TUESDAY, DECEMBER 3, 2013
333 W. OCEAN BOULEVARD
COUNCIL CHAMBER
COURTYARD BY MARRIOTT CHICAGO
ARLINGTON HEIGHTS SOUTH
HOTEL LOBBY
100 WEST ALGONQUIN ROAD
ARLINGTON HEIGHTS, IL 60005, 5:00 PM

Dr. Robert Garcia, Vice Mayor, 1st District Dr. Suja Lowenthal, 2nd District Gary DeLong, 3rd District Patrick O'Donnell, 4th District

Patrick H. West, City Manager Larry G. Herrera, City Clerk



Bob Foster, Mayor

Gerrie Schipske, R.N.P./J.D., 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Al Austin, 8th District
Steven Neal, 9th District

Charles Parkin, City Attorney

#### **REVISED**

#### CITY COUNCIL REGULAR MEETING VIA TELECONFERENCE

#### **PLEDGE OF ALLEGIANCE**

# PROCLAMATION FOR 20TH ANNIVERSARY OF ACCOUNTABLE HEALTHCARE IPA

# CERTIFICATE RECOGNIZING DR. KENNETH BELL

Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Wednesday, November 27, 2013.

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. 13-0995

Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Quyen T. Seaman, dba Paradise LB, 4911 Long Beach Boulevard, for Entertainment Without Dancing by Patrons. (District 8)

Office or Department: FINANCIAL MANAGEMENT

#### **HEARINGS:**

2. <u>13-1033</u>

Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Kwazule Companies, Inc., dba El Dorado Bar and Grill, 3014 Studebaker Road, Suite C, for Entertainment Without Dancing by Patrons. (District 5)

Office or Department: FINANCIAL MANAGEMENT

**Suggested Action:** Approve recommendation.

3. 13-1035

Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Austin Plong Physician Assistant, Inc., dba Pka Roam Tek Roam Restaurant, 1360 East Anaheim Street, Suite 205, for Entertainment With Dancing by Patrons. (District 6)

Office or Department: FINANCIAL MANAGEMENT

**Suggested Action:** Approve recommendation.

#### PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

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.

#### 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 the Mayor, City Councilmembers or the City Manager request specific items be discussed and/or removed from the Consent Calendar for separate action.

### **CONSENT CALENDAR: (4 - 15)**

4. <u>13-1036</u>	Recommendation to approve the minutes for the City Council meetings of Tuesday, November 5, November 12, and November 19, 2013.
	Office or Department: CITY CLERK
	Suggested Action: Approve recommendation.
5. <u>13-1037</u>	Recommendation to refer to City Attorney damage claims received between November 11, 2013 and November 25, 2013.
	Office or Department: CITY CLERK
	Suggested Action: Approve recommendation.
6. <u>13-1038</u>	Recommendation to approve the destruction of records for the Department of the City Manager, as shown in Exhibit A; and adopt resolution.
	Office or Department: CITY CLERK
	Suggested Action: Approve recommendation.
7. <u>13-1039</u>	Recommendation to approve the destruction of records for the Long Beach Police Department, as shown in Exhibit A; and adopt resolution.
	Office or Department: CITY CLERK

Approve recommendation.

**Suggested Action:** 

8. <u>13-1072</u>

Recommendation to receive and file correspondence of the City Clerk Department to the Chair and Members of the Personnel and Civil Service Committee pursuant to Long Beach Municipal Code Section 2.3.065.

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

9. 13-1040

Recommendation to authorize City Manager, or designee, to execute any and all documents necessary to enter into agreements with vessel emergency response and salvage companies for the purpose of executing vessel firefighting response plans, for a term of five years, with the option to extend the agreements for two additional five-year terms. (District 2)

Office or Department: FIRE

**Suggested Action:** Approve recommendation.

10. 13-1041

Recommendation to authorize City Manager to amend Agreement No. 31146 with Long Beach Public Library Foundation, through which the Foundation provides services and financial support to the Long Beach Public Library system, to extend the term for an additional five years. (District 2)

Office or Department: LIBRARY SERVICES

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11. 13-1042

Recommendation to authorize City Manager to execute a new Fitness Provider Permit with Rakh Solid, Inc., for the provision and operation of outdoor fitness classes and personal training on the beach, east of Junipero Avenue, for a term of three years. (District 3)

