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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION  
HELD AT 6:00 P.M., THURSDAY EVENING, SEPTEMBER 8, 2005  
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

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

ALSO PRESENT:  
Batoon, John – Asst. City Attorney  
Buening, Rosy – CSC Recorder  
Cuellar, Lupe – Asst. City Attorney  
Fargo, Peter - Human Resources  
Hengen, Elaine – Asst. City Attorney  
Martinez, Lupe – Asst. City Attorney  
Thomas, Linda Ball – CSC Secretary/Interim HR Director  
Wilson, Joyce – City Manager

The meeting convened at 6:01 p.m. with a quorum of 9 Commissioners present and Chair Ellis presiding.

**CONSENT AGENDA**

Ms. Thomas requested that Item 1 be tabled, Item 5.5b needed a correction - the proposed should read Risk Manager, Items 14, 15D and 16L be deleted as the appellants had either withdrawn or been qualified.

Commissioner Gezelius requested Item 2A be moved to the Regular Agenda.

Commissioner Boureslan requested that Item 5.5E be moved to the Regular Agenda.

Chair Ellis requested that Item 7 be moved to the Regular Agenda.

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

1. Discussion and Action on Approval of Minutes:

August 25, 2005

2. A. Personal Services Contract with George Peel to perform the duties of Airframe and Powerplant Mechanic from September 9, 2005 through September 8, 2006, for the Police Department.

*This item was addressed at the beginning of the Regular Agenda.*

Commissioner Gezelius asked if being accessible within 1-hour had ever been a problem since Mr. Peel worked full-time for the Border Patrol.

Ms. Thomas responded it had never been a problem.

**MOTION TO APPROVE ITEM 2A MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.**

- B. Personal Services Contract with Araceli Salcedo to perform the duties, of Secure-Our-Schools Coordinator from September 16, 2005 through December 23, 2005, for the Police Department.
- C. Personal Services Contract with Maria Margarita Perez to perform the duties of Cashier II from September 9, 2005 through December 5, 2005, for the Tax Office.
- D. Fifteen (15) Independent Services Contracts to perform the duties of Instructors from September 24, 2005 through February 28, 2006, for the El Paso Museum of Art.
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|----------------------|-------------------------|
| 1. Burtz, Wendy      | 9. Najera-Macias, Norma |
| 2. Chavez, Viola     | 10. O'Brian-Long, Mary  |
| 3. Fritsch, Ronald   | 11. Peppas, Dawn        |
| 4. Garcia, Martha    | 12. Rudnick, Janine     |
| 5. Jensen, Coral     | 13. Slater, Gail        |
| 6. Keyser, Jennifer  | 14. Touchon, Ouida      |
| 7. Livingston, Marie | 15. Wilson, Gloria      |
| 8. Murphy, Michelle  |                         |

3. Discussion and Action on Approval of Applications for Outside Employment:

- A. Arzaga - Michael - Police  
 B. Bell - Jeffery - Police  
 C. Bustamante - Angel - Fire  
 D. Carrasco - Meza - Gertrudis - MPO  
 E. Cataldi - Stephen - Police  
 F. Concha - John - Fire  
 G. Esparza - Everett - Mass Transit  
 H. Guerra - Jose - Police  
 I. Gwyn - Gene - Police  
 J. Hernandez - Raul - Mass Transit  
 K. Higdon - Michael - Police  
 L. Medina - Jesus - Police  
 M. Natividad - Patrick - Police  
 N. Stresow - Paul - Mass Transit

4. Notice of Promulgation of Eligible Lists:

- A. Equipment Operator II = Promulgated 08/17/05 (P-23)(CR-9)(O-28)  
 B. Education/Graphic Technician = Promulgated 08/22/05 (O-2)  
 C. Transportation Planner II = Promulgated 08/22/05 (P-2)(O-4)  
 D. Automotive Technician II = Promulgated 08/25/05 (P-1)(O-3)  
 E. Transit Coin Sorter Operator II = Promulgated 08/25/05 (P-6)(CR-3)

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: Senior Strategic Budget Advisor	5270	EX F
B.	Proposed: Risk Manager	5349	EX F

5.5 Discussion and Action on Approval of placement of incumbents into reclassified positions:

	<u>Title</u>	<u>Code</u>	<u>Grade</u>
	Official: Assistant Director – Office of Management and Budget	5277	EX F
	Proposed: Senior Strategic Budget Advisor	5270	EX F
A.	Hernandez, Irene		

B.	Morales, Irene		
Correction:	Proposed: Risk Manager	5349	EX F
C.	<i>Item Not Used</i>		
	Official: Engineering Section Chief	5847	EX G
	Proposed: Engineering Division Manager	5846	EX F
D.	Abugalyon, Bashar		
	Official: Civil Engineering IV	5814	PM 82
	Proposed: Engineering Division Manager	5846	EX F
E.	Reyes, Javier		

*This item was addressed at the beginning of the Regular Agenda.*

Commissioner Boureslan said that as far as he knew this gentleman was already performing the duties of the Engineering Division Manager and asked why the grade was going from a PM82 to an EX F and why that wasn't done before.

