

**CITY OF LONG BEACH
CITY COUNCIL AGENDA**

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

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



Beverly O'Neill, Mayor

**TUESDAY, FEBRUARY 8, 2005
COUNCIL CHAMBER, 5:00 P.M.**

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

Robert E. Shannon, City Attorney

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

CONTINUED HEARING:

1. ADVISORY BODY: PLANNING COMMISSION

SUBJECT: Zone change from a Regional Highway Commercial District (CHW) to a Commercial Storage District (CS) for a portion of an existing self-storage facility at 4100 Cherry Avenue (Case No. 0406-18). (Ordinance amending the Use District Map of the City of Long Beach as said map has been established and amended by amending portions of Part 23 of said map from CHW [Regional Highway District] to CS [Commercial Storage] for property located at 4100 Cherry Avenue, in the City of Long Beach [RZ-0406-18].) (District 7)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing;
Review and consider the material contained in Negative Declaration 20-04; and
Declare the ordinance changing the zone from CHW to CS read for the first time and laid over to the next meeting of City Council for final reading.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM CITY CLERK

Opportunity given to first 10 citizens who have submitted speaker cards in writing to the City Clerk to address the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless members of the City Council, staff or the public request specific items be discussed and/or removed from the Consent Calendar for separate action. Requests by the public for separate consideration should be made to the Mayor's Office or City Clerk Department prior to the beginning of the Council meeting.

CONSENT CALENDAR: (2 - 15)

2. DEPARTMENT: CITY ATTORNEY

SUBJECT: Third Amendment to Contract No. 28728 with Legal Counsel M. Brian McMahon, for litigation representation in Case No. CV 03-6655.

SUGGESTED ACTION:

Authorize City Manager to execute amendment in the amount of \$300,000.

3. DEPARTMENT: CITY ATTORNEY

SUBJECT: Compromise and Release.

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$18,000 and \$7,000 in compliance with Appeals Board order for claim of Dalton Meyers.

4. DEPARTMENT: CITY ATTORNEY

SUBJECT: Stipulations with Requests for Awards.

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$33,320 in compliance with Appeals Board order for claim of Neely Dinkins; \$26,700 for claim of Dimitri Crawford; \$5,596.25 for claim of Yen-Fei Heller; and \$27,370 for claim of Andrea Rodriguez.

5. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages.

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between January 27, 2005 and February 3, 2005.

6. DEPARTMENTS: CITY MANAGER AND CITY ATTORNEY

SUBJECT: Contract adjustment for Agreements to purchase electronic claims administration software system from Valley Oak Systems, Inc., and purchase implementation project management services from Deloitte Consulting, LLP. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to reduce City's contractual agreement with Valley Oak Systems, Inc., by \$90,000 to an amount not to exceed \$549,820.

Authorize City Manager to increase City's contractual agreement with Deloitte Consulting, LLP by \$90,000 to an amount not to exceed \$290,000.

7. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Fiscal Year 2005 First Quarter Budget Performance Report. (Citywide)

SUGGESTED ACTION:

Refer report to Budget Oversight Committee.

8. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Agreement with New Image Emergency Shelter for the Homeless for disbursement of funds under the Naval Shipyard Reuse Plan. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute agreement and any amendments for a period of three years for the disbursement of \$134,755 for services to address homelessness in Long Beach.

9. DEPARTMENT: OIL PROPERTIES

SUBJECT: Agreement with Oxy Long Beach, Inc. (OLBI) to develop State Lease PRC 186 from the Long Beach Unit. (Districts 1,2)

SUGGESTED ACTION:

Authorize City Manager to execute agreement with OLBI for lease line injection, and other pertaining expenditures and cost allocations incurred with the drilling and production of oil, gas, and water from the Belmont lease.

Authorize City Manager to execute agreement with OLBI for 2.5 percent pass through royalty interest of the City from the Belmont lease.

10. DEPARTMENT: OIL PROPERTIES

SUBJECT: Modification of the Long Beach Unit Program Plan (July 2003 through June 2008) and modification and supplement of the Long Beach Unit Annual Plan (July 1, 2004 - June 30, 2005). (Citywide)

SUGGESTED ACTION:

Approve first modification of the Long Beach Unit Program Plan and first modification and supplement of the Long Beach Unit Annual Plan.

11. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Agreements for services with the Long Beach Unified School District for operation of the 21st Century Community Learning Center (Long Beach Winners Reaching Amazing Potential WRAP) at Burbank, Edison, James A. Garfield, Ulysses S. Grant, Elizabeth Hudson, Starr King, Lafayette, and Robert E. Lee Elementary Schools. (Districts 1,2,3,4,6,7,9)

SUGGESTED ACTION:

Authorize City Manager to execute agreements for delivery of the WRAP program at the eight elementary schools for a period of one year each; and

Increase appropriations in the General Grants Fund (SR) and in the Department of Parks, Recreation and Marine (PR) by \$845,133.

12. DEPARTMENT: PLANNING AND BUILDING

SUBJECT: Notification of intent of a Governmental Agency to locate a facility in the City of Long Beach – the proposed reconstruction of the Los Alamitos Pump Station. (District 3)

SUGGESTED ACTION:

Receive and file.

13. DEPARTMENT: POLICE

SUBJECT: Alcoholic Beverage License Application (Person-to-Person Transfer).

Application of Mi Hye Park Kim, dba El Mar Mexican Food, for an on-sale beer and wine for bonafide eating place license at 245 Pine Avenue, Suite 200. (District 2)

SUGGESTED ACTION:

Receive and file with existing conditions.

14. DEPARTMENT: PUBLIC WORKS

SUBJECT: Appropriation of the Fiscal Year 2005 Infrastructure Reserve.

SUGGESTED ACTION:

Increase appropriations in Department of Financial Management (XC) by \$200,000.

Increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$200,000.

15. ADVISORY BODY: THE CULTURAL HERITAGE COMMISSION

SUBJECT: Appointment of three Cultural Heritage Commission representatives to the Long Beach Navy Memorial Heritage Association Board of Trustees.
(Citywide)

SUGGESTED ACTION:

Approve selection of Mike Burrous, David Chartier and William Wynn to serve.

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

UNFINISHED BUSINESS:

16. AIRPORT EIR SCOPING ISSUES.

- A. COUNCIL OFFICES: COUNCILMEMBER PATRICK O'DONNELL, FOURTH DISTRICT
COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT
COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT

SUBJECT: Long Beach Airport Terminal Modernization.

B. DEPARTMENT: PUBLIC WORKS

SUBJECT: Approval of Scope of Environmental Impact Report for the Airport Terminal Facilities Project, and Approval of the First Amendment to Bon Terra's Contract for Preparation of the Environmental Impact Report.

SUGGESTED ACTION:

Authorize City Manager to proceed with preparation of the Environmental Impact Report for the Airport Terminal Facilities Project as specified by the City Council; or

Authorize City Manager to proceed with preparation of the Environmental Impact Report for the Airport Terminal Facilities Project as recommended by the Airport Advisory Commission; and

Authorize City Manager to execute the First Amendment to Agreement No. 28297 to amend the scope of work to include a health risk assessment, and increasing the "not-to-exceed amount" payable to Bon Terra for consulting services for preparation of the Environmental Impact Report for the Airport Terminal Facilities Project by \$375,000, for a total not-to-exceed amount of \$775,000; and

Increase appropriations in the Airport Enterprise Fund (EF 320) and the Department of Public Works (PW) by \$375,000.

17. DEPARTMENT: POLICE

SUBJECT: Application of Villasenor Incorporated, dba Taco's Don Chente of Long Beach, for an original on-sale beer and wine for bonafide eating place alcoholic beverage license at 101 West Pacific Coast Highway. (District 6)

SUGGESTED ACTION:

Receive and file application; or

Request City Clerk to file protest with California State Department of Alcoholic Beverage Control; or

Request City Clerk to transmit conditions to California State Department of Alcoholic Beverage Control as requested by Councilmember.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

18. COUNCIL OFFICES: COUNCILMEMBER BONNIE LOWENTHAL, FIRST DISTRICT
COUNCILMEMBER FRANK COLONNA, THIRD DISTRICT

SUBJECT: Federal Energy Regulatory Commission Action.

SUGGESTED ACTION:

Request City Attorney and Port of Long Beach to present a report regarding Federal Energy Regulatory Commission's (FERC) request of the U.S. Senate Energy Committee for a modification on Section 3 of the Natural Gas Act, and

Request City Attorney to prepare a resolution.

19. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Proposed refinancing of the Health Facilities Financing Authority 1989 tax-exempt variable rate loan/lease. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to structure and execute a tax-exempt loan for the Health SAVRS debt, with a term similar to the remaining 16 years, and authorize City's investment pool to buy the loan as an investment at some future point if advantageous market conditions emerge.

20. INTENTIONALLY LEFT BLANK

21. DEPARTMENT: PUBLIC WORKS

SUBJECT: Adopt Plans and Specifications No. R-6665 and award contract to Sequel Contractors, Inc. for the improvement of Long Beach Boulevard between Ellis Street and Artesia Boulevard. (Districts 8,9)

SUGGESTED ACTION:

Adopt Plans and Specifications No. R-6665; and authorize City Manager to award contract in an estimated amount of \$713,036 and execute all necessary documents.

RESOLUTIONS:

22. DEPARTMENT: CITY ATTORNEY

SUBJECT: Resolution urging the United States to ratify Annex VI of the International Convention for the prevention of Marine pollution from ships.

SUGGESTED ACTION:

Adopt resolution.

23. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's vehicle license fee receivable from the State; and directing and authorizing certain other actions in connection therewith. (Citywide)

SUGGESTED ACTION:

Adopt resolution; and

Authorize City Manager to execute all necessary documents with CSCDA to participate in the Vehicle License Fee Gap Loan Financing Program at a minimum net proceeds level of 91 percent, or \$7,422,000.

24. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Resolution authorizing the City Manager to submit an application for and to enter an agreement and all amendments with the State Department of Parks and Recreation for funding under the State Urban Parks and Healthy Communities Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Costal Protection Act of 2002 for the Pacific Electric Multi-Use Trail. (District 6)

SUGGESTED ACTION:

Adopt resolution; and

Authorize City Manager to submit a grant application to the California Department of Parks and Recreation, for approximately \$3,181,345, and execute any documents necessary for the project implementation and administration.

ORDINANCES:

25. DEPARTMENT: CITY ATTORNEY

SUBJECT: Ordinance relating to the temporary limitation of certain construction activities Citywide, wherein the interior alteration of existing living areas in multi-family residential properties results in the creation of new bedrooms; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately. (Citywide)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

26. DEPARTMENT: CITY ATTORNEY

SUBJECT: Ordinance amending the Long Beach Municipal Code by repealing Preferential Parking Districts L and S of Section 10.32.110.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

27. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Ordinance amending Ordinance Nos. C-5063, C-5138, C-5275, C-6311, C-7295, C-7576, C-7597, C-7885, and C-7913 and approving and adopting the Ninth Amendment to the Redevelopment Plan for the Poly High Redevelopment Project. (District 6)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

28. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Ordinance adopting an amendment to Ordinance No. C-6496, adopted July 5, 1988, and amended on January 24, 1989, July 11, 1989, December 5, 1989, March 20, 1990, July 3, 1990, September 18, 1990, July 2, 1991, July 7, 1992, January 26, 1993, August 24, 1993, June 28, 1994, July 18, 1995, November 28, 1995, October 1, 1996, March 25, 1997, October 7, 1997, October 27, 1998, April 20, 1999, October 19, 1999, October 17, 2000, October 30, 2001, March 19, 2002, November 26, 2002, and January 6, 2004, relating to Departmental Organization of the City of Long Beach.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

NEW BUSINESS:

- 29.
- 30.
- 31.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity given to citizens to address the City Council on non-agenda items who have not already addressed the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

REMINDERS:

February 15, 2005, Hearing on appeal of Planning & Building, 3660 Pacific Avenue and 140 West 137th Street (Case # 0409-22). (District 8)

NOTE: An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802. You may view the agenda or documents on the Internet at www.longbeach.gov. E-Mail correspondence can be directed to cityclerk@longbeach.gov. Agenda items may be reviewed in the City Clerk Department or the Plaza Level Information Desk of the Main Library and at Branch Libraries. Communicate through the Telephone Device for the Deaf (TDD) at (562) 570-6626. If a special accommodation is desired pursuant to the Americans with Disabilities Act, or if you need the agenda provided in an alternate format, please phone the City Clerk Department at (562) 570-6101 by 12 noon Monday. Inquire at the City Council Chamber Audio-Visual Room for an assistive listening device.