

**CITY OF LONG BEACH
CITY COUNCIL MINUTES**

**TUESDAY, MAY 10, 2005
COUNCIL CHAMBER, 5:00 PM**

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

FINISHED AGENDA & MINUTES

ROLL CALL: (05:08 PM)

Councilmembers B. Lowenthal, Baker, O'Donnell, Kell, Richardson and Reyes

Present: Uranga

Councilmembers Colonna, Gabelich and Lerch

Absent:

Also attending: Gerald Miller, City Manager; Christine Shippey, Assistant City Manager; Robert Shannon, City Attorney; Larry Herrera, City Clerk; Jerryl Soriano, City Clerk Assistant.

Vice Mayor Kell presiding.

Invocation: Moment of Silence.

Flag Salute: Laura Richardson, Councilwoman, Sixth District.

Pet Adoption: Jo Trent, spcaLA, presented a feline.

Lerch joined the meeting at 05:10 PM

Colonna joined the meeting; Gabelich joined the meeting at 05:11 PM

Councilmembers B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson,

Present: Reyes Uranga, Gabelich and Lerch

Proclamation presented to Kevin Wattier, General Manager, Water Department, for Water Awareness Month - May 2005. (05:12 PM)

Councilmember Colonna spoke.

Councilwoman Gabelich spoke.

Councilwoman Richardson spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilmember Baker moved, seconded by Councilmember Lowenthal, that the minutes for the City Council meetings of Tuesday, April 19, 2005 and Tuesday, May 3, 2005, be approved.

Item 24 was considered at this time.

CONTINUED HEARING: (05:35 PM)

1. [05-2622](#) Recommendation to receive supporting documentation into the record, conclude the hearing, overrule the appeal of Ruben Padilla, appellant, and sustain the decision of the Planning Commission to deny a two-unit Tentative Parcel Map at 3829 Maine Avenue. (Case No. 0412-03) (District 7)
Distributed at meeting: Letter received from Matthew W. Otero.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Richardson, 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

HEARINGS (05:39 PM)

2. [05-2695](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt an urgency ordinance to place a six-month moratorium on the establishment of medical marijuana dispensaries in the City of Long Beach. (Citywide)
Councilwoman Gabelich spoke.

Robert Bastian spoke in support.

Diana Lejins spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember Lowenthal, to approve recommendation and adopt Ordinance ORD-05-0008. 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-05-0008

3. [05-2688](#)

Recommendation to receive supporting documentation into record, conclude the public hearing, and adopt resolution making certain findings and approving and authorizing City Manager to execute a Disposition and Development Agreement with Long Beach Transportation Company. (District 2)

A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to approve recommendation and adopt Resolution RES-05-0025. 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: RES-05-0025

PUBLIC COMMENT: (05:48 PM)

Thomas Murphy spoke regarding an Earthquake Disaster Plan.

David Waller spoke regarding the demolition of 3019 East Ocean Boulevard.

Councilwoman Gabelich spoke.

Councilmember Colonna spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga requested a Study Session regarding Historical Districts.

Councilmember Lowenthal spoke.

Jim Oberst spoke regarding a solar study secession.

Summer Hansen spoke regarding solar energy for the City of Long Beach.

Diana Lejins spoke regarding her father, David Smith, and distributed a copy of her presentation.

Sweetie Chap gave thanks regarding the Cambodian New Year Parade.

Sara William gave thanks regarding the Cambodian New Year Parade.

Kundy Kol gave thanks regarding the Cambodian New Year Parade.

Peter Long gave thanks regarding the Cambodian New Year Parade.

Pichanary Chem gave thanks regarding the Cambodian New Year Parade.

Councilwoman Richardson spoke.

[05-2826](#)

Diana Lejins spoke regarding her father, David Smith, and distributed a copy of her presentation.

CONSENT CALENDAR: (06:27 PM)

Approve Consent Calendar Items 4-17, except for Items 5, 8, and 14D.

