

MINUTES OF A REGULAR MEETING OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON TUESDAY, JULY 5, 2005, AT 1 P.M.

Present:	Commissioners:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
Absent:	"	None

Also present:

R. D. Steinke	Executive Director
G. Knatz	Managing Director
S. B. Rubin	Managing Director
T. Teofilo	Managing Director
G. T. Hein	Executive Officer to the Board
D. A. Thiessen	Chief Harbor Engineer
T. K. Whitesell	Director of Administration
H. C. Morris	Director of Communications
M. J. Slavin	Chief Financial Officer
D. L. Albrecht	Director of Information Management
W. D. Bower	Acting Director of Maintenance
R. G. Kanter	Director of Planning
K. J. McDermott	Director of Properties
C. Perrone	Director of Security
D. B. Snyder	Director of Trade & Maritime Services
C. A. Kemp	Director of Community Relations
D. T. Holzhaus	Principal Deputy City Attorney

PRESIDENT TOPSY-ELVORD PRESIDED AS CHAIRPERSON.

Commissioner Cordero left the meeting.

APPROVAL OF MINUTES.

Upon motion by Commissioner Hancock, seconded by Commissioner Hankla and unanimously carried, the minutes of the regular meeting of June 27, 2005, were declared read and approved as read. Carried by the following vote:

AYES:	Commrs:	Walter, Hancock, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	Cordero

WELCOME.

President Topsy-Elvord welcomed Commissioner Mike Walter to the Board of Harbor Commissioners.

Commissioner Walter stated he is very impressed with the Port and he has great respect for what the Port does for the City, the Community, the State of California and the national economy.

#### INTRODUCTIONS.

President Topsy-Elvord introduced the 2005-2006 officers of the Board of Harbor Commissioners, James C. Hankla, Vice President, Mario Cordero, Secretary, and John W. Hancock, Assistant Secretary.

#### CONSENT CALENDAR – ITEMS NOS. 1-5.

##### 1. EWO NO. 5060 - EXPENDITURES APPROVED AND PROJECT CLOSED TO ALL FUTURE CHARGES.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated June 29, 2005, submitting the following project for closing action:

		<u>BHC Approval</u>	<u>Expenditures</u>
EWO No. 5060	Pier G, Berths G212-G215	\$364,000	\$265,774

and requesting that the expenditures made to said project be approved and that it be closed to all future charges, was presented to the Board. The request was approved by the Acting Executive Director.

##### 2. LEVEL I HARBOR DEVELOPMENT PERMITS – RECEIVED AND FILED.

Communication from Robert Kanter, Director of Planning, by L. L. Cottrill, dated June 28, 2005, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #05-025	SSA Marine – Crane Removal
HDP #05-035	City of Long Beach – Microwave System Installation
HDP #05-042	International Transportation Service – Asphalt Improvements
HDP #05-046	Tidelands Oil Production Company – Emergency Pipeline Repair
HDP #05-047	Tidelands Oil Production Company – Emergency Pipeline Repair

was presented to the Board. The request was approved by the Acting Executive Director.

**3. FINANCIAL REPORTS FOR THE INTERMODAL CONTAINER TRANSFER FACILITY JOINT POWERS AUTHORITY FOR YEAR ENDED 2004 – RECEIVED AND FILED.**

Communication from Michael J. Slavin, Chief Financial Officer, dated June 24, 2005, transmitting audited financial reports for the Intermodal Container Transfer Facility Joint Powers Authority for the year ended 2004, was presented to the Board. The financial statements were approved by the Acting Executive Director.

**4. FRANCISCO VIVEROS – APPOINTMENT.**

Communication from Toni K. Whitesell, Director of Administration, dated June 28, 2005, requesting approval of the appointment of Francisco Viveros to the position of Construction Inspector II, at Range/Step 574/6, effective July 11, 2005, was presented to the Board. The request was approved by the Acting Executive Director.

