



## Legislation Details (With Text)

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**File #:** 06-0956      **Version:** 1      **Name:** PW/CA - Extend Airport EIR Negotiations  
**Type:** Agenda Item      **Status:** Approved  
**File created:** 9/13/2006      **In control:** City Council  
**On agenda:** 9/19/2006      **Final action:** 9/19/2006  
**Title:** Recommendation to authorize City Attorney to extend the Statute of Limitations until January 5, 2007, in order to engage in future negotiations with Airport Project Appellants. (District 5)  
**Sponsors:** Public Works  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 091906-R-44sr

| Date      | Ver. | Action By    | Action                 | Result |
|-----------|------|--------------|------------------------|--------|
| 9/19/2006 | 1    | City Council | approve recommendation | Pass   |

Recommendation to authorize City Attorney to extend the Statute of Limitations until January 5, 2007, in order to engage in future negotiations with Airport Project Appellants. (District 5)

At the City Council meeting of July 11, 2006, the City Council voted to extend the statute of limitations resulting from the filing of the Notice of Determination for the Airport Terminal Improvement EIR for a period of approximately 90 days, terminating on October 24, 2006.

In addition, the City Council directed the City Attorney and the City Manager to discuss and negotiate the proposed size of the Airport terminal project and any appropriate mitigation measures with a representative group of Airport EIR appellants . The desired outcome of these discussions would be an agreement that would avoid litigation on this matter. Staff was requested to return to the City Council with a progress report no later than September 19, 2006 .

To date, staff has met with the appellants on seven occasions, including two that were attended by the City Attorney and the City Manager. These meetings have resulted in over 20 hours of discussions . Staff provided the appellants with requested information about how the proposed facilities were sized, existing square footages and uses, current and anticipated parking demands (aircraft and vehicular), airline operations, Airport staff operations, TSA operations and noise measurement operations . Based on this information, the appellants have provided staff with their preliminary recommendations on facility sizing. In addition to the facility size, the appellants have also discussed the possibility of additional environmental mitigations and project conditions of approval.

While progress has been made on many of the issues being discussed, several still remain outstanding . In order for staff to respond to the remaining issues on facility sizing, staff will need the input of the end users and the experience of a qualified architect . To accomplish this, staff has issued a request for proposals to select an architect for this project, with the proposals being due on October 13, 2006 . Additionally, staff has initiated meetings with the end users, the first of which was held on September 13, 2006 . As the final decision on project size rests with the City Council, staff will provide the results of this effort to the City Council for their review and consideration in their

determination of the terminal size to be constructed.

At the request of the Long Beach Unified School District (LBUSD), separate meetings have been held with selected LBUSD representatives to discuss and negotiate their specific concerns. Their concerns have been focused on the impacts of single event noise impacts to the classrooms. LBUSD requested additional technical information regarding noise impacts at specific school facilities. To date, staff has received some preliminary data and is now evaluating this information.

Based on the progress being made to date with the appellants as outlined above, and that an extension of an additional 60 days has the potential to resolve some of the remaining issues, staff is recommending that the City Council extend the statute of limitations for approximately 60 days, through and including January 5, 2007 . Staff will provide an update on the negotiation process to Council prior to that date.

Assistant City Attorney Michael J . Mais reviewed this matter on September 13, 2006.

The action taken by the City Council will not delay current project activities, which include the solicitation of a project architect for the terminal improvements, initiating discussions with the end users including the Transportation Security Administration (TSA), or the project approval for the parking structure by the Planning Commission . A workshop with the Planning Commission regarding the parking structure is presently scheduled for October 5, 2006.

None.

Approve recommendation.

CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

APPROVED:

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GERALD R. MILLER  
CITY MANAGER