

**CITY OF LONG BEACH
CITY COUNCIL MINUTES**

**TUESDAY, SEPTEMBER 21, 2004
COUNCIL CHAMBERS, 5:00 PM**

Bonnie Lowenthal, 1st District
Dan Baker, 2nd District
Frank Colonna, 3rd District
Patrick O'Donnell, 4th District



Jackie Kell, Vice Mayor, 5th District
Laura Richardson, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, 9th District

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

Beverly O'Neill, Mayor

Robert E. Shannon, City Attorney

ROLL CALL

Councilmembers Baker, Colonna, O'Donnell, Kell, Richardson and Lerch

Present:

Councilmembers B. Lowenthal, Reyes Uranga and Gabelich

Absent:

Mayor O'Neill presiding.

Assistant City Manager Christine Shippey, Deputy City Manager Suzanne Mason and Chief Assistant City Attorney Heather Mahood present.

Invocation - Pastor Willie McIntyre, Grace Memorial Baptist Church

Flag Salute - Aaron Joiner, Son of Sherri Nixon-Joiner Superintendent for the Parks, Recreation and Marine Department.

Music Entertainment - Mary Butler School Jazz Band

Presentations by Councilwoman Laura Richardson, Sixth District, in recognition of community members and organizations for their significant contributions to the Sixth District.

Lowenthal joined the meeting; Kell left the meeting; Richardson left the meeting at 06:28 PM

Councilmember Baker moved, seconded by Councilmember Lowenthal that the minutes of the City Council meeting for September 14, 2004 be approved.

HEARINGS

Councilmembers B. Lowenthal, Baker, Colonna, O'Donnell, Gabelich and Lerch

Present:

Councilmembers Kell, Richardson and Reyes Uranga

Absent:

1. 04-2282 Belmont Shore Parking and Business Improvement Area Annual Program and Assessment and an Agreement with Belmont Shore Business Association. (Resolution confirming, following hearing, the Annual Report of the Belmont Shore Parking and Business Improvement Area Advisory Commission, imposing and continuing the level of annual assessment as set forth in said report and setting forth other related matters.) (District 3)

A motion was made by Councilmember Baker, seconded by Councilmember B. Lowenthal, to approve recommendation and adopt Resolution No. C-28454 approving the Belmont Shore Parking and Business Improvement Area Program and Assessment for the period of October 1, 2004 through September 30, 2005. The motion carried by the following vote:

Yes: 6 - B. Lowenthal, Baker, Colonna, O'Donnell, Gabelich and Lerch

Absent: 3 - Kell, Richardson and Reyes Uranga

Enactment No: C-28454

2. 04-2283 Bixby Knolls Parking and Business Improvement Annual Program and Assessment and an Agreement with Bixby Knolls Business Improvement Association. (Resolution confirming, following hearing, the Annual Report of the Bixby Knolls Parking and Business Improvement Area Advisory Commission, continuing the level of annual assessment as set forth in said report and setting forth other related matters.) (Districts 7,8)

A motion was made by Councilwoman Gabelich, seconded by Councilmember Baker, to approve recommendation and adopt Resolution No. C-28455 approving the Bixby Knolls Parking and Business Improvement Area program and Assessment for the period of October 1, 2004 through September 30, 2005; and authorize City Manager to execute agreement with the Bixby Knolls Business Improvement Association for a one-year period in an amount not to exceed \$145,000 to promote and market the Bixby Knolls commercial area. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch

Absent: 2 - Richardson and Reyes Uranga

Enactment No: C-28455

3. [04-1879](#)

Amendments to the Downtown Long Beach Planned Development District (PD-30) (Districts 1,2)
Kraig Kojan

A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to receive supporting documentation into the record, concluded the hearing, and declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch

Absent: 2 - Richardson and Reyes Uranga

PUBLIC COMMENT

Dennis Donn spoke regarding Aquatic Film Festival.

Harvey Cochran spoke regarding items of interest.

Thomas Murphy spoke regarding Poly High School earthquake years.

