

**CITY OF LONG BEACH
CITY COUNCIL AGENDA**

Bonnie Lowenthal, 1st District
Dan Baker, 2nd District
Frank Colonna, Vice Mayor, 3rd District
Dennis Carroll, 4th District

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



Beverly O'Neill, Mayor

**TUESDAY, JUNE 22, 2004
COUNCIL CHAMBER, 5:00 P.M.**

Jackie Kell, 5th District
Laura Richardson, 6th District
Tonia Reyes Uranga, 7th District
Rob Webb, 8th District
Val Lerch, 9th District

Robert E. Shannon, City Attorney

**PRESENTATION OF COLORS BY
FRANKLIN MIDDLE SCHOOL HONOR GUARD**

**PRESENTATIONS BY COUNCILMEMBER DAN BAKER, SECOND DISTRICT, IN
RECOGNITION OF COMMUNITY MEMBERS AND ORGANIZATIONS
FOR THEIR SIGNIFICANT CONTRIBUTIONS TO THE SECOND DISTRICT**

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: PUBLIC WORKS

SUBJECT: Resolution of Intention to Vacate a portion of Pine Avenue between Ocean Boulevard and Seaside Way. (Resolution ordering the vacation of a portion of Pine Avenue between Ocean Boulevard and Seaside Way.) (District 2)

SUGGESTED ACTION:

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

HEARINGS:

2. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Application of Rainbow Harbor Partners, LLC, dba V2O, for a Permit for Entertainment with Dancing by Patrons at an Existing Restaurant with Alcohol at 81 Aquarium Way. (District 2)

SUGGESTED ACTION:

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

3. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Application of Waho Bar, Inc., dba Fire Island, for a Permit for Entertainment with Dancing by Patrons at an Existing Hotel with a Restaurant with Alcohol at 6400 E. Pacific Coast Highway. (District 3)

SUGGESTED ACTION:

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

4. DEPARTMENT: PUBLIC WORKS

SUBJECT: Proposed expansion of Preferential Parking District F. (District 5)

SUGGESTED ACTION:

Receive supporting documentation, including the petitions, into the record, conclude the hearing and request City Attorney to prepare amendment to the Municipal Code, modifying Preferential Parking District "F" as recommended by the City Traffic Engineer.

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: (5 - 26)

5. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages.

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between June 10, 2004 and June 17, 2004.

6. DEPARTMENT: CITY CLERK

SUBJECT: Biennial conflict of interest code review.

SUGGESTED ACTION:

Direct City Clerk to notify all City departments and advisory bodies that have previously adopted conflict of interest codes of the biennial review requirements for such conflict of interest codes.

Require all departments and advisory bodies that have previously adopted conflict of interest codes to review such conflict of interest codes and report to the City Council any amendments, or report that no amendments are necessary, no later than October 1, 2004.

7. DEPARTMENT: COMMUNITY DEVELOPMENT AND PARKS, RECREATION AND MARINE

SUBJECT: Agreement with State of California Office of Environmental Health Hazard Assessment, to review the Draft Human Health Risk Assessment prepared for the proposed Sports Park project. (District 7)

SUGGESTED ACTION:

Authorize City Manager to execute agreement in amount of \$30,000, for the review of the Human Health Risk Assessment for the Sports Park project;

Increase appropriations in the General Fund (GP) and in the Department of Financial Management (XC) by \$30,000; and

Increase appropriations in the Capital Improvement Project No. PW3080 in the Capital Projects Fund (CP) and in the Department of Public Works (PW) by \$30,000.

8. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Specifications No. PA-01004 and award contract to Unisource Corporation to furnish and deliver custodial paper products. (Citywide)

SUGGESTED ACTION:

Adopt Specifications in the estimated annual amount of \$250,000 for 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 the City Manager to execute same.

9. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Schedule for the Fiscal Year 2005 Budget Workshops and Hearings.
(Citywide)

SUGGESTED ACTION:

Set the schedule for the workshops and hearings.