Office or Department: PARKS, RECREATION AND MARINE

**Suggested Action:** Approve recommendation.

12. 13-1043

Recommendation to authorize City Manager to execute a new Fitness Provider Permit with Elizabeth and Samuel Santos, individuals doing business as Elite Bodies in Motion, for the provision and operation of outdoor fitness classes and personal training on the beach, on either side of Junipero Avenue, for a term of three years. (Districts 2,3)

Office or Department: PARKS, RECREATION AND MARINE

**Suggested Action:** Approve recommendation.

13. 13-1044

Recommendation to adopt Specifications No. PA-04013 Rebid and award a contract to BSN Sports, Inc., of Corona, CA (not an MBE, WBE, SBE, or Local), for furnishing and delivering sports equipment, in an annual amount not to exceed \$150,000, for a period of two years, with the option to renew for two additional one-year periods, at the discretion of the City Manager or his designee. (Citywide)

Office or Department: PARKS, RECREATION AND MARINE; FINANCIAL MANAGEMENT

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**14**. 1<u>3-1046</u>

Recommendation to adopt resolution authorizing City Manager to execute a contract with Wells Sign Manufacturing and Distributing, Inc. (WSMD), for the purchase of 36 LED Train warning signs on a sole source basis in an amount not to exceed \$104,400. (Districts 1,2,6,7,8,9)

Office or Department: PUBLIC WORKS

**Suggested Action:** Approve recommendation.

15. 13-1047

Recommendation to receive and file minutes for: Civil Service Commission - November 6, 2013. Planning Commission - October 17, 2013.

Office or Department: VARIOUS

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#### **REGULAR AGENDA**

#### **DEPARTMENTAL COMMUNICATIONS:**

16. <u>13-1069</u>

Recommendation to, subject to prior review and consideration by the Personnel and Civil Service Committee in accordance with Long Beach Municipal Code Section 2.03.065, confirm a Charter Commission appointment pursuant to Section 509 of the City Charter and Section 2.03.065 of the Long Beach Municipal Code; or in the alternative, if for some reason the Personnel and Civil Service Committee does not meet prior to or on December 3, 2013, waive the requirement for consideration and recommendation by the Personnel and Civil Service Committee in accordance with Section 2.03.065D, and confirm a Charter Commission appointment pursuant to Section 509 of the City Charter and Section 2.03.065 of the Long Beach Municipal Code.

Office or Department: MAYOR BOB FOSTER

**Suggested Action:** Approve recommendation.

17. 13-1048

Recommendation to respectfully request the Long Beach City Council to approve the use of the Ninth Council District's FY 12 Office Budget Surplus Funds for FY 14 neighborhood events, improvements and enhancements, and increase FY 14 appropriations in the General Fund (GP) in the Development Services Department (DV) by \$13,692.

Office or Department: COUNCILMEMBER STEVEN NEAL, NINTH

DISTRICT

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18. <u>13-1049</u>

Recommendation to request that the City Council direct City Attorney to amend the Long Beach Municipal Code Section 5.81.010 to include electronic cigarettes, vapor devices, and products containing biologically active amount of nicotine in the definition of tobacco products, and to make other changes to the tobacco retailers permit and self-service display of tobacco products, as well as to prohibit the use of such devices in No Smoking areas.

Office or Department: COUNCILMAN DEE ANDREWS, SIXTH DISTRICT; COUNCILMEMBER SUJA LOWENTHAL, SECOND DISTRICT

**Suggested Action:** Approve recommendation.

19. 13-1064

Recommendation to respectfully request a brief presentation from Food Finders about their campaign to collect new pajamas, slippers, books and robes for children aged infant to 18 years old by way of residential donations at drop off locations of participating businesses.

Office or Department: COUNCILMEMBER SUJA LOWENTHAL, SECOND DISTRICT; COUNCILMEMBER STEVEN NEAL, NINTH DISTRICT

20. <u>13-1065</u>

Recommendation to request City Attorney to draft an ordinance to regulate outdoor donation collection bins, including requiring a City permit for the outdoor donation bin, written permission of the property owner where the donation bin is located, information be visibly posted on the collection bin about the organization's non-profit status and contact information, and that the bins must be attended by an employee of the non-profit organization operating the donation bin during all times that donations are accepted.

Office or Department: COUNCILMAN AL AUSTIN, EIGHTH

DISTRICT; COUNCILMEMBER SUJA LOWENTHAL, SECOND DISTRICT;

COUNCILMEMBER STEVEN NEAL, NINTH

DISTRICT

**Suggested Action:** Approve recommendation.

21. 13-1070

Recommendation to adopt resolution of the City Council of the City of Long Beach expressing full support for the Boeing Company to bring the 777x Assembly Work to the City of Long Beach, to continue C-17 production in Long Beach, or both.

