

Bonnie Lowenthal, 1st District  
Dan Baker, 2nd District  
Frank Colonna, 3rd District  
Patrick O'Donnell, 4th District



Jackie Kell, Vice Mayor, 5th District  
Laura Richardson, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, 9th District

Gerald R. Miller, City Manager  
Larry G. Herrera, City Clerk

Beverly O'Neill, Mayor

Robert E. Shannon, City Attorney

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**FINISHED AGENDA & MINUTES**

ROLL CALL: (05:11 PM)

Mayor O'Neill presiding.

**Councilmembers** B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson,  
**Present:** Reyes Uranga, Gabelich and Lerch

Invocation: Moment of Silence

Flag Salute and Presentation by Camp Fire USA Long Beach Area Council.

Proclamation presented by Mayor O'Neill to Mary Walton and Bill Williams of the Interval House on the celebration of its 25th Anniversary.

Mayor O'Neill and Val Lerch, Councilmember, Ninth District, presented a Certificate of Recognition to Daniel Barajas for creative artworking being selected for the cover of the special limited edition printing of Ray Bradbury's Fahrenheit 451 for the Long Beach Reads One Program.

Mayor O'Neill and Val Lerch, Councilmember, Ninth District, presented a Certificate of Recognition to David Farfan for winning the Low Net title at the Southern Californian Baja Open golf tournament.

Mayor O'Neill and Val Lerch, Councilmember, Ninth District, presented a Certificate of Recognition to Aurelio Quinlan for winning the Low Net title at the Southern California Baja Open golf tournament.

Councilmember Baker moved, seconded by Councilmember Lowenthal, that the minutes for the City Council Meetings of February 8 and 15, 2005 be approved.

Mayor O'Neill announced that Item No. 33 had been withdrawn and that Item No. 36

will be considered prior to Item No. 30.

**HEARINGS: (05:36 PM)**

1. [05-2434](#) Recommendation to receive supporting documentation into the record, conclude the hearing and approve an Owner Participation Agreement with Faith Chapel Mortuary, Inc.; adopt Resolution making certain findings and approving an Owner Participation Agreement and conveyance of property; and approve and authorize the Executive Director to execute any and all documents necessary to implement the Agreement.

**A motion was made by Councilwoman Richardson, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-05-0001. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** RES-05-0001

**PUBLIC COMMENT:**

Rev. Leon Woods spoke regarding public safety for African Americans in the City.

Dave San Jose spoke regarding public safety.

Annie Greenfeld-Wisner spoke regarding the general plan.

Thomas Murphy spoke regarding flash floods.

James Shaw spoke regarding concerns for violence west of the 710 freeway.

Dave Parsons spoke regarding proposed LNG facility at the Port of Long Beach.

In response to public comments, Councilmember Reyes Uranga announced the Join Us In A Community Forum on March 5, 2005 at Cabrillo High School Auditorium to address violence issues.

**CONSENT CALENDAR: (06:06 PM)**

Suggested Action: Approve recommendation Consent Calendar Items 2-25, except for Items 11, 12, 14, 15, 17, 19 and 20.

2. [05-2360](#) Recommendation to City Council to receive and file the Budget Evaluation Process communication.

**A motion was made to approve recommendation on the Consent Agenda.**
  
3. [05-2361](#) Recommendation to City Council to receive and file the current City Budget Structure communication.

**A motion was made to approve recommendation on the Consent Agenda.**
  
4. [05-2403](#) Recommendation to City Council to receive and file the Budget Oversight Committee Fiscal Year 2005 Budget Report communication.

**A motion was made to approve recommendation on the Consent Agenda.**
  
5. [05-2457](#) Recommendation to authorize City Attorney to pay sum of \$18,000 in full settlement of lawsuit entitled Valerie Ladew v. City of Long Beach and John Michael Evans.

**A motion was made to approve recommendation on the Consent Agenda.**
  
6. [05-2479](#) Recommendation to authorize City Attorney to submit Compromise and Release for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$9,000 in compliance with Appeals Board order for claim of Donald Smith, and \$60,000 for claim of Granderson Wright.