10. 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 \$22,312.50 in compliance with Appeals Board order for claim of Hazel Benson; and \$8,680 for claim of Craig McCullouch.

11. DEPARTMENT: LAW

SUBJECT: Hammond v. City of Long Beach, et al.

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$242,500 in full settlement.

12. ~~DEPARTMENT: OIL PROPERTIES~~

Withdrawn SUBJECT: ~~Crude Oil Marketing Agreement with Tidelands Oil Production Company.~~

~~SUGGESTED ACTION:~~

~~Authorize City Manager to execute a crude oil marketing agreement between the City of Long Beach, as Long Beach Unit Operator, and Tidelands Oil Production Company and provide for the City Manager to approve extensions or to terminate the agreement for the sale of the oil allocated to the Long Beach Unit Townlot Working Interest Owners for a three-year term starting August 1, 2004, with two one-year extensions at the discretion of the City Manager.~~

13. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: First Amendment to Permit No. 27363 for ice cream sales with David Sarin, dba Mel-o-Dee Ice Cream (aka Nice Ice Cream). (Districts 2,3)

SUGGESTED ACTION:

Authorize City Manager to execute amendment extending the term until December 31, 2004.

14. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Concession Permits for Exercise Classes Using City Beaches. (District 3)

SUGGESTED ACTION:

Authorize City Manager to execute permits for the conduct of exercise classes on City beaches for a term of three years, with the option to extend the term for one additional three-year period subject to the City Manager's approval.

15. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Lease with Kim and Daryl Rouse for art program studio space at 1526 East 4th Street. (District 2)

SUGGESTED ACTION:

Authorize City Manager to execute a lease for a term of one year with rent at \$550 per month.

16. DEPARTMENT: POLICE

SUBJECT: Alcoholic Beverage License Applications (Stock Transfers, Person-to-Person Transfer and Dropping Partner).

- A. Application of Cha Cha's Restaurant, Inc., dba Cha Cha's Restaurant, for a stock transfer of an on-sale general for bonafide eating place license at 762 Pacific Avenue. (District 1)
- B. Application of Maria Concepcion Alvarez, Nereo Alvarez, Maria Inez Ramirez and Mario Ramirez, dba Yanga Mini Market, for an off-sale beer and wine license at 732 East 7th Street. (District 1)
- C. Application of Thomas Kelton Allen, Dorian Alexii Bolick and Michael Stephen Mendelsohn, dba Baja Sonora Grille, for a dropping partner from an on-sale general for bonafide eating place license at 70 Atlantic Avenue. (District 2)
- D. Application of Cho and Chung Enterprises Incorporated, dba La Lupita, for a stock transfer of an on-sale beer and wine license at 2520 Santa Fe Avenue. (District 7)

SUGGESTED ACTION:

Receive and file.

17. DEPARTMENT: POLICE

SUBJECT: Agreement Between the Boeing Company and the City of Long Beach for Use of the Long Beach Police Department Pistol Range (District 5)

SUGGESTED ACTION:

Authorize City Manager to execute agreement and any subsequent amendments on an as-needed basis, for members of the Executive Protection Program to qualify and train.

18. DEPARTMENT: PUBLIC WORKS AND OIL PROPERTIES

SUBJECT: Plans and Specifications No. R-6645 and award contract to Pressure Grout Company for the improvement of Naples Island Soil Anchors, Phase IV. (District 3)

SUGGESTED ACTION:

Adopt Plans and Specifications;

Authorize City Manager to award contract in an estimated amount of \$139,640, plus a 25 percent contingency, and execute all necessary documents related to the contract; and

Increase appropriations in the Tidelands Operations Fund (TF 401) in the Department of Public Works (PW) by \$100,000.

19. DEPARTMENT: PUBLIC WORKS

SUBJECT: Program Supplement to Administering Agency – State Agreement No. 07-5108 for the Second Street Bridge over Marine Stadium. (District 3)

SUGGESTED ACTION:

Authorize City Manager to execute Program Supplement.