Nancy Ahlswede spoke regarding the upcoming Rental Housing Trade Show.

CONSENT CALENDAR (4 - 14)

4. [04-1898](#)

Claims for Damages.

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to pass suggested action. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch

Absent: 2 - Richardson and Reyes Uranga

5. [04-1882](#)

Lease With the Patricia Waters Family Trust for Office Space Located at 910 Daisy Avenue for Use as a Community Police Center (District 1)

A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to authorize City Manager to execute lease for a term of two years, at an annual cost of \$12,036; and authorize City Manager to exercise any extension options provided for in the lease. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

6. [04-1880](#)

Second Amendment to Contract With SunGard Treasury Systems (Citywide)

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to authorize City Manager to execute second amendment, extending the term for three years at the rate of \$864 per month for the first year, plus CPI adjustments for the last two years.

The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson and Gabelich

Absent: 2 - Reyes Uranga and Lerch

7. [04-1881](#)

Fiscal Year 2004 July Budget Performance Report

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to approve recommendation Budget Oversight Committee. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch

Absent: 2 - Richardson and Reyes Uranga

8. [04-1899](#) Lindley Marcus vs. City of Long Beach, et al.
- A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to pass suggested action. The motion carried by the following vote:**
- Yes:** 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch
- Absent:** 2 - Richardson and Reyes Uranga
9. [04-1883](#) Application to the Federal Department of Housing and Urban Development for Funding for an Outdoor Restroom at Stearns Champions Park (District 4)
- A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to pass suggested action. The motion carried by the following vote:**
- Yes:** 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch
- Absent:** 2 - Richardson and Reyes Uranga
10. [04-1885](#) Memorandum of Understanding Between the City of Long Beach and the California Department of Justice, Bureau of Narcotics Enforcement for Participation in the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force, Long Beach Airport Narcotics Enforcement Team (Citywide)
- Thomas Murphy
- A motion was made by Councilwoman Gabelich, seconded by Councilwoman Richardson, to authorize City Manager to execute agreement and any subsequent amendments, between the City of Long Beach and the California Department of Justice, Bureau of Narcotics Enforcement, for participation in the Long Beach Narcotic Enforcement Team of L.A. IMPACT, for a term of three years, and either party may terminate the agreement with thirty (30) days' written notice to the other party.**
- The motion carried by the following vote:**
- Yes:** 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch
- Absent:** 1 - Reyes Uranga
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11. [04-1886](#)

Alcoholic Beverage License Applications (Person-to-Person Transfers)

- A. Application of Irene Torres and Ramon Ledezma Torres, dba La Fiesta Bar, for an on-sale general for public premises license at 136 East Anaheim Street. (District 1)
- B. Application of Dae Kee Lee and Kum Ju Lee, dba Squire Liquor, for an off-sale general license at 2218 E. 7th Street. (District 2)
- C. Application of Amin Haji Dato and Sadruddin Mohammed Lakhani, dba Sim's Liquor, for an off-sale general license at 552 E. Willow Street. (District 6)

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, that this matter be received and filed with existing conditions. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch

Absent: 2 - Richardson and Reyes Uranga

12. [04-1889](#)

Public Walkways Occupancy Permit for Sidewalk Dining at the Caffé La Strada Restaurant Located at 4716 East Second Street (District 3)

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to authorize City Manager to execute the Public Walkways Occupancy Permit.

The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, O'Donnell, Kell, Richardson, Gabelich and Lerch

Abstentions: 1 - Colonna

Absent: 1 - Reyes Uranga

13. [04-1890](#)

First Amendment to Contract No. 28303 with Inspection Engineering Construction, Inc., for Project No. R-6596, for Installing and Modifying Traffic Control Signals at Various Intersections in the City of Long Beach (Districts 1, 2, 3, 4, 5, 6, 8 and 9)

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to authorize City Manager to execute a First Amendment to Contract No. 28303 with Inspection Engineering Construction, Inc., increasing the contract amount by \$54,975, for a total contract amount not to exceed \$671,920, and all necessary documents related to Project No. R-6596, for installing and modifying traffic control signals at various intersections in the City of Long Beach.