**5. LONG BEACH INTERNATIONAL TRADE OFFICE – FUNDING OF THE INTERNATIONAL TRADE OFFICE – APPROVED.**

Communication from Tom Teofilo, Managing Director, dated June 27, 2005, requesting approval of funding in the amount of \$100,000, for the seed funding for the Long Beach International Trade Office, for July 1, 2005, through June 30, 2006, was presented to the Board. The recommendation was approved by the Acting Executive Director.

Commissioner Hancock moved, seconded by Commissioner Walter that the communications be received and filed and that Items Nos. 1-5 be approved as recommended. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	Cordero

Commissioner Cordero returned to the meeting.

**REGULAR AGENDA.**

**6. REPORT NO. 1 - GREEN PORT PROGRAM – RECEIVED AND FILED.**

Communication from Robert Kanter, Director of Planning, by L. L. Cottrill, dated June 29, 2005, transmitting Report No. 1 from the Green Port Program describing the status of the various programs and initiatives being carried out, to be received and filed, was presented to the Board. The report was approved by the Acting Executive Director.

Dr. Kanter reviewed highlights of the Green Port Program.

In response to a question by Commissioner Hankla, Dr. Kanter stated the Port uses radar to monitor the speeds of the vessels.

President Topsy-Elvord commended Dr. Kanter and the staff on the report.

Commissioner Cordero stated if there is a need for additional staff he is supportive of adding more in-house staff.

Commissioner Hankla moved, seconded by Commissioner Hancock that the communication and Report No. 1 from the Green Port Program be received and filed. Carried by the following vote:

AYES:	Commrs:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

**7. REPORT NO. 24 FROM THE RULE 1158 TASK FORCE – RECEIVED AND FILED.**

Communication from Geraldine Knatz, Managing Director, dated June 29, 2005, transmitting Report No. 24 from the Rule 1158 Task Force regarding implementation of the amended rule to be received and filed, was presented to the Board. The report was approved by the Acting Executive Director.

Dr. Knatz gave an overview of the progress made on implementing the program associated with Rule 1158 in eliminating coke dust fall out. She stated the Port is done with all of the physical improvements and the program is coming to an end after a 5 year monitoring program. Additionally, Dr. Knatz gave an update on the silt on the roadway at Pier G Avenue and Harbor Plaza, and that the Port is working with the tenant on this situation.

Commissioner Hancock moved, seconded by Commissioner Hankla that the communication and that Report No. 24 from the Rule 1158 Task Force be received and filed. Carried by the following vote:

AYES:	Commrs:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

**8. ARCO TERMINAL SERVICES CORPORATON - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE SECOND AMENDMENT TO LEASE FOR A LIQUID BULK MARINE TERMINAL ON PIER B – DOCUMENT NO. HD-5470B - ORDINANCE NO. HD-1940 - ADOPTED.**

Ordinance entitled, "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SECOND AMENDMENT TO LEASE BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND ARCO TERMINAL SERVICES CORPORATION FOR THE USE OF CERTAIN PREMISES IN THE HARBOR DISTRICT AND MAKING A DETERMINATION RELATING THERETO," was presented to the Board for its second and final reading.

Commissioner Cordero moved, seconded by Commissioner Hancock that said ordinance be declared read for the second time and adopted as read. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

CLOSED SESSION.

At 3:15 p.m., President Topsy-Elvord recessed the Board meeting to hold a closed session:

#### PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Closed session pursuant to Section 54957 of the Government Code to consider an appointment of a Director of Maintenance.

At 3:30 p.m., the meeting was again called to order by President Topsy-Elvord.

ADJOURNED.

At 3:31 p.m., Commissioner Walter moved, seconded by Commissioner Hankla that the meeting be adjourned sine die. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

MINUTES OF A REGULAR MEETING OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON MONDAY, JULY 18, 2005, AT 1 P.M.