20. DEPARTMENT: PUBLIC WORKS

SUBJECT: Proposed Modification of Preferential Parking District N. (District 5)

SUGGESTED ACTION:

Request City Attorney to prepare an amendment to Section 10.32.110 of the Long Beach Municipal Code, deleting District "N".

21. DEPARTMENT: PUBLIC WORKS

SUBJECT: First Amendment to Contract No. 28609 with Copp Contracting, Inc., for improvement of Spring Street between Santa Fe Avenue and Gale Avenue and Program Supplement Agreement No. 040-M to Administering Agency – State Agreement No. 07-5108. (District 7)

SUGGESTED ACTION:

Authorize City Manager to execute amendment in an amount not to exceed \$137,143, and all necessary documents related to the contract, and

Authorize City Manager to sign Program Supplement Agreement No. 040-M to Administering Agency – State Agreement No. 07-5108.

22. DEPARTMENT: PUBLIC WORKS

SUBJECT: Donation of two surplus vehicles to the Aquarium of the Pacific. (Citywide)

SUGGESTED ACTION:

Approve donation and authorize City Manager to transfer title of two surplus vehicles.

23. ADVISORY BODY: CABLE COMMUNICATIONS ADVISORY COMMISSION

SUBJECT: Cable Communications Advisory Commission 2003 Annual Report. (Citywide)

SUGGESTED ACTION:

Receive and file 2003 Annual Report and continue the Commission for the next calendar year.

24. ADVISORY BODY: BOARD OF HEALTH AND HUMAN SERVICES

SUBJECT: Annual Report of the Board of Health and Human Services.

SUGGESTED ACTION:

Receive and file 2003 Annual Report and continue the Board for the next calendar year.

25. ADVISORY BODY: PARKS AND RECREATION COMMISSION

SUBJECT: 2003 Parks and Recreation Commission Annual Report. (Citywide)

SUGGESTED ACTION:

Receive and file 2003 Annual Report.

26. DEPARTMENT: VARIOUS
SUBJECT: Minutes for filing:
Harbor Commission, June 7, 2004
SUGGESTED ACTION:
Receive and file.

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

27. COUNCIL OFFICE: COUNCILMEMBER DAN BAKER, SECOND DISTRICT
SUBJECT: Exemption for life drawing classes in private art centers in Long Beach.
SUGGESTED ACTION:
Request City Attorney to revise the adult entertainment ordinance to create an exemption for life drawing classes in private art centers in Long Beach.
28. COUNCIL OFFICE: COUNCILWOMAN LAURA RICHARDSON, SIXTH DISTRICT
SUBJECT: Addition of neighborhood organizations to Central Project Area Committee.
SUGGESTED ACTION:
Request City Attorney to amend the By-Laws of the Central Project Area Committee to add the groups: The Afro-American Unity Coalition, The Black Chamber of Commerce, The Cambodian Chamber of Commerce, Centro Hispanic Association (CHA), The Central Neighborhood Advisory Committee (CNAC), and The Neighborhood Advisory Group (NAG) as full fledged organizational members of the Central Project Area Committee.

29. COUNCIL OFFICE: COUNCILMEMBER ROB WEBB, EIGHTH DISTRICT

SUBJECT: Moratorium on oak trees.

SUGGESTED ACTION:

Adopt minute order requesting that the Planning Commission initiate a zoning regulation or General Plan amendment study in regard to the protection, citywide, of oak trees which are either of historic significance or which are 100 years of age or older; the City Attorney, in cooperation with the Department of Planning and Building, prepare an interim (moratorium) ordinance in accordance with Chapter 21.50 of the Long Beach Municipal Code for notice and placement on the City Council agenda for hearing at its third meeting following the adoption of the requested minute order; request that during the period between the adoption of the requested minute order and the adoption or rejection of the proposed interim ordinance, that no permit or entitlement of any kind shall be issued by any Department of the City that would in any way permit or facilitate any action, including, but not limited to, the alteration or destruction of any oak tree of historic significance or which is more that 100 years of age.