The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch

Absent: 2 - Richardson and Reyes Uranga

14. [04-1900](#)

Minutes for filing:
Harbor Commission, September 7, 2004 (2)

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to pass suggested action. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Gabelich and Lerch

Absent: 2 - Richardson and Reyes Uranga

UNFINISHED BUSINESS

15. [04-1798](#)

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)

A motion was made by Councilwoman Gabelich, seconded by Councilmember Lowenthal, that this matter be received and filed with existing conditions. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

DEPARTMENTAL COMMUNICATIONS

16. INTENTIONALLY LEFT BLANK

17. [04-1901](#) Biennial Conflict of Interest Code Review-Department and Commissions
Bry Myown

A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to pass suggested action. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

18. [04-1891](#) Contract With Downtown Long Beach Associates (DLBA) for Fiscal Year 2005 (Districts 1 and 2)
Thomas Murphy

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to authorize City Manager to execute contract with the Downtown Long Beach Associates for the period of October 1, 2004 through September 30, 2005, in an amount not to exceed \$500,000 to promote and market the Downtown Long Beach commercial area.

The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

19. [04-1902](#) Amendment to City Contract No. 28872 with ProForce Marketing, Inc., to purchase additional tasers. (Citywide)

Thomas Murphy

A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to authorize City Manager to execute amendment. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

20. [04-1893](#)

Police Department Policy Manual Section on Medical Marijuana (Citywide)

Thomas Murphy
Eugene Mohr
Dianna Lejins
Bry Myown
David Zink

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to receive and file Manual Section The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

21. [04-1894](#)

Application of Bubba Gump Shrimp Company Restaurants, Inc., dba Mai Tai Bar, for Person-to-Person and Premise-to-Premise Transfer of an Alcoholic Beverage Control License at 97 Aquarium Way (District 2)

A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, that this matter be received and filed with conditions and

Determine if application would serve the public convenience and necessity; and request City Clerk to transmit conditions to California State Department of Alcoholic Beverage Control as requested by the Councilmember.

The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

22. [04-1861](#)

Application of Stefano's Davinci Ristorante, LLC, dba Stefano's Davinci

Restaurant, for a Person-to-Person and Premise-to-Premise Transfer of an Alcoholic Beverage Control License at 2801 East Spring Street, Suite 300 (District 5)

A motion was made by Vice Mayor Kell, seconded by Councilmember Colonna, to receive and file application without conditions The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

23. [04-1865](#)

Application of Rina Lorena Coreas and Emilio Garrido, dba Northtown Tavern, for an Original Alcoholic Beverage Control License at 1048 South Street (District 8)

A motion was made by Councilwoman Gabelich, seconded by Councilmember Baker, that this matter be received and filed with conditions and

Determine if application would serve the public convenience and necessity; and Request City Clerk to transmit conditions to California State Department of Alcoholic Beverage Control as requested by Councilmember.

The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

24. [04-1868](#)

Application of Antonio Hernandez Estrada, dba Cancun Authentic Mexican Restaurant, for an Original Alcoholic Beverage Control License at 5991 Atlantic Avenue (District 9)

A motion was made by Councilmember Lerch, seconded by Councilmember Baker, that this matter be received and filed with conditions and request City Clerk to transmit conditions to California State Department of Alcoholic Beverage Control as requested by Councilmember.

The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

25. [04-1869](#)

Debit City of Long Beach Rule 20A Utility Undergrounding Account for The Toledo Project Design Engineering (District 3)

A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to authorize City Manager to execute Preliminary Design and Engineering Agreement for the undergrounding of the utilities along The Toledo, as shown on Exhibit A, authorizing Edison to debit the City of Long Beach Rule 20A account by \$10,000 for the required preliminary engineering design work The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

RESOLUTIONS

26. [04-1904](#)

Resolution authorizing the City Manager to submit an application to enter an agreement and all amendments with the State Department of Parks and Recreation for funding under the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for the San Gabriel River West Riparian Restoration Project. (Districts 4,5)

