

Phil Saumur, Chair
Melani Smith, Vice-ChairBecky Blair, Commissioner
Charles Durnin, Commissioner
Alan Fox, Commissioner
Leslie Gentile, Commissioner
Donita Van Horik, Commissioner

FINISHED AGENDA & MINUTES**CALL TO ORDER (5:07 PM)**see media

At 5:07 p.m., Chair Saumur called the meeting to order.

ROLL CALL (5:07 PM)see media**Boardmembers** Donita Van Horik, Becky Blair, Alan L. Fox, Charles Durnin, Leslie
Present: Fernald Gentile and Phillip Joseph Saumur**Boardmembers** Melani Smith**Absent:**

Also present: Craig Beck, Director of Development Services; Derek Burnham, Current Planning Officer; Jill Griffiths, Advance Planning Officer; Michael Mais, Assistant City Attorney; Jeff Winklepleck, Senior Planner; Monica Mendoza, Planner; Cuentin Jackson, Planner; Steven Valdez, Planner; Lynette Ferenczy, Planner; Heidi Eidson, Minutes Clerk

FLAG SALUTE (5:07 PM)see media

Commissioner Gentile led the flag salute.

APPROVAL OF MINUTES09-015PL

Recommendation to approve the Planning Commission minutes for the meeting held June 4, 2009.

Michael Mais, Assistant City Attorney, responded to a query from Commissioner Fox.

A motion was made by Commissioner Durnin, seconded by Commissioner Blair, to approve recommendation. The motion carried by the following vote:**Yes:** 5 - Donita Van Horik, Becky Blair, Alan L. Fox, Charles Durnin and Phillip Joseph Saumur

Abstain: 1 - Leslie Fernald Gentile

Absent: 1 - Melani Smith

DIRECTOR'S REPORT (5:12 PM)

see media

There was no Director's Report given.

PUBLIC PARTICIPATION (5:12 PM)

see media

SWEARING OF WITNESSES (5:12 PM)

see media

Do you solemnly swear or affirm that the evidence you shall give in this Planning Commission Meeting shall be the truth, the whole truth, and nothing but the truth.

UNFINISHED BUSINESS (5:13 PM)

see media

see media

1. 09-013PL Recommendation to certify an Environmental Impact Report and approve a Resolution with a Statement of Overriding Considerations; recommend approval of a General Plan Amendment from Open Space and Park District (LUD#11) to Institutional and School District (LUD#10) and a Zone Change from Park (P) to Institutional (I) and approve a Site Plan Review for a 170,536 square foot community center that includes an administration/education building, a recreation center, an auditorium and an outdoor recreation area at 1900 Walnut Avenue. (District 6) (Application No. 0710-10)

Derek Burnham, Current Planning Officer, introduced the item.

Jeff Winklepleck, Project Planner, presented the staff report and provided a PowerPoint presentation.

Jill Griffiths, Advance Planning Officer, presented information with regards to the Environmental Impact Report.

Jeff Winklepleck spoke.

John Horn, applicant, Salvation Army, spoke and provided a PowerPoint presentation.

Mr. Horn responded to a query from Commissioner Durnin.

Mr. Horn responded to a query from Commissioner Saumur.

Mr. Horn responded to a query from Commissioner Durnin.

Craig Beck, Director of Development Services, responded to a query from Commissioner Fox.

Craig Beck responded to a query from Commissioner Blair.

Mr. Horn responded to a query from Commissioner Van Horik.

Mr. Horn responded to a query from Commissioner Blair.

Mr. Horn responded to a query from Chair Saumur.

Mr. Beck responded to a query from Chair Saumur.

Jill Griffiths introduced consultant Marie Campbell of Sapphos Environmental.

Marie Campbell responded to a query from Chair Saumur.

Mr. Horn and Jeff Winklepleck responded to a query from Chair Saumur.

Dennis Drag, applicant's consultant, and Jill Griffiths responded to a query from Chair Saumur.

Dennis Drag responded to a query from Commissioner Durnin.

Commissioner Fox spoke.

A dialogue ensued between Jeff Winklepleck, Jill Griffiths, and Commissioner Fox.

Mr. Horn responded to a query from Commissioner Gentile.

