



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

C-8

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April 15, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the City Council minutes for the meeting of Tuesday, April 1, 2008.

DISCUSSION

The Legistar minutes of the City Council meeting held on Tuesday, April 1, 2008 are attached for review and approval.

Should any district offices have questions regarding the minutes we submit each week, we respectfully request that you contact the City Clerk Department prior to 12:00 p.m. on the day of the City Council meeting. With notice prior to the meeting, City Clerk staff can attempt to resolve any questions that you may have before the start of the regular meeting.

In cases where questions cannot be resolved before the 5:00 p.m. meeting start time, we will request a motion and a second that the minutes be held over for approval to the following week.

TIMING CONSIDERATIONS

None.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

LARRY G. HERRERA
CITY CLERK

Prepared by: Nancy Muth

LGH:nem

Attachment

Bonnie Lowenthal, Vice Mayor, 1st District
Suja Lowenthal, 2nd District
Gary DeLong, 3rd District
Patrick O'Donnell, 4th District



Gerrie Schipske, 5th District
Dee Andrews, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, 9th District

Patrick H. West, City Manager
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Robert E. Shannon, City Attorney

FINISHED AGENDA & DRAFT MINUTES

ROLL CALL: (5:02 PM)

Councilmembers B. Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Lerch
Present:

Councilmembers S. Lowenthal, Reyes Uranga and Gabelich
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager;
Robert Shannon, City Attorney; Laura Doud, City Auditor; Larry Herrera, City Clerk;
Allison Bunma, City Clerk Analyst.

Vice Mayor Bonnie Lowenthal presiding.

Invocation: Moment of Silence.

Flag Salute: Patrick O'Donnell, Councilmember, Fourth District.

SECOND ROLL CALL: (5:03 PM)

Councilmembers B. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich
Present: and Lerch

Councilmembers S. Lowenthal and Reyes Uranga
Absent:

Gabelich joined the meeting.

Pet Adoption: Kathy Schofield, spcaLA, presented a feline.

Proclamation presented for National Library Month and Khmer Book Project for Mark Twain Library. (5:05 PM)

Vice Mayor B. Lowenthal spoke.

THIRD ROLL CALL: (5:05 PM)

Councilmembers B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske,
Present: Andrews, Gabelich and Lerch

Councilmembers Reyes Uranga
Absent:

S. Lowenthal joined the meeting.

08-0302 Eleanore Schmidt, Director of Library Services, spoke; and submitted a packet of information.

This Handout was received and filed.

Sue Taylor, Branch Librarian at Mark Twain Library, presented a PowerPoint presentation.

Vice Mayor B. Lowenthal spoke.

Proclamation presented for Fair Housing Month. (5:18 PM)

Vice Mayor B. Lowenthal spoke.

Karen Drum spoke.

Councilmember S. Lowenthal spoke regarding Frank Morgan, Fleet Services Manager.

Carlos Velasquez, Interim Manager for Fleet Services, spoke.

Councilwoman Gabelich spoke.

Certificate of Recognition presented to Christina Cates. (5:27 PM)

Councilman Andrews spoke.

Vice Mayor B. Lowenthal announced that Agenda Item Nos. 24 and 21 would be considered at this time and in that order.

HEARINGS: (5:49 PM)

1. 08-0277 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Permit with conditions, or deny the Permit on the application of Wilfredo Antonio Ramos, dba La Hacienda Club, 1551 Santa Fe Avenue, for a Permit for Entertainment With Dancing by Patrons at an existing bar/tavern/lounge. (District 1)

Robert Shannon, City Attorney, spoke.

Mike McFadden spoke.

Anthony Batts, Chief of Police, spoke.

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilwoman Schipske, that the item be laid over to the May 6, 2008 meeting and that the temporary permit be extended to that date, with existing conditions. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

2. 08-0278 Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of SRM Corp., dba Queen's Wharf Restaurant, 555 Pico Avenue, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (District 1)

Suzanne Frick, Assistant City Manager, spoke.

Ben Rockwell spoke.

Anthony Batts, Chief of Police, spoke.

