWU-Shay, Raymond-Water Plant Tech II
62. EPWU-Stockard, Ruth-Customer Relations Rep
63. EPWU-Tabullo, Josefina-Customer Relations Rep
64. EPWU-Tirre, David-Civil Engineer Associate I
65. EPWU-Torres, David-EPWU WW Plant Tech II
66. EPWU-Valdez, Esequiel-EPWU Labor Lead Wrkr II-W
67. EPWU-Vargas, Eduardo-Engineering Tech III
68. EPWU-Vargas, Juan-Maintenance Mechanic I
69. EPWU-Vasquez, Alfredo-EPWU WW Plant Tech II
70. EPWU-Wood, Jeff-Water Service Inspector
71. Library-Acosta, Christina-Library Info Spec II
72. Library-Amor, Armando-Library Info Spec I
73. Library-Arias, Antonio-Library Info Spec II
74. Library-Brown, Alicia-Library Info Spec II
75. Library-Carrillo, Rosie-Library Info Spec II
76. Library-Cejudo, Caroline-Personnel & Payroll Clerk
77. Library-Dunn, Raquel-Library Assistant
78. Library-Gutierrez, Martha-Library Assistant
79. Library-Gutierrez, Rebecca-Library Info Supervisor
80. Library-Gutierrez, Salvador-Library Info Supervisor
81. Library-Haire, Arrichman-Library Assistant
82. Library-Jimenez, Anna-Library Assistant
83. Library-Lara, Laura-Library Assistant
84. Library-Lockhart, William-Library-Head General Ref
85. Library-Lucero, Maria-Library Info Spec II
86. Library-Martinez, Gloria-Secretary III
87. Library-Martinez, Norma-Library Info Spec II
88. Library-Molinar, Jesus-Library Info Spec I
89. Library-Orozco, Norma-Library Assistant
90. Library-Payan, Mike-Public Svcs Librarian II
91. Library-Pulido, Gilberto-Library Info Spec II
92. Library-Racelis, Fernando-Library Branch Manager
93. Library-Rodriguez, Ida-Library Assistant
94. Library-Romero, Teresa-Accounting Clerk
95. Library-Ruiz, Bea-Library Info Spec II
96. Library-Saenz, Jose-Library Assistant
97. Library-Sanchez, Graciela-Budget & Svcs Manager
98. Library-Toscano, Martha-Library Literacy Coord
99. Library-Valle, Barbara-Trans-Pecos Li Sys Coord
100. Library-Vick, Guadalupe-Accounting Technician
101. Library-Villa, Rosa-Secretary I
102. OMB-Diaz, Alice-Budget Specialist
103. OMB-Valdez, Leticia-Public Information Clerk
104. Parks-Dunavant, Preston-Administrative Analyst
105. Police-Adkinson, Robert-Budget Coordinator II
106. Police-Arredondo, Loretta-Training Tech/Instructor
107. Police-Arzabal, Rosa-Police Records Spec III
108. Police-Ayala, Susana-Police Records Spec II
109. Police-Chaparro, Javier-Police Tow Truck Operator
110. Police-Cortez, Maria-Police Records Spec II
111. Police-De Los Santos, Victor-Police Records Unit Spvr
112. Police-Duenas, Lourdes-Clerk Typist III
113. Police-Ed, Stuart-Police Admin Svcs Mgr
114. Police-Escajeda, Ann-Information Entry Operator
115. Police-Esparza, Cecilia-Police Records Spec III
116. Police-Espinosa, Luz-Clerk Typist III
117. Police-Flores, Albert-Police Tow Truck Operator
118. Police-Fuentes, Daniel-Vehicle For Hire Supervisor
