

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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### Roll Call

(5:23 P.M.)

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

Mayor O'Neill presiding.

Invocation: Moment of Silence.

Flag Salute: Councilmember Lerch, Ninth District.

Pet Adoption: Jo Trent, SPCALA, presented a feline for adoption.

Councilmember Baker moved, seconded by Councilmember O'Donnell, that the minutes for the City Council Meeting of February 1, 2005 be approved.

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 HEARINGS:

(5:26 P.M.)

1. [04-2204](#) 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) (District 7) (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].)

Karen Blankensee, Pacific Planning Group, Inc. provided a video presentation.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Richardson, that this matter be denied. The motion carried by the following vote:**

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

**No:** 1 - Lerch

**PUBLIC COMMENT:**

(5:42 P.M.)

Opportunity to address the City Council (on non-agenda items) is given to the first 10 persons who submit Speaker Cards to the City Clerk beginning at 15 minutes prior to 5:00 p.m. Each speaker is allowed three minutes to make their comments.

Mike Lesner spoke regarding Long Beach Marina liquor.

Thomas Murphy spoke regarding Naval Station years.

Steve James spoke regarding lack of contract with the Long Beach Police Department.

Jerry Miller, City Manager, announced that a meeting would be scheduled for February 15, 2005 from 3:00-4:30 PM regarding the LBPD contract.

Harvey Cochran spoke regarding the Port of Long Beach.

Gabrielle Weeks spoke regarding the Long Beach Peace Festival.

Kathy Frazier, distributed an informational packet and spoke regarding the ABC Unified School District. (Doc. 6)

**NOTICE TO THE PUBLIC**

**CONSENT CALENDAR:**

(5:59 P.M.)

2. 05-2369 Recommendation to execute third amendment to Contract No. 28728 in the amount of \$300,000 with Legal Counsel M. Brian McMahon, for litigation representation in Case No. CV 03-6655.

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

3. 05-2371 Recommendation to authorize the City Attorney to submit Compromise and Release 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.

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

4. 05-2373 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 \$33,320 in compliance with Appeals Board order for claim of Neely Dinkin; \$26,700 for claim of Dimitri Crawford; \$5,596.25 for claim of Yen-Fei Heller; \$27,370 for claim of Andrea Rodriguez.

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

5. 05-2374 Recommendation to refer to City Attorney the damage claims received between January 27, 2005 and February 3, 2005.

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

6. 05-2365 Recommendation to authorize City Manager to reduce City's contractual agreement to purchase an electronic claims administration software system from Valley Oak Systems, Inc., by \$90,000 to an amount not to exceed \$549,820 and; authorize City Manager to increase the City's contractual agreement for implementation project management services with Deloitte Consulting, LLP by \$90,000 to an amount not to exceed \$290,000. (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:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

7. [05-2375](#) Fiscal Year 2005 First Quarter Budget Performance Report referred to the Budget Oversight Committee. (Citywide)

**A motion was made by Councilwoman Richardson, seconded by Councilmember Reyes Uranga, to approve recommendation and refer to the Budget Oversight Committee, due back on March 14, 2005. The motion carried by the following vote:**

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

8. 05-2377 Recommendation to authorize City Manager to execute agreement and any amendments for a period of three years with New Image Emergency Shelter for the Homeless for the disbursement of \$134,755 for services to address homelessness in Long Beach, under the Naval Shipyard Reuse Plan. (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:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

9. 05-2379 Recommendation to authorize City Manager to execute agreement with Oxy Long Beach, Inc. to develop State Lease PRC 186 from the Long Beach Unit. for lease line injection, and other pertaining expenditure and cost allocations incurred with the drilling and production of oil, gas, and water from the Belmont lease and; authorize City Manager to execute agreement with OLBI for the 2.5 percent pass through royalty interest of the City from the Belmont lease. (Districts 1,2)

Thomas Murphy

**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

10. 05-2381

Recommendation to approve the first modification of the Long Beach Unit Program Plan (July 1, 2003 through June 2008) and; first modification and supplement of the Long Beach Unit Annual Plan (July 1, 2004 - June 30, 2005). (Citywide)