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilman Andrews, to approve recommendation to grant Permit, with conditions. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

PUBLIC COMMENT: (5:59 PM)

Jerry Jensen spoke regarding Schroeder Hall reuse project.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Ben Rockwell spoke regarding Title 24 and change of business ownership over one year.

Harvey Cochran spoke regarding various items of interest.

Josie Acosta spoke regarding the April 8, 2008 election.

Nancy Prerk spoke regarding the Cambodian New Year parade.

Karl Miller spoke regarding website for lost pets.

James Ota spoke regarding CAAP.

Roberto Carbajal spoke regarding Faradismo.

08-0303 Jim Lewis spoke regarding a successful operation season of LAHSA Winter Shelter and submitted correspondence.

This Handout was received and filed.

Councilman Andrews spoke.

CONSENT CALENDAR: (6:26 PM)

Passed The Consent Calendar

A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to approve Consent Calendar Items 3-18, except for Items 10, 11 and 17. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

3. 08-0275 Recommendation to suspend the rule contained in Long Beach Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of April 8, 2008.

A motion was made to approve recommendation on the Consent Calendar.

4. 08-0276 Recommendation to request City Attorney to prepare a resolution declaring April 19, 2008 as C-17 Day.

A motion was made to approve recommendation on the Consent Calendar.

5. 08-0293 Recommendation to receive and file a report on travel to Sacramento to participate in a meeting of the California Mayor's Roundtable on

Education on March 26, 2008.

A motion was made to approve recommendation on the Consent Calendar.

6. 08-0300 Recommendation to receive and file report on trade mission to Indian cities of Mumbai, Kolkata and New Delhi with the World Trade Center Association Los Angeles-Long Beach, Los Angeles County Economic Development Corporation, Long Beach International Trade Office and Port of Long Beach on March 2 - 9, 2008.

A motion was made to approve recommendation on the Consent Calendar.

7. 07-1177 Recommendation to City Council to concur in recommendation of the Budget Oversight Committee to receive and file communications concerning the April 8, 2008 Primary Nominating Election Cost Estimate.

A motion was made to approve recommendation on the Consent Calendar.

8. 08-0268 Recommendation to City Council to concur in recommendation of the Budget Oversight Committee to receive and file communications concerning the Long Beach Neighborhood Library Protection Measure.

A motion was made to approve recommendation on the Consent Calendar.

9. 08-0270 Recommendation to authorize City Attorney to pay the sum of \$22,000 in full settlement of lawsuit entitled Markel International v. City of Long Beach, Case No. 07C01396.

A motion was made to approve recommendation on the Consent Calendar.

FOURTH ROLL CALL: (6:29 PM)

Councilmembers B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske,
Present: Andrews, Reyes Uranga, Gabelich and Lerch

Reyes Uranga joined the meeting.

10. 08-0294 Recommendation to authorize City Manager to execute an agreement with the firm of Ezra, Brutzkus, Gubner, LLP, in the matter entitled Queens Seaport Development, Inc., Case No. LA 05-1575VZ.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Councilmember S. Lowenthal spoke.

Robert Shannon, City Attorney, spoke.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Motion: That the item be continued until City Council had an opportunity to hold a closed session to discuss in detail the cost impacts of the proposed action.

Moved by DeLong, seconded by Andrews.

Harvey Cochran spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Schipske spoke.

A substitute motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve recommendation, and request that a closed session be scheduled to discuss cost impacts of the proposed action and how to improve the process by which contracts for outside legal services are presented to the City Council. The motion carried by the following vote:

Yes: 5 - O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

Noes: 4 - B. Lowenthal, S. Lowenthal, DeLong and Andrews

11. 08-0295

Recommendation to authorize City Manager to execute an agreement with The Law Offices of M. Brian McMahon, in the matter entitled Long Beach Oil Development Company vs. City of Long Beach, Case No. CV 03-6655; and Long Beach Oil Development Company vs. City of Long Beach, Case No. BC 375503.

Robert Shannon, City Attorney, spoke.

A motion was made by Councilwoman Schipske, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:

Yes: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

12. 08-0271 Recommendation to approve the City Council minutes for the meeting held Tuesday, March 18, 2008.

A motion was made to approve recommendation on the Consent Calendar.

13. 08-0272 Recommendation to refer to City Attorney damage claims received between March 13, 2008 and March 27, 2008.

