

**CITY OF LONG BEACH  
CITY COUNCIL MINUTES**

**TUESDAY, NOVEMBER 23, 2004  
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

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**ROLL CALL**

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

Flag Salute - Councilmember Bonnie Lowenthal, First District.

Invocation - Moment of Silence

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

Proclamation presented to Whitney Engeran for World AIDS Day 2004 read by Mayor O'Neill and presented by Councilmember Lowenthal.

Certificate of Recognition presented to Ernie McBride by Mayor O'Neill and Councilwoman Richardson and Councilmember Reyes Uranga.

Certificate of Recognition presented to Reverend Joe Chaney Jr. by Councilwoman Richardson and Councilmember Reyes Uranga.

Minutes for Approval

Councilmember Baker moved, seconded by Councilmember Lowenthal that the minutes of the City Council meeting held Tuesday, Novemeber 16, 2004 be approved.

**CONTINUED HEARING**

1. [04-1988](#)

Report of Hearing Officer on request for revocation of business license and adult entertainment permit issued to VM Associates, Inc., dba Flamingo Gentleman's Club, 2421 E. Artesia Boulevard.

**A motion was made by Councilmember Lerch, seconded by Councilmember Colonna, to. Receive supporting documentation into the record, consider Hearing Officer's report, conclude hearing, adopt Hearing Officer's recommendations in full and revoke Adult Entertainment Permit No. BU20253680 issued to V.M. Associates, Inc. and take no action as a result of this hearing with regard to Business License No. BU20253430.**

**The motion carried by the following vote:**

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

**No:** 1 - Baker

**A motion was made by Councilmember Baker, seconded by Councilmember Reyes Uranga, to. stayed 45 days for enforcement.**

**The motion carried by the following vote:**

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

## HEARINGS

2. [04-2106](#)

Application of Laurence Garcia, dba La Hacienda Club, 1551 Santa Fe Avenue, for a Permit for Entertainment with Dancing by Patrons at an Existing Bar/Tavern/Lounge. (District 1)

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to receive supporting documentation into the record, conclude the hearing, and grant permit with conditions.**

**The motion carried by the following vote:**

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

**Absent:** 1 - Kell

3. [04-2107](#) Application of Sharp Beach, Inc., dba Fern's Cocktails, 1253 E. 4th Street, for a Permit for Entertainment without Dancing by Patrons and a Pool Hall at an Existing Bar/Tavern/Lounge. (District 2)

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to receive supporting documentation into the record, conclude the hearing, and grant permits, with conditions and hours of operations amended as follows: Sunday through Thursday until 11:00 P.M., and Friday and Saturday until midnight.**

**The motion carried by the following vote:**

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

**Absent:** 1 - Kell

4. [04-2108](#) Resolution adopting fees for the continuance of the surcharge to finance the development services center computer system replacement and on-going annual maintenance costs of the City of Long Beach. (Citywide)

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to receive supporting documentation into the record, concluded the hearing and; adopt Resolution No. C-28487. The motion carried by the following vote:**

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

**Absent:** 1 - Kell

**Enactment No:** C-28487

#### **PUBLIC COMMENT**

Dave San Jose spoke stressing peace in the community.

Barbara Bolin spoke regarding Bikes 90800, shared her time with Dave San Jose,

and thanked Sound Energy Solutions for their contributions.

Thomas Murphy spoke regarding flood control waters.

**CONSENT CALENDAR: (5-25)**

5. [04-2109](#) Contract for Federal Legislative Advocacy Services. (Citywide)

Thomas Murphy

**A motion was made by Councilmember Colonna, seconded by Councilmember Lowenthal, to authorize City Manager contract with E. Del Smith and Company, Inc., in the amount of \$113,760 for a period of one year.**

**The motion carried by the following vote:**

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

**Absent:** 1 - Baker

6. [04-2110](#) Claims for Damages.

**A motion was made to pass suggested action on the Consent Agenda.**

7. [04-2111](#) Adopt Specifications No. PA-01404 and award contract to All Pro Fence Company to furnish and deliver temporary and permanent fencing. (Citywide)

Thomas Murphy

**A motion was made by Councilmember Colonna, seconded by Councilmember O'Donnell, to adopt Specifications and award contract in the estimated annual amount of \$175,000 for one year, with the option for two additional one-year periods.**

**Authorize amendments to exercise the City's option to renew where noted and authorize City Manager to execute same.**

**The motion carried by the following vote:**

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

**Absent:** 2 - B. Lowenthal and Gabelich

8. [04-2112](#) Agreement with City of Seal Beach for provision of full animal control services by the City of Long Beach.

