

**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, SEPTEMBER 7, 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

**PRESENTATION OF MEMORIAL RESOLUTION
IN HONOR OF JAMES H. ACKERMAN**

**PRESENTATION BY ASSEMBLYMEMBERS JENNY OROPEZA AND ALAN LOWENTHAL,
AND SENATOR BETTY KARNETTE
OF STATE RESOLUTIONS OF BRAVERY TO
OFFICERS BRET MILOVICH, CIARAN CRAWFORD AND WILLIAM JOHNSTON**

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 HEARINGS:

1. DEPARTMENT: PUBLIC WORKS

SUBJECT: Resolution ordering the vacation of a portion of the alley west of Long Beach Boulevard and north of Fourteenth Street, reserving easements for utilities.
(District 1)

SUGGESTED ACTION:

Receive supporting documentation into the record, conclude the hearing, find that the area to be vacated is not needed for present or prospective public use, and adopt the resolution ordering the vacation of public right-of-way.

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:

Continue to Tuesday, October 19, 2004 at 5:00 P.M.

HEARINGS:

3. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Disposition and Development Agreement with Olson 737 – Long Beach 2, LLC for sale of property on southwest corner of Broadway and The Promenade – Downtown Long Beach Redevelopment Project Area. (Resolution approving the proposed Disposition and Development Agreement between the Redevelopment Agency of the City of Long Beach, California, and Olson 737-Long Beach 2; finding that the consideration for the sale of certain real property in the Downtown Long Beach Redevelopment Project is not less than fair market value in accordance with covenants and conditions governing such sale; and approving the sale of the property and the Disposition and Development Agreement.) (District 2)

SUGGESTED ACTION:

Receive supporting documentation into the record, conclude hearing, and approve the Disposition and Development Agreement;

Adopt resolution making certain findings with respect to the project; and

Approve and authorize City Manager to execute the Disposition and Development Agreement and any additional agreements to implement the Disposition and Development Agreement.

4. DEPARTMENT: PUBLIC WORKS

SUBJECT: Resolution ordering the vacation of the north-south alley west of Downey Avenue and north of South Street. (District 9)

SUGGESTED ACTION:

Receive supporting documentation into the record, conclude the hearing, find that the area to be vacated is not needed for present or prospective public use, and adopt the resolution ordering the vacation of public right-of-way.

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 City Clerk Department prior to the beginning of the Council meeting.

CONSENT CALENDAR: (5- 19)

5. DEPARTMENT: CITY AUDITOR

SUBJECT: Contract for audit services with KPMG, LLP.

SUGGESTED ACTION:

Authorize City Manager to execute contract for term of one year October 1, 2004 to September 30, 2005, in amount not to exceed \$429,850.

6. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages.

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between August 19, 2004 and September 2, 2004.

7. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: First Amendment to Lease No. 26453 with Charles L. Truitt and Donald K. Truitt for the office premises at 425 Atlantic Avenue to house City of Long Beach Neighborhood Resource Center. (District 1)

SUGGESTED ACTION:

Authorize City Manager to execute amendment and any subsequent amendments except those pertaining to rent, at the effective monthly rental rate of \$1.09 per rentable square foot extending the term for a period of five years with the approval of the City Council.

8. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Amendment to Lease No. 27497, with Amusement Industry, Inc., a California Corporation for Neighborhood Police Community Center for office space located at 1320 Gaviota Avenue. (District 6)

SUGGESTED ACTION:

Authorize City Manager to execute amendment at an initial annual rent of \$13,104 for a period of two years, with two additional one-year extension options executed at the discretion of the City Manager.

9. DEPARTMENT: COMMUNITY DEVELOPMENT AND HEALTH AND HUMAN SERVICES

SUBJECT: Renewal of Lease No. 23673, with Thomas F. Merrick and Barbara A. Merrick, Individuals, for Department of Health and Human Services Women, Infants and Children Program office at 13-17 Market Street. (District 9)

SUGGESTED ACTION:

Authorize City Manager to execute a five-year lease for office space at an initial annual cost of \$32,280.

10. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Refund overpayment of \$9,000 for utility services to utility customer Geoffrey Garth.

SUGGESTED ACTION:

Authorize issuance of a refund check in the amount of \$9,000 to Geoffrey Garth.

11. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Investment Report for Quarter Ending June 30, 2004. (Citywide)

SUGGESTED ACTION:

Receive and file report.

12. DEPARTMENT: LAW

SUBJECT: Second amendment to Contract No. 28728 with legal counsel M. Brian McMahon in matter entitled Long Beach Oil Development Company vs. City of Long Beach, et al.

SUGGESTED ACTION:

Authorize City Manager to execute amendment to increase total amount of contract by an additional \$300,000.

13. DEPARTMENT: OIL PROPERTIES

SUBJECT: Elevation Changes in City of Long Beach, November 2003 to May 2004.

SUGGESTED ACTION:

Receive and file report.

14. DEPARTMENT: POLICE

SUBJECT: Alcoholic Beverage License Application (Person-to-Person Transfer).

A. Application of Uka's Big Saver Foods Incorporated, dba Big Saver Foods, for a person-to-person transfer of an off-sale general license at 1500 West Willow Street. (District 7)

SUGGESTED ACTION:

Receive and file with existing conditions.

15. DEPARTMENT: PUBLIC WORKS

Withdrawn SUBJECT: ~~Granting of facility/pipeline permit under existing Ordinance No. C-4703 of Pacific Terminals LLC, to allow installation of conduits and two cabinets along Lakewood Boulevard at Spring Street to enable remote operation of an existing pipeline valve. (District 5)~~

SUGGESTED ACTION:

~~Determine that granting Facility/Pipeline Permit Supplement No. S-4-04, will not be contrary to the public interest; and authorize City Manager to issue said permit supplement in accordance with Section 15.44.060, Permit Issuance, of the Long Beach Municipal Code.~~

16. DEPARTMENT: PUBLIC WORKS

SUBJECT: Third Amendment to Agreement No. 27232 with City of Seal Beach to provide maintenance, repair, and collection services for parking meters by the City of Long Beach. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute amendment for an additional three years, until January 31, 2007, at the rate of \$12,000 per year.

17. DEPARTMENT: TECHNOLOGY SERVICES

SUBJECT: Second Addendum to Agreement No. 26981 with Computer Associates International, Inc., to provide software licenses and maintenance. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute second addendum for a term of three years in an amount not to exceed \$115,990 annually.

18. DEPARTMENT: VARIOUS

SUBJECT: Minutes for filing:

Harbor Commission, August 23, 2004
Parks and Recreation Commission, July 15, 2004
Planning Commission, July 1, 2004
Water Commission, August 5, 2004

SUGGESTED ACTION:

Receive and file.

19. DEPARTMENT: LEGISLATIVE

SUBJECT: Memorial Resolution for James H. Ackerman.

SUGGESTED ACTION:

Adopt resolution.

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

UNFINISHED BUSINESS:

20. DEPARTMENT: PUBLIC WORKS

SUBJECT: Establishment of parking meter rates in the Pike at Rainbow Harbor Area, establishment of parking rate for the Shoreline Park parking lot, and increase rate for the Marina Green parking lot. (District 2)

SUGGESTED ACTION:

Request City Attorney to prepare resolution establishing a parking meter rate of \$.50 for each 15 minutes or less for parking meter zones 19 - 25;

Request City Attorney to prepare resolution establishing the parking rate for Shoreline Park parking lot at \$2.00 per hour; and

Request City Attorney to prepare resolution increasing the parking rate for the Marina Green parking lot from \$1.00 per hour to \$2.00 per hour.

BUDGET HEARING: 7:00 P.M.

21. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Fiscal Year 2004 Budget Adoption.