30. COUNCIL COMMITTEE: COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT, CHAIR, I-710 OVERSIGHT COMMITTEE

SUBJECT: Community recommendations for the I-710 Freeway Study.

SUGGESTED ACTION:

Concur in recommendation of Committee that the Long Beach I-170 Locally Preferred Strategy incorporating the community recommendations and a systems approach be approved.

31. DEPARTMENT: COMMUNITY DEVELOPMENT AND PUBLIC WORKS

SUBJECT: Lease amendment and assignment for portions of Ground Lease No. 15383, with OC Investors, Inc., a California corporation, at the Long Beach Airport Business Park, 4801 Airport Plaza Drive. (District 5)

SUGGESTED ACTION:

Authorize City Manager to execute amendment and all related documents.

32. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Renewal of property insurance for City buildings and contents. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to purchase "all risk" property insurance for City buildings and contents through the Driver-Alliant Insurance Services, for a total premium not to exceed \$621,554.

Authorize City Manager to pay additional premiums to Driver-Alliant Insurance Services, equal to the proposed "all risk" premium rate of \$0.054 per \$100, applied to the value of any new buildings purchased or constructed by the City or the increased value of any buildings reappraised during the term of this insurance policy.

33. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Renewal of excess workers' compensation insurance. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to purchase excess workers' compensation insurance for the period of July 1, 2004 to July 1, 2005, from the California State Association of Counties and California Public Entities Excess Insurance Authority (CSAC-CPEIA), through Driver-Alliant Insurance Services, for a total premium not to exceed \$326,000.

34. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Renewal of excess municipal liability, airport liability, and aircraft liability and hull insurance. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to purchase excess municipal liability insurance for the period of July 1, 2004 to July 1, 2005, through Driver-Alliant Insurance Services, for a total premium not to exceed \$950,000.

Authorize City Manager to purchase airport liability insurance for the period of July 1, 2004 to July 1, 2005, through Driver-Alliant Insurance Services, for a total premium not to exceed \$230,704.

Authorize City Manager to purchase aircraft liability and hull insurance for police helicopters for the period of July 1, 2004 to July 1, 2005, through Driver-Alliant Insurance Services, for a total premium not to exceed \$209,832.

35. DEPARTMENT: POLICE

SUBJECT: Application of Catalina Channel Express, for an original on-sale general for boat alcoholic beverage control license at 320 Golden Shore Drive. (District 2)

SUGGESTED ACTION:

Receive and file application; or

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

36. DEPARTMENT: POLICE

SUBJECT: Application of Beach Foods and Spirits Incorporated, for a person-to-person and premise-to-premise transfer of an on-sale general for bonafide eating place alcoholic beverage license at 5755 East Pacific Coast Highway. (District 3)

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.

37. DEPARTMENT: POLICE

SUBJECT: Application of Andrew Merrill Edwards and Maria Ann Love, dba The Wine Crush, for an original on-sale beer and wine for public premises and original off-sale beer and wine alcoholic beverage licenses at 3131 East Broadway. (District 3)

SUGGESTED ACTION:

Determine if application would serve the public convenience and necessity.

Receive and file application; and

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.

RESOLUTIONS:

38. DEPARTMENT: CITY CLERK

SUBJECT: Resolution declaring the results of the City's General Municipal Election held on Tuesday, June 8, 2004, for the purpose of electing a member of the City Council from Council District Number 8, and directing the City Clerk to issue a Certificate of Election to the candidate declared to have been elected at the General Municipal Election. (District 8)

SUGGESTED ACTION:

Adopt resolution.