Thomas Murphy

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

**Yes:** 7 - Baker, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Abstentions:** 2 - B. Lowenthal and Colonna

11. 05-2383

Recommendation to Authorize City Manager to execute agreements with the Long Beach Unified School District operation of the 21st Century Community Learning Center (Long Beach WRAP) at Burbank, Edison, Garfield, Grant, Hudson, King, Lafayette, and Lee Elementary Schools 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. (Districts 1,2,3,4,6,7,9)

Thomas Murphy

**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

12. 05-2384

Recommendation to receive and file 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)

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

13. 05-2386

Recommendation to receive and file Application of Mi Hye Park Kim, dba El Mar Mexican Food, for a person-to-person transfer of

an on-sale beer and wine for bonafide eating place license at 245 Pine Avenue, Suite 200 with existing conditions. (District 2)

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

14. 05-2387 Recommendation to increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$200,000.

Thomas Murphy

**A motion was made by Councilmember Colonna, 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

15. 05-2385 Recommendation to appointment Mike Burrous, David Chartier and William Wynn to serve on the Long Beach Navy Memorial Heritage Association Board of Trustees.

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

**Passed The Consent Agenda**

Mayor O'Neill announced that items pulled from the Consent Calendar for discussion would be placed at the end of the agenda to allow Items 16A and 16B to be addressed in a timely manner.

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

**Absent:** 1 - Colonna

**UNFINISHED BUSINESS:**

(6:01 P.M.)

16. [05-2353](#) Recommendation to authorize City Manager to proceed with preparation of the Environmental Impact Report for the Airport Terminal Facilities Project as specified by the City Council; that Alternative 2 be considered as the largest terminal modernization alternative and that commercial aircraft parking positions be maintained at total of 12 positions with 11 gates.

Ron Salk, Chair of Airport Advisory Commission

Ed Barwick

LuAnn Bynam

Demitra Munios

Elizabeth Cruz

Harry Pope

Don Temple

Laura Selmer

Bob Luskin

Julie Leesman

Ron Voker

Terry Jenson

Jeff Kellogg

Ray Grabinski

Bergit De la Tora

Rudy Bittmyer

Michael Bath

Dennis Schamandelaya

Unidentified man

Larry Boland

Jeremiah Joseph Flannigan

Unidentified man

Terry Smiley

John Deets

Paul Berg

Rex Ricks

Jeff Husell

Bry Myown

Joan Greenwood

Diana Mann

Jane Nato, LBHUSH board member

Dennis Lord

Alan Hose

Christy Artazone, Jet Blue representative

George Keller, Jet Blue representative

Christine Bettis

Unidentified man

**Moved by Reyes Uranga, seconded by O'Donnell.**

**The following Substitute Motion was made;**

[05-2353](#)

Recommendation to authorize City Manager to proceed with preparation of the Environmental Impact Report for the Airport Terminal Facilities Project as specified by the City Council; that Alternative 2 be considered as the largest terminal modernization alternative and that commercial aircraft parking positions be maintained at total of 12 to 14 positions with 11 gates.



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

**Yes:** 5 - B. Lowenthal, Colonna, Kell, Richardson and Lerch

**No:** 4 - Baker, O'Donnell, Reyes Uranga and Gabelich

05-2353

Recommendation to 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.

**A motion was made by Councilmember Reyes Uranga, 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

**17. 05-2300**

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)

**A motion was made by Councilwoman Richardson, seconded by Councilmember Baker, that this matter be withdrawn by applicant. The motion carried by the following vote:**

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

**Absent:** 1 - Lerch

**REGULAR AGENDA**

**DEPARTMENTAL COMMUNICATIONS:**

(9:27 P.M.)

18. [05-2392](#) Recommendation to 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; City Attorney to prepare a resolution.

Joan Greenwood

Diana Mann

Bry Myown

Harry Boland

Ken Erlich, Sound Energy Solutions

Tom Warke

Robert Shannon, City Attorney, advised that a report and the resolution would be prepared for the February 15, 2005 meeting.