**A motion was made to approve recommendation on the Consent Agenda.**
  
7. [05-2458](#) Recommendation to authorize City Attorney to submit Stipulations with Requests for Awards for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$52,062.50 and \$36,890 in compliance with Appeals Board order for claim of Charles Bowers; \$71,102.50 for claim of Jeffrey Jones; \$141,565 for claim of Randy Mason; and \$12,080 for claim of Barbara Wamsley.

**A motion was made to approve recommendation on the Consent Agenda.**

8. [05-2480](#) Recommendation to authorize City Attorney to submit Vocational Rehabilitation Benefits for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$5,000 in compliance with the agreed upon settlement for claim of Rick Delfin.

**A motion was made to approve recommendation on the Consent Agenda.**

9. [05-2433](#) Recommendation to refer to City Attorney the damage claims received between February 10, 2005 and February 24, 2005.

**A motion was made to approve recommendation on the Consent Agenda.**

10. [05-2447](#) Recommendation to receive and file FY 2003-04 Annual Report of the Disabled Access Appeals Board in accordance with Long Beach Municipal Code Section 2.18.090. (Citywide)

**A motion was made to approve recommendation on the Consent Agenda.**

11. [05-2432](#) Recommendation to authorize City Manager to execute all necessary documents with The Los Angeles Gay and Lesbian Community Services Center to implement the Materials Development Training and Grant Project in an amount not to exceed \$10,000 for the period from January 3, 2005 to June 30, 2005; and increase appropriations in the Health Fund (SR 130) and the Department of Health and Human Services (HE) by \$10,000. (Citywide)

Thomas Murphy

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Kell

12. [05-2437](#) Recommendation to authorize City Manager to execute all necessary documents with the State of California Department of Health Services to provide a Male Involvement Program in an amount not to exceed \$450,000 for a four and one half year period; and increase appropriations in the Health Fund (SR 130) and the Department of Health and Human Services (HE) by \$150,000. (Citywide)

Thomas Murphy

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Kell

13. [05-2438](#) Recommendation to authorize City Manager to issue a license to Harbor Area Farmer's Market/South Coast Interfaith Council for use of the City-owned parking area at the Main Health Facility, located at 2525 Grand Avenue, for a weekly Farmer's Market. (District 5)

**A motion was made to approve recommendation on the Consent Agenda.**

14. [05-2439](#) Recommendation to authorize City Manager to execute agreement with Aetna Life Insurance Company to provide life insurance for employees with rates as outlined, and to execute any subsequent amendments necessary to maintain the recommended benefit levels and remain in compliance with state and federal laws on all plans. (Citywide)

Thomas Murphy

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Baker, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Kell

15. [05-2440](#) Recommendation to adopt resolution authorizing City Manager to execute the Forms of Amendments to Natural Gas Purchase

Agreements, amended and restated Natural Gas Purchase Agreements and assignment consent agreements. (Citywide)

**A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to approve recommendation and adopt Resolution No. RES-05-0002. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Kell

**Enactment No:** RES-05-0002

16. [05-2441](#)

Recommendation to authorize City Manager to execute the North Strip Oil Operating Area (OOA) Joint Use Agreement between the City of Long Beach (City), as West Wilmington Unit Operator, and Ultramar, Inc. for a ten-year term. (District 1)

**A motion was made to approve recommendation on the Consent Agenda.**

17. [05-2442](#)

Recommendation to authorize City Manager to execute the Gas Sharing Agreement among the City of Long Beach, Oxy Long Beach, Inc., and the California State Lands Commission. (District 2)

**A motion was made to approve recommendation on the Consent Agenda.**

18. [05-2443](#)

Recommendation to receive and file the report, "Elevation Changes in the City of Long Beach, May 2004 to November 2004." (Citywide)

**A motion was made to approve recommendation on the Consent Agenda.**

19. [05-2444](#)

Recommendation to authorize City Manager to execute all documents necessary to implement and administer the grant agreement for the Golden Shore Marine Reserve/Los Angeles River Interpretive Project; and to increase appropriations in the Capital Projects Fund (CP) and in the Department of Parks, Recreation and Marine in Capital Improvement Project No. PR8100-01 by \$100,000. (District 2)

Thomas Murphy

**A motion was made by Councilmember Baker, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

20. [05-2445](#)

Recommendation to receive and file the Annual Report on the General Plan Open Space and Recreation Element. (Citywide)

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Baker, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

21 [05-2431](#)

A.

