

**CITY OF LONG BEACH
CITY COUNCIL AGENDA**

Bonnie Lowenthal, 1st District
Dan Baker, 2nd District
Frank Colonna, 3rd District
Patrick O'Donnell, 4th District

Gerald R. Miller, City Manager
Larry G. Herrera, City Clerk



Beverly O'Neill, Mayor

**TUESDAY, AUGUST 3, 2004
COUNCIL CHAMBER, 5:00 P.M.**

Jackie Kell, Vice Mayor, 5th District
Laura Richardson, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, 9th District

Robert E. Shannon, City Attorney

**PROCLAMATION PRESENTED TO
NEIGHBORHOOD LEADERSHIP PROGRAM
CLASS OF 2004**

**PROCLAMATION PRESENTED FOR
NATIONAL NIGHT OUT 2004**

**PROCLAMATION PRESENTED FOR
ADULT AND ELDER CARE WEEK
JULY 26 – AUGUST 2**

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. DEPARTMENT: LAW

SUBJECT: Ordinance relating to the temporary limitation on removal of any protected oak tree within the City of Long Beach; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately.

SUGGESTED ACTION:

Receive supporting documentation into the record, and conclude hearing.

Declare emergency to exist.

Declare ordinance read, adopted as read, and laid over to next regular meeting of the City Council for final reading.

HEARINGS:

2. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Application of Network Development, LLC, dba The Vault, for a Permit for Entertainment with Dancing by Patrons at an Existing Restaurant with Alcohol at 350 Pine Avenue. (District 1)

SUGGESTED ACTION:

Receive supporting documentation into the record, and conclude the hearing.
Grant the permit, with or without conditions; or deny the permit.

3. DEPARTMENT: PLANNING COMMISSION

SUBJECT: Rezoning from R-1-N (Single-Family Residential) and I (Institutional) to P (Park) for the development of a public park with a children's playground and a community garden. (Ordinance amending the Use District Map of the City of Long Beach as said map has been established and amended by amending a portion of Part 28 of said map from R-1-N [Single Family Residential] and I [Institutional] to P [Park] for property located at 325 E. Plymouth Street and 5346 Elm Avenue, in the City of Long Beach) (District 8)

SUGGESTED ACTION:

Receive supporting documentation into the record, and conclude the hearing.
Review and consider the material contained in the Negative Declaration; and
Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

4. DEPARTMENT: CITY CLERK

SUBJECT: Report of Hearing Officer on appeal of Precision Reflector Design, Inc., of denial of business license for 1553-1557 and 1561 Cota Avenue. (District 1)

SUGGESTED ACTION:

Receive supporting documentation into the record, and conclude the hearing.
Consider Hearing Officer's report, and grant or deny the license.

5. DEPARTMENT: PLANNING COMMISSION

SUBJECT: Appeals of an Administrative Use Permit request for establishment of a Homeless Shelter in an existing industrial building located at 1368 Oregon Avenue. (District 1)

SUGGESTED ACTION:

Receive supporting documentation into the record; conclude the hearing; deny the appeals and sustain the decision of the Planning Commission; or

Receive supporting documentation into the record; conclude the hearing; sustain the appeals and overrule the decision of the Planning Commission.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM CITY CLERK

Opportunity given to first 10 citizens who have submitted speaker cards in writing to the City Clerk to address the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

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 members of the City Council, staff or the public request specific items be discussed and/or removed from the Consent Calendar for separate action. Requests by the public for separate consideration should be made to the Mayor's Office or City Clerk Department prior to the beginning of the Council meeting.

CONSENT CALENDAR: (6 - 22)

6. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages.

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between July 8, 2004 and July 29, 2004.

7. DEPARTMENT: CITY MANAGER

SUBJECT: Agreement with Greater Long Beach National Conference for Community and Justice for the provision of Human Dignity programming services. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to enter into agreement for a period of one year, in an amount not to exceed \$93,000.

8. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Funds from County of Orange to provide services through Statewide Nurse Workforce Initiative Project. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute all necessary documents to amend the Nurse Workforce Initiative contract with the County of Orange, for a cumulative total of \$934,500, for the period of January 1, 2003 through September 30, 2005;

Authorize City Manager to execute amendments to contracts with organizations to provide services under the Nurse Workforce Initiative for the cumulative period of January 1, 2003 through September 30, 2005; and

Increase appropriations in the Community Development Grants Fund (SR 150) and in the Department of Community Development (CD) by \$232,500.

9. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Work Site Agreements with various entities for a Youth Intern Program. (Citywide)

SUGGESTED ACTION:

Authorize City Manager, or his designee, to execute agreements, as needed.

10. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Contracts with various organizations to provide services for 2004-2005 Youth Development Program. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute contracts for the period of October 1, 2004 through September 30, 2005.

11. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Specifications No. PA-01904 and award contract to San Diego Rotary Broom to furnish and deliver street sweeper brooms. (Citywide)

SUGGESTED ACTION:

Adopt Specifications and award contract in the estimated annual amount of \$130,000 for a term of one year, with the option for two additional one-year periods.

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

12. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Second Amendment to Agreement No. 26971 with City of Signal Hill; Second Amendment to Agreement No. 27863 with City of Seal Beach; agreements with Cities of Cerritos and Los Alamitos for the provision of animal control services by City of Long Beach.

SUGGESTED ACTION:

Authorize City Manager to execute Second Amendment to Agreement No. 26971 for the period of July 1, 2004 to June 30, 2006 at \$38,157 for each twelve (12) month period;

Authorize City Manager to execute Second Amendment to Agreement No. 27863 for \$13,500 for the period of July 1, 2004 to June 30, 2005; and

Authorize City Manager to execute agreements with Cities of Cerritos and Los Alamitos for \$183,866 and \$72,635, respectively, for period of July 1, 2004 to June 30, 2005, and authorize City Manager to extend agreements for up to two consecutive one-year terms with price escalation tied to the Consumer Price Index.

13. DEPARTMENT: LAW

SUBJECT: Peggy Martin v. City of Long Beach.

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$10,000 in full settlement.

14. INTENTIONALLY LEFT BLANK

15. ~~DEPARTMENT: PARKS, RECREATION AND MARINE~~

Withdrawn ~~SUBJECT: Permit with Gene and Jan Todd for use of a portion of former Pacific Electric Right-of-Way property located between 7th Street and Ximeno Avenue. (District 3)~~

~~SUGGESTED ACTION:~~

~~Authorize City Manager to execute permit for a rent of \$200 per month, for a term of one year, with the option to extend the term for an additional year.~~

16. DEPARTMENT: POLICE

SUBJECT: Appropriation increase for Police Department per Memorandum of Understanding between Los Angeles County Probation Department and Long Beach Police Athletic League. (Citywide)

SUGGESTED ACTION:

Increase appropriations in the General Grants Fund (SR 120) and in the Police Department (PD) by \$46,100.

17. DEPARTMENT: POLICE

SUBJECT: Agreement between Long Beach Unified School District and the City of Long Beach for use of Long Beach Police Department Pistol Range. (District 5)

SUGGESTED ACTION:

Authorize City Manager to execute an agreement and any subsequent amendments with Long Beach Unified School District for use of the Long Beach Police Department Pistol Range, on an as-needed basis, for school safety officers of the School of Safety and Emergency Preparedness Division to qualify and train. The agreement may be terminated with thirty (30) days written notice by either party.

18. DEPARTMENT: POLICE

SUBJECT: Alcoholic Beverage License Applications (Person-to-Person Transfers)

- A. Application of Joseph Nam Kim, dba Pacific Market, for a person-to-person transfer of an off-sale beer and wine license at 1449 West Pacific Coast Highway. (District 1)
- B. Application of Citicambodian International Trade, Incorporated, dba Citi Market, for a person-to-person transfer of an off-sale beer and wine license at 1198 East 10th Street. (District 1)
- C. Application of Pine Avenue S and G LLC, dba Smooth, for a person-to-person transfer of an on-sale general for bonafide eating place license at 144-46 Pine Avenue. (District 2)
- D. Application of Vouchmeng Sieng, dba Eagle Market, for a person-to-person transfer of an off-sale beer and wine license at 2336 Pacific Avenue. (District 6)

SUGGESTED ACTION:

Receive and file with existing conditions.

19. DEPARTMENT: PUBLIC WORKS

SUBJECT: Revocable Permit for use of space by California Western Arborists, Inc. (District 1)

SUGGESTED ACTION:

Authorize City Manager to execute a permit.

20. DEPARTMENT: PUBLIC WORKS

SUBJECT: Public Walkways Occupancy Permit for sidewalk dining at E.J. Malloy's Restaurant located at 4306 Atlantic Avenue. (District 8)

SUGGESTED ACTION:

Authorize City Manager to execute permit.

21. DEPARTMENT: VARIOUS

SUBJECT: Minutes for filing:

Harbor Commission, July 6, 12, and 19, 2004

Parks and Recreation Commission, May 20, and June 17, 2004

SUGGESTED ACTION:

Receive and file.

22. DEPARTMENT: LEGISLATIVE

SUBJECT: Proclamations for Neighborhood Leadership Program, Class of 2004;
National Night Out 2004; and Adult and Elder Care Week, July 26 – August 2.

SUGGESTED ACTION:

Approve.