Present: Commissioners: Walter, Hancock, Cordero, Hankla, Topsy-Elvord  
Absent: " None

Also present:

G. Knatz	Managing Director
S. B. Rubin	Managing Director
T. Teofilo	Managing Director
G. T. Hein	Executive Officer to the Board
D. A. Thiessen	Chief Harbor Engineer
T. K. Whitesell	Director of Administration
H. C. Morris	Director of Communications
M. J. Slavin	Chief Financial Officer
D. L. Albrecht	Director of Information Management
W. D. Bower	Acting Director of Maintenance
R. G. Kanter	Director of Planning
K. J. McDermott	Director of Properties
C. Perrone	Director of Security
D. B. Snyder	Director of Trade & Maritime Services
T. A. Poe	Assistant Director of Government Affairs
D. T. Holzhaus	Principal Deputy City Attorney

PRESIDENT TOPSY-ELVORD PRESIDED AS CHAIRPERSON.

APPROVAL OF MINUTES.

Upon motion by Commissioner Hancock, seconded by Commissioner Cordero and unanimously carried, the minutes of the regular meeting of July 5, 2005, were declared read and approved as read.

PUBLIC COMMENT.

Mr. Miguel Lopez from the International Brotherhood of Teamsters Port Division invited the Board to a sponsored event by the Teamsters regarding PierPass. The event will be held at the Administration Building at Port of Los Angeles on Friday, July 22, 2005, at noon.

CONSENT CALENDAR – ITEMS NOS. 1-10.

Item Nos. 4 and 8 were removed from Consent Calendar for discussion.

1. ARCO TERMINAL SERVICES CORPORATION AND MERCEDES-BENZ, USA, LLC – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE RIGHT OF ENTRY AGREEMENT FOR PROPERTY AT PIER B STREET - DOCUMENT NO. HD-6950.

Communication from Kathryn McDermott, Director of Properties, dated July 12, 2005, recommending authorization of the Right of Entry Agreement for property at the southeastern side of 1550 Pier B Street with ARCO Terminal Services Corporation and Mercedes-Benz, USA, LLC, was presented to the Board. The request was approved by the Executive Director.

2. CWO NO. 1182 - EXPENDITURES APPROVED AND PROJECT CLOSED TO ALL FUTURE CHARGES.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated July 13, 2005, submitting the following project for closing action:

		<u>BHC Approval</u>	<u>Expenditures</u>
CWO No. 1182	Pier C, Berths C60-C72, Redevelopment	\$3,580,000	\$3,326,246

and requesting that the expenditures made to said project be approved and that it be closed to all future charges, was presented to the Board. The request was approved by the Executive Director.

3. CWO NO. 1242 - EXPENDITURES APPROVED AND PROJECT CLOSED TO ALL FUTURE CHARGES.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated July 13, 2005, submitting the following project for closing action:

		<u>BHC Approval</u>	<u>Expenditures</u>
CWO No. 1242	ACTA Operating Committee Oversight Services	\$ 200,000	\$ 148,575

and requesting that the expenditures made to said project be approved and that it be closed to all future charges, was presented to the Board. The request was approved by the Executive Director.

5. LEVEL I HARBOR DEVELOPMENT PERMITS – RECEIVED AND FILED.

Communication from Robert Kanter, Director of Planning, dated July 6, 2005, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #05-049	Port of Long Beach – Annual Routine Maintenance and Repair
HDP #05-050	Great Pacific Coast Corporation – Modular Office Installation
HDP #05-051	SSA Marine – Crane Relocation

was presented to the Board. The request was approved by the Executive Director.

**6. TIDELANDS OIL PRODUCTION COMPANY – PERMIT TO DRILL TWO OIL PRODUCTION WELLS – APPROVED.**

Communication from Robert Kanter, Director of Planning, dated July 8, 2005, recommending approval of the application submitted by Tidelands Oil Production Company for a permit to drill two oil production wells, UP-892 and UP-894, was presented to the Board. The recommendation was approved by the Executive Director.

**7. TETRA TECH, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIFTH AMENDMENT TO CONTRACT FOR REMEDIAL INVESTIGATION AND FEASIBILITY STUDY AT PIER A WEST - DOCUMENT NO. HD-6499E, WO NO. 5032, SUPPLEMENT NO. 5 AND INCREASE THE PROJECT BUDGET.**

Communication from Robert Kanter, Director of Planning, dated July 5, 2005, requesting approval of an amendment to Contract with Tetra Tech, Inc., for the remedial investigation and feasibility study at Area 2/Pier A West, in the amount of \$50,000, extend the term to May 31, 2006, WO No. 5032, Supplement No. 5, in the amount of \$100,000, and increase the project budget, was presented to the Board. The request was approved by the Executive Director.