39. DEPARTMENT: FINANCIAL MANAGEMENT AND PUBLIC WORKS

SUBJECT: Resolution authorizing City and Airport staff to proceed with document preparation for the establishment of a Commercial Paper Program for the Airport Enterprise Fund not to exceed an aggregate principal amount of \$15 million, the selection of one or more banks to provide one or more credit facilities for the Commercial Paper Program, the negotiation of a reimbursement agreement or other agreement with such bank, the appointment of one or more Commercial Paper Dealers, the appointment of a trustee and an issuing and paying agent and authorizing the publication of a notice regarding a public hearing concerning the issuance of Airport Revenue Commercial Paper Notes pursuant to plans of financing for certain airport projects and approving and authorizing related documents, official actions and matters. (District 5)

SUGGESTED ACTION:

Adopt resolution authorizing City Manager to proceed with document preparation for the establishment of a Commercial Paper Note Program of up to \$15,000,000 on behalf of the City of Long Beach Department of Public Works.

40. DEPARTMENT: PUBLIC WORKS AND POLICE

SUBJECT: Resolution authorizing the City Manager to purchase furniture through the contract between State of California Multiple Award Schedule (CMAS) for the public safety building. (District 2)

SUGGESTED ACTION:

Adopt Resolution authorizing City Manager to execute an agreement with Corporate Express, an authorized AllSteel Inc. dealer, pursuant to the CMAS Contract Number 4-01-01-0060A, in an amount not to exceed \$1,500,000 plus an additional 2 percent of that base amount, if needed for unforeseen expenses, to be added by amendment to the agreement.

ORDINANCES:

41. DEPARTMENT: PUBLIC WORKS AND HUMAN RESOURCES

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Chapter 14.08 and by repealing Chapter 14.06, relating to excavations, street improvements and temporary occupation of rights of way. (Citywide)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

42. DEPARTMENT: PUBLIC WORKS

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Sections 5.28.051 Subsection 5.28.071.C, 5.38.080, 5.38.090, 5.47.090, 5.50.010, Subsection 5.60.080.B, 5.61.080, Subsection 5.64.040.B, Subsection 5.66.060.K, 5.68.200, 5.80.050, Subsections C and M of Section 5.82.120, 5.86.120, 8.60.081, 10.60.040, Subsection 14.04.050.C, 14.14.080, 14.16.080, 15.44.190, 15.44.230, 15.74.050, Subsection 16.44.153.A.7, Subsections C and E of Section 16.47.030, 18.48.340, 18.48.360 and 18.52.130; by adding Section 2.84.030; and by repealing Section 5.04.080, all relating to insurance.

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

43. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Chapter 14.20 in its entirety, relating to newsracks.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

44. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Section 10.04.050(A), relating to parking control.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

45. DEPARTMENT: LAW

SUBJECT: Ordinance amending Franchise Ordinance No. C-7106 adopted May 4, 1993, granting to Southern California Gas Company, a Corporation, the right, privilege and franchise upon terms and conditions therein set forth to lay and use pipes and appurtenances for transmitting and distributing gas for the purposes as specified thereafter under, along, across, or upon certain public streets, ways, alleys and places, as the same or now or may hereafter exist, within the City of Long Beach.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

46. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Section 6.16.310 providing for the exercise of dogs upon a designated portion of the beach of the City of Long Beach. (District 3)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

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:

Budget Workshop at 2:00 P.M.

Special meeting of Housing Authority at 4:30 P.M.

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

July 6, 2004, Appeal of Planning Commission decision to deny a Local Coastal Development Permit and Conditional Use Permit to allow a liquor license upgrade for on-site consumption of distilled spirits at an existing restaurant (Lucille's) at 4828 E. Second Street (District 3)

July 6, 2004, Hearing on establishment of Preferential Parking District N. (District 3)

July 6, 2004, Hearing on Resolution of Intention to Vacate a portion of the alley west of Long Beach Boulevard and north of Fourteenth Street, reserving easements for utilities. (District 1)

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/cityclerk. 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 contact the City Clerk Department at (562) 570-6101 by 12:00 P.M., Monday. Inquire at the City Council Chamber Audio-Visual Room for an assistive listening device.