Anna Marie Berry spoke.

Ms. Berry responded to a query from Commissioner Blair.

Robert Mungo spoke.

Robbie Layva spoke.

Phil Pfeiler spoke.

Derek Burnham responded to a comment from Mr. Pfeiler.

John Edmond, Chief of Staff for Councilman Dee Andrews, spoke.

6th District Councilman Dee Andrews spoke.

James Jones spoke.

A dialogue ensued between Mr. Jones and Chair Saumur.

Dave Roseman, City Traffic Engineer, reported on traffic issues associated with the project.

Mr. Roseman responded to a query from Commissioner Van Horik.

Mr. Roseman responded to queries from Commissioner Durnin.

Craig Beck responded to a query from Chair Saumur.

Anna Marie Berry spoke.

Mr. Beck responded to remarks from Ms. Berry.

Commissioner Blair spoke.

Commissioner Gentile spoke.

Craig Beck responded to a query from Commissioner Fox.

Motion to Approve Certify an Environmental Impact Report and approve a Resolution with a Statement of Overriding Considerations; recommend approval of a General Plan Amendment from Open Space and Park District (LUD #11) to Institutional and School District (LUD #10) and a Zone Change from Park (P) to Institutional (I) and a Site Plan Review for a 170,536 square foot community center that includes an administration/education building, a recreation center, an auditorium and an outdoor recreation area, including the 4 amendments to Exhibit D, at 1900 Walnut Avenue. Moved by Becky Blair, seconded by Leslie Gentile.

Yes: 6 - Donita Van Horik, Becky Blair, Alan L. Fox, Charles Durnin, Leslie Fernald Gentile and Phillip Joseph Saumur

Absent: 1 - Melani Smith

see media

see media

2. 09-008PL

Recommendation to approve a Conditional Use Permit for the construction of a new 40-foot high wireless telecommunications monopole disguised as a clock tower and four ground-mounted equipment cabinets located at 4100 Orange Avenue. (District 7) (Application No. 0812-06)

Derek Burnham, Current Planning Officer, introduced the item.

Commissioner Blair recused herself from the item.

Monica Mendoza, Project Planner, presented the staff report and provided a PowerPoint presentation.

Mr. Burnham responded to a query from Commissioner Durnin.

Mr. Burnham responded to queries from Commissioner Gentile.

Commissioner Van Horik spoke.

Monica Mendoza and Derek Burnham responded to a query from Commissioner Van Horik.

Tim Miller, applicant, spoke.

Derek Burnham spoke.

Commissioner Fox spoke.

Ms. Mendoza and Mr. Burnham responded to a query from Commissioner Fox.

A motion was made by Commissioner Van Horik, seconded by Commissioner Durnin to approve recommendation with changes to include revised Conditions of Approval as recommended by the Commission.

Absent: 1 - Melani Smith

Yes: 4 - Donita Van Horik, Alan L. Fox, Charles Durnin and Phillip Joseph Saumur

No: 1 - Leslie Fernald Gentile

Abstain: 1 - Becky Blair

see media

3. 09-009PL

Recommendation to approve a Conditional Use Permit to allow the installation of a roof-mounted telecommunications site consisting of nine panel antennas and six ground-mounted equipment cabinets located at 4540 Orange Avenue within the R-4-N zone. (District 7) (Application No. 0812-08)

Derek Burnham, Current Planning Officer, introduced the item.

Cuentin Jackson, Project Planner, presented the staff report and provided a PowerPoint presentation.

Tim Miller, applicant, spoke.

Commissioner Blair spoke.

Motion to Approve Approve recommendation. Moved by Becky Blair, seconded by Donita Van Horik.

Yes: 6 - Donita Van Horik, Becky Blair, Alan L. Fox, Charles Durnin, Leslie Fernald Gentile and Phillip Joseph Saumur

Absent: 1 - Melani Smith

see media

4. 09-010PL

Recommendation to approve a Conditional Use Permit to allow an existing used car dealership located at 1760 Long Beach Boulevard to continue operation and comply with newly implemented amendments to PD-29. (District 1) (Application No. 0903-04)

Derek Burnham, Current Planning Officer, introduced the item.