119. Police-Gallegos, Myrna-Secretary III
120. Police-Graveline, Phillip-Station Ops Coord
121. Police-Guerra, Priscilla-Secretary III
122. Police-Lares, Martha-Secretary I
123. Police-Manson, Vennis-Police Support Svcs Admin
124. Police-Maynez, Adela-Police Records Spec II
125. Police-McDorman, Randy-Latent Print Examiner
126. Police-Mendez, Isaac-Dept Research Asst
127. Police-Mendoza, Danny-Police Records Spec II
128. Police-Montelongo, Dolores-Clerk Typist III
129. Police-Moreno, Arturo-Police Record Spec II
130. Police-Mungaray, Cecilia-Training Tech/Instructor
131. Police-Nelson, Sharon-Dept Research Asst
132. Police-Odell, David-Station Ops Coord
133. Police-Orndorf, Bruce-Senior Latent Print Examiner
134. Police-Orrantia-Durón, Maria-Dept Research Asst
135. Police-Ortega, Jorge-Parking Enforce Controller
136. Police-Ortiz, Nancy-Secretary I
137. Police-Peregrino, Jorge-Dept Research Asst
138. Police-Pina, Maria-Clerk Typist III
139. Police-Ramirez, Luis-Police Tow Truck Operator
140. Police-Reyes, Guillermina-Clerk Typist II
141. Police-Reyes, Martin-Parking Enforce Controller
142. Police-Roberts, Milton-Fleet Coordinator
143. Police-Rodriguez, Paula-Dept Research Asst
144. Police-Ruiz, Marisela-Clerk Typist III
145. Police-Sagredo, Carlos-Vehicle For Hire Supervisor
146. Police-Salazar, Rosa-Secretary I
147. Police-Sanchez, Christy-Training Tech/Instructor
148. Police-Sanchez, Maria Carmen-Clerk Typist III
149. Police-Silva, Ida-Police Records Spec III
150. Police-Sommers, Harold-Station Ops Coord
151. Police-Spencer, Mirian-Dept Research Asst
152. Police-Tovar, Mollie-Interagency Program Coord
153. Police-Ulve, Yvonne-Police Records Spec I
154. Police-Villalobos, Elizabeth-Secretary I
155. Purchasing-Huerta, Jaime-Contract Compliance Spec
156. Solid Waste Mgmt-Adams, Richard-Industr Eng Assoc II
157. Solid Waste-Anderson, Raymundo-Ref Coll Asst Rte Frmn
158. Solid Waste Mgmt-Cereceres, Martin-Ref Coll Rte Frmn
159. Solid Waste Mgmt-Duran, Gloria-Administrative Assistant
160. Solid Waste Mgmt-Fonseca, Florentino-Sanitation Worker
161. Solid Waste Mgmt-Gutierrez, Arturo-Sanitation Worker
162. Solid Waste Mgmt-Hernandez, Miguel-Personnel & Acct Clerk
163. Solid Waste Mgmt-Hernandez, Miguel-Refuse Coll Equip Op
164. Solid Waste Mgmt-Lopez, Jose-Ref Coll Rte Frmn
165. Solid Waste Mgmt-Manrique, Gerardo-Refuse Compactor Oper
166. Solid Waste Mgmt-Medrano, Roman-Asst Rt Frmn
167. Solid Waste Mgmt-Morales, Leo-Ref Coll Rte Frmn
168. Solid Waste Mgmt-Reyes, Jose-Automated Refuse Coll Op
169. Solid Waste Mgmt-Rojas, Jorge-Asst Rt Frmn
170. Solid Waste Mgmt-Torres, Julian-Ref Coll Asst Rte Frmn
171. Solid Waste Mgmt-Valenzuela, Gerardo-Asst Rt Frmn
172. Solid Waste Mgmt-Valverde, Martin-Solid Waste Ops Superintendent
173. Solid Waste Mgmt-Yamaguchi, Jesus-Automated Refuse Coll Op

