



Irma Heinrichs/CH/CLB  
Executive Assistant  
City Clerk Department  
(562) 570-6228  
03/04/2009 08:54 AM

To Nancy Muth/CH/CLB@CLB  
cc  
bcc  
Subject Fw: Truck Route Law Amendment

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----- Forwarded by Irma Heinrichs/CH/CLB on 03/04/2009 08:54 AM -----



Mike Boer  
<mike@boerbackhoe.com>

03/03/2009 11:45 PM

To distrtict1@longbeach.gov, distrtict2@longbeach.gov,  
distrtict3@longbeach.gov, distrtict4@longbeach.gov,  
distrtict5@longbeach.gov, distrtict6@longbeach.gov,  
distrtict7@longbeach.gov, distrtict8@longbeach.gov,  
distrtict9@longbeach.gov, cityclerk@longbeach.gov,  
mayor@longbeach.gov

cc

Subject Truck Route Law Amendment

I am sending this email to the Mayor, the City Council, and the City Clerk. I am asking the City Clerk to forward it to the Mayor and Council as well with the hope that a communication that comes from the City Clerk will actually be read as opposed to filed in the round file with the thousands of other emails you must receive weekly.

First of all, I am attaching a copy of the piece of paper I held in my hand three times in front of council. It is the cause of the whole pickup issue that has caused so much grief for everyone. Three times I told Council that they changed the definition of a commercial vehicle in 2007. Three times they told me they did not. Three times I held the paper in my hand to prove the fact I was trying present to them. Three times they **REFUSED** to look at it. I also communicated it through emails. I will say that Council did actually ask one time if what I was saying was true, and they were told the definition did not change. Unfortunately, the people advising them of this were the same people giving them advice on this whole issue and were incompetent. Regardless of the fact they were told it did not change, when I stand before you **THREE** times holding out the paper, and no one will send anybody to just **LOOK** at it, instead you listen to someone who is just trying to **REMEMBER** what you did in 2007, I hold you accountable for ignoring me and assuming I am a liar or do not know what I am talking about. I have attached a copy of this piece of paper with this email. This comes right out of the Long Beach agenda archives in case you still do not believe me. Check for yourself. You added **as defined in Cal. Veh. Code Section 260, Subd .(a).** You did not even include the whole Section 260. I'm sure the Council and the people you depend upon for advice had no idea of the actual consequences of their action when they changed the law to make pickups subject to truck route law.

I doubt anyone knows the consequences of tonight's action either. You basically just made your Commercial Vehicle Truck Route Law apply to vehicles that **NO ONE** intended it to apply to 30 years ago when these laws were written. These laws were written for vehicles that the State applies Commercial Vehicle Law to. **MOST** people think that we are **RELAXING** a 30 year old law that other cities have as well just to accommodate people because pickups have gotten bigger. **That is not true.** In fact, tonight, Long Beach just passed a more restrictive law than we or the surrounding cities have ever had. Again I will give the Council a break because they were given **BAD** advice, facts, and options. I knew Option 2 would not pass as presented. Even though it was the best option presented to Council at the Committee meeting, it was a complicated, expensive, bad idea. I drafted an Option 4 after the Committee meeting but I did not send it to the Clerk and I doubt anyone even considered it because I am just a dumb truck owner. I can assure you that if Long Beach Police Dept. would actually enforce the law you voted for tonight, and utility trucks are not allowed to drive off truck routes unless they are on the shortest route to a permitted job, you will be overwhelmed with angry residents and visitors to this city. There is a chance that the PD will not write tickets because they know the law is bad, but eventually because of complaints or an overeager officer or two, you will look foolish for this decision. Mark my words. The tradesmen just got hosed by the City of Long Beach. Freedom was stripped from good hardworking men and businesses because people trying to do what they thought best got bad information, false facts, and did not have a better option in front of them.

In closing, I want to state one more time that the Council probably is not entirely to blame for picking the best option presented to them, even though it was a bad option. Had they read the supporting documents that were included with the public agenda, they would have been better educated to make a decision though. Unless of course they assumed I was a fool. And I **DO** hold Council accountable for assuming I am either a fool or a liar and not spending 30 seconds to look at the proof I held in front of their face **THREE TIMES.** I heard Councilman O'Donnell thank Mr. Roseman for doing a good job and working half a day on this presentation. I almost busted out in laughter. I am quite certain it is his job and I was paying him to do it. Plus it was full of errors still. I stayed up all night Sunday for nothing. After exposing the errors in his original presentation, and trying to get actual facts on paper for you to look at, I get to the Council meeting and find out it is now a different presentation and no one even read my facts. Then I try to show you the actual root of the whole problem and get the hand in the face, sit down and shut up please. Here is the Sept. 2007 agenda if anyone cares.

Mike Boer



truck ordinance ammendment.pdf



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-34**

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

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Assistant City Attorney

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Lisa Peskay Malmsten  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin

September 4, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Adopt ordinance amending the Long Beach Municipal Code by amending Subsection 10.40.010(B) relating to the parking of commercial vehicles including vehicles for hire or advertised for hire in residential zones read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

**DISCUSSION:**

Pursuant to your request of August 21, 2007, this office has prepared and submits the above-described ordinance for your consideration.

The amendment is shown in the attached redline.

**SUGGESTED ACTION:**

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

AMY R. BURTON  
Deputy City Attorney

REDLINE

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10.40.010 Establishment.

B. When any such truck route or routes are established and designated by appropriate signs, no operator of a commercial vehicle, as defined in Cal. Veh. Code Section 260, Subd.(a), exceeding a maximum gross weight of three tons shall operate or park, and no vehicle for hire or advertised for hire shall park, along any other route or routes, except that nothing in this section shall prohibit such vehicle from coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or the immediate loading and unloading of passengers, or from parking in designated areas such as taxi zones or bus zones, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such restricted streets.

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SUBSECTION  
10.40.010(B) RELATING TO THE PARKING OF  
COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

The City Council of the City of Long Beach ordains as follows:

Section 1. Subsection 10.40.010(B) of the Long Beach Municipal Code  
is hereby amended to read as follows:

B. When any such truck route or routes are established and  
designated by appropriate signs, no operator of a commercial vehicle, as  
defined in Cal. Veh. Code Section 260, Subd.(a), exceeding a maximum  
gross weight of three tons shall operate or park, and no vehicle for hire or  
advertised for hire shall park, along any other route or routes, except that  
nothing in this section shall prohibit such vehicle from coming from a truck  
route having ingress and egress by direct route to and from restricted  
streets when necessary for the purpose of making pickups or deliveries of  
goods, wares and merchandise from or to any building or structure located  
on such restricted streets, or the immediate loading and unloading of  
passengers, or from parking in designated areas such as taxi zones or  
bus zones, or for the purpose of delivering materials to be used in the  
actual and bona fide repair, alteration, remodeling, or construction of any  
building or structure upon such restricted streets.

Section 2. The City Clerk shall certify to the passage of this ordinance by

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 the City Council and cause it to be posted in three conspicuous places in the City of Long  
2 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

3 I hereby certify that the foregoing ordinance was adopted by the City  
4 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2007, by the  
5 following vote:

6 Ayes: Councilmembers: \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10 Noes: Councilmembers: \_\_\_\_\_  
11 \_\_\_\_\_

12 Absent: Councilmembers: \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
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City Clerk

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18 Approved: \_\_\_\_\_  
19 \_\_\_\_\_  
20 Mayor