Office or Department: CITY ATTORNEY

22. <u>13-1050</u>

Recommendation to adopt Specifications No. FM13-062 and authorize City Manager to execute a contract and all related documents with Arup North American Limited, of Los Angeles, California (team members include WBE/DBE/SBE and Local), in the annual amount of \$987,798, plus a ten percent contingency of \$98,780, for a total of \$1,086,578 for financial, architectural and community outreach consultant services related to the preparation and issuance of a Request for Proposals for a new Civic Center, review and analysis of submittals and assistance in the selection of a preferred proposer; with two optional one-year renewals; and

Increase appropriations in the Civic Center Fund (IS 380) in the Public Works Department (PW) by \$1,086,578 from fund balance. (District 2)

Office or Department: CITY MANAGER; FINANCIAL MANAGEMENT

**Suggested Action:** Approve recommendation.

23. 13-1051

Recommendation to adopt Plans and Specifications No. R-6910 for the Dock 10 Improvement Project (Project); award the contract to John S. Meek Co., Inc., in the amount of \$2,244,564, and authorize a 15 percent contingency of \$336,685 for a total contract amount not to exceed \$2,581,249; and authorize City Manager or designee to execute all documents necessary to enter into the contract, including any necessary amendments thereto. (District 2)

Office or Department: CITY MANAGER; FINANCIAL MANAGEMENT; PARKS, RECREATION AND MARINE

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24. 13-1052

Recommendation to authorize City Manager to execute the Seventh Amendment to Contract No. 31687 with Bellingham Marine Industries, Inc., for an additional \$162,300, plus a ten percent contingency of \$16,230, for a total increase not to exceed \$178,530 to perform emergency maintenance dredging and repair of the Peter Archer Rowing Center Dock, located in the Alamitos Bay, for a revised contract amount not to exceed \$39,510,295. (District 3)

Office or Department: CITY MANAGER; PARKS, RECREATION AND

**MARINE** 

**Suggested Action:** Approve recommendation.

25. 13-1053

Recommendation to adopt Plans and Specifications No. R-6926 for the construction of the Marina Vista Electrical Switchgear; award the contract to California Building Evaluation and Construction, Inc., of Buena Park, CA (WBE and SBE), in the amount of \$323,630, and authorize a 20 percent contingency in the amount of \$64,726 for a total contract amount not to exceed \$388,356; authorize City Manager or designee to execute all documents necessary to enter into a contract, including any necessary amendments thereto; and increase appropriations in the Tidelands Operation Fund (TF 401) in the City Manager Department (CM) by \$407,000. (District 3)

Office or Department: CITY MANAGER; FINANCIAL MANAGEMENT; PARKS, RECREATION AND MARINE

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26. 13-1054

Recommendation to adopt Specifications No. RFP FM13-020 and authorize City Manager to execute a contract, and any amendments thereto, with Data Ticket, Inc., of Newport Beach, CA (MBE, WBE and SBE), for parking citation system replacement, implementation, processing and collection services, in an annual amount not to exceed \$336,422 for a five-year term, a one-time expense of \$236,900 for equipment, conversion, and training costs, plus a contingency amount not to exceed \$287,852 over the contract term, with the option to renew for an additional five-year period, at the discretion of the City Manager; and

Execute a contract, and any amendments thereto, with NexLevel Information Technology, Inc., of Carmichael, CA (SBE; not an MBE, WBE or Local), for project management and related consulting services, in an amount not to exceed \$131,400, for a period of one year. (Citywide)

Office or Department: FINANCIAL MANAGEMENT; TECHNOLOGY

**SERVICES** 

**Suggested Action:** Approve recommendation.

27. 13-1055

Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the Department of Homeland Security to receive and expend Department of Homeland Security grant funding for the 2013 Port Security Grant Program, in an amount not to exceed \$779,960 for a period ending August 31, 2015; and increase appropriations in the General Grants Fund (SR 120) in the Fire Department (FD) by \$209,000, and in the General Grants Fund (SR 120) in the Police Department (PD) by \$570,960. (Citywide)

