

Bonnie Lowenthal, 1st District
Dan Baker, 2nd District
Frank Colonna, Vice Mayor, 3rd District
Dennis Carroll, 4th District

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



Beverly O'Neill, Mayor

Jackie Kell, 5th District
Laura Richardson, 6th District
Tonia Reyes Uranga, 7th District
Rob Webb, 8th District
Val Lerch, 9th District

Robert E. Shannon, City Attorney

MEMORIAL RESOLUTION PRESENTED FOR D'WHIGHT GARY DAVIDSON

**PROCLAMATION PRESENTED FOR
WATER AWARENESS MONTH**

**CERTIFICATE OF RECOGNITION PRESENTED TO
CINCO DE MAYO PLANNING COMMITTEE**

**PRESENTATION TO CITY CLERK LARRY HERRERA
THE CALIFORNIA CITY CLERK'S ASSOCIATION
"CITY CLERK OF THE YEAR"**

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: Appeal of an Approval from the Decision of the City Planning Commission Granting of a Local Coastal Development Permit, Standards Variances and Vesting Tentative Parcel Map for Construction of a Two-unit, Four-Story Condominium at 1720 Bluff Place. (Case No. 0312-22) (District 2)

SUGGESTED ACTION:

Receive supporting documentation into the record, conclude the hearing, overrule the appeal, sustain the decision of the City Planning Commission and approve the Local Coastal Development Permit, Standards Variances, and Vesting Tentative Parcel Map.

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 - 20)

2. DEPARTMENT: CITY AUDITOR
SUBJECT: Quarterly audit of cash and investment balances as of December 31, 2003.
SUGGESTED ACTION:
Refer to Budget Oversight Committee.

3. DEPARTMENT: CITY CLERK
SUBJECT: Claims for Damages.
SUGGESTED ACTION:
Refer to City Attorney the damage claims received between April 15, 2004 and April 29, 2004.

4. DEPARTMENT: CITY CLERK
SUBJECT: Report of Hearing Officer on request for revocation of Business License No. BU86026130 for Gilliam & Wales of Dublin, Inc., dba The Pier (a.k.a. Live Bait) at 6251 E. Pacific Coast Highway. (District 3)
SUGGESTED ACTION:
Set date of hearing for Tuesday, May 18, 2004, at 5:00 P.M.

5. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Lease Financing for DayStar Computer Systems Software for the City Clerk Department. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute all necessary documents with SunTrust Leasing Corporation for the financing of said purchases in an amount not to exceed \$415,455.12, payable over a three-year period.

6. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Memorandum of Understanding with Long Beach Memorial Medical Center for designation to purchase pharmaceuticals for indigent patients. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute the MOU for a term of three years.

7. DEPARTMENT: LAW

SUBJECT: Compromises and Releases.

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$40,000 in compliance with Appeals Board order for claim of Harry Booker; and \$25,000 for claim of Richard Castillo.

8. DEPARTMENT: LAW

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 \$6,475 in compliance with Appeals Board order for claim of Philip Bernstein; \$22,610 for claim of Richard Moreno; \$8,040 for claim of Adela Rose; and \$18,317.50 for claim of Johnny Silva.

9. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Agreements for operation of the 2004 Summer Food Service Program for Children (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute a grant agreement and a food donation agreement with the California Department of Education for the 2004 Summer Food Service Program;

Authorize City Manager to execute an agreement with the Long Beach Unified School District for food preparation for the 2004 Summer Food Program;

Authorize City Manager to execute sponsor/site agreements with agencies listed on Attachment A; and,

Authorize City Manager to accept funds, implement, amend, and administer the agreements to implement the program.

10. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: "Summer Swim 2004" grant funding from Amateur Athletic Foundation of Los Angeles, Inc., to conduct summer aquatic programs for economically disadvantaged youth. (Districts 3,5,6,7)

SUGGESTED ACTION:

Authorize City Manager to execute all necessary documents through August 29, 2004, and to implement, amend, and administer the grant.

Increase appropriations in the General Fund (GP) and the Department of Parks, Recreation and Marine (PR) by \$20,382.

Increase appropriations in the Tidelands Operating Fund (TF) and the Department of Parks, Recreation and Marine by \$6,874.

11. DEPARTMENT: PARKS, RECREATION AND MARINE, PUBLIC WORKS AND
COMMUNITY DEVELOPMENT

SUBJECT: Grant funds for Officer Daryle W. Black Memorial Park Playground. (District 6)

SUGGESTED ACTION:

Authorize City Manager to accept grant funds from the California Integrated Waste Management Board; and

Increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$22,075.

12. DEPARTMENT: POLICE

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

- A. Application of Laurence Garcia, dba La Hacienda Club, for a person-to-person transfer of an on-sale beer and wine for public premises alcoholic beverage license at 1551 Santa Fe Avenue. (District 1)

SUGGESTED ACTION:

Receive and file with existing conditions.