**9. HARBOR REVENUE FUND – APPROVAL OF FUND TRANSFER JOURNALS AND AUTHORIZATION OF TRANSFER OF FUNDS.**

Communication from Michael J. Slavin, Chief Financial Officer, dated July 13, 2005, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
115,670.50	Employee Benefits Fund – pension obligation bonds for July 2005
156,303.25	General Fund – transfer of the July 2005 estimated City general administration costs



(4,359.00)	General Fund – monthly credit for prior year indirect cost adjustment
14,309.00	Information Services Bureau – data processing operations and maintenance for June 2005
18.00	Information Services Bureau – voice charges for May 2005
171,395.00	Technology Services – finance allocation for 3 <sup>rd</sup> & 4 <sup>th</sup> quarters of fiscal year 2005
8,049.83	Technical Systems – financial information services for July 2005
96.00	Fingerprinting for May 2005
54.00	Information Services Bureau – pager service charges for May 2005

was presented to the Board. The Fund Transfer Journals were approved by the Executive Director.

10. M. ARTHUR GENSLER JR., AND ASSOCIATES - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIRST AMENDMENT TO CONTRACT FOR THE PROPOSED NEW PORT ADMINISTRATION BUILDING AND MAINTENANCE FACILITIES – DOCUMENT NO. HD-6857A AND CWO NO. 1234, SUPPLEMENT NO. 4 - APPROVED.

Communication from Geraldine Knatz, Managing Director, dated July 13, 2005, requesting approval of an amendment to Contract with M. Arthur Gensler Jr., and Associates for design services for the proposed replacement of the Port Administration Building and the Maintenance Facilities, in the amount of \$15,455,227, extend the contract to June 30, 2010, update the insurance requirements, authorization for the Executive Director to approve schedule of fees adjustments for annual cost of living updates; and CWO No. 1234, Supplement No. 4, in the amount of \$11,120,000, was presented to the Board. The request was approved by the Acting Executive Director.

Commissioner Cordero moved, seconded by Commissioner Walter that the communications be received and filed and that Items Nos. 1-3, 5-7, and 9-10 be approved as recommended. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

**4. PARSONS/HNTB JOINT VENTURE - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE SIXTH AMENDMENT TO CONTRACT FOR THE GERALD DESMOND BRIDGE REPLACEMENT PROJECT - DOCUMENT NO. HD-6579F AND CWO NO. 1233, SUPPLEMENT NO. 9 - APPROVED.**

Communication from D. A. Thiessen, Chief Harbor Engineer, dated July 13, 2005, requesting approval of an amendment to Contract with Parsons/HNTB Joint Venture, for the design, permitting, and construction of the Gerald Desmond Bridge replacement project, and CWO No. 1233, Supplement No. 9, both in the amount of \$298,159, was presented to the Board. The request was approved by the Executive Director.

In response to a request from Commissioner Cordero, Mr. Thiessen reviewed the project and the funding.

In response to a question from Commissioner Walter, Mr. Thiessen stated the Army Corps of Engineers are not involved in this project.

Commissioner Cordero moved, seconded by Commissioner Hancock that the communication be received and filed, that said amendment to Contract with Parsons/HNTB Joint Venture and CWO No. 1233, Supplement No. 9, be approved, and that the Executive Director be authorized to execute the amendment. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

**8. TIAX - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT FOR AIR QUALITY PROFESSIONAL SERVICES - DOCUMENT NO. HD-6951.**

Communication from Robert Kanter, Director of Planning, dated July 12, 2005, recommending authorization of a Contract with TIAX to conduct a variety of air quality services, in the amount of \$250,000, and for a period of four years, was presented to the Board. The recommendation was approved by the Executive Director.

In response to a request by Commissioner Cordero, Dr. Kanter reviewed the contract.