Office or Department: FIRE; POLICE

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28. 13-1056

Recommendation to authorize City Manager to submit applications for the Airport Improvement Program Grant for Fiscal Year 2014 to the Federal Aviation Administration for funding of the Taxiway J Reconstruction project; and to accept such grant, execute grant documents, and amend grant documents and grant amounts with the Federal Aviation Administration for entitlement and discretionary funds; and

Authorize City Manager to execute all documents necessary to amend the existing Passenger Facility Charge program previously approved by the City Council and Federal Aviation Administration within the existing authorized Passenger Facility Charge level of \$4.50 per enplaned passenger. (District 5)

Office or Department: LONG BEACH AIRPORT

TUESDAY, DECEMBER 3, 2013
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29. 13-1057

Recommendation to adopt resolution authorizing City Manager to execute an agreement and any amendments thereto with Brüel & Kjær EMS, Inc., a Delaware corporation, without advertising for bids for the Long Beach Airport Noise and Operations Monitoring System (ANOMS) in an amount not to exceed \$856,306;

Authorize City Manager to execute a Noise Office Services Agreement with Brüel & Kjær EMS, Inc., a Delaware corporation, for the maintenance, upgrade and support of the Long Beach Airport ANOMS for a period of approximately one year (with two additional one-year renewal options) at the initial annual base rate of approximately \$227,384 plus an annual CPI increase and a \$50,000 annual contingency for additional services for a total amount not to exceed \$856,306 for the proposed three-year total term; and

Authorize City Manager to execute subsequent amendments to the Agreement to extend the term of such agreement, and authorize additional services, if required, within the provisions of the agreement and adjust the fee schedules for inflation. (District 5)

Office or Department: LONG BEACH AIRPORT

Suggested Action: Approve recommendation.

30. 13-1059

Recommendation to authorize City Manager to execute agreements and all related documents with The Active Network, Inc., of San Diego, California, for upgrades, and continued utilization thereafter, of the Department of Parks, Recreation and Marine's facility reservation and registration system, at a cost not to exceed \$150,000, for a term of three years, with three, one-year renewal options at the discretion of the City Manager or his designee. (Citywide)

Office or Department: PARKS, RECREATION AND MARINE;

**TECHNOLOGY SERVICES** 

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31. 13-1060

Recommendation to authorize City Manager to execute contract amendments to increase the aggregate total of the contract authority for existing Job Order Contracting (JOC) contractors: New Creation Builders, Exbon Development, Bitech Construction, Allstate Engineering, and Thomasville Construction by \$3,764,726 from \$24,860,227 to \$28,624,953 for Tenant and Security Improvements at the Interim Port Headquarters Building; and

Authorize City Manager to execute an amendment to the contract with the Gordian Group for access rights to their proprietary Pro-Gen software and to provide professional services to manage the JOC program, and increase the amount by \$75,000, from \$492,500 to \$567,500, for Tenant and Security Improvements at the Interim Port Headquarters Building. (District 5)

Office or Department: PUBLIC WORKS; CITY MANAGER

**Suggested Action:** Approve recommendation.

32. 13-1061

Recommendation to adopt Plans and Specifications No. R-6968 for the Rehabilitation of Redondo Avenue, between 2nd Street and Anaheim Street; award the contract to Nobest, Inc., of Garden Grove, California (SBE, not an MBE, WBE, DBE or Local), for the base bid in the amount of \$1,789,000 and the additive bid in the amount of \$361,460, for a total of \$2,150,460; authorize a ten percent contingency in the amount of \$215,046, for a total contract amount not to exceed \$2,365,506; and authorize City Manager, or designee, to execute all documents necessary to enter into the contract, including any necessary amendments thereto. (Districts 2,3,4)

Office or Department: PUBLIC WORKS; FINANCIAL MANAGEMENT

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#### **ORDINANCES:**

33. 13-1066

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.54.040 relating to skateboards read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

Office or Department: CITY ATTORNEY

**Suggested Action:** Approve recommendation.

34. 13-1071

Recommendation to declare ordinance conferring upon and delegating to the Board of Harbor Commissioners the authority to enforce statutes and ordinances within the office building at 4801 Airport Plaza Drive in Long Beach read the first time and laid over to the next regular meeting of the City Council for final reading.

Office or Department: HARBOR

Suggested Action: Approve recommendation.