Thomas Murphy

**A motion was made by Vice Mayor Kell, seconded by Councilmember Baker, to pass suggested action to authorize City Manager to execute agreement for the 19-month period of December 1, 2004 through June 30, 2006 for \$194,906, and increase appropriations in the General Fund (GP) and the Department of Health and Human Services (HE) in the amount of \$108,000 for fiscal year 2005; and authorize City Manager to extend agreement for up to two consecutive periods of two years each, with price escalation for each two-year term tied to the Consumer Price Index.**

**The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

9. [04-2113](#) Compromises and Releases.

**A motion was made to pass suggested action on the Consent Agenda.**

10. [04-2114](#) Stipulations with Requests for Awards.

**A motion was made to pass suggested action on the Consent Agenda.**

11. [04-2115](#) Memorandum of Understanding between Department of Oil Properties and Harbor Department. (Districts 1,2)  
Thomas Murphy

John Hancock

**A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to receive and file. The motion carried by the following vote:**

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

**Absent:** 2 - B. Lowenthal and Reyes Uranga

12. [04-2116](#) Agreement between Signal Hill Petroleum, Inc., and City of Long Beach for mineral interests. (District 5)  
Thomas Murphy

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to authorize City Manager to enter into a five-year agreement.**

**The motion carried by the following vote:**

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

**Absent:** 2 - B. Lowenthal and Reyes Uranga

13. [04-2117](#) Permit with Gene and Jan Todd for use of a portion of the former Pacific

Electric Right-of-Way property located between 7th Street and Ximeno Avenue. (District 3)

**A motion was made to pass suggested action on the Consent Agenda.**

14 [04-2118](#)  
A

Application of Chea Michael Lim and Huong Lim, dba Bud Liquor Market, for an off-sale general license at 1298 East 4th Street. (District 2)

**A motion was made by Councilwoman Richardson, seconded by Councilmember Baker, that this matter be received and filed with existing conditions. The motion carried by the following vote:**

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

14 [04-2119](#)  
B

Application of HDL Holding LLC, dba Daily Grill, for an on-sale general for bonafide eating place license at 2 World Trade Center. (District 2)

**A motion was made by Councilwoman Richardson, seconded by Councilmember Baker, that this matter be received and filed with existing conditions. The motion carried by the following vote:**

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

14 04-2120  
C

Application of David Sun and Shusan Chang Sun, dba Ray and Roy Market, for an off-sale beer and wine license at 2093 Pacific Avenue. (District 6)

**A motion was made by Councilwoman Richardson, seconded by Councilmember Baker, that this matter be laid over for December 7, 2004. The motion carried by the following vote:**

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

14 [04-2121](#)  
D.

Application of Wendy Hill, dba Eagle Market, for an off-sale beer and wine license at 2336 Pacific Avenue. (District 6)

**A motion was made by Councilwoman Richardson, seconded by Councilmember Baker, that this matter be received and filed with existing conditions. The motion carried by the following vote:**

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

15. [04-2122](#) Easement Deed to provide for widening of sidewalk adjacent to 2210 West Gaylord Street. (District 1)

**A motion was made to pass suggested action on the Consent Agenda.**

16. [04-2123](#) Easement Deed to provide for widening of alleys between Willow Street and Burnett Avenue and an irrevocable offer to dedicate for future widening of Atlantic Avenue adjacent to 434 East Willow Street. (District 6)

**A motion was made to pass suggested action on the Consent Agenda.**

17. [9/4/2001 019](#) Report on local implementation of Proposition 36.

**A motion was made to pass suggested action on the Consent Agenda.**

18. [04-1974](#) Port Security Task Force progress report and preliminary recommendations and letter to the Port of Long Beach Harbor Commissioners and the Los Angeles Board of Harbor Commissioners.

**A motion was made to pass suggested action on the Consent Agenda.**

19. [3/19/2002 022](#) Analysis of police department staffing report.



**A motion was made by Councilwoman Gabelich, seconded by Councilmember Lowenthal, that this matter be concurred in recommendation of Committee the communication be received and filed The motion carried by the following vote:**

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

20. [6/18/2002\\_020](#) Marine patrol and harbor patrol.

**A motion was made to pass suggested action on the Consent Agenda.**

21. [3/25/2003\\_013](#) Megan's Law: California Sexual Offender Reporting System protecting the children of Long Beach.

**A motion was made to pass suggested action on the Consent Agenda.**

22. [9/17/2002\\_008](#) Annual report of the Citizen Police Complaint Commission for calendar year 2000.