Linda Thomas, HR Director, told Commissioner Boureslan that he was correct. She said that he is performing the duties of the Engineering Division Manager and that was the reason he was being reclassified. Ms. Thomas said that once the department requested that HR look into reclassifying the position the analysis was performed and the final result was this reclassification.

MOTION TO APPROVE ITEM 5.5E MADE BY COMMISSIONER BOURES LAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

- 6. For Notation: Request to have appeal heard by Arbitrator:
  - A. Amato, Phil – Termination – Police Dept. (CP05-106)
  - B. Nava, Luis – Termination – Police Dept. (CP05-106)
- 7 Discussion and Action on request to assign pending appeal cases:
  - DeBruhl, Edward – Suspension – Mass Transit

*This item was addressed at the beginning of the Regular Agenda.*

Chair Ellis said that the appellant was requesting that this case not be assigned to the same Hearing Officer who was already scheduled to hear another appeal of his. Chair Ellis asked the CSC Recorder who would be assigned to this case.

Rosy Buenning, CSC Recorder, stated that it would be assigned to the next Hearing Officer on the roster who happened to be Bruce Yetter, who was the same Hearing Officer that was assigned Mr. DeBruhl's previous disciplinary case.

MOTION TO ASSIGN THE CASE TO THE NEXT HEARING OFFICER WHO WOULD BE ASSIGNED THE CASE DURING THE NORMAL COURSE OF EVENTS MADE BY COMMISSIONER BOURES LAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

- 8. Discussion and Action on Transfer of Incumbents from Municipal Services and Fleet Services:

	<u>From</u>	<u>To</u>	<u>Detail</u>
A.	Municipal Services	General Services	See Attachment "A"
B.	Fleet Services	General Services	See Attachment "A"
C.	Planning	Engineering	See Attachment "A"
D.	Engineering	Planning	See Attachment "A"

9. Discussion and Action on request to have named placed on Transfer List:
- A. Alatorre, Yanahalte – Accountant II – Mass Transit
  - B. Holguin, Herminia – Personnel Analyst II – Human Resources
10. Discussion and Action on request to have name placed on Reinstatement List:
- A. Lara, Jaime – Coach Operator – Mass Transit
  - B. Lowther, Brandt – Police Officer – Police Dept.

#### **REGULAR AGENDA**

11. Discussion and Action on removal of William J. Ellis as Chair of the Commission as provided in Rule 1, Section 4.

Vice Chair Peña presided over this Item.

Elaine Hengen, Asst. City Attorney, stated that she was present on behalf of Charlie McNabb, City Attorney, who was not able to attend because there was a special City Council meeting on the 10<sup>th</sup> floor which was still in session. Ms. Hengen said it was the opinion of the City Attorney's office that the Commission did not have authority to proceed on this matter, that it was not properly presented and brought forward to the Commission at this time. Rule 1, Section 4, contains the provisions by which the Chair or Vice Chair of the Commission may be removed and that particular section states that the process under Section 12 of Rule 1 must be followed. That section requires that before removal can be sought that written charges stating the acts or omission complained of be brought forward and filed with the City Clerk and the Secretary of the Civil Service Commission and that those charges be notarized. Ms. Hengen stated none of those things have taken place in this situation.

**MOTION TO DELETE ITEM 11 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED WITH CHAIR ELLIS ABSTAINING.**

Chair Ellis resumed presiding over the meeting.

12. Discussion and Action on Appeal of Performance Evaluation of:

Juarez, Rebeca – Customer Relations Clerk – Building Permits & Insp.

Chair Ellis assigned a Committee consisting of Commissioners Schwartz, Boureslan and Gezelius to hear Ms. Juarez' appeal, with Commissioner Schwartz chairing that committee.

**MOTION TO DELETE ITEM 12 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

13. Discussion and Action on request to have name placed on Reinstatement List:

Ortiz, Jose – Coach Operator – Mass Transit (Tabled 08/25/05)

Chair Ellis asked Assistant City Attorney Lupe Cuellar if she had examined the backup for this material and asked if the documents presented supported the relief requested.

Assistant City Attorney Lupe Cuellar said she had reviewed the documents and didn't believe the documents required per Rule 13.7.f. had been provided to the Commission in this case.

Ms. Thomas said Mr. Ortiz had been asked if he had fulfilled the requirements per Rule 13.7.f. and he stated he had not.

Commissioner Ruck believed the Commission had the authority to approve this request.

Commissioner Boureslan asked Mr. Ortiz if there was a reason why he took more than 1 year to apply for reinstatement.

Mr. Ortiz stated that his wife died of cancer and he was the sole caregiver for her during that period. He said that after going through that he was traumatized and was not ready to come back to work before now. Mr. Ortiz told the Commission that he was on a leave of absence from Sun Metro and had requested an extension just until his wife passed on but the request was not granted even though he had documentation from the doctor to support his request, this was because the City Attorney's office didn't believe it was a good enough reason to extend the leave.

Commissioner Ruck suggested amending the rule.

Discussion.

MOTION TO APPROVE ITEM 13 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 6 TO 1 WITH 1 ABSTENTION.