Recommendation to receive and file the application of Young Sam Yoon, dba New Miyako, for a person-to-person transfer of an alcoholic beverage control license, at 4501 East Carson Street #107, with existing conditions. (District 5)

**A motion was made to approve recommendation on the Consent Agenda.**

21 [05-2430](#)

B.

Recommendation to receive and file the application of Loy Chhour and Sue Tevy Mak, dba J and G Market 2, for a person-to-person transfer of an alcoholic beverage control license, at 6190 Orange Avenue, with existing conditions. (District 9)

**A motion was made to approve recommendation on the Consent Agenda.**

22. [05-2448](#)

Recommendation to determine that the granting of Facility/Pipeline Permit Supplement No. S-5-05, under existing Facility/Pipeline Permit No. P-164-88, to ARCO Terminal Services Corporation, will not be contrary to the public interest; authorize City Manager to issue said permit supplement in accordance with Section 15.44.060, Permit Issuance, of the Long Beach Municipal Code; and authorize a discretionary permit to excavate in City streets that have been reconstructed within the previous sixty months and slurry sealed within the previous twenty-four months in accordance with Section 14.08.060, Public Works Permit-Issuance, of the Long Beach Municipal Code.



(District 1)

**A motion was made to approve recommendation on the Consent Agenda.**

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to request reconsideration of vote on Item No. 22. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, that this matter be laid over for 30 days.**

**The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**23. [05-2449](#)**

Recommendation to authorize a public walkways occupancy permit for sidewalk dining at the Open Sesame Restaurant located at 5215 East Second Street. (District 3)

**A motion was made to approve recommendation on the Consent Agenda.**

**24. [05-2389](#)**

Recommendation to receive and file Minutes of:  
Harbor Commission, February 7, 9, and 14, 2005.  
Parks and Recreation Commission, January 20, 2005.

**A motion was made to approve recommendation on the Consent Agenda.**

**25. [05-2478](#)**

Recommendation to approve Proclamation for Interval House 25th Anniversary and Certificates of Recognition for Daniel Barajas, David Farfan and Aurelio Quinlan.

**A motion was made to approve recommendation except for items 11, 12, 14, 15, 17, 19 and 20. on the Consent Agenda.**

**Passed The Consent Agenda**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**REGULAR AGENDA: (06:32 PM)**

26. [05-2472](#) Recommendation to appoint 2005 nominations for non-charter Commissions, Committees, and Boards.
- A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch
27. [05-2460](#) Recommendation to Refer to I-710 Council Oversight Committee for an Update and Community Presentation of Pier Pass Program.  
Bruce Wargo, Helene Ansel
- A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Lowenthal, to approve recommendation and refer to the I-710 Oversight Committee. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch
28. [05-2459](#) Recommendation to City Council to direct staff to update Welcome to Long Beach signage installation plan within 30 days.
- A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to approve recommendation and return plan within 30 days. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch
29. [05-2463](#) Recommendation to direct City Manager to establish a one-stop-shop and easy to remember phone number for all code enforcement complaints. The number shall be 570-CODE.
- A motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch
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30. [05-2470](#)

Recommendation to request report from City Manager on the traffic enforcement programs and staffing levels for the Motor Patrol Bureau.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

31. [05-2455](#)

Recommendation to adopt resolution opposing State-Mandated Two-Tiered Retirement System for California's State and Local Government Employees.

Robert Shannon, City Attorney, read revisions to the resolution.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to approve recommendation and adopt Resolution No. RES-05-0003. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** RES-05-0003

32. [05-2456](#)

Recommendation to adopt resolution approving and authorizing the destruction of certain records, papers, and writings by the departments of City Attorney, Community Development/Housing Authority, and Human Resources/Risk Management.