35. 13-0996

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.38.010, Tables 32-1 and 32-1A in Chapter 21.32, by amending the Use District Tables for PD-25 (Atlantic Avenue Planned Development District), PD-29 (Long Beach Blvd Planned Development District) and PD-32 North and South (Douglas Park Planned Development District); and by repealing Sections 5.38.020 through 5.38.140, all relating to fortunetelling, read and adopted as read. (Citywide)

Office or Department: CITY ATTORNEY

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36. 13-0997

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 5.64.010.C and Section 21.15.2008, and by deleting Section 21.15.2401, all relating to secondhand dealers, read and adopted as read. (Citywide)

Office or Department: CITY ATTORNEY

**Suggested Action:** Approve recommendation.

37. 13-0998

Recommendation to declare the ordinance amending the Long Beach Municipal Code by amending Subsection 21.51.235.C.10; and by adding Subsection 21.51.235.A.4, relating to cottage food operations, read and adopted as read. (Citywide)

Office or Department: CITY ATTORNEY

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#### **REVISED**

#### **NEW BUSINESS:**

New Business items are additions to the City Council Agenda subsequent to the posting of the agenda on Monday afternoon.

38.

39.

40.

#### PUBLIC COMMENT: 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.

#### STANDING COMMITTEE REMINDERS:

Tuesday, December 3, 2013 – Economic Development and Finance Committee (Attorney/Client) at 2:30 P.M., 14th Floor Conference Room.

Tuesday, December 3, 2013 – Personnel and Civil Service Committee at 4:00 P.M., Council Chamber.

Tuesday, December 3, 2013 - City of Long Beach, as the Successor Agency to the Redevelopment Agency of the City of Long Beach, California at 4:45 P.M., Council Chamber.

Wednesday, December 4, 2013 - Federal Legislation Committee at 3:00 P.M., Council Chamber.

Tuesday, December 10, 2013 - State Legislation Committee at 3:30 P.M., Council Chamber.

Tuesday, December 10, 2013 – Housing Authority of the City of Long Beach, California at 4:30 P.M., Council Chamber.

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#### **HEARING REMINDER:**

Tuesday, December 10, 2013 – Hearing for Panama Joes Investors, LLC, dba Panama Joes Grill & Cantina, for a Permit for Entertainment With Dancing by Patrons, 5100 East 2nd Street. (District 3)

ch/pr

#### NOTE:

The City Council agenda and supporting documents are available on the Internet at www.longbeach.gov. Agenda items may also be reviewed in the City Clerk Department or online at the Main Library and at the Branch Libraries. Persons interested in obtaining an agenda via e-mail should subscribe to the City of Long Beach E-Notify System at www.longbeach.gov/enotify.

Persons interested in making an audio visual presentation during a City Council meeting are responsible for submitting their audio/visual presentations to the City Clerk Department at least five (5) calendar days prior to the meeting (by 12:00 p.m. noon on Thursday). The audio/visual presentation and related comments are limited to three (3) minutes. For further information contact the City Clerk Department at (562) 570-6101. E-Mail correspondence regarding agenda items can be directed to cityclerk@longbeach.gov.

If oral language interpretation for non-English speaking persons is desired or if a special accommodation is desired pursuant to the Americans with Disabilities Act, please make your request by phone to the City Clerk Department at (562) 570-6101, by 12 noon Monday, the day prior to the Council meeting.

Kung ang pasalitang pagsasalin-wika ng adyenda at mga katitikan ng Konseho ng Lunsod ay hinahangad o ang isang natatanging kaluwagan ay hinahangad alinsunod sa Batas sa mga Amerikanong May Kapansanan, mangyaring gawin ang iyong kahilingan sa pamamagitan ng telepono sa Kagawaran ng Klerk ng Lunsod sa (562) 570-6101, bago lumampas ang ika-12 ng tanghali sa Lunes, ang araw bago ang pulong ng Konseho ng Lunsod.

Si se desea interpretación verbal en otro idioma para personas que no hablan inglés o se necesita una adaptación especial en conformidad con la Ley de Estadounidenses con Discapacidades, haga su pedido por teléfono al Departamento del Secretario Municipal al (562) 570-6101, antes del lunes al mediodía, el día previo a la reunión del Concejo.

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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 ហើយត្រូវការរបៀបវារៈកិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលា ក្រុង និងរបាយការណ៍កិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង ជាសំណៅប្រែសម្រូលលាយលក្ខណ៍ អក្សរទៅជាភាសារបស់លោកអ្នក នោះស្ងមស្នើសុំមកនាយកដ្ឋានស្មៀនសាលាក្រុង តាមទូរស័ព្ទ លេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវប្រារព្ធធ្វើ ឡើង។