

**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, OCTOBER 5, 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 PROCLAMATION FOR ARTS MONTH
OCTOBER 2004**

**PRESENTATION OF PROCLAMATION FOR DISABILITY AWARENESS MONTH
OCTOBER 2004**

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.

HEARINGS:

1. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Enterprise Zone Hiring Credit Application Fee Increase. (Resolution amending the Long Beach Enterprise Zone Application Fee.) (Citywide)

SUGGESTED ACTION:

Receive supporting documentation into the record, conclude the hearing, and adopt resolution.

2. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Application of El Dorado Restaurant & Lounge, LLC, dba El Dorado Restaurant, 3014 Studebaker Road, Unit C, for a permit for entertainment with dancing by patrons at an existing restaurant with alcohol. (District 5)

SUGGESTED ACTION:

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

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: (3 - 17)

3. DEPARTMENT: CITY AUDITOR
SUBJECT: Review of production tax and well permit collection.
SUGGESTED ACTION:
Receive and file.

4. DEPARTMENT: CITY CLERK
SUBJECT: Claims for Damages.
SUGGESTED ACTION:
Refer to City Attorney the damage claims received between September 16, 2004 and September 30, 2004.

5. DEPARTMENT: CITY CLERK
SUBJECT: Biennial Conflict of Interest Code review for departments and commissions.
SUGGESTED ACTION:
Approve amended Conflict of Interest Codes.

6. DEPARTMENT: CITY MANAGER
SUBJECT: Agreement with Public Corporation for the Arts of the City of Long Beach, Inc., to fund arts and cultural activities. (Citywide)
SUGGESTED ACTION:
Authorize City Manager to execute agreement in the amount of \$600,000 for a period of one year.

7. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Agreement with Forensic Nurse Specialists, Inc., for provision of Sexual Assault Response Team services to Long Beach sexual assault victims. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute agreement for a period of one year, in an amount not to exceed \$100,000; and authorize City Manager to extend agreement for up to two consecutive one-year terms at the same annual amount.

8. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Fifth Amendment to Agreement No. 25481 with State of California Department of Health Services to provide a teen pregnancy prevention program and second amendments to Agreements No. 28132, 28130, 28155, and 28131 with community agencies. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute Fifth Amendment to Agreement No. 25481, and all subsequent amendments, with State of California Department of Health Services to provide services under the Community Challenge Grant Program, in an amount not to exceed \$250,000 for a one-year period;

Authorize City Manager to execute second amendments to Agreements No. 28130, 28131, 28132, and 28155 extending each for an additional one-year period and increasing the "not to exceed" amount to each agency; and authorize City Manager to extend agreements for up to two separate, consecutive periods of one year each, subject to funding from State and adequate performance by agency; and

Increase appropriations in Health Fund (SR 130) and in Department of Health and Human Services (HE) by \$250,000.

9. DEPARTMENT: LAW

SUBJECT: Stipulations with Requests for Awards.

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$36,890 in compliance with Appeals Board order for claim of Randi Castillo; and \$58,862.50 for claim of Jerry Lee Gowin.

10. DEPARTMENT: LAW

SUBJECT: Lawsuit of Dollye Bramlett v. City of Long Beach, et al.

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$8,000 in full settlement.

11. DEPARTMENT: LAW
SUBJECT: Lawsuit of City of Long Beach v. Euromarket Designs, et al.
SUGGESTED ACTION:
 Authorize City Attorney to accept sum of \$216,954.77 in full settlement.

12. DEPARTMENT: LAW
SUBJECT: First amendment to contract with legal counsel Hancock, Rothert & Bunshoft, LLP in the matter entitled John Donaldson, et al. vs. City of Long Beach, et al.
SUGGESTED ACTION:
 Authorize City Manager to execute amendment to increase total amount of contract by an additional \$50,000.

13. DEPARTMENT: PARKS, RECREATION AND MARINE
SUBJECT: Approval of Right of Entry Permit to Aquarium of the Pacific for renovation of the Wave Fountain located in Aquarium Plaza. (District 2)
SUGGESTED ACTION:
 Authorize City Manager to execute permit granting temporary access for renovation purposes for a period of five months.

14. DEPARTMENT: PUBLIC WORKS
SUBJECT: Granting of Facility/Pipeline Permit Supplement No. S-4-04, to Pacific Terminals, LLC, for installation of conduits and two cabinets on Lakewood Boulevard at Spring Street, and authorizing discretionary permit to excavate in Lakewood Boulevard at Spring Street, in accordance with Ordinance No. C-7933. (District 5)
SUGGESTED ACTION:
 Determine granting to Permit Supplement No. S-4-04 under existing Ordinance No. C-4703 will not be contrary to the public interest;

 Authorize City Manager to issue said permit supplement in accordance with Section 15.44.060, Permit Issuance, of the Long Beach Municipal Code; and

 Authorize discretionary permit to excavate in accordance with Ordinance No. C-7933.

15. DEPARTMENT: PUBLIC WORKS AND POLICE

SUBJECT: Acceptance of two Pedestrian Safety Grants from California Office of Traffic Safety. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute documents necessary to accept and administer Pedestrian Countdown Heads grant and the Interagency Pedestrian Bicycle Safety Program grant;

Increase appropriations in Capital Projects Fund (CP) in Department of Public Works (PW) by \$70,000 for Pedestrian Countdown Heads grant; and

Increase appropriations in Capital Projects Fund (CP) in Department of Public Works (PW) by \$80,000 and increase appropriations in General Grants Fund (SR 120) in Police Department (PD) by \$153,900 for Interagency Pedestrian Bicycle Safety Program grant.