9. Discussion and Action on Request for Temporary Promotion:

Corral, Uvaldo - Airport - Extension

From: Communications Dispatcher II

To: Airport Operations Support Supervisor

10. Discussion and Action on Approval of Hearing Officer's Invoice:

A. Cross, Roberta - Dated July 2005 - For services during July 2005

B. Palafox, Patricia - Dated August 5, 2005 - For services during July 2005

10.5 Discussion and Action on Approval of Classification Actions:

New Job Class/Revised Job Class/Revised Job Class & Grade/Revised Job Class, Title & Grade

	<u>Title</u>	<u>Code</u>	<u>Grade</u>
A.	Proposed: Cultural Funding and Technical Assistant Coordinator.....	5178	PM 74
B.	Proposed: Arts Programs and Education Specialist.....	5487	PM 75
C.	Proposed: Marketing & Cultural Tourism Coordinator.....	5172	PM 73

REGULAR AGENDA

11. Discussion and Action on Interviews for Civil Service Commission Legal Advisor position:

- A. Stewart Forbes
- B. Daniel Gonzalez

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 6:10 p.m. to discuss Item 11, and reconvened for Open Session at 6:21 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

(No action taken.)

12. Discussion and Action on revisions to Rule 29, Outside Employment - amending approval authority and reporting requirements.

Chair Ellis said he would received public comment and then was inclined to appoint a committee to review the redraft of the rule.

Bill Arballo, AFSCME, stated that not having a chance to review the backup he could not respond with his concerns to this item or the following items concerning CSC rules. He told the Commission of a concern that he had brought to them approximately six to eight weeks ago reference backup for Commission items not being available to the public. He said that at that time IT staff assured the Commission that the technical systems would make that backup available within six weeks. He said that if the secretary hadn't just now provided a copy of the backup to him he wouldn't have it at all. He encouraged the Commission to make the backup available to the public in order for the employees and staff to have some objective discussion on the proposals.

Chair Ellis asked Mr. Arballo if he had participated in any rules task force.

Mr. Arballo said he was not aware of a rule task force but stated that he has participated in the meetings that he has been made aware of.

Chair Ellis asked Ms. Wilson if the proposal was a complete rewrite.

Ms. Wilson said it was. She said when they were discussing a number of things in terms of workload activities, workload relative to preparation of this agenda, they started looking at a number of items that tend to create a lot of staff time that are administrative in nature that come before the Commission. The two that generate the most activity in time were approval of outside employment and approval of merit increases that come before the Commission. Based on their review they modeled the outside

employment rule after the City of Plano's because it is succinct and brief but it has enough detail in it to lay out the protocols and expectations and they also provided for an appeal. They also modeled a form after the one used by the City of San Antonio because it is pretty clean and straightforward. She explained that they created an ad-hoc work group to review these rules and called it the Rules Task Force. This task force consisted of two representatives from the City Employees Association, Chris Acosta and Robert Sandoval, one representative from the El Paso Water Utilities, two representatives from the Fire Association, one representative from the Police Association, and three managers, the Fire Chief, the Director of Aviation and the City Comptroller, as well as legal advisors and staff from Human Resources. She said the proposals brought to the Commission are a consensus of this body and she believes the proposals meet the goals and objectives of the Commission.

Elaine Hengen, Assistant City Attorney, said it was a complete redraft of the rule.

Chair Ellis appointed a committee consisting of Commissioners Andrew Peña, Valerie Scott and himself to review the changes to the Leave rule (Rule 13), Rule 29 and Rule 5.

Bill Arballo, AFSCME, requested that AFSCME be included in all future meetings regarding rule amendments.

Chris McGill, President of the Municipal Police Officers Association, stated that this was one of the few times that they have ever been asked for their input and he wanted to congratulate Ms. Wilson and the City for doing so. He urged the Commission to consider the proposals.

Robert Sandoval, City Employees Association, agreed with Mr. McGill and also urged the Commission to consider these proposals.

MOTION TO TABLE ITEM 12 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

13. Discussion and Action on revisions to Rule 5, Compensation - to change the way competencies and merit increases are allotted.

Chair Ellis asked the Commission to take into consideration the discussion on the previous item.

MOTION TO TABLE ITEM 13 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

Ms. Wilson told the Commission that Rule 13 is tied to the budget, which is going to be implemented on September 1st. She said the structure of competency increases as well as merit increases is changing and urged the Commission to take action on these items tonight because some employees would be affected as soon as the fiscal year starts.

- 13.5 Discussion on forthcoming recommended revisions to Civil Service Rules as proposed by Rules Task Force.

Chair Ellis believed the item was not specifically posted so as to give appropriate notice and requested the item be deleted and reposted correctly on the next agenda.

Assistant City Attorney Lupe Cuellar said that depending on what management wanted to say, the posting might be sufficient.

Ms. Bond stated that the Rules Task Force has discussed these items and the backup provided is to alert the Commission and bring them up to speed on the discussions that have occurred so far.

Commissioner Boureslan asked if they knew how many rule amendments they were talking about.