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

23. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Increase appropriations in the Housing Authority Fund.

SUGGESTED ACTION:

Increase appropriations in the Housing Authority Fund (SR 151) and in the Department of Community Development (CD) by \$16,500,000.

24. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Contracts with community-based organizations to provide services at the Career Transition Center. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute contracts in the amounts specified for the term of July 1, 2004 through June 30, 2005.

25. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Specifications No. PA-01504 and award contracts to Tri Pacific Supply, Inc., Actaris U.S. Gas, Inc., and Mercury Instruments, Inc., to furnish and deliver gas meters and accessories. (Citywide)

SUGGESTED ACTION:

Adopt Specifications and award contracts in the estimated annual amount of \$400,000 for a term of 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.

26. DEPARTMENT: POLICE

SUBJECT: Application of Liberty Enterprises California LLC, dba Liberty, for an original on-sale beer and wine for boat alcoholic beverage license at 555 North Pico Avenue, Berth 55. (District 1)

SUGGESTED ACTION:

Receive and file application; or

Request City Clerk to file protest with California State Department of Alcoholic Beverage Control;

Request City Clerk to transmit conditions to California State Department of Alcoholic Beverage Control as requested by Councilmember.

27. DEPARTMENT: POLICE

SUBJECT: Application of MCK and Company LLC, dba Casavino, for an original on-sale beer and wine for bonafide eating place alcoholic beverage license at 51 South Pine Avenue. (District 2)

SUGGESTED ACTION:

Receive and file application; or

Request City Clerk to file protest with California State Department of Alcoholic Beverage Control.

Request City Clerk to transmit conditions to California State Department of Alcoholic Beverage Control as requested by Councilmember.

28. DEPARTMENT: POLICE

SUBJECT: Application of Catalina Pena and Jose Refugio Pena, dba Marisco's Guero, for an original on-sale beer and wine for bonafide eating place alcoholic beverage license at 2150 South Street, No. 107. (District 8)

SUGGESTED ACTION:

Receive and file application; or

Request City Clerk to file protest with California State Department of Alcoholic Beverage Control.

Request City Clerk transmit conditions to California State Department of Alcoholic Beverage Control as requested by Councilmember.

29. DEPARTMENT: TECHNOLOGY SERVICES

SUBJECT: Lease-Purchase Agreement with Banc of America Leasing & Capital, LLC, to finance personal computers and computer-related products. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute agreement and related financing documents in an amount not to exceed \$1,053,270 payable over a four-year period.

RESOLUTIONS:

30. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution authorizing the City Manager to execute, on behalf of the City, a contract with ProForce Marketing, Inc. doing business as ProForce Law Enforcement, without advertising for bids for furnishing tasers. (Citywide)

SUGGESTED ACTION:

Adopt resolution authorizing City Manager to execute a contract with ProForce Marketing, Inc., for the purchase of taser equipment and accessories in an amount not to exceed \$284,000.

31. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution establishing annual special tax for Community Facilities District No. 1 (Belmont Shore) for fiscal year 2004-2005. (District 3)

SUGGESTED ACTION:

Adopt resolution establishing an annual special tax of \$0.00 (zero) per square foot for Community Facilities District No. 1 for FY 05.

32. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution directing the Los Angeles County Auditor-Controller to include on the 2004-2005 tax roll certain assessments made pursuant to the provisions of the Long Beach Municipal Code for demolition charges. (Citywide)

SUGGESTED ACTION:

Adopt resolution for building abatement in the amount of \$8,850.

33. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution directing the Los Angeles County Auditor-Controller to include on the 2004-2005 Real and Secured Tax Roll certain assessments made pursuant to the provisions of the Long Beach Municipal Code for removing weeds and debris (lot cleaning charges). (Districts 1,2,4,6,7,8,9)

SUGGESTED ACTION:

Adopt resolution for weed and/or debris removal in the amount of \$99,878.

34. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Government Code Section 20636(c)(4) pursuant to Section 20691 by paying and reporting the value of employer paid member contributions for Long Beach City Employees International Association of Machinists and Aerospace Workers and unrepresented miscellaneous employees to the California Public Employees' Retirement System (CalPERS). (Citywide)

SUGGESTED ACTION:

Adopt resolution.

35. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Government Code Section 20636(c)(4) pursuant to Section 20691 by paying and reporting the value of employer paid member contributions for Long Beach City Attorneys' Association to the California Public Employees' Retirement System (CalPERS). (Citywide)

SUGGESTED ACTION:

Adopt resolution.

36. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Government Code Section 20636(c)(4) pursuant to Section 20691 by paying and reporting the value of employer paid member contributions for Long Beach Association of Engineering Employees to the California Public Employees' Retirement System (CalPERS). (Citywide)

SUGGESTED ACTION:

Adopt resolution.

37. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Government Code Section 20636(c)(4) pursuant to Section 20691 by paying and reporting the value of employer paid member contributions for unrepresented management employees, The City Attorney, City Prosecutor, City Auditor, City Manager, City Clerk and Long Beach Management Association Miscellaneous Employees to the California Public Employees' Retirement System (CalPERS). (Citywide)

SUGGESTED ACTION:

Adopt resolution.

38. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Government Code Section 20636(c)(4) pursuant to Section 20691 by paying and reporting the value of employer paid member contributions for Long Beach Association of Confidential Employees to the California Public Employees' Retirement System (CalPERS). (Citywide)

SUGGESTED ACTION:

Adopt resolution.

39. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Government Code Section 20636(c)(4) pursuant to Section 20691 by paying and reporting the value of employer paid member contributions for Long Beach City Prosecutors' Association Miscellaneous Employees to the California Public Employees' Retirement System (CalPERS). (Citywide)

SUGGESTED ACTION:

Adopt resolution.

40. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Government Code Section 20636(c)(4) pursuant to Section 20691 by paying and reporting the value of employer paid member contributions for Long Beach Management Association Safety Employees to the California Public Employees' Retirement System (CalPERS). (Citywide)

SUGGESTED ACTION:

Adopt resolution.

41. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Title 2, California Code of Regulations Section 571 to pay and report the value of employer paid member contributions with a time-in-grade exception for Long Beach Management Association Safety Employees. (Citywide)

SUGGESTED ACTION:

Adopt resolution.

42. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Title 2, California Code of Regulations, Section 571 to pay and report the value of employer paid member contributions with a time-in-grade exception for Long Beach Management Association Miscellaneous Employees and unrepresented miscellaneous management employees. (Citywide)

SUGGESTED ACTION:

Adopt resolution.

43. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution implementing Section 414(h)(2) of the Internal Revenue Code. (Citywide)

SUGGESTED ACTION:

Adopt resolution.

44. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution of expressing its intent to approve an amendment to contract between The Board of Administration of the California Public Employees' Retirement System and the City of Long Beach. (Citywide)

SUGGESTED ACTION:

Adopt resolution.

Request City Clerk to cause the resolution of Intention, a copy of the proposed contract amendment and a copy of this letter to be posted in three public places no later than August 6, 2004.

45. DEPARTMENT: LAW

SUBJECT: Resolution opposing the parole or early release of Nathan "Anthony" Sims who was tried and convicted in the attempted murder of Long Beach Police officer Abel Dominguez.

SUGGESTED ACTION:

Adopt resolution.

Direct City Clerk to transmit resolution and any supporting documents to the State Board of Prison Terms for its consideration.

ORDINANCE:

46. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Ordinance authorizing an amendment to the contract between the City of Long Beach and the Board of Administration of the California Public Employees' Retirement System and authorizing the City Manager of said City to execute said amendment for and on behalf of the City of Long Beach. (Citywide)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the meeting of August 24, 2004.

NEW BUSINESS:

47.

48.

49.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity given to citizens to address the City Council on non-agenda items who have not already addressed the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

REMINDERS:

Economic Development and Finance Committee (Attorney/Client) at 4:50 P.M.

August 10, 2004, hearing 2003-2004 Local Implementation Report of the Congestion Management Program (CMP). (Citywide)

August 10, 2004, Hearing on appeal of Foreston Trends on imposition of Transportation Improvement Fee for construction of 25,000 square foot addition to existing 18,000 square foot warehouse facility at 1483 Via Plata Street. (District 8)

August 17, 2004, Hearing on application of Gourmet Properties, dba Club 49 for Permit for Entertainment with Dancing by Patrons at a Restaurant with Alcohol at 49 S. Pine Avenue. (District 2)

August 17, 2004, Hearing on application of DL, GL and P, Inc., dba Til Two Club, for Permit for Entertainment without Dancing by Patrons at an Existing Bar/Tavern/Lounge at 475 W. Willow Street. (District 6)

NOTE: An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802. You may view the agenda or documents on the Internet at www.longbeach.gov. E-Mail correspondence can be directed to cityclerk@longbeach.gov. Agenda items may be reviewed in the City Clerk Department or the Plaza Level Information Desk of the Main Library and at Branch Libraries. Communicate through the Telephone Device for the Deaf (TDD) at (562) 570-6626. If a special accommodation is desired pursuant to the Americans with Disabilities Act, or if you need the agenda provided in an alternate format, please phone the City Clerk Department at (562) 570-6101 by 12 noon Monday. Inquire at the City Council Chamber Audio-Visual Room for an assistive listening device.