A motion was made to approve recommendation on the Consent Calendar.

14. 08-0296 Recommendation to authorize City Manager to execute a contract with K&H Integrated Print Solutions for mailing services and printing of official ballots, sample ballots and vote-by-mail materials in an amount not to exceed \$122,227, plus a seven percent contingency, with an option to authorize the provision of mailing services and printing of official ballots, sample ballots and vote-by-mail materials in an amount not to exceed \$76,360, plus a seven percent contingency, in administration of the April 8, 2008 Primary Nominating Election (PNE), and the June 3, 2008 General Municipal Election (GME).

A motion was made to approve recommendation on the Consent Calendar.

15. 08-0279 Recommendation to authorize City Manager to execute a permit with Boat Rentals of America, Inc., to operate a recreational watercraft rental concession at Rainbow Marina for a term of three years, with two three-year renewal options, at the discretion of the City Manager or his designee. (District 2)

A motion was made to approve recommendation on the Consent Calendar.

16. 08-0280 Recommendation to adopt revised resolution to authorize City Manager to submit a grant application to the California Department of Parks and Recreation for the Habitat Conservation Fund Program for the West San Gabriel River Parkway project. (District 5)

A motion was made to approve recommendation and adopt Resolution No. RES-08-0032 on the Consent Calendar.

Enactment No: RES-08-0032

17. 08-0281 Recommendation to receive and file the application of Acapulco Inn Holdings LLC, dba Acapulco Inn, for a person-to-person transfer of an

Alcoholic Beverage Control License, at 5281-83 East 2nd Street, with existing conditions. (District 3)

Distributed at the meeting: Conditions from Councilmember DeLong to be applied to the ABC License.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation, plus additional conditions as submitted by the councilmember. The motion carried by the following vote:

Yes: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

18. 08-0273

Recommendation to receive and file minutes of:
Civil Service Commission - March 5 and 12, 2008.
Parks and Recreation Commission - February 21, 2008.

A motion was made to approve recommendation on the Consent Calendar.

UNFINISHED BUSINESS: (6:49 PM)

19. 08-0255

Recommendation to adopt resolution authorizing City Manager to execute a contract with Carmenita Truck Center for the purchase of three Altec LRV57RM aerial trucks per quote dated December 27, 2007, on the same terms and conditions afforded to the County of Ventura, California, Bid No. 5384, in an amount not to exceed \$657,458 including tax, plus a 10 percent contingency for additional equipment if necessary and if funds are available. (Citywide)

Mike Conway, Director of Public Works, spoke.

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, that the item be received and filed. The motion carried by the following vote:

Yes: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

20. 08-0248

Recommendation to receive and file the application of PRDJ Corporation, dba Sushi Kinoya, for an original Alcoholic Beverage Control License, at 5521 East Stearns Street, with conditions. (District 4)

Distributed at the meeting: Conditions from Councilmember O'Donnell to be applied to the ABC License.

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:

Yes: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Vice Mayor B. Lowenthal announced that Agenda Item No. 23 would be consider at this time follow by Agenda Item No. 25.

REGULAR AGENDA: (5:31 PM)

Agenda Item No. 21 was considered following Agenda Item No. 24 and prior to Agenda Item No. 1

- 21. 08-0290** Recommendation to make one new appointment to the Homeless Services Advisory Committee; one new appointment to the Commission on Youth and Children; and one new appointment to the Board of Examiners, Appeals and Condemnations pursuant to Section 2.18.050 of the Long Beach Municipal Code. (Citywide)

A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

- 22. 08-0274** Recommendation to request City Manager to include as part of the business licensing process information regarding the need to comply with the Americans with Disabilities Act and information about available tax credits.

Councilwoman Schipske spoke.

Ben Rockwell spoke.

Richard Hernandez spoke.

Harvey Cochran spoke.

Frances Emily Dawson Harris spoke.

Ben Rockwell spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilwoman Schipske, seconded by Vice Mayor B. Lowenthal, to approve recommendation. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

Agenda Item No. 23 was considered following Agenda Item No. 20 and prior to Agenda Item No. 25.

