

**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, SEPTEMBER 14, 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

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: Disposition and Development Agreement with Hugh Roberts Construction, Inc., for the sale of property at 2115 West 16th Street – West Long Beach Industrial Redevelopment Project Area. (Resolution approving the proposed disposition and development agreement between the Redevelopment Agency of the City of Long Beach, California, and Hugh Roberts Construction; finding that the consideration for the sale of certain real property in the West Long Beach Industrial Redevelopment Project is not less than fair market value in accordance with covenants and conditions governing such sale; and approving the sale of the property and the disposition and development agreement.) (District 1)

SUGGESTED ACTION:

Receive supporting documentation into the record; conclude the hearing; approve Disposition and Development Agreement (DDA); adopt Resolution making certain findings; and approve and authorize the Executive Director to execute any and all documents necessary to implement the DDA.

2. DEPARTMENT: HARBOR

SUBJECT: Appeal pursuant to Public Resources Code Section 21151(c) by California Earth Corps, Natural Resources Defense Council and Coalition for Clean Air of the certification by the Board of Harbor Commissioners of the Final Environmental Impact Report for Pier J South Terminal Development. (District 2)

SUGGESTED ACTION:

Receive written and oral information into the record and either:

- 1) Deny the appeal and request City Attorney to prepare a resolution affirming the certification of the Final Environmental Impact Report and making related findings; or
- 2) Grant the appeal and request City Attorney to prepare a resolution identifying deficiencies in the Final Environmental Impact Report for the Harbor Department to correct before reconsidering the project.

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- 16)

3. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages.

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between September 2, 2004 and September 9, 2004.

4. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Specifications No. PA-00105 and award contract to Town & Country Glass for the purchase of window glass and glass replacement. (Citywide)

SUGGESTED ACTION:

Adopt specifications and award contract in the estimated amount of \$135,000, for a 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 City Manager to execute same.

5. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Specifications No. PA-02604 and award contracts to Phillips Steel Company, Inc., and B & B Supply to furnish and deliver miscellaneous hand tools. (Citywide)

SUGGESTED ACTION:

Adopt specifications and award contracts in the estimated annual amount of \$200,000 for a 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 City Manager to execute same.

6. DEPARTMENT: FIRE

SUBJECT: Lease between American Honda Motor Co., Inc., and the City of Long Beach for the use of three personal watercrafts. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute lease for use of three personal watercrafts by the Long Beach Fire Department for a period of one year, in an amount of \$1 annually for each watercraft; and subsequently execute leases for replacement watercrafts upon the same terms as the original lease for periods of one year each.

7. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Agreement with L.A. Care Health Plan for the Smile Bright Dental Disease Prevention Program. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute all necessary documents in the amount of \$63,700 for a one-year period.

8. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: First Amendment to Agreement No. 28395 with County of Los Angeles for funding for public health and bioterrorism preparedness. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute amendment to accept funding in the amount of \$1,180,019 for a one-year period.

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 \$20,357.50 in compliance with Appeals Board order for claim of William Arthur; and \$8,040 for claim of Eli Moreno.

10. DEPARTMENT: LAW

SUBJECT: Mercury Insurance vs. City of Long Beach.

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$5,562.67 in full settlement.

11. DEPARTMENT: LAW
SUBJECT: Donna Johnson vs. City of Long Beach.
SUGGESTED ACTION:
 Authorize City Attorney to pay sum of \$75,000 in full settlement.

12. DEPARTMENT: PARKS, RECREATION AND MARINE
SUBJECT: Agreement with Southern California Marine Association for the September 2004 Annual International Sail and Power Boat Show. (District 2)
SUGGESTED ACTION:
 Authorize City Manager to execute agreement to hold the sail and power boat show from September 23 through September 26, at gangways DD and EE at the Shoreline Marina and utilize the boat owner parking area adjacent to gangways DD through EE.

13. DEPARTMENT: POLICE
SUBJECT: Alcoholic Beverage License Application (Person-to-Person Transfer).

A. Application of Tricolore Incorporated, dba La Parolaccia Osteria, for an on-sale beer and wine for bonafide eating place license at 2945 East Broadway.
 District 2)
SUGGESTED ACTION:
 Receive and file with existing conditions.