Ayes: Commissioners Peña, Graham, Martinez, Gezelius, Schwartz, Ruck

Nays: Commissioner Scott

Abstain: Commissioner Boureslan

14. Discussion and Action on Miscellaneous Appeal filed by Javier Aranda reference Reinstatement Request for Police Officer (Tabled 08/11/05).

*This item was deleted concurrent with the approval of the Consent Agenda.*

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

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

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The Commission retired into Executive Session at 6:26 p.m. to discuss Item 14, and reconvened for Open Session at 6:44 p.m.

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

MOTION TO TABLE ITEM 14 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

15. 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. Lopez, Teresa – Municipal Court Sentencing Coordinator

Ms. Lopez was present and stated that her casework was the same as that of the Municipal Court Sentencing Coordinator and detailed her duties for the Commission.

Monica Puga, Human Resources Analyst, said that in her review of Ms. Lopez' duties and qualifications she didn't believe Ms. Lopez met the minimum qualifications.

MOTION TO APPROVE ITEM 15A MADE BY COMMISSIONER BOURESAN BUT DIED FOR LACK OF A SECOND.

MOTION TO DENY ITEM 15A MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 7 TO 1.

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

B. Orrantia-Duron, Maria – Municipal Court Sentencing Coordinator

Ms. Orrantia-Duron was not present.

MOTION TO DENY ITEM 15B MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

C. Arce, Melissa – Secretary II

Ms. Arce was not present.

MOTION TO DENY ITEM 15C MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

D. Castorena, Maria – Secretary II

*This item was deleted concurrent with the approval of the Consent Agenda.*

E. Lopez, Irma – Secretary II

*This item was deleted concurrent with the approval of the Consent Agenda.*

F. Cummings, Chris – Public Arts Program Coordinator

Mr. Cummings was not present.

MOTION TO DENY ITEM 15C MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

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

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The Commission retired into Executive Session at 6:58 p.m. to discuss Item 16, and reconvened for Open Session at 8:00 p.m.  
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MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

16. 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:

*Commissioner Graham left before voting on Item 16A.*

A. Garcia, Jose – Automotive Technician I (8.1.d.4.)

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

MOTION TO APPROVE ITEM 16A MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER BOURESLAN AND PASSED BY A VOTE OF 4 TO 3.

Ayes: Commissioners Peña, Martinez, Scott, Ruck  
Nays: Commissioner Gezelius, Schwartz, Scott

B. Lozano, Jose – Automotive Technician I (8.1.d.4.)

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

MOTION TO DENY ITEM 16B MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

C. Lopez, Sergio – Maintenance Mechanic I (8.1.d.4.)

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

MOTION TO APPROVE ITEM 16C MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

D. Aguilar, Raul - Licensed Coach Operator Trainee (Ord. 8064, 5.1.b.)

E. Aguilar, Raul – Paratransit Coach Operator (Ord. 8064, 5.1.b.)

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

MOTION TO APPROVE ITEMS 16D AND 16E MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

F. Ortega, Armando – Licensed Coach Operator Trainee (Ord. 8064, 5.1.b.)

G. Ortega, Armando – Paratransit Coach Operator (Ord. 8064, 5.1.b.)

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

MOTION TO APPROVE ITEMS 16F AND 16G MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

H. Cancino, Jesus – Paratransit Coach Operator (8.1.d.4. & Ord. 8064, 5.1.b.)

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

MOTION TO APPROVE ITEM 16H MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

I. Duchene, Ricardo – Paratransit Coach Operator (Ord. 8064, 5.1.b.)

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

MOTION TO APPROVE ITEM 16I MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GEZELIUS AND PASSED BY A VOTE OF 6 TO 1.

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

J. Lozano, Salvador – Paratransit Coach Operator (8.1.d.4.)

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

MOTION TO DENY ITEM 16J MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER BOURESLAN AND PASSED BY A VOTE OF 6 WITH 1 ABSTENTION.

Ayes: Commissioners Peña, Martinez, Gezelius, Boureslan, Schwartz, Scott  
Abstain: Commissioner Ruck

K. Muñoz, Oscar – Paratransit Coach Operator (Ord. 8064, 5.1.b.)

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

MOTION TO APPROVE ITEM 16K MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 6 TO 1.

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

L. Castorena, Maria – Secretary II (8.1.d.4.)

*This item was deleted concurrent with the approval of the Consent Agenda.*

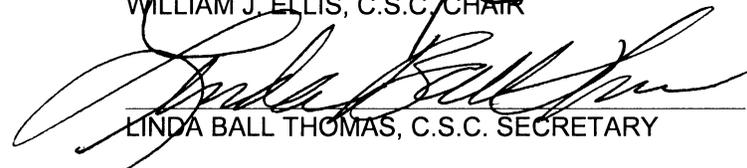
M. Lopez, Irma – Secretary II (8.1.d.4.)

*This item was deleted concurrent with the approval of the Consent Agenda.*

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

THE MEETING ADJOURNED AT 8:05 P.M.

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

  
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LINDA BALL THOMAS, C.S.C. SECRETARY

10-13-05  
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DATE APPROVED