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-05-0004. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** RES-05-0004

33. 05-2450

WITHDRAWN

~~Recommendation to authorize City Manager to execute a contract with Weidner Consulting, Inc., for the development and implementation of a comprehensive performance management system, including the~~

~~acquisition and implementation of the Performance Information Management Software, for a period of three years in the amount of \$945,050. (Citywide)~~

34. [05-2451](#)

Recommendation to approve expenditure of Redevelopment Agency bond proceeds in the amount of \$34,917,000; and increase appropriations in the Redevelopment Fund (RD) in the Department of Community Development (CD) by \$18,997,000. (Districts 1,6,7,8,9)

Thomas Murphy

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

35. [05-2452](#)

Recommendation to approve the Fiscal Year 2005 first quarter budget departmental and fund appropriation adjustments in accordance with existing City Council policy.

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

Item 36 considered prior to Item 30.

36. [05-2453](#)

Recommendation to receive and file a Power Point presentation on the Long Beach Police Department Report on Crime Statistics, Staffing and Megan's Law. (Citywide)

Glen McGuire  
Maria Norvell  
Annie Greenfeld-Wisner  
David Hemsler  
Kelly Hawes  
Mike Wilson  
Unidentified man  
Lee Collins

Bryce McGuire  
Janet Wright  
Dave San Jose  
Mark Ballinger  
Unidentified City employee

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**37. [05-2454](#)**

Recommendation to adopt Plans and Specifications No. R-6671 for the annual contract for tree trimming services; authorize the City Manager to award the contract to TruGreen Landcare, a California General Partnership, in an amount not to exceed \$800,000; and execute the contract, and all necessary documents including time extensions related to the contract. (Citywide)

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**ORDINANCES: (09:46 PM)**

**38. [05-2398](#)**

Recommendation to declare ordinance adding Chapter 8.59 to the Long Beach Municipal Code relating to the fencing of vacant lots read the first time and laid over to the next regular meeting of the City Council for final reading.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, Baker, Colonna, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - O'Donnell

**Enactment No:** ORD-05-0002

39. [05-2429](#) Recommendation to declare ordinance amending Long Beach Municipal Code Section 1.32.010.E, and by adding Chapter 9.65 relating to Administration Citations and Penalties, read and adopted as read.

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to approve recommendation and adopt Ordinance No. ORD-05-0001. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, Baker, Colonna, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - O'Donnell

**Enactment No:** ORD-05-0001

**NEW BUSINESS:**

Affidavit of Service for meeting held Tuesday, March 1, 2005.

**ANNOUNCEMENTS: (09:48 PM)**

Councilmember Lowenthal spoke regarding community activities.

Councilwoman Richardson requested the meeting adjourn in memory of Ahmed Saafir's grandson and spoke regarding community activities.

Councilwoman Gabelich spoke regarding community activities.

Councilmember Lerch spoke regarding community events.

Councilmember O'Donnell spoke regarding community events.

Mayor O'Neill requested the meeting adjourn in the memory of Randy Riesgo, a City employee in Technology Services.

**ADJOURNMENT: (09:59 PM)**

Mayor O'Neill adjourned the meeting at 9:59 P.M. in memory of Ahmed Saafir's grandson and Randy Riesgo.

**NOTE:**

If written language translation of the City Council agenda and minutes for non-English speaking persons is desired, please make your request by phone to the City Clerk Department at (562) 570-6101, 72 hours prior to the City Council meeting.

Kung ang nakasulat na pagsasalin-wika ng adyenda at mga katitikan ng Konseho ng Lunsod ay hinahangad para sa mga taong hindi nagsasalita ng Ingles, mangyaring gawin ang iyong kahilingan sa pamamagitan ng telepono sa Kagawaran ng Klerk ng Lunsod sa (562) 570-6101, 72 oras bago ang pulong ng Konseho ng Lunsod.”

Si desea obtener la traducción lingüística escrita de la agenda y las actas del Concejo Municipal para las personas que no hablan inglés, realice su pedido por teléfono al Departamento de la Secretaría Municipal al (562) 570-6101, 72 horas antes de la reunión del Concejo Municipal.

បើលោកអ្នកមិនចេះនិយាយភាសាអង់គ្លេស ហើយត្រូវការរបៀបវារៈកិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង និងរបាយការណ៍កិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង ជាសំណៅប្រែសម្រួលលាយលក្ខណ៍អក្សរទៅជាភាសារបស់លោកអ្នក នោះសូមស្នើសុំមកនាយកដ្ឋានសៀវភៅសាលាក្រុង តាមទូរស័ព្ទលេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវបានធ្វើឡើង។