(Resolution approving the 2004-2005 budget of the Long Beach Water Department as adopted.)

(Ordinance approving Resolution No. WD-1195, a resolution of the Board of Water Commissioners of said City establishing the rates and charges fixed therein to be charged for water and sewer service.)

(Resolution approving the 2004-2005 budget of the Long Beach Harbor Department.)

(Resolution amending and restating the schedule of civil penalties and administrative fees for the enforcement of various parking violations.)

(Resolution setting rates of parking meter fees for parking meter zones pursuant to Section 10.28.130 of the Long Beach Municipal Code.)

(Resolution increasing the amount of the administrative charge established to cover City costs incurred because of the late payment of utility bills.)

(Resolution establishing fees for health services.)

(Resolution establishing fees for special events and filming.)

(Resolution amending the Long Beach Marina Rules and Regulations' fees, rates and charges for Fiscal Year 2004-2005.)

(Resolution establishing, amending and restating the schedule of fees for use of the Leeway Sailing Center.)

(Resolution adding Section III.S and amending Sections III.I, III.J, and IV.C of the Long Beach Marina Rules and Regulations.)

(Resolution approving changes in gas utility rates, classifications, and utility fees and charges.)

(Resolution confirming, readopting and amending fees for the administration of various functions and services of the Department of Library Services of the City of Long Beach [2004-2005].)

(Resolution to establish and revise rates for emergency ambulance transportation service by municipally owned or operated vehicles and rescinding Resolution No. C-28297.)

(Resolution establishing fees for tree planting and vehicle inspection.)

(Resolution establishing rates and fees to be charged at the Long Beach Airport and rescinding Resolution No. C-28205.)

(Resolution adopting an appropriations limit for the City of Long Beach for the 2004-2005 Fiscal Year pursuant to Article XIII(B) of the California Constitution.)

SUGGESTED ACTION:

- (1) Adopt Resolution approving the FY 05 budget of the Long Beach Water Department as adopted by the Board of Water Commissioners on July 15, 2004.
- (2) Declare Ordinance approving the resolution fixing rates and charges for water and sewer service to all customers, as adopted by the Board of Water Commissioners on July 15, 2004, read the first time and laid over to the next regular meeting of the City Council for final reading.
- (3) Adopt Resolution approving the FY 05 budget for the Long Beach Harbor Department as adopted by the Board of Harbor Commissioners on July 12, 2004.
- (4) Request City Attorney to amend the ordinance concerning meter reading to continue to bill utilities each month, but read the meter every other month and estimate the interim month based upon usage for the same period of the prior year.

The following fee increases will generate revenues offsetting new costs or existing departmental program expenses proposed for FY 05:

- (5) Adopt the Resolution increasing various parking enforcement fees.
- (6) Adopt the Resolution setting rates of parking meter fees.
- (7) Authorize City Manager to enter into an agreement with Downtown Long Beach Business Association to fund promotional and marketing activities totaling \$100,000.
- (8) Request Redevelopment Agency Board to establish and fund a Future Downtown Facilities Parking Reserve, totaling \$143,000 annually.
- (9) Adopt Resolution increasing late fees on utility bills from 1.5 percent to 4.0 percent.
- (10) Adopt Resolution establishing and increasing various Health Services fees.
- (11) Adopt Resolution establishing and increasing Special Events fees.
- (12) Adopt Resolution establishing and increasing Long Beach Marina fees.
- (13) Adopt Resolution amending and restating the schedule of fees for use of the Leeway Sailing Center.
- (14) Adopt Resolution amending Long Beach Marina rules and regulations.
- (15) Adopt the Resolution increasing general gas services fees and miscellaneous fees.
- (16) Adopt the Resolution establishing and increasing Library Services fees.
- (17) Adopt the Resolution establishing and increasing Emergency Ambulance Transportation Services fees.
- (18) Adopt the Resolution establishing tree planting and vehicle inspection services fees.