4. [05-2673](#) Recommendation to authorize City Manager to execute a Mills Act Historic Property Contract with Bill Pratt and Bob Phibbs, owners of 3040 First Street, a qualified historic property in the Bluff Park Historic District. (District 3)
- A motion was made to approve recommendation on the Consent Agenda.**
5. [05-2691](#) Recommendation to authorize City Attorney to pay the sum of \$135,000 in full settlement of lawsuit entitled Crea/Lyon Long Beach v. Board of Water Commissioners of City of Long Beach.
- Thomas Murphy spoke.
- A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:**
- Yes:** 6 - B. Lowenthal, Baker, O'Donnell, Kell, Richardson and Reyes Uranga
- Absent:** 3 - Colonna, Gabelich and Lerch
6. [05-2692](#) Recommendation to authorize City Attorney to submit a Compromise and Release for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$15,500 in compliance with the Appeals Board Order for Clarence Clement.
- A motion was made to approve recommendation on the Consent Agenda.**
7. [05-2693](#) Recommendation to authorize City Attorney to submit Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$6,475; \$57,502.50 and \$4,235 in compliance with Appeals Board Order for claim of Alan Cobb; \$39,081.25 for claim of Mike Moran; and \$5,915 for claim of Violeta Ribas.
- A motion was made to approve recommendation on the Consent Agenda.**
-

8. [05-2694](#) Recommendation to authorize City Manager to execute Ninth Amendment to Agreement No. 26360 with law firm Bannan, Green, Frank & Terzian, LLP to increase the amount of the contract by \$600,000 for legal services in the matter entitled Shirley and Jason McClure v. City of Long Beach, et al., Case No. CV 92-2776-JSL (Kx)
Thomas Murphy spoke.
A motion was made by Councilwoman Richardson, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:
Yes: 5 - B. Lowenthal, Colonna, O'Donnell, Kell and Richardson
Absent: 4 - Baker, Reyes Uranga, Gabelich and Lerch
9. [05-2696](#) Recommendation to adopt resolution supporting the Harbor Air Quality Investment Initiative (Senate Bill 760, 762 and 764).
A motion was made to approve recommendation and adopt Resolution RES-05-0026 on the Consent Agenda.
Enactment No: RES-05-0026
10. [05-2687](#) Recommendation to set the date of hearing for Tuesday, May 24, 2005, at 5:00 P.M., for the appeal of October 29, 2004, Administrative Hearing Gas Bill Dispute.
A motion was made to set date of hearing for May 24, 2005 on the Consent Agenda.
11. [05-2555](#) Recommendation to refer to City Attorney the damage claims received between April 28, 2005 and May 5, 2005.
This matter was approve recommendation. The motion carried.
12. [05-2698](#) Recommendation to refer the Comprehensive Annual Financial Report to the Budget Oversight Committee.
This matter was approve recommendation. The motion carried.
- Passed The Consent Agenda**
13. [05-2672](#) Recommendation to authorize City Manager to execute agreement with Greater Long Beach Chapter of the American Red Cross to use

City-owned property for emergency shelters, for a term of five years.
(Citywide)

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

14. [05-2674](#)

A

Recommendation to receive and file the application of SMG Food and Beverage LLC, dba Long Beach Convention Center, for a person-to-person transfer of an On-Sale General Alcoholic Beverage Control License for a bonafide eating place at 300 East Ocean Boulevard, with existing conditions. (District 2)

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

14. [05-2675](#)

B

Recommendation to receive and file the application of Brian Cho and Hamee Jessica Cho, dba Cherry Market, for a person-to-person transfer of an Off-Sale Beer and Wine Alcoholic Beverage Control License at 1429 Cherry Avenue, with existing conditions. (District 4)

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

14. [05-2676](#)

C

Recommendation to receive and file the application of Sang Jin Shin, dba New York Buffet, for a person-to-person transfer of an On-Sale Beer and Wine Alcoholic Beverage Control License for a bonafide eating place at 3240-44 East Pacific Coast Highway, with existing conditions. (District 4)

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

14. [05-2677](#)

D

Recommendation to receive and file the application of Mihee Chae, dba Plaza Liquor, for a person-to-person transfer of an Off-Sale General Alcoholic Beverage Control License at 6537 East Spring Street, with existing conditions. (District 5)

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

Yes: 6 - B. Lowenthal, Colonna, O'Donnell, Kell, Richardson and Reyes Uranga

Absent: 3 - Baker, Gabelich and Lerch

15. [05-2678](#) Recommendation to authorize a Public Walkways Occupancy Permit for sidewalk dining at NY's Upper Crust Pizza located at 5291 East Second Street. (District 3)
- A motion was made to approve recommendation on the Consent Agenda.**