Steven Valdez, Project Planner, presented the staff report and provided a PowerPoint presentation.

Derek Burnham responded to a query from Commissioner Gentile.

Steven Valdez and Derek Burnham responded to a query from Commissioner Van Horik.

Thomas Kim, applicant, spoke.

Chair Saumur swore in the applicant, who arrived late.

Mr. Kim responded to a query from Chair Saumur.

Motion to Approve Approve recommendation. Moved by Donita Van Horik, seconded by Charles Durnin.

Yes: 6 - Donita Van Horik, Becky Blair, Alan L. Fox, Charles Durnin, Leslie Fernald Gentile and Phillip Joseph Saumur

Absent: 1 - Melani Smith

see media

5. 09-014PL

Recommendation to approve a Conditional Use Permit request to legalize an existing check cashing business located within a market at 449 W. Anaheim Street, #B. (District 1) (Application No. 0904-13)

Derek Burnham, Current Planning Officer, introduced the item.

Lynette Ferenczy, Project Planner, presented the staff report and provided a PowerPoint presentation.

Derek Burnham responded to a query from Commissioner Blair.

Lynette Ferenczy and Derek Burnham responded to a query from Commissioner Durnin.

Samuel Yin, applicant, spoke.

Mr. Yin responded to a query from Commissioner Durnin.

Lynette Ferenczy responded to a query from Chair Saumur.

Commissioner Blair spoke.

Angelica Lagaste spoke.

Motion to Approve Approve recommendation. Moved by Becky Blair, seconded by Alan L. Fox.

Yes: 6 - Donita Van Horik, Becky Blair, Alan L. Fox, Charles Durnin, Leslie Fernald Gentile and Phillip Joseph Saumur

Absent: 1 - Melani Smith

COMMENTS FROM PLANNING COMMISSIONERS (7:23 PM)

see media

Mr. Burnham responded to a query from Commissioner Van Horik.

Michael Mais, Assistant City Attorney, and Derek Burnham responded to a query from Commissioner Blair.

Derek Burnham responded to a query from Chair Saumur.

Commissioner Blair spoke.

Derek Burnham responded to a query from Commissioner Van Horik.

Mr. Mais responded to queries from Commissioner Blair.

Mr. Mais responded to a query from Commissioner Fox.

A dialogue ensued between staff and the Commission.

Mr. Burnham spoke.

A dialogue ensued between staff and the Commission.

ADJOURNMENT (7:38 PM)

At 7:38 p.m., Chair Saumur adjourned the meeting.

NEXT REGULAR MEETING - July 16, 2009 at 5:00 p.m.

hge

MINUTES
SPECIAL MEETING OF THE BOARD OF WATER COMMISSIONERS
LONG BEACH, CALIFORNIA
JULY 9, 2009

The Board of Water Commissioners of the City of Long Beach met in the Board Room of the Administration Building, 1800 E. Wardlow Road, Long Beach, California, on July 9, 2009.

The meeting was called to order at 9:15 a.m. by President Allen.

PRESENT:	John Allen	Commissioner
	Suzanne Dallman	Commissioner
	William B. Townsend	Commissioner
	Charles Parkin	Principal Deputy City Attorney
	Kevin L. Wattier	General Manager
	Robert C. Cheng	Deputy General Manager – Operations
	B. Anatole Falagan	Deputy General Manager – Business
	Paul T. Fujita	Director of Finance
	Matthew P. Lyons	Director, Planning & Conservation
	Isaac C. Pai	Director of Engineering
	Eric Leung	Director of Water Resources
	Matthew Veeh	Special Projects Officer, Government & Public Affairs
	Monya Hawkins	Manager of Information Technology
	Melissa L. Keyes	Administrative Analyst III/Special Projects Coordinator
	Dynna Long	Acting Secretary to the Board of Water Commissioners
	Rhodora Concepcion	Office Administrator
	Greg Sorensen	Administrative Analyst III
	David Nakamoto	City of Long Beach Treasurer
	Daniel Thurber	City of Long Beach Treasury Operations Officer
ABSENT:	Paul Blanco	Commissioner (EXCUSED)
	Frank Clarke	Commissioner (EXCUSED)
	Sandra L. Fox	Secretary to the Board of Water Commissioners

1. PLEDGE OF ALLEGIANCE

Dynna Long led the Board and audience in the Pledge of Allegiance.