- (19) Adopt Resolution establishing Long Beach Airport service rates and fees.
- (20) Approve FY 05 One-Year Capital Improvement Program.
- (21) Adopt a motion approving the budgets for the Redevelopment Agency's Project Area Committees in the amounts of \$45,695 for Central Long Beach, \$68,000 for West Long Beach Industrial and \$42,000 for North Long Beach.
- (22) Request Redevelopment Agency Board to consider increasing its budget by \$1.3 million to repay the General Fund a portion of the outstanding loans in order to assist the General Fund with revenue impacts imposed by the State's FY 05 budget.
- (23) Adopt a motion approving the budget for the Long Beach Housing Development Company in the amount of \$11,249,952, which is included in the budget of the Department of Community Development.
- (24) Adopt a motion approving the transfer of \$6,850,777 from the Harbor Fund to the Tidelands Operating Fund.
- (25) Adopt Resolution adopting an appropriations limit (Gann) for FY 05 pursuant to Article XIII(B) of the California Constitution.
- (26) Adopt Mayor's proposed funding recommendations, as amended, to the FY 05 Proposed Budget.
- (27) Adopt Budget Oversight Committee's proposed funding recommendations, as amended, to the FY 05 Proposed Budget.
- (28) Endorse Updated Three-Year Financial Strategic Plan.
- (29) Adopt a motion amending the proposed budget.
- (30) Declare an emergency to exist.
- (31) Declare the Appropriations Ordinance for FY 05, creating and establishing the funds of the Municipal Government and appropriating money to and authorizing expenditures from said funds and for said fiscal year as an emergency ordinance, read and adopted as read.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

22. OFFICE: MAYOR BEVERLY O'NEILL

SUBJECT: Cancellation of November 2, 2004 City Council meeting.

SUGGESTED ACTION:

Suspend Council rule contained in Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of November 2, 2004 due to Presidential Election.

23. COUNCIL OFFICE: COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT
COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT

SUBJECT: Legislative authority for the City and support AB 2042.

SUGGESTED ACTION:

Request City Attorney to prepare Charter Amendment reserving exclusive legislative authority to the City Council.

Request City Manager to communicate the City's support of AB 2042 to Governor Schwarzenegger and urge him to adopt the legislation.

24. DEPARTMENT: COMMUNITY DEVELOPMENT, PARKS, RECREATION AND MARINE,
PUBLIC WORKS

SUBJECT: Acquisition of 1.22-Acre Site at 903 Fairbanks Avenue from Maing H. Taing Trust for the Drake/Chavez Greenbelt Project. (District 1)

SUGGESTED ACTION:

Authorize City Manager to execute all documents related to the acquisition; and expend \$2,050,000 for the acquisition of the property, including goodwill, relocation, escrow fees and other services.

25. ~~DEPARTMENT: COMMUNITY DEVELOPMENT~~

Withdrawn

~~SUBJECT: Amendment to loan agreement for development of the Pacific Apartments.
(District 1)~~

~~SUGGESTED ACTION:~~

~~Approve amendment to Loan Agreement to increase the loan amount from \$1,850,000 to \$3,680,000, authorize City Manager to execute all documents necessary to consummate the transactions contemplated by the amended Loan Agreement, and authorize execution of any and all additional documents necessary or appropriate in connection therewith.~~

26. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Rejection of CalPERS payment deferment option.

SUGGESTED ACTION:

Recommend that City not accept from CalPERS the deferral of any of its scheduled pension payments at this time.

27. DEPARTMENT: PUBLIC WORKS

SUBJECT: Additional Federal Emergency Management Agency funding for the public safety building. (District 2)

SUGGESTED ACTION:

Authorize City Manager to execute documents necessary to accept and administer the additional grant funds.

Increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$1,278,750.