**A motion was made to approve recommendation to concur in recommendation of committee that the communication be received and filed. on the Consent Agenda.**

23. [04-2136](#) Police Department Action Plan regarding gang related violence in Long Beach.

**A motion was made to pass suggested action on the Consent Agenda.**

24. [04-2124](#) Minutes for filing:  
Harbor Commission, November 8, 2004

**This Matter was approved on the Consent Agenda.**

25. [04-2125](#) Proclamation for World AIDS Day and recognition of Long Beach Jam and Sixth District residents Ernie McBride and Pastor Joe Chaney.

**A motion was made to pass suggested action on the Consent Agenda.**

**Passed The Consent Agenda**

**except items 5, 7, 8, 11, 12, 14, and 19 pulled for discussion.**

**REGULAR AGENDA**

**DEPARTMENTAL COMMUNICATIONS**

26. [04-2126](#) Library Donation Campaign.

**A motion was made by Vice Mayor Kell, seconded by Councilmember Colonna, to receive and file. The motion carried by the following vote:**

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

27. [04-2127](#) World AIDS Day presentation.

Whitney Engeran

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to receive and file. The motion carried by the following vote:**

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

28. [04-1959](#) Alley closures.

**A motion was made by Councilmember Lerch, seconded by Councilmember Baker, to approve recommendation and refer to the Housing and Neighborhoods Committee. The motion carried by the following vote:**

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

**29. [04-1965](#)**

Ordinance amending the Long Beach Municipal Code relating to smoking in the work place and public places.

**A motion was made by Councilmember Lerch, seconded by Councilmember Colonna, that this matter be laid over for December 7, 2004. 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-7955

**30. [04-2128](#)**

Third Amendment to Contract No. 27524 with Contact Security, Inc., for security guard services at various City sites. (Districts 1,2,5,7,8)

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to pass suggested action. The motion carried by the following vote:**

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

**Absent:** 1 - Colonna

**31. [04-2129](#)**

Report on current standards related to bedroom sizes and possible remedies to address habitable bedroom space in new and renovated buildings. (Citywide)

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to approve recommendation and refer to Planning Commission for review and recommendation back to City Council within 60 days. The motion carried by the following vote:**

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

**32. [04-2130](#)**

Application of Broadlind Lounge LLC, dba The Basement, for an original on-sale general for bonafide eating place alcoholic beverage license at 149 Linden Avenue Basement. (District 2)

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, that this matter be received and filed with conditions. The motion carried by the following vote:**

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

**33. [04-2131](#)**

Application of Rainbow Rocket Incorporated, dba Rainbow Rocket, for an original on-sale general for boat alcoholic beverage license at 200 Aquarium Way B, Dock 7. (District 2)

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, that this matter be received and filed with conditions. The motion carried by the following vote:**

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

**34. [04-2132](#)**

Agreement between City of Long Beach and Nestor Traffic Systems to continue to provide an automated red light camera program. (Citywide)

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Colonna, to pass suggested action. The motion carried by the following vote:**

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

**No:** 1 - Baker

## RESOLUTIONS

**35. [04-2133](#)**

Resolution approving and authorizing the destruction of certain records, papers, and writings by the Department of the City Auditor.

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, that this matter be adopted Resolution No. C-28487**

**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-28487

**36. [04-2134](#)**

Resolution regarding the authority of the City Purchasing Agent with respect to the purchase of LiveScan fingerprint services and summary criminal histories and county prisoner booking services. (Citywide).

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, that this matter be adopted Resolution No. C-28488**

**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-28488

## ORDINANCE

**37. [04-2135](#)**

Ordinance amending the Long Beach Municipal Code by amending Subsections 4a, 10c, 26b, 34e, 34f, 35b, 36c of Section 10.12.010; by amending Subsections 4a, 8d, 8e, 11a, 11e, and 44a of Section 10.12.010; and by adding Subsection 71 to Section 10.12.010; all relating to speed limits on City streets.

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading for December 7, 2004. 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-7953

**NEW BUSINESS**

38.

39.

40.

Vice Mayor Kell made community announcements and requested that when tonight's City Council meeting adjourn, it be adjourned in memory of Eva Ruff.

Councilmember O'Donnell made community announcements.

Councilwoman Richardson made community announcements.

Councilmember Reyes Uranga made community announcements.

Councilmember Lowenthal made community announcements and holiday wishes.

Councilwoman Gabelich discussed RDA workshop time changes and made community announcements.

Vice Mayor Kell announced late night flight from Jet Blue.

Councilwoman Richardson requested update on Megan's Law.

Mayor O'Neill adjourned the meeting in memory of Eva Ruff at 8:30 P.M.

**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។