13. DEPARTMENT: PUBLIC WORKS

SUBJECT: Amendment to Section 10.58.060 of the Long Beach Municipal Code regarding establishment of a crosswalk on Golden Shore. (District 2)

SUGGESTED ACTION:

Authorize City Attorney to prepare an amendment to Section 10.58.060 of the Long Beach Municipal Code, adding a new subsection.

14. DEPARTMENT: PUBLIC WORKS

SUBJECT: Amendment to Section 14.20 of the Long Beach Municipal Code unifying the appearance of newsracks along portions of Pine Avenue and Ocean Boulevard. (Districts 1,2)

SUGGESTED ACTION:

Request City Attorney to prepare an amendment to Section 14.20 of the Long Beach Municipal Code which would unify the appearance of newsracks along portions of Pine Avenue and Ocean Boulevard.

15. DEPARTMENT: PUBLIC WORKS

SUBJECT: Public Walkways Occupancy Permit for sidewalk dining at Baja Sonora Grille located at 70 Atlantic Avenue. (District 2)

SUGGESTED ACTION:

Authorize City Manager to execute a permit.

16. DEPARTMENT: PUBLIC WORKS

SUBJECT: Bus stop installations on the northwest corner of Pine Avenue at Seaside Way and the south side of Golden Shore behind the Catalina Landing Parking Structure, and the relocation of an existing bus stop at the Long Beach Airport. (Districts 2,5)

SUGGESTED ACTION:

Approve installation of bus stops on the northwest corner of Pine Avenue at Seaside Way and the south side of Golden Shore behind the Catalina Landing Parking Structure, and relocation of existing bus stop at the Long Beach Airport on Donald Douglas Drive to an alternate location on Old Lakewood Boulevard east of the parking structure.

17. DEPARTMENT: PUBLIC WORKS

SUBJECT: Assignment Consent Agreement for Line 52 of Facility/Pipeline Permit No. P-164-88 from ARCO Terminal Services, Inc., to Pacific Pipeline System LLC (Districts 7,8,9)

SUGGESTED ACTION:

Authorize City Manager to execute in accordance with Section 15.44.220, Permit Transfer, of the Long Beach Municipal Code.

18. DEPARTMENT: PUBLIC WORKS

SUBJECT: First Amendment to Contract No. 28391 to furnish and deliver tree trimming services. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute amendment in the amount of \$150,000.

19. DEPARTMENT: VARIOUS

SUBJECT: Minutes for filing:

Harbor Commission, April 12 and 19, 2004
Parks and Recreation Commission, March 18, 2004
Planning Commission, March 18, 2004
Water Commission, March 31, 2004

SUGGESTED ACTION:

Receive and file.

20. DEPARTMENT: LEGISLATIVE

SUBJECT: Memorial Resolution for D'Whight Gary Davidson; proclamation for Water Awareness Month, May 2004; and Certificate of Recognition for Cinco de Mayo Planning Committee.

SUGGESTED ACTION:

Approve.

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

UNFINISHED BUSINESS:

21. COUNCIL COMMITTEE: COUNCILMEMBER DAN BAKER, SECOND DISTRICT, CHAIR, STATE LEGISLATION AND ENVIRONMENTAL AFFAIRS COMMITTEE

SUBJECT: Port legislation.

SUGGESTED ACTION:

Concur in recommendation of Committee that the City Attorney be requested to prepare a resolution in support of AB 2041, AB 2042 and AB 2043, otherwise known as the "California Ports, Community Partnership" package.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

22. COUNCIL COMMITTEE: VICE MAYOR FRANK COLONNA, CHAIR, FEDERAL LEGISLATION AND ENVIRONMENTAL AFFAIRS COMMITTEE

SUBJECT: Amending Proposed 2004 Federal Legislative Agenda.

SUGGESTED ACTION:

Concur in recommendation of Committee that the communications be received; amendments to Title VI, Section C, Telecommunications approved; and the proposed 2004 Federal Legislative Agenda adopted as amended.

23. COUNCIL COMMITTEE: COUNCILMEMBER BONNIE LOWENTHAL, FIRST DISTRICT,
CHAIR, ELECTIONS OVERSIGHT COMMITTEE

SUBJECT: Ordinance regarding write-in candidates.

SUGGESTED ACTION:

Concur in recommendation of Committee that communications be received and the City Attorney requested to prepare an ordinance to allow a potential write-in candidate five business days from the final date of filing eligibility to submit a request to run as a write-in candidate.

24. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Adopt Specifications No. PA-00104 and award contract to Consolidated Disposal Services, LLC, for diversion of street sweeping debris. (Citywide)

SUGGESTED ACTION:

Adopt Specifications and award contract in the estimated amount of \$450,000 annually, for a term of one year, with options for two additional one-year periods.

25. DEPARTMENT: POLICE

SUBJECT: Application of Giuseppe Picarelli, dba Picarelli's Italian, for an original on-sale beer and wine for bonafide eating place alcoholic beverage license at 5096 E. Pacific Coast Highway. (District 4)

SUGGESTED ACTION:

Receive and file application; or

Request City Clerk to file protest with State Department of Alcoholic Beverage Control.