Commissioner Cordero moved, seconded by Commissioner Walter that the communication be received and filed; that the Executive Director be authorized to execute said contract. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

**REGULAR AGENDA.**

**11. PORT OF LONG BEACH TARIFF NO. 4 – IMPLEMENT ADDITIONAL LANGUAGE TO AMEND THE FREE TIME CALCULATION AND ADD A SECURITY EXAMINATION EXCEPTION – RESOLUTION NO. HD-2262 ADOPTED – FIRST READING OF ORDINANCE.**

Communication from Donald B. Snyder, Director of Trade and Maritime Services, dated July 13, 2005, recommending approval of the implementation of additional language to amend the free time calculation and to add a security examination exception, in the Port of Long Beach Tariff No. 4, was presented to the Board together with the authorizing resolution and ordinance therefore. The recommendation was approved by the Executive Director.

Commissioner Hancock moved, seconded by Commissioner Hankla that the communication be received and filed and that the resolution entitled "A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. HD-1357, DESIGNATED TARIFF NO. 4, BY AMENDING TWO SECTIONS OF ITEM NO. 402 FOR A PERIOD OF NINETY DAYS COMMENCING JULY 23, 2005, AND AUGUST 15, 2005, RESPECTIVELY," be declared read and adopted as read. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

Commissioner Hankla moved, seconded by Commissioner Hancock that the ordinance entitled "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. HD-1357, DESIGNATED TARIFF NO. 4, BY AMENDING ITEM NO. 402," be declared read for the first time and laid over for its second and final reading. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

**12. PIPELINE LICENSE FORM – UPDATE THE FORM FOR PIPELINE LICENSES AND DELEGATE THE AUTHORITY TO THE EXECUTIVE DIRECTOR TO EXECUTE PIPELINE LICENSES – FIRST READING OF ORDINANCE.**

Communication from Kathryn McDermott, Director of Properties, dated July 13, 2005, recommending approval of the Pipeline License Form, to update the form of Pipeline Licenses to be incorporated into the ordinance, and to delegate the authority to the Executive Director to execute Pipeline Licenses that are consistent with the

ordinance, was presented to the Board together with the authorizing ordinance therefore. The recommendation was approved by the Executive Director.

Commissioner Cordero moved, seconded by Commissioner Hankla that the communication be received and filed and that the ordinance entitled, "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH RELATING TO THE ISSUANCE OF PIPELINE LICENSES FOR USE OF CITY PROPERTY WITHIN JURISDICTION OF THE BOARD OF HARBOR COMMISSIONERS AND REPEALING ORDINANCE NO. HD-1366," be declared read for the first time and laid over for its second and final reading. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

13. CITY OF HUNTINGTON PARK – RECIPROCAL GRAND DEEDS AND ASSIGNMENT FOR PROPERTY ALONG THE ALAMEDA CORRIDOR – FIRST READING OF ORDINANCE.

Communication from Kathryn McDermott, Director of Properties, dated July 8, 2005, recommending approval of the Reciprocal Grant Deeds and Assignment with the City of Huntington Park for property along the Alameda Corridor, was presented to the Board together with the authorizing ordinance therefore. The recommendation was approved by the Executive Director.

Commissioner Cordero moved, seconded by Commissioner Hankla that the communication be received and filed and that the ordinance entitled, "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE RECIPROCAL GRANT DEEDS AND ASSIGNMENTS BY AND AMONG CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY, CITY OF LOS ANGELES, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS AND CITY OF HUNTINGTON PARK, AND MAKING A DETERMINATION RELATING THERETO," be declared read for the first time and laid over for its second and final reading. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

CLOSED SESSION.

At 1:55 p.m., President Topsy-Elvord recessed the Board meeting to hold a closed session:

## CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Closed session pursuant to Section 54956.8 of the Government Code for a conference with real property negotiators regarding Long Beach Generating Station, Ocean Boulevard/Terminal Island. The Port's negotiator is Geraldine Knatz and the negotiating party is Dynergy Corporation. Instructions to negotiator may include price and terms of payment.

At 2:25 p.m., the meeting was again called to order by President Topsy-Elvord.