- 23. 08-0297** Recommendation to direct the Federal Legislation Committee and the City Manager to identify federal resources to study and implement solutions to reduce trash debris and pollution associated with the Los Angeles River, including the possibility of including the Los Angeles River as a project in the Water Resources Development Act.

Councilmember DeLong spoke.

Councilmember S. Lowenthal spoke.

Vice Mayor B. Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Charles Moore spoke and submitted correspondence.

John Morris spoke.

Cynthia Ojaeda spoke.

Dan Pressburg spoke.

Gordana Kajer spoke.

Doug Bailey spoke.

Harvey Cochran spoke.

Ben Rockwell spoke.

Unidentified man spoke.

Mike Murchison spoke.

Karl Miller spoke.

Vice Mayor B. Lowenthal spoke.

Pat West, City Manager, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilmember Lerch spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Reyes Uranga, to approve recommendation; and refer to the Sustainable City Commission the topic of reducing trash debris and pollution associated with the Los Angeles River. The motion carried by the following vote:

Yes: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Agenda Item No. 24 was considered following the presentations and prior to Agenda Item No. 21.

24. 08-0298

Recommendation to respectfully request Mayor and City Council to recognize April 2008 as DMV/Donate Life California Month and encourage Long Beach residents to register as donors by checking "Yes" when applying for or renewing their driver's license or I.D. Card, or by signing up at www.donateLIFEcalifornia.org or www.doneVIDAcalifornia.org.

Councilmember S. Lowenthal spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Glenn Matsuki presented a video and a PowerPoint presentation.

Councilwoman Schipske spoke.

Ben Rockwell spoke.

Roberto Carbajal spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

Agenda Item No. 25 was considered following Agenda Item No. 23 and prior to Agenda Item No. 22.

25. 07-1470 Recommendation to City Council to concur in recommendation of the Public Safety Committee to request City Attorney to draft a new ordinance where in addition to possible criminal violations, the owner may be subject to administrative penalty if their dog is discovered loose, and at large that have attempted to bite, attack or menace another human or animal, due to the owner's failure to contain the animal by means of ordinary care; and amend the existing ordinance of the Long Beach Municipal Code (LBMC) Title 6 with the following changes:

- Require microchipping of animals impounded by the Animal Control Division prior to owner redemption;
- Strengthen the leash law (LBMC 6.16.100);
- Create a linkage between education and fines that would require mandatory education regarding responsible pet ownership; and
- Possibly require microchipping of all licensed dogs and/or microchipping dogs prior to adoption.

Councilwoman Schipske spoke.

Harvey Cochran spoke.

Ben Rockwell spoke.

John Deats spoke.

Charlie Miller spoke.

Evelyn Delore spoke.

Keysha Lewis spoke.

Judy Crump spoke.

Dave Oakley spoke.

Donald Sims spoke.

Paul Young spoke.

Unidentified man spoke.

Karl Miller spoke.

Frances Emily Dawson Harris spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Wesley Moore spoke.

Councilmember DeLong spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember Lerch, to approve recommendation, with additional requirement for dog owners to: 1) pay an impound fee whether or not dogs is redeemed from Animal Control, and 2) issuance of a public safety fine for their roaming dog, with the proceeds of the fine dedicated to spay and neuter programs. The motion carried by the following vote:

Yes: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

26. 08-0282

Recommendation to authorize acquisition of two parcels of land, more commonly known as 620 San Francisco Avenue, for the purchase price of approximately \$2,903,848 for the Drake/Chavez Greenbelt Project; authorize City Manager to accept \$1,000,000 in grant awards from the Los Angeles County Regional Park and Open Space Competitive Grant Program and execute any and all documents necessary for the administration of the grant; authorize City Manager to make the necessary budget appropriations and adjustments related to the grant and the acquisition; and authorize City Manager to execute any and all documents necessary for the conveyance of the parcels from the Long Beach Redevelopment Agency to the City of Long Beach. (District 1)

Phil Hester, Director of Parks, Recreation and Marine, spoke.

Councilmember Lerch spoke.

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilwoman Schipske, to approve recommendation. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

- 27. 08-0283** Recommendation to adopt Specifications No. PA-00908 and award contract to ProForce Law Enforcement for 190 Springfield Operator Pistols, Model No. PX9105MLP, in the estimated amount of \$213,569 plus a 10 percent contingency if necessary, for a one time purchase. (Citywide)

Harvey Cochran spoke.