2. APPROVAL OF MINUTES

June 18, 2009

Upon motion by Commissioner Townsend, seconded by Commissioner Dallman the minutes of the Meeting of June 18, 2009 were unanimously approved.

3. PUBLIC COMMENT

President Allen opened the public comment period. As there were no requests to address the Board on non-agenda items, the public comment period was closed.

4. PRESIDENT'S REPORT

- **John D. S. Allen, President, Board of Water Commissioners**

President Allen reported that he had been reappointed to the Board of Water Commissioners by the City Council on July 7, 2009, to serve for a term of five years.

5. GENERAL MANAGER'S REPORT

Kevin L. Wattier, General Manager

JUNE WATER CONSERVATION UPDATE

Mr. Wattier provided an update on the June water conservation data. He reported this data represented a ten-year historical low water usage. He commended the conservation efforts by the citizens of Long Beach.

FEDERAL STIMULUS FUNDING

Mr. Wattier reported that the Long Beach Water Department had received \$3 million in Federal stimulus funding for the Long Beach Desalination Research and Development Project. He noted the recent coverage in the *Press Telegram* regarding this funding, and referred the Board members to the letter in their cubbies from the United States Department of the Interior confirming this funding.

Mr. Wattier complimented Mr. Eric Leung, Director of Water Resources for his efforts in putting this project funding request together.

Commissioner Townsend inquired how this funding amount compared with past year's funding. Mr. Wattier explained that the LBWD had received \$1 million to \$1.5 million per year. He noted that the department needs about \$3 million to complete the Federal share of research over the next two years. He advised that staff is following up on reimbursement for amounts incurred that are eligible for reimbursement.

Commissioner Allen inquired how much the department is expecting to be reimbursed. Mr. Wattier advised \$700,000 to \$800,000 in reimbursements would cover the amount in arrears.

Mr. Wattier advised that grant funding would cover removal of research facilities at the Haynes Power Plant and at the Under Ocean Floor Intake project at the beach area below the Long Beach Museum of Art.

6. CONSENT CALENDAR

President Allen requested a motion to approve Consent Calendar items 6a. – 6c.

It was moved by Commissioner Dallman and seconded by Commissioner Townsend to approve Consent Calendar item 6a., 6b., and 6c.

President Allen called for the question and a vote. The Consent Calendar items were unanimously approved.

6a. Approval of Transfer Funds by Journal Entry dated July 9, 2009

A communication was presented to the Board from Paul Fujita, which is on file at the Long Beach Water Department.

6b. Adopt Specifications WD-11-09 and Authorize the General Manager to Execute an Agreement with A to Z Metals for the purchase and removal of scrap metal from the Long Beach Water Department for a period of one year, with options to renew for two additional one-year periods

A communication was presented to the Board from Robert Cheng, which is on file at the Long Beach Water Department.

6c. Approval of Retirement Order No. 6088 for items that have become obsolete and/or unrepairable during the current year, and authorize removal of these items from the Department records

A communication was presented to the Board from Robert Cheng, which is on file at the Long Beach Water Department.

- 7. AUTHORIZE THE GENERAL MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE APPOINTMENT OF THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS SUCCESSOR TRUSTEE UNDER THE INDENTURE OF TRUST RELATING TO CITY OF LONG BEACH WATER REVENUE REFUNDING BONDS, 1997 SERIES A, AND TO ENTER INTO AN AGREEMENT WITH BOND LOGISTIX, LLC TO MANAGE INVESTMENT OF BOND RESERVE FUNDS UNDER THE INDENTURE OF TRUST**
- **B. Anatole Falagan, Deputy General Manager - Business**

Mr. Falagan provided background on the need to maintain and manage a long term reserve fund associated with the bonds used to fund the construction of the Groundwater Treatment Plant. The funds had been managed through a Guaranteed Investment Contract (GIC). He noted that due to a downgrade in the credit rating of the GIC provider the City Treasurer had taken over the funds. Because the long term nature of the funds contrasts with the fund instruments available to the City Treasurer, it was recommended that a Trustee be named and a firm retained to manage the investment of the reserve fund.