Ms. Bond said that the backup for this item showed ten rule amendments thus far.

Commissioner Schwartz asked if the rule amendments would be presented before the Commission individually when the final proposals come before them, instead of cumulatively.

Ms. Bond said they would be presented individually.

MOTION TO DELETE ITEM 13.5 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

14. Discussion and Action reference Retirees from City Service being rehired under Personal Services contracts.

Commissioner Gezelius asked if there was a policy reference retirees being hired under contract. He also asked if the retirees' compensation or benefits was considered when being hired under contract.

Ms. Bond responded that there wasn't anything that prohibited the hiring of retirees. Ms. Bond stated that the contractor's past salary was certainly considered but it mostly depended on what job they were going to be performing under contract.

Chair Ellis requested that they address Items 14 and .5 simultaneously.

Commissioner Boureslan wondered if the need for this position (Item .5) was going to be continuous, and if so, maybe they should consider hiring a permanent employee instead of a contract employee.

Ms. Wilson said that they were currently in the process of doing a fairly careful critique of all their recruitment and outreach efforts because of the time involved. She told the Commission if they looked at some of the amendments being proposed under Item 13.5 they are designed specifically to shorten some of those windows so that some of these processes are turned around quicker. She said that most of the time when they are hiring someone who was retiring under contract was typically for a single-incumbent position or because they want them to have a period to train and impart some of their long-time institutional knowledge. She said that the intent was not to circumvent the process, it was so that they wouldn't have a huge gap while they are in the process of recruiting. She commented that the recruiting processes for the City did take a long time.

Commissioner Boureslan asked if Mr. Nieves had all the required certification and asked if there was anybody else that could do that job.

Rick Conner, City Engineer, stated that those type of inspectors were not certified but stated that Mr. Nieves certainly had a great deal of experience. He also informed the Commission that they were short of staff and overloaded with work.

Chair Ellis asked if there was a classified position titled Construction Inspector.

Ms. Bond said there was not.

Commissioner Graham asked if they had reviewed Mr. Nieves' educational background. He was concerned that other employees might not have been given the opportunity to apply for this position and that there might be a disparity between this salary and the salary of other classified employees performing these type of duties.

Kareem Dahlo, Engineering Department, stated that Mr. Nieves had worked for the City for almost thirty years and has tremendous experience. He believed Mr. Nieves possessed a high school diploma but stated that his experience was unbelievable and he was excellent in construction inspection.

Discussion.

Nathalie Prise, Community & Human Development Director, begged the Commission's indulgence on this contract because of the urgency involved in these projects. She explained that the City gets a considerable amount of funds from the Department of Housing and Urban Development and with those funds comes an obligation to spend them in a timely manner otherwise they will start to lose parts of the

grant. She stated that this was an extremely important program for the City and also stated that she didn't believe this was an unfair salary for the proposed personnel.

Motion for Item .5 made here (see Item .5).

MOTION TO DELETE ITEM 14 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

15. Discussion and Action on appointing Rosy Buenning as CSC Secretary/Recorder with a term to be determined.

Chair Ellis stated they would address Items 15 and 16 simultaneously.

Commissioner Gezelius stated that maybe this could be done on a temporary basis until the position of CSC Secretary was filled permanently.

Commissioner Schwartz said that as she had stated a couple of meeting ago, whosoever serves as CSC Secretary must have managerial skills, must know the ins and outs of the City government and must know the Charter provisions. She also mentioned that possibly someone from the City Clerk's office could fill the position.

Chair Ellis stated that philosophically the position of CSC Recorder and CSC Secretary are so compatible that they could be combined. However, under the current structure of Rule 1, the CSC Secretary is designated as the person who supervises the CSC Recorder. He said that given the structure of the rule it would be impossible for the positions to be combined. He said there had been discussion regarding the appointment of a Commissioner as CSC Secretary and this could be the ideal time to make that determination in view that the HR Director would normally be the CSC Secretary and after Ms. Bond's resignation there would be an interim HR Director. He asked if any Commissioner would be willing to act as CSC Secretary on a trial basis.

Commissioner Graham said he would until they could get a permanent CSC Secretary.