16. DEPARTMENT: VARIOUS

SUBJECT: Minutes for filing:

Harbor Commission, September 13, 2004
Parks and Recreation Commission, August 19, 2004
Water Commission, September 2, 2004

SUGGESTED ACTION:

Receive and file.

17. DEPARTMENT: LEGISLATIVE

SUBJECT: Proclamations for Arts Month October 2004 and Disability Awareness Month October 2004.

SUGGESTED ACTION:

Approve.

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

18. COUNCIL OFFICES: COUNCILMEMBER PATRICK O'DONNELL, FOURTH DISTRICT
COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT
COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT

SUBJECT: Establish guiding principles for airport marketing and user responsibilities.

SUGGESTED ACTION:

Refer to Transportation and Infrastructure Committee.

19. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Specifications No. PA-00505 and award contracts to Sudduth Tire Company, Incorporated, and Scher Tire, Incorporated to purchase tires and tire services. (Citywide)

SUGGESTED ACTION:

Adopt specifications and award contracts in estimated annual amount of \$500,000 for a term of one year, with the option for two additional one-year periods; and

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

20. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Agreements with United States Department of Housing and Urban Development for Healthy Homes Initiative and Lead-Based Paint Hazard Control Program. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute all necessary documents for a period of three years; and

Increase appropriations in Health Fund (SR130) and in Department of Health and Human Services (HE) by \$3,488,173.

21. DEPARTMENT: OIL PROPERTIES

SUBJECT: Crude Oil Marketing Agreement with Tidelands Oil Production Company.
(Districts 1,2)

SUGGESTED ACTION:

Authorize City Manager to execute agreement between the City of Long Beach, Long Beach Unit Operator, and Tidelands Oil Production Company and to approve extensions or to terminate agreement for sale of oil allocated to Long Beach Unit Townlot Working Interest Owners and for sale of City's Uplands Oil in Townlot area of Long Beach Unit and Fault Block IV and V Ranger Zone Units for three-year term starting November 1, 2004, with two one-year extensions.

22. DEPARTMENT: PUBLIC WORKS

SUBJECT: Plans and Specifications No. R-6644 for construction of a replacement canopy over the north baggage claim area at Long Beach Airport. (District 5)

SUGGESTED ACTION:

Adopt Plans and Specifications and authorize City Manager to advertise for bids.

RESOLUTIONS:

23. DEPARTMENT: CITY CLERK

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

SUGGESTED ACTION:

Approve destruction of records for City Auditor; and

Adopt resolution.

24. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution authorizing the City Manager to purchase one aerial ladder truck through the contract between the City of Grand Rapids and Seagrave Fire Apparatus, LLC. (Citywide)

SUGGESTED ACTION:

Adopt resolution for the purchase of vehicle pursuant to Cooperative Purchase Agreement, Purchase Order No. 0400158808, in an amount not to exceed \$661,737.

25. DEPARTMENT: FINANCIAL MANAGEMENT
SUBJECT: Resolution authorizing the City Manager to purchase one tractor drawn aerial ladder truck through the contract between the Village of Ridgefield Park and Seagrave Fire Apparatus, LLC. (Citywide)
SUGGESTED ACTION:
Adopt resolution for the purchase of vehicle pursuant to contract dated December 17, 2003 in an amount not to exceed \$742,201.
26. DEPARTMENT: LONG BEACH ENERGY
SUBJECT: Resolution authorizing the City Manager to execute a lease with the State Lands Commission for relocated natural gas Line 1228. (Citywide)
SUGGESTED ACTION:
Adopt resolution for lease of a portion of the Bolsa Chica Wetlands.
27. DEPARTMENT: PUBLIC WORKS
SUBJECT: Resolution of Intention to Vacate the East-West Alley East of Elm Avenue and North of Broadway. (District 2)
SUGGESTED ACTION:
Adopt resolution and set date for public hearing on November 9, 2004.

ORDINANCES:

28. DEPARTMENT: PLANNING COMMISSION
SUBJECT: Ordinance amending and restating the Downtown Planned Development District (PD-30). (Districts 1,2)
SUGGESTED ACTION:
Declare ordinance read and adopted as read.
29. DEPARTMENT: PARKS, RECREATION AND MARINE
SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Sections 6.16.090, 6.16.210 and 6.16.310 providing for the exercise of dogs upon a designated portion of the beach of the City of Long Beach and providing for the enforcement thereof.
SUGGESTED ACTION:
Declare ordinance read and adopted as read.

NEW BUSINESS:

- 30.
- 31.
- 32.

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 4:00 P.M.,
14th Floor Conference Room.

October 12, 2004, Hearing on rezoning of Martin Luther King Jr. Avenue between 17th Street and PCH; and along New York Street between Martin Luther King Jr. Avenue and Myrtle Avenue. (District 6)

October 12, 2004, Hearing on application of Alibi Sports Bar for a Permit for Entertainment without Dancing by Patrons at existing bar/tavern/lounge at 2706 South Street. (District 9)

October 12, 2004, Hearing on resolution of intention to vacate the five-foot wide alley east of Sixty-Seventh Place and south of Ocean Boulevard. (District 3)

October 19, 2004, Continued Hearing on 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)

October 19, 2004, Hearing on Menorah Housing Foundation, northwest & southwest corners of Atlantic Avenue & Vernon Street. (District 6)

October 19, 2004, Hearing on appeal of Planning Commission's decision to approve a Standards Variance for construction of a single-family residence at 56 La Linda Drive. (District 8)

October 19, 2004, Hearing on application of Fresh Ideas Daily, LLC for a permit for Entertainment with Dancing by Patrons at an existing hall rental at 290 Cerritos Avenue. (District 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.