It was moved by Commissioner Townsend and seconded by Commissioner Dallman to Authorize the General Manager to execute any and all documents necessary for the appointment of The Bank of New York Mellon Trust Company, N.A. as Successor Trustee under the Indenture of Trust relating to City of Long Beach Water Revenue Refunding Bonds, 1997 Series A, and to enter into an agreement with Bond Logistix, LLC to manage investment of Bond Reserve Funds under the Indenture of Trust.

President Allen called for the question and a vote. The vote was unanimous.

- 8. RECEIVE AND FILE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2008**
- **B. Anatole Falagan, Deputy General Manager - Business**

Mr. Falagan noted that completion of the CAFR represented the final task in the annual process of entering LBWD for consideration of the GFOA award. Currently, LBWD has received the GFOA award for the past 22 consecutive years. He advised that the CAFR contained summary statements of financial information the Board had seen and reviewed on a quarterly basis and during the budget workshop sessions, and there were no substantive differences in the final published document.

It was moved by Commissioner Townsend, seconded by Commissioner Dallman and unanimously approved to receive and file the Comprehensive Annual Financial Report for the Period Ended September 30, 2008.

9. SUPPORT (IF AMENDED) AB 49, AS AMENDED ON JUNE 18, 2009 BY ASSEMBLYMEMBERS FEUER (D-42ND DISTRICT) & HUFFMAN (D-6TH DISTRICT)

- **Matthew Veeh, Special Projects Officer**

Mr. Veeh noted current statewide water issues. He summarized objectives of AB 49.

Mr. Wattier noted that extensive work with the authors of this bill had taken place. He advised the Board to take a support position for the "simple plan" included in the bill. He noted other items regarding this legislation:

- Efficiency plan has more to do with entities with large CII use.
- Los Angeles is part of the third option, being a CUWCC member prior to 1994.
- CUWCC supports the bill and correctly calls for the simple plan as part of the Better Management Practices (BMPs).
- Agriculture and ACWA oppose the bill because of provisions that affect agriculture.

Commissioner Townsend inquired how this legislation would be enforced. Mr. Wattier advised this legislation would only affect retailers. He noted simple calculations cannot be done on a wholesale basis. He advised however that this legislation would allow for co-ops of retailers.

Mr. Wattier advised the central issue regarding this legislation is the ability for agencies to apply for and receive state funding for water projects.

Commissioner Dallman asked what the "10-year baseline" was. Kevin responded by explaining that it is the baseline water use amount that would be compared against later in checking to see if water reduction targets are being met. The baseline period must end sometime in 2004 or beyond.

It was moved by Commissioner Dallman and seconded by Commissioner Townsend to support AB 49, as amended on June 18, 2009 by Assemblymembers Feuer (D-42nd District) & Huffman (D-6th District).

President Allen called for the question and a vote. The vote was unanimous.

10. OPPOSE SB 261 BY SENATORS DUTTON (R-31ST DISTRICT) & DUCHENY (D-40TH DISTRICT)
• **Matthew Veeh, Special Projects Officer**

Mr. Veeh summarized objectives of SB 261. He noted the flaws in the bill and exposure to the LBWD as follows:

- Doesn't truly accomplish statewide water conservation
- Puts LBWD at disadvantage for future state funding
- Many exemptions included in bill
- Puts LBWD at a 20 percent disadvantage against Regional Water Management Groups (RWMGs) when applying for competitive grants and loan funds
- No required conservation for dedicated landscape or CII use

- Creates Institute that replicates work already being done by the CUWCC; CUWCC has established track record of building consensus throughout state on water conservation efforts
- Relies on good faith efforts of agencies to create and implement their own plans, making it highly subject to non-compliance
- Could create significant costs related to funding the Institute, as well as other measures contained in the bill
 - LBWD could be unfairly subjected to costs it had no hand in creating

Mr. Wattier pointed out that LBWD would prefer the legislation was oriented towards the ends and not the means. He noted for example, that current conservation efforts are achieved through public education. So, ends are achieved, regardless of means. He advised that SB 261 focuses on the means and is overly cumbersome.