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

RESOLUTIONS:

26. DEPARTMENT: CITY CLERK

SUBJECT: Resolution declaring the results of the Consolidated Primary Nominating Election (consolidated with the Long Beach Unified School District and the Long Beach Community College District) held in the City of Long Beach, California, on Tuesday, April 13, 2004, for the purpose of nominating and/or electing candidates for four (4) offices on the City Council from District Numbers 2, 4, 6 and 8; and directing the City Clerk to place on the ballots to be used at the General Municipal Election to be held on the 8th day of June, 2004, the names of the candidates declared to have been nominated by the Primary Nominating Election; and directing the City Clerk to issue a Certificate of Election to the candidates declared to have been elected at the Primary Nominating Election.

SUGGESTED ACTION:

Adopt resolution.

27. DEPARTMENT: CITY CLERK

SUBJECT: Resolution certifying the results of the Consolidated Primary Nominating Election held in the City of Long Beach, California, on Tuesday, April 13, 2004, for the purpose of nominating and/or electing candidates for one (1) office on the Governing Board of the Long Beach Unified School District, and for one (1) office on the Board of Trustees of the Long Beach Community College District.

SUGGESTED ACTION:

Adopt resolution.

28. DEPARTMENT: CITY CLERK

SUBJECT: Resolution ordering, proclaiming, calling, giving notice of and providing for the holding of a General Municipal Election to be held in the City of Long Beach on Tuesday, the 8th day of June, 2004, for the election of a City Councilmember from the Eighth Council District, for a full term of four (4) years commencing with the third Tuesday of July, 2004; designating the ballot listing of the candidates to be voted on; and adopting provisions relating to the translations of and the charges for costs of candidate statements.

SUGGESTED ACTION:

Adopt resolution.

29. DEPARTMENT: LAW
SUBJECT: Resolution urging the California State Legislature to enact Assembly Bill 2041.
SUGGESTED ACTION:
Adopt resolution.
30. DEPARTMENT: LAW
SUBJECT: Resolution urging the California State Legislature to enact Assembly Bill 2042.
SUGGESTED ACTION:
Adopt resolution.
31. DEPARTMENT: LAW
SUBJECT: Resolution urging the California State Legislature to enact Assembly Bill 2043.
SUGGESTED ACTION:
Adopt resolution.
32. DEPARTMENT: PUBLIC WORKS
SUBJECT: Resolution adopting the City of Long Beach Traffic Mitigation Program (TMP) Twelfth Annual Report; amending the Traffic Mitigation Program to add recommended changes to the City's Transportation Improvement Plan and making findings relative thereto in accordance with Long Beach Municipal Code Sections 18.17.170, 18.19.180 and Government Code Sections 66001 and 66006. (Citywide)
SUGGESTED ACTION:
Adopt resolution for the TMP Annual Report FY 2002-2003.
33. DEPARTMENT: PUBLIC WORKS
SUBJECT: Resolution of Intention to vacate a portion of the alley west of Long Beach Boulevard and north of Fourteenth Street, reserving easements for utilities. (District 1)
SUGGESTED ACTION:
Adopt resolution.
Set date of hearing for Tuesday, June 1, 2004, at 5:00 P.M.

34. DEPARTMENT: PUBLIC WORKS

SUBJECT: Resolution authorizing the City Manager to execute, on behalf of the City, a contract with Asbury Environmental Services without advertising for bids for furnishing, installing and monitoring catch basin inserts. (Citywide)

SUGGESTED ACTION:

Adopt resolution, which waives the bidding process and authorizes City Manager to execute a contract in an amount not to exceed \$1,000,000 for the purchase and installation of Ultra-Urban® Filters with Smart Sponge Plus® technology and one year of monitoring.

ORDINANCE:

35. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Section 10.22.080 by adding Subsection Y relating to parking vehicles for sale.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

NEW BUSINESS:

36.

37.

38.

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:

Budget Workshop at 2:00 P.M.

Economic Development and Finance Committee (Attorney/Client) at 4:50 P.M.

May 11, 2004, Hearing on appeal of Planning Commission decision on certification of Environmental Impact Report for 712 W. Baker Street. (District 7)

May 18, 2004, Hearing on application of Scott W. Landis and Pamela S. Beeney, dba BJ's Cafe Bistro, for Permit for Entertainment without dancing by Patrons and a Pool Hall at an Existing Bar/Tavern/Lounge at 3316 E. 7th Street. (District 2)

May 18, 2004, Hearing on application of Gilliam & Wales of Dublin, Inc., dba The Pier (a.k.a. Live Bait), for Permit for Entertainment without dancing at 6251 E. Pacific Coast Highway. (District 3)

May 18, 2004, Hearing on application of Fusion Nutrition Inc., dba Wasabi, for Permit for Entertainment without Dancing by Patrons at an Existing Restaurant with Alcohol at 200 Pine Avenue, Unit C. (District 2)

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/cityclerk. 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 Renae Tyner at (562) 570-6472 in the City Clerk Department. Inquire at the City Council Chamber Audio-Visual Room for an assistive listening device.