16. [05-2689](#) Recommendation to receive and file minutes of:
Harbor Commission - April 25, 2005.
Parks and Recreation Commission - March 17, 2005.
Water Commission - April 14, 2005 and April 28, 2005.
- A motion was made to approve recommendation on the Consent Agenda.**

17. [05-2700](#) Recommendation to approve Proclamation for "Water Awareness Month," May 2005.
- A motion was made to approve recommendation on the Consent Agenda.**

Passed The Consent Agenda

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

Absent: 1 - Colonna

REGULAR AGENDA: (06:33 PM)

18. [05-2697](#) Recommendation to refer to Parks and Recreation Commission for consideration of naming the parcel at 55th Way, Ed "Pop" Davenport Park at their May 19, 2005 meeting, and request a report to City Council for the meeting of June 7, 2005 for final approval.
- Councilmember Lerch spoke.
- A motion was made by Councilmember Lerch, seconded by Councilwoman Gabelich, to approve recommendation and refer to Parks and Recreation Commission. The motion carried by the following vote:**

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

19. [05-2699](#)

Recommendation to request City Attorney to prepare an ordinance amending Section 2.57.020 of Long Beach Municipal Code to state that members of the Senior Citizen Advisory Commission be at least fifty years of age.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilmember Lerch spoke.

A motion was made by Councilwoman Gabelich, 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

20. [05-2701](#)

Recommendation to request City Manager prepare report on the status of local business preferences and one-stop web site.

Councilwoman Richardson spoke.

A motion was made by Councilwoman Richardson, 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

21. [05-2702](#)

Recommendation to request that at least two teachers from Long Beach Unified School District be appointed to the Youth and Gang Violence Prevention Task Force.

Councilmember Lowenthal spoke.

Councilwoman Richardson spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilwoman Richardson, seconded by Councilmember Lowenthal, to request that at least one teacher from Long Beach Unified School District, and one teacher from the Long Beach Teachers Association, be appointed to the Youth and Gang Violence Prevention Task Force. The motion carried by the following vote:

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

22. [05-2660](#)

Recommendation to request City Attorney prepare an opinion by May 17, 2005, regarding the proposal to increase the City's existing requirements for campaign contribution reporting, specifically, that all contributions of \$1,000 or more on behalf of a ballot measure be reported within 24 hours; require that all political action committees file reports disclosing expenditures in pursuit of placing an initiative on the ballot in Long Beach; and any other items that may be transmitted to the City Attorney.

Distributed at meeting: Campaign Finance Reform - Problems and Solutions; and a letter received from Kathay Feng, Executive Director, California Common Cause.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Thomas Murphy spoke.

Councilmember O'Donnell spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Baker, to request the City Attorney to draft an amendment to the Campaign Reform Act Ordinance to include the four items listed by Councilmember O'Donnell for the May 24, 2005 City Council meeting. The motion carried by the following vote:

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

23. [05-2686](#)

Recommendation to refer the Three-Year Financial Strategic Plan, Business Improvement Efforts Update: May 2005 to the Budget Oversight Committee. (Citywide)

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to approve recommendation and refer to the Budget Oversight Committee, due back on July 19, 2005.

The motion carried by the following vote:

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

Item 24 was considered prior to Item 1.

24. [05-2679](#)

Recommendation to receive and file the report on the optimization of the School Crossing Guard Program and adopt the recommendations of the Pedestrian Safety Advisory Committee. Referred to the Public Safety Committee.

Distributed at meeting: City Manager's May 10, 2005 memorandum.

Councilmember Lerch spoke.

Cynthia Moore spoke.

John Murray spoke.

Councilwoman Richardson requested that the City Manager ensure that the School Crossing Guards are fully involved with the process.

Councilmember Lerch spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember Colonna, to approve recommendation and refer to the Public Safety Committee, due back on May 27, 2005. The motion carried by the following vote:

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

25. [05-2680](#)

Recommendation to approve expenditure of Redevelopment Agency bond proceeds in the amount of \$1,300,000 for the Mark Twain Library and 55th Way Park. (Districts 6,9)

Thomas Murphy spoke.