28. DEPARTMENT: PUBLIC WORKS

SUBJECT: Amendment to Section 10.24.076 of the Long Beach Municipal Code relating to parking of oversized vehicles on both sides of Euclid Avenue between Ocean Boulevard and Second Street. (District 3)

SUGGESTED ACTION:

Request City Attorney to prepare amendment to Section 10.24.076 of the Long Beach Municipal Code, adding a new subsection to read:

“Euclid Avenue between Ocean Boulevard and Second Street.”

29. DEPARTMENT: PUBLIC WORKS

SUBJECT: Amendment to Section 10.24.076 of the Long Beach Municipal Code relating to parking of oversized vehicles on north side of Ocean Boulevard between Temple Avenue and Molino Avenue. (District 3)

SUGGESTED ACTION:

Request City Attorney to prepare an amendment to Section 10.24.076 of the Long Beach Municipal Code, adding a new subsection to read:

“The north side of Ocean Boulevard between Temple Avenue and Molino Avenue.”

30. DEPARTMENT: PUBLIC WORKS

SUBJECT: Bus stop installations on northwest corner of Pacific Coast Highway at Santa Fe Avenue, the northwest and southeast corners of Pacific Coast Highway at Judson Avenue/Technology Place, the southwest corner of Redondo Avenue at Spring Street and the southwest corner of Atlantic Avenue at Coolidge Street. (Districts 1,5,7,9)

SUGGESTED ACTION:

Approve installation of bus stops.

RESOLUTIONS:

31. DEPARTMENT: LAW

SUBJECT: Resolution in support of Proposition 1A.

SUGGESTED ACTION:

Adopt resolution.

32. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Resolution authorizing the City Manager to execute, on behalf of said City, a contract with Duncan Industries without advertising for bids for furnishing electronic parking meters and accessories. (Districts 2,3)

SUGGESTED ACTION:

Adopt resolution authorizing City Manager to enter into a contract for purchase of 805 electronic meters and housings in an amount not to exceed \$330,000.

ORDINANCES:

33. DEPARTMENT: PLANNING COMMISSION

SUBJECT: Ordinance amending and restating the Los Alamitos Land Planned Development District [PD-17] in its entirety. (District 4)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

34. DEPARTMENT: PLANNING COMMISSION

SUBJECT: 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 10 of said map from R-2-N [Two-Family Residential] and CCP [Community Commercial-Pedestrian Oriented] to I [Institutional] for properties located at 1401, 1409 and 1427 E. Anaheim, 1315 and 1327 Peterson, and 1320 and 1324 Gundry Avenue, in the City of Long Beach [0207-22]) (District 6)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

35. DEPARTMENT: LAW

SUBJECT: Ordinance declaring BMX bike riding to be a hazardous recreational activity; and by amending the Long Beach Municipal Code by amending Subsections G and J of Section 16.16.015, and by adding Section 16.16.017, relating to the use of bicycles in skate parks.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

36. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Subsection 71 of Section 10.14.020.A, relating to one-way traffic operations.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

NEW BUSINESS:

37. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Report regarding mosquito-borne West Nile Virus prevention activities.

SUGGESTED ACTION:

Receive and file.

38.

39.

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:

Personnel and Civil Service Committee at 4:00 P.M.

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

September 14, 2004, Appeal of California Earth Corps of Harbor Commission certification of Pier J Final Environmental Impact Report.

September 14, 2004, Hearing on Disposition and Development Agreement with Hugh Roberts Construction Inc. for 2115 W. 16th Street. (District 1)

September 21, 2004, Hearing on resolution approving an Annual Report for October 1, 2004 to September 30, 2005 for the Belmont Shore Parking and Business Improvement Area and declaring its intention to levy the annual assessment for that fiscal year. (District 3)

September 21, 2004, Hearing on resolution approving an Annual Report for October 1, 2004 to September 30, 2005 for the Bixby Knolls Parking and Business Improvement Area (PBIA) and declaring its intention to levy the annual assessment for that fiscal year. (Districts 7,8)

September 21, 2004, Hearing on zoning amendment to PD-30. (Districts 1,2)

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.