A motion was made by Vice Mayor Kell, seconded by Councilmember Baker, to approve recommendation and adopt Resolution No. C-28456. Authorize City Manager to submit a grant for \$100,000; and to execute any documents necessary for the implementation and administration of the project. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

Enactment No: C-28456

27. [04-1905](#)

Resolution authorizing the City Manager to submit an application for and to enter an agreement and all amendments with the State Department of Parks and Recreation for funding under the Recreational Trails Program for the San Gabriel River West Trail Project. (Districts 4,5)

A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to approve recommendation and adopt Resolution No. C-28457. Authorize City Manager to submit a Habitat Conservation Fund Program, Trails, Programs and Urban Access grant application for \$532,600; and to execute any documents necessary for the implementation and administration of the project. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

Enactment No: C-28457

28. [04-1877](#)

Resolution authorizing the City Manager to submit an application for and to enter an agreement and all amendments with the State Department of Parks and Recreation for funding under the Habitat Conservation Fund Program of the California San Gabriel River West Trail Project. (Districts 4,5)

A motion was made by Councilmember Colonna, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. C-28458. Authorize City Manager to submit a Recreational Trails Program application for \$532,600 and to execute any documents necessary for the implementation and administration of the project. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

Enactment No: C-28458

ORDINANCES

29. [04-1872](#)

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. (District 3)

Henry Schwarz spoke in opposition

Nancy Buchanan spoke in favor

Justin Rudd spoke in favor

Diane Lagford spoke in opposition

A motion was made, seconded by Councilmember Baker, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading for October 5, 2004. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

Enactment No: C-7951

30. [04-1849](#)

Ordinance amending the Long Beach Municipal Code by adding Subsections 98 and 99 to Section 10.24.076, relating to the parking of oversized vehicles.

A motion was made by Councilmember Baker, seconded by Councilmember B. Lowenthal, to approve recommendation and adopt Ordinance No. C-7949. The motion carried by the following vote:

Yes: 8 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Gabelich and Lerch

Absent: 1 - Reyes Uranga

Enactment No: C-7949

NEW BUSINESS

Dennis Dunn distributed a memo regarding Aquatic Festival. (Doc. 2)

Nancy Ahlswede distributed tickets to the 36th Annual Rental Housing Trade Show and Seminars. (Doc. 3)

Vice Mayor Kell made announcements.

Councilwoman Richardson made announcements.

Councilmember Baker made announcements.

Councilmember O'Donnell made announcements.

Councilwoman Gabelich made announcements.

Mayor O'Neill made announcements.

Adjournment 8:03 P.M.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

REMINDERS:

NOTE:

NOTE:

If written language translation of the City Council agenda and minutes for non-English speaking persons is desired, please make your request by phone to the City Clerk Department at (562) 570-6101, 72 hours prior to the City Council meeting.

Kung ang nakasulat na pagsasalin-wika ng adyenda at mga katitikan ng Konseho ng Lunsod ay hinahangad para sa mga taong hindi nagsasalita ng Ingles, mangyaring gawin ang iyong kahilingan sa pamamagitan ng telepono sa Kagawaran ng Klerk ng Lunsod sa (562) 570-6101, 72 oras bago ang pulong ng Konseho ng Lunsod.”

Si desea obtener la traducción lingüística escrita de la agenda y las actas del Concejo Municipal para las personas que no hablan inglés, realice su pedido por teléfono al Departamento de la Secretaría Municipal al (562) 570-6101, 72 horas antes de la reunión del Concejo Municipal.

បើលោកអ្នកមិនចេះនិយាយភាសាអង់គ្លេស ហើយត្រូវការរបៀបវារៈកិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង និងរបាយការណ៍កិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង ជាសំណៅប្រែសម្រួលលាយលក្ខណ៍អក្សរទៅជាភាសារបស់លោកអ្នក នោះសូមស្នើសុំមកនាយកដ្ឋានសៀវភៅសាលាក្រុង តាមទូរស័ព្ទលេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវបានធ្វើឡើង។