Assistant City Attorney Lupe Cuellar said that there was currently a CSC ordinance, specifically the HR Director job specification, which specifically states that one of the duties would be to serve as the CSC Secretary. She believed the Commission had the authority to appoint someone else as the CSC Secretary, but it was her legal opinion that if they opted to do that, they would first have to revise the current HR Director specification since through that specification the Commission had already made their selection via ordinance.

Discussion.

MOTION TO DELETE ITEM 15 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 5 TO 1 WITH 1 ABSTENTION.

AYES OF 5 TO 1 WITH 1 ABSTENTION.

Ayes: Commissioners Peña, Martinez, Gezelius, Schwartz, Scott

Nays: Commissioner Boureslan

Abstain: Commissioner Graham

16. Discussion and Action declaring the position of Commission Secretary vacant effective upon a date certain and the appointment of a Commissioner as successor.

Commissioner Schwartz stated that the interim HR Director could serve as the CSC Secretary per the job specification.

Assistant City Attorney Lupe Cuellar said that if the City Manager was going to appoint someone as interim HR Director then that person would officially be the HR Director and therefore would also be the CSC Secretary per the job specification.

Discussion.

MOTION TO DELETE ITEM 16 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED (with the dissent of the Chair).

17. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.1.:

A. Locke, John – Residential Inspector

This item was deleted concurrently with the approval of the Consent Agenda.

B. Sanchez, Christy – Training Specialist

Ms. Bond requested that Item 17B be deleted.

MOTION TO DELETE ITEM 17B MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

C. Cisneros, Juan – Zoo Maintenance Worker

Commissioner Peña requested legal advice in Executive Session.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 7:22 p.m. to discuss Items 17C and 18, and reconvened for Open Session at 8:03 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER SCOTT, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

Commissioner Peña left before voting on Item 17C. There was now a quorum of 7 Commissioners present.

The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 17C MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

18. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rules and Regulations:

A. Locke, John – Residential Inspector (8.1.b. & 8.1.d.4.)

Mr. Locke was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO DELETE ITEM 18A MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

B. Cisneros, Juan – Zoo Maintenance Worker (Ord. 8064, 5.1.b.)

Mr. Cisneros was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 18B MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

C. Simpson, Dwight – Zoo Maintenance Worker (8.1.d.4.)

Mr. Simpson was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 18C MADE BY COMMISSIONER SCHWARTZ BUT DIED FOR LACK OF A SECOND.

MOTION TO DENY ITEM 18C MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 5 TO 1.

Ayes: Commissioners Peña, Graham, Martinez, Gezelius, Scott

Nays: Commissioner Schwartz

D. Ayala, Ricardo – Equipment Operator II (Ord. 8064, 5.1.b.)

Mr. Ayala was not present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO DENY ITEM 18D MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER BOURESLAN BUT FAILED BY A VOTE OF 4 TO 3 WITH THE TIE BROKEN BY THE CHAIR.

Ayes: Commissioners Martinez, Boureslan, Schwartz

Nays: Commissioner Graham, Gezelius, Scott, Ellis

MOTION TO APPROVE ITEM 18D MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 5 TO 1.

Ayes: Commissioners Graham, Gezelius, Boureslan, Schwartz, Scott

Nays: Commissioner Martinez

19. Discussion and Action on update on status of amendment of Rule 16 as approved by the Commission on May 12, 2005 and May 26, 2005.

Chair Ellis explained that although the Commission had approved the amendment nothing ever happened and through some inadvertence this matter was never presented to City Council. The Chair said it was his understanding that this has now been presented to City Council.

MOTION TO DELETE ITEM 19 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

20. Discussion and Action on late miscellaneous appeal filed by Javier Aranda reference Police Officer reinstatement.

Chair Ellis asked Mr. Fargo to address the timeliness issue on this item.

Peter Fargo, Human Resources, stated that he received this appeal in March 2, 2005 and it was filed on a miscellaneous appeal form, which in his opinion was strictly for City employees. He stated that miscellaneous appeals must be acted upon within 30 days. Ms. Holguin, HR Analyst, in her letter had given Mr. Aranda until February 7th to appeal. Mr. Fargo then drafted a letter to Mr. Aranda (copy was in the backup) advising him that he was 17 working days or 28 calendar days late of the deadline given to him by Ms. Holguin.