Commissioner Townsend inquired about the prospects for these bills. Mr. Wattier advised they are moving along so far. He reported it is probable that some bills may merge, or it may be agreed that one goes forward.

It was moved by Commissioner Dallman and seconded by Commissioner Townsend to oppose SB 261 by Senators Dutton (R-31st District) & Ducheny (D-40th District).

President Allen called for the question and a vote. The vote was unanimous.

11. SUPPORT AB 1366, AS AMENDED ON JUNE 15, 2009 (ASSEMBLYMEMBERS FEUER, CABALLERO & STRICKLAND)

- **Matthew Veeh, Special Projects Officer**

Mr. Veeh described existing water recycling goals, and noted some of the issues contributing to the failure to achieve these goals:

- Self-regenerating softeners are impediments to achieving goals.
- Currently local agencies limited in ability to control/regulate.

Mr. Veeh noted that AB 1366 allows action by retailers in a region to limit by ordinance and public hearing based on findings by regional boards. This legislation would require compensation to be paid to owners if they were required to remove installed softeners.

It was moved by Commissioner Townsend and seconded by Commissioner Dallman to support AB 1366, as amended on June 15, 2009 (Assemblymembers Feuer, Caballero & Strickland).

President Allen called for the question and a vote. The vote was unanimous.

12. DROUGHT UPDATE

- **B. Anatole Falagan, Deputy General Manager - Business**

Mr. Falagan provided a drought update briefing which included: 1) Imported water supply update focusing on State Water Project storage levels; 2) Summary of annual demands (water conservation response – Long Beach currently trending at 15% conservation); 3) Temperature outlook for Northern California, Southern California and the Colorado Basin; 4) Reviewed timeline of actions in 2009 that have affected (or will affect) water supply outlook (State water project allocation; biological opinions on Delta Smelt, Longfin Smelt and Salmon; State Water Project and Central Valley Project pumping curtailed due to environmental restrictions).

13. LEGISLATIVE ISSUES/ACTIONS/BILLS

- **Matthew Veeh, Special Projects Officer**

Mr. Veeh asked Commissioner Dallman to provide a report on her recent interview for the California Science Center. Ms. Dallman advised her interview had been filmed in the LBWD conservation garden. She noted the edited version of the interview would eventually be included in the Water Kiosk at the California Science Center, which is set to debut next year.

Mr. Veeh commented on the status of the state budget noting that:

- IOUs were being issued
- Some banks refusing IOUs
- State of California's bond rating had been lowered to BBB status
- Possibility of adding an additional day of furlough for state workers
- Recommendation for a 5% pay cut for state works
- Possible suspension of Prop. 98 funding

Mr. Wattier reported the city was still unsure of what impact it might incur regarding Prop. 1A funds. He noted there was a potential impact of \$10 million in takeaways affecting the city's budget deficit.

Mr. Veeh reported that the Proposition 218 ratepayer public hearing notices had been mailed on July 8, 2009. He noted the public hearing regarding rates was set for Thursday, August 27, 2009 at 7:00 P.M., and was to be held at the Treatment Plant assembly room. He advised an informational phone message regarding the proposed rate increases was being set up for customers.

14. NEW BUSINESS

President Allen called for a motion to excuse Commissioner Clarke from the July 9, 2009 meeting.


It was moved by Commissioner Dallman, seconded by Commissioner Townsend, and unanimously approved to excuse Commissioner Clarke from the July 9, 2009 board meeting.

President Allen appointed Commissioner Townsend as Acting Secretary for the Board meeting of July 9, 2009 in the absence of Secretary Clarke.

President Allen instructed staff to agendize an action item for the July 23, 2009 meeting to change the Board's 1st meeting of the month time to begin at 9:00 A.M. rather than the current time of 9:15 A.M.


15. ADJOURNMENT

There being no further business to come before the Board, President Allen adjourned the meeting at 10:40 a.m. to the next Special meeting of the Water Commission to be held July 23, 2009, in the Board Room of the Administration Building, 1800 E. Wardlow, in Long Beach, California.



Frank Clarke, Secretary

Attest:



John D. S. Allen, President