A motion was made by Councilwoman Richardson, 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

26. [05-2459](#)

Recommendation to receive and file report on the Long Beach Signage Installation Plan. (Citywide)

Distributed at meeting: Signage Installation Plan.

Councilmember Colonna spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember Lerch spoke.

Councilmember Lowenthal spoke.

Kraig Kojian, President, Downtown Long Beach Business Association, spoke.

Councilmember Lowenthal spoke.

Councilwoman Richardson spoke.

Councilwoman Gabelich spoke.

Thomas Murphy spoke.

Kraig Kojian spoke.

Vice Mayor Kell spoke.

A motion was made by Councilmember Colonna, 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. [05-2681](#)

Recommendation to adopt resolution authorizing City Manager to execute a contract with Rotorcraft Support, Inc., to purchase helicopter parts and service, in an estimated amount of \$500,000 annually, with the option of extending the contract for two additional one-year periods and adding up to 10 percent above the contract amount. (Citywide)

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution RES-05-0027. 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-05-0027

28. [05-2690](#)

Recommendation to refer Fiscal Year 2005 Mid-Year Budget Performance Report to the Budget Oversight Committee. (Citywide)

A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to approve recommendation and refer to the Budget Oversight Committee, due back on July 19, 2005. The motion carried by the following vote:

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

29. [05-2682](#)

Recommendation to approve Fiscal Year 2005 mid-year departmental

and fund budget 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

30. [05-2683](#)

Recommendation to refer the Baseline Citywide Human Health Risk Assessment to a joint meeting of the Federal and State Legislation and Environmental Affairs Committees for further review. (Citywide)

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember Baker spoke.

Thomas Murphy spoke.

A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to. amended motion to call a Special Meeting of the City Council on May 24, 2005, at 3:00 P.M. to further discuss the Human Health Risk Assessment, prior to a Regular Meeting of the City Council. The motion carried by the following vote:

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

31. [05-2684](#)

Recommendation to receive and file the application of Joanne Allison Punch and Yoland Orson Punch, dba Caribbean Hut, for an Original On-Sale Beer and Wine Alcoholic Beverage Control License for bonafide eating place at 701 Pine Avenue, with conditions. (District 1)

Distributed at meeting: Conditions to license.

Councilmember Lowenthal spoke.

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

32. [05-2685](#)

Recommendation to determine if the application would serve the public convenience and necessity, and receive and file the application of KO Brothers Incorporated, dba Ocean Club for an Original On-Sale Beer and Wine Alcoholic Beverage Control License at 1900 East Ocean Boulevard, with conditions. (District 2)

Distributed at meeting: Conditions to license.

A motion was made by Councilmember O'Donnell, 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

NEW BUSINESS: (07:56 PM)

33. Affidavits of Service for Meetings held on Tuesday, May 10, 2005.

ANNOUNCEMENTS:

Councilmember Lowenthal made community announcements and requested that the meeting adjour in memory of Miguel Contreras.

Councilwoman Richardson made community announcements and requested that the meeting adjour in memory of Roy Gibson.

Councilmember O'Donnell made community announcements.

Councilmember Reyes Uranga made community announcements.

Councilwoman Gabelich made community announcements and requested that the meeting adjour in memory of David Smith.

Vice Mayor Kell made community announcements.

Councilwoman Richardson spoke and distributed a May 16, 2005 Sports Illustrated magazine where Long Beach Poly was ranked Number 1 out of 25 best high school athletic programs.

PUBLIC COMMENT:

Kraig Kojian, President, Downtown Long Beach Association, spoke and distributed a Los Angeles Times article and information regarding the May 21, 2005 Downtown Long Beach Residential Open House.

ADJOURNMENT: (08:09 PM)

At 8:09 P.M., Vice Mayor Kell adjourned the meeting in memory of Miguel Contreras, Roy Gibson, and David Smith.

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 ជាសំណៅប្រែសម្រួលលាយលក្ខណ៍អក្សរទៅជាភាសាបស់លោកអ្នក នោះសូមស្នើសុំមកនាយកដ្ឋានស្មៀនសាលាក្រុង តាមទូរស័ព្ទលេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវបានធ្វើឡើង។