Chair Ellis asked how much time an appellant has to appeal.

Mr. Fargo referred to CSC Rule 8.1.d.4, which gives appellants seven days to appeal.

Chair Ellis asked Mr. Aranda if he agreed that he hadn't filed the appeal in a timely manner and asked why.

Mr. Aranda agreed that he filed it late because he never received the notice of appeal because he had moved from his previous address in New Mexico. When he inquired on why he hadn't received a notice he was told it was mailed to his previous address, this is the reason he filed his appeal late. He was told by Human Resources that his name had been removed from the reinstatement list because he had never appealed.

Commissioner Martinez stated that based on the circumstances Mr. Aranda was not able to appeal in a timely manner, therefore he made the following motion.

MOTION TO DECLARE THAT THE APPEAL ON ITEM 20 IS APPROPRIATE FOR CONSIDERATION BY THE COMMISSION MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

Chair Ellis said that they would now move into the substance of the appeal.

Assistant City Attorney Lupe Cuellar told the Commission that the matter should be discussed in Executive Session because of the reason for the disqualification.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 8:17 p.m. to discuss Item 20, and reconvened for Open Session at 8:47 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO TABLE ITEM 20 TO THE FIRST MEETING IN SEPTEMBER (09/08/05) MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

Commissioner Martinez said that along with the tabling of the item he wanted Mr. Aranda to be able to use this time to obtain a third medical opinion.

(See discussion after Item 21 reference this item.)

21. Discussion and Action on Hearing Officer's Report and Recommendation:

Gandara, Carlos – Termination – Solid Waste Management (05-SW-08RC)

Mr. Gandara said he was contesting the finding of the Hearing Officer because there were quite a few things omitted from the recommendation. He stated that the recommendation was leaning toward the side of the City and not taking into consideration the statements he gave at the hearing.

Chair Ellis explained the appeal process and the Hearing Officer's recommendation to Mr. Gandara and explained that the City had proven by a preponderance of the evidence that the disciplinary action by the Department Head was appropriate.

Mr. Gandara stated that he was not given progressive discipline such as a suspension first, etc. He believed the disciplinary action was excessive. He also commented that he was not given appropriate training.

Ellen Smyth, Environmental Services Director, stated that she presented all the evidence and witnesses and stated that the accident was very serious because it was \$30,000 worth of damage. She asked the Commission to uphold the Hearing Officer's recommendation.

Commissioner Graham asked Ms. Smyth about Mr. Gandara's comment reference not receiving the proper training.

Ms. Smyth said that issue actually came up during the hearing and there were witnesses who testified and presented evidence that Mr. Gandara had received upwards of two weeks of training. Ms. Smyth said that they also presented evidence where Mr. Gandara signed off on receiving such training.

Discussion.

MOTION TO ACCEPT HEARING OFFICER ROBERTA CROSS' RECOMMENDATION TO UPHOLD MR. GANDARA'S TERMINATION MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER BOURES LAND AND UNANIMOUSLY PASSED.

Assistant City Attorney Lupe Cuellar wanted to give the Commission some information reference Item 20 and asked the Commission to reconsider the item.

MOTION TO RECONSIDER ITEM 20 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ BUT FAILED BY A VOTE OF 4 TO 3 WITH THE TIE BROKEN BY THE CHAIR.

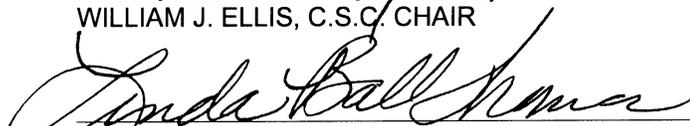
Ayes: Commissioners Gezelius, Schwartz, Scott
Nays: Commissioner Graham, Martinez, Boureslan, Ellis

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

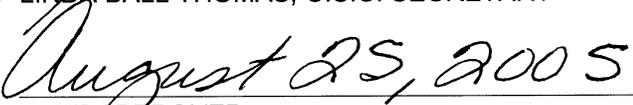
THE MEETING ADJOURNED AT 8:58 P.M.



WILLIAM J. ELLIS, C.S.C. CHAIR



LINDA BALL THOMAS, C.S.C. SECRETARY



DATE APPROVED