14. DEPARTMENT: PUBLIC WORKS
SUBJECT: Program Supplement to Administering Agency – State Agreement No. 07-5108(066) for the improvement of Clark Avenue between Pacific Coast Highway and Atherton Street. (Districts 3,4)
SUGGESTED ACTION:
 Authorize City Manager to execute program supplement.

15. DEPARTMENT: PUBLIC WORKS AND WATER
SUBJECT: Quitclaim and grant of public waterline and fire hydrant easements at 1800 Ximeno Avenue. (District 4)
SUGGESTED ACTION:
 Authorize City Manager to execute a quitclaim deed and request City Attorney to accept an easement deed.

16. DEPARTMENT: VARIOUS
SUBJECT: Minutes for filing:
Harbor Commission, August 30, 2004
SUGGESTED ACTION:
Receive and file.

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

17. OFFICE: MAYOR BEVERLY O'NEILL
SUBJECT: 2004 Nominations for appointments to Non-Charter Commissions, Committees, and Boards.
SUGGESTED ACTION:
Confirm appointment of E. Thomas Brewer to the Cable Communications Advisory Commission; appointment of Julie Bartolotto to the Cultural Heritage Commission; and appointments of Richard James Wilke and John Hunt Sangmeister to the Greater Long Beach Workforce Development Board.
18. COUNCIL OFFICES: COUNCILMEMBER BONNIE LOWENTHAL, FIRST DISTRICT
COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT
COUNCILMEMBER VAL LERCH, NINTH DISTRICT
SUBJECT: Universally accessible playgrounds.
SUGGESTED ACTION:
Request report within 30 days on the feasibility of new parks in City of Long Beach to be constructed as universally accessible playgrounds; and incorporating components of universally accessible playgrounds into parks that are currently under design.
19. COUNCIL COMMITTEE: COUNCILMEMBER DAN BAKER, SECOND DISTRICT, CHAIR,
PERSONNEL AND CIVIL SERVICE COMMITTEE
SUBJECT: Recommended appointment to City Charter Commission.
SUGGESTED ACTION:
Concur in recommendation of Committee that communications be received and the appointment of Andrew Jones to the Citizen Police Complaint Commission be confirmed.

20. DEPARTMENT: CITY CLERK

SUBJECT: Recommendation regarding SB 1730 (Johnson) and the changing of statewide Primary Election dates beginning in 2006.

SUGGESTED ACTION:

Refer to Elections Oversight Committee for further discussion and request report back to City Council in December 2004.

21. DEPARTMENT: COMMUNITY DEVELOPMENT AND TECHNOLOGY SERVICES

SUBJECT: First Amendment to License Agreement No. 21471 with Harbor Area Farmers' Market for relocation of Farmers' Market from The Promenade to city-owned surface parking lot adjacent to Parking Structure B in CityPlace. (District 1)

SUGGESTED ACTION:

Authorize City Manager to execute amendment for a term of one year and to change the location of the Farmers' Market; and authorize City Manager to execute subsequent amendments extending the term of the License Agreement at his discretion.

22. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Amendment to loan agreement for the development of Pacific Apartments.
(District 1)

SUGGESTED ACTION:

Approve amendment to increase loan amount from \$1,850,000 to \$3,680,000; authorize City Manager to execute all documents necessary to consummate the transactions; and authorize execution of any and all additional documents necessary or appropriate.

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

SUBJECT: Exclusive Negotiation Agreement with Big League Dreams U.S.A., LLC, to negotiate for operation, maintenance and licensing of the Sports Park.
(District 7)

SUGGESTED ACTION:

Authorize City Manager to execute agreement.

24. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Fiscal Year 2004 Fourth Quarter Budget Appropriation Adjustments.
(Citywide)

SUGGESTED ACTION:

Approve adjustments to FY 04 departmental and fund appropriations in accordance with existing City Council policy.

25. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Contracts for Group Health, Dental, Life and Long-Term Care Coverage and In-Hospital Indemnity Program. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute renewal of contracts with Great-West Life for the Preferred Provider Organization (PPO) and the Point of Service (POS) group health plans and the term life insurance coverage; PacifiCare for the Health Maintenance Organization (HMO) group health plan; Delta Dental for the fee-for-service dental plan; PacifiCare Dental for the closed-panel dental plan; and Union Mutual Life Insurance Company (UNUM) for the long-term care benefits; and to continue the City's self-funded, in-hospital indemnity program administered by Great West Life.

Authorize City Manager to execute any subsequent amendments necessary to maintain proposed benefit levels and remain in compliance with state and federal laws on all plans.

Authorize City Manager to increase the City paid contribution for health, dental and life insurance coverage to \$796 per month per employee.

26. DEPARTMENT: POLICE

SUBJECT: Application of Brinker Restaurant Corporation, dba Chili's Grill and Bar, for a person-to-person and premise-to-premise transfer of an on-sale general for bonafide eating place alcoholic beverage license at Shoreline Drive and Pine Avenue southwest corner. (District 2)

SUGGESTED ACTION:

Receive and file application; or

Request City Clerk to file protest with California State Department of Alcoholic Beverage Control; or

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

27. DEPARTMENT: POLICE

SUBJECT: Application of E and L Associates, Incorporated, dba Olive's Gourmet Grocer, for an original off-sale beer and wine alcoholic beverage license at 3510 East Broadway. (District 3)

SUGGESTED ACTION:

Receive and file with or without conditions; and

Determine if application would serve the public convenience and necessity; and

Request City Clerk to file protest with California State Department of Alcoholic Beverage Control; or

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

RESOLUTIONS:

28. DEPARTMENT: CITY CLERK
SUBJECT: Resolution approving and authorizing the destruction of certain records, papers and writings by the Police Department.
SUGGESTED ACTION:
Adopt resolution.
29. DEPARTMENT: FINANCIAL MANAGEMENT
SUBJECT: Resolution providing for the issuance of 2004-05 Tax and Revenue Anticipation Notes of the City of Long Beach, California. (Citywide)
SUGGESTED ACTION:
Adopt resolution providing for the competitive sale of FY 05 Tax and Revenue Anticipation Notes.
Authorize City Manager to execute certificates, documents and agreements in accordance with resolution.
30. DEPARTMENT: LAW
SUBJECT: Resolution setting rates of parking meter fees for parking meter zones 19 through 25, pursuant to Section 10.28.130 of the Long Beach Municipal Code, and setting parking fees for two beach lots, pursuant to Section 10.30.030 of the Long Beach Municipal Code.
SUGGESTED ACTION:
Adopt resolution.
31. DEPARTMENT: PUBLIC WORKS
SUBJECT: Resolution of Intention to Vacate the five-foot wide alley east of Sixty-Seventh Place and south of Ocean Boulevard. (District 3)
SUGGESTED ACTION:
Set date of hearing for Tuesday, October 12, 2004, at 5:00 P.M.
Adopt resolution.

ORDINANCES:

32. DEPARTMENT: LAW

SUBJECT: 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.

SUGGESTED ACTION:

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

33. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Ordinance approving and adopting the official budget of the City of Long Beach for the Fiscal Year 2004-05, creating and establishing the funds of the Municipal Government of the City of Long Beach and appropriating money to and authorizing expenditures from said funds and for said fiscal year; declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 A.M. on October 1, 2004. (Ordinance No. C-7943)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

34. DEPARTMENT: WATER

SUBJECT: Ordinance approving Resolution No. WD-1195, a resolution of the Board of Water Commissioners of said City establishing the rates and charges fixed therein to be charged for water and sewer service.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

NEW BUSINESS:

35.

36.

37.

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:

Housing Authority at 4:30 P.M.

September 21, 2004, Hearing on resolution approving an Annual Report for October 1, 2004 to September 30, 2005 for the Belmont Shore Parking and Business Improvement Area and declaring its intention to levy the annual assessment for that fiscal year. (District 3)

September 21, 2004, Hearing on resolution approving an Annual Report for October 1, 2004 to September 30, 2005 for the Bixby Knolls Parking and Business Improvement Area (PBIA) and declaring its intention to levy the annual assessment for that fiscal year. (Districts 7,8)

September 21, 2004, Hearing on zoning amendment to PD-30. (Districts 1,2)

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.