Mayor O'Neill retired and Vice Mayor Kell assumed the chair.

**A motion was made by Councilmember Lowenthal, 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

19. 05-2393 Recommendation to authorize City Manager to structure and execute a tax-exempt loan for the Health SAVRS debt of the Health Financing Authority 1989, 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. (Citywide)

**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

20. INTENTIONALLY LEFT BLANK

21. 05-2394 Recommendation to adopt Plans and Specifications No. R-6665, and; authorize City Manager to award contract to Sequel Contractors, Inc. in an estimated amount of \$713,036 and execute all necessary documents for the improvement of Long Beach Boulevard between Ellis Street and Artesia Boulevard. (Districts 8,9)

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to authorize City Manager to award contract to Sequel Contractors, Inc. in an estimated amount of \$713,036 and execute all necessary documents for the improvement of Long Beach Boulevard between Ellis Street and Artesia Boulevard. Adopt Plans and Specifications No. R-6665. The motion carried by the following vote:**

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

**RESOLUTIONS:**

(9:58 P.M.)

22. 05-2395 Recommendation to adopt resolution urging the United States to ratify Annex VI of the International Convention for the prevention of Marine pollution from ships.

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to approve recommendation and adopt Resolution No. C-28512. The motion carried by the following vote:**

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

**Enactment No:** C-28512

23. 05-2396 Recommendation to adopt 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; 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. (Citywide)

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Colonna, to approve recommendation and adopt Resolution No. C-28513. The motion carried by the following vote:**

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

**Enactment No:** C-28513

**24. 05-2397**

Recommendation to adopt 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, 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. (District 6)

**A motion was made by Councilwoman Richardson, seconded by Councilmember Baker, to approve recommendation and adopt Resolution No. C-28514. The motion carried by the following vote:**

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

**Enactment No:** C-28514

**ORDINANCES:**

(9:59 P.M.)

**25. [05-2401](#)**

Recommendation to declare the ordinance establishing a temporary limitation (Moratorium) against certain construction activities wherein the interior alteration of existing living areas in multi-family residential properties results in the creation of new bedrooms (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) read, adopted as read and laid over to next regular meeting of the City Council for final reading. (Citywide)

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to declare ordinance read and adopted as read. The motion carried by the following vote:**

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

**Enactment No:** C-7968

**26. [05-2331](#)**

Recommendation that City Council declare ordinance amending the Long Beach Municipal Code by repealing Preferential Parking Districts L and S of Section 10.32.110, 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 Colonna, seconded by Councilmember Baker, to declare ordinance read and adopted as read (Ordinance No. C-7970). The motion carried by the following vote:**

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

**Enactment No:** C-7970

**27. [05-2400](#)**

Recommendation to declare ordinance amending prior Ordinances 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 proposed ninth amendment to the Redevelopment Plan for the Poly High Redevelopment Project read the first time and laid over to the next regular meeting of the City Council for final reading. (District 6)

**A motion was made by Councilwoman Richardson, seconded by Councilmember Baker, to declare ordinance read and adopted as read (Ordinance No. C-7971). The motion carried by the following vote:**

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

**Enactment No:** C-7971

**28. [05-2330](#)**

Recommendation that City Council declare 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, 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 and adopted as read (Ordinance No. C-7972). The motion carried by the following vote:**

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

**Enactment No:** C-7972

**NEW BUSINESS:**

- 29. Affidavits of Service for meetings held Tuesday, February 8, 2005. (Docs. 1-2)
- 30. Electronic mail from Robin Rosenlof regarding Agenda Items 16A and 16B. (Doc. 56)

Councilmember Reyes Uranga spoke regarding community events.

Councilwoman Gabelich spoke regarding community events.

Councilmember Lowenthal spoke regarding

**PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT**

Opportunity is given to those members of the public who have not addressed the City Council on non-Agenda items. Each speaker is limited to three minutes unless extended by the City Council.

**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។