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

- 28. 08-0284** Recommendation to authorize City Manager to execute all necessary documents, with the State Department of Health Services for funding the provision of HIV/AIDS preventive health services for an amount not to exceed \$6,597,846 for a period of three years, to be appropriated on an annual basis; and increase appropriations in the Health Fund (SR 130) and the Department of Health and Human Services (HE) by \$731,120. (Citywide)

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

- 29. 08-0285** Recommendation to authorize City Manager to submit an application for Airport Improvement Program Grant No. 3-06-0127-30 to the Federal Aviation Administration (FAA), to fund the rehabilitation of Taxiway K, Phase Three, accept such grant, execute and amend grant documents from the FAA for entitlement and discretionary funds; increase appropriations in the Airport Enterprise Fund (EF 320) in the Department of Public Works (PW) by \$12,500,000; accept and certify one-time grant

Terms and Conditions; and amend the one-time certification as required for future FAA modifications. (District 5)

A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

- 30. 08-0286** Recommendation to authorize City Manager to accept \$600,000 in grant awards from the Los Angeles County Regional Park and Open Space District Competitive Grant Program and the Excess Funds Grant Program; increase appropriations in the Capital Projects Fund (CP) in the Department of Parks, Recreation and Marine (PR) by \$600,000; and execute any documents necessary for the administration of the Rosie the Riveter Park development and the Baker/Golden Mini Park project. (Districts 5,7)

A motion was made by Councilwoman Schipske, seconded by Councilmember Lerch, to approve recommendation. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

- 31. 08-0287** Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Uvas Wine Incorporated, dba Uvas, for an original Alcoholic Beverage Control License, at 144 Linden Avenue, with conditions. (District 2)

A motion was made by Councilmember O'Donnell, seconded by Vice Mayor B. Lowenthal, to approve recommendation. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

- 32. 08-0129** Recommendation to rescind the award of the contract to The SJ & B Group, Inc. for the Atherton Storm Drain between Hackett Avenue and Knoxville Avenue (Plans and Specifications No. R-6732); and authorize City Manager to award the contract to the second lowest bidder, Palp, Inc. dba Excel Paving, in an estimated amount of \$1,229,431 plus a 25 percent contingency amount, if necessary. (District 4)

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 6 - B. Lowenthal, DeLong, Schipske, Andrews, Gabelich and Lerch

Absent: 3 - S. Lowenthal, O'Donnell and Reyes Uranga

33. 08-0288 Recommendation to adopt resolution revising Underground Utility District No. 40 for portions of Willow Street under California Public Utilities Commission Rule 20A. (Districts 6,7)

A motion was made by Councilman Andrews, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-08-0033. The motion carried by the following vote:

Yes: 6 - B. Lowenthal, DeLong, Schipske, Andrews, Gabelich and Lerch

Absent: 3 - S. Lowenthal, O'Donnell and Reyes Uranga

Enactment No: RES-08-0033

34. 08-0289 Recommendation to authorize City Manager to execute the Third Amendment to Contract No. 29182 with TruGreen Landcare, a California General Partnership, extending the term to July 31, 2008, and increasing the contract amount by \$200,000 to furnish and deliver tree-trimming services. (Citywide)

Councilwoman Gabelich spoke.

John Golin spoke.

Harvey Cochran spoke.

Karl Miller spoke.

A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

ANNOUNCEMENTS: (8:45 PM)

Vice Mayor B. Lowenthal requested that the meeting be adjourned in memory of Dith Pran

and Bob Lee.

Councilwoman Gabelich made community announcements.

Councilwoman Schipske made community announcements.

Councilman Andrews request that the meeting be adjourn in memory of Gabriel Sosa; and made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember S. Lowenthal made community announcements.

PUBLIC: (8:55 PM)

John Golin spoke.

Donald Sims spoke.

ADJOURNMENT: (8:57 PM)

At 8:58 P.M., Vice Mayor B. Lowenthal adjourned the meeting in memory of Dith Pran, Bob Lee and Gabriel Sosa.

adb/nem