ADJOURNED.

At 2:26 p.m., Commissioner Walter moved, seconded by Commissioner Cordero that the meeting be adjourned sine die. Carried by the following vote:

AYES:	Commrs:	Walter, Hancock, Cordero, Hankla, Topsy-Elvord
NOES:	"	None
ABSENT:	"	None

**CITY OF LONG BEACH  
DEPARTMENT OF PARKS, RECREATION AND MARINE  
PARKS AND RECREATION COMMISSION MINUTES  
JUNE 16, 2005**

**I. CALL TO ORDER**

The meeting of the Parks and Recreation Commission was called to order by Chris Kozaites, President, at 9:00 a.m., at the El Dorado Park West Community Center, in the Senior Center Library. Phil Hester, Director of Parks, Recreation and Marine, took roll call and confirmed a quorum.

**Present:** Chris Kozaites, President  
Harry Saltzgaver, Vice President  
Bea Antenore  
Raymond Chavarria  
Simon George  
William Marmion  
Drew Satariano

**Absent:** none

**Staff:** Phil Hester, Director of Parks, Recreation and Marine  
Dennis Eschen, Manager, Planning and Development Bureau  
Anna Mendiola, Park Development Officer  
Janet Day-Anselmo, Manager, Business Operations Bureau  
Gwendolyn Parker, Superintendent of Contracts and Revenue Development  
Diane Lewis, Manager, Community Enrichment Programs Bureau  
Steven Neal, Chief Ranger  
Ellen Calomiris, Historic Sites Officer  
Cindy Fogg, Superintendent of Youth Services  
Ann Link, Summer Food/Youth Services  
Chrissy Marshall, Manager, Community Recreation Programs  
Robin Black, Executive Secretary to the Director

**Guests:** Deanne Cecil  
Robert Lamond, Partners of Parks  
Kristen Autry, Save Long Beach City Skyline  
Darryl Alexander, Onshore Food Service

**II. APPROVAL OF MINUTES – MAY 19, 2005**

It was moved by Commissioner Chavarria and seconded by Commissioner Satariano to approve the May 19, 2005 Parks and Recreation Commission minutes, as amended. The motion carried unanimously.

**III. SAMMY AWARD PRESENTATION – DEL RANSOM**

Del Ransom presented the Sammy Award to Marla Camerino. Mr. Ransom stated that Ms. Camerino came in as a temporary clerical worker. Mr. Ransom stated that Ms. Camerino is now a permanent employee working with Community Recreation Programs Superintendent Sherri Nixon-Joiner.

Commissioner Antenore asked what Sammy did the past month when he was with Mr. Ransom. Mr. Ransom responded that Sammy was kind of mad at him. He said that it was a busy month and Sammy sat in the corner.

**IV. EMPLOYEE-OF-THE-MONTH PRESENTATION FOR JUNE**

President Kozaites stated that Vice President Saltzgaver would announce the Employee of the Month.

Vice President Saltzgaver announced that there was a tie this month and there were two Employees of the Month for June: Ron McIntosh, Lead/Supervisory Employee of the Month from the Maintenance Operations Bureau, and Brandy Ferrate, Lead/Supervisory Employee of the Month from Community Recreation Programs Bureau.

Ms. Chrissy Marshall stated that it is her pleasure to have this award presented to Ms. Ferrate. She said that Brandy started with the Department in June of 2002, as a Recreation Leader III, quickly climbing the ranks and becoming a permanent part-time Recreation Assistant. She said that up until about two weeks ago, Ms. Ferrate worked at Veterans Park in charge of the extended day program and will now be in charge of the day camp, summer fun days, and youth sports at Wardlow Park.

Mr. Jeff Edwards stated that he is Ron McIntosh's supervisor and Ron is in charge of the custodial services within the Tidelands area. He said that he is very proud of Mr. McIntosh, who is so steady, diligent, and well organized that his division rarely gets noticed because there are no problems. Mr. Edwards said that he never has to worry about an assignment given to Ron, because he knows it will be done right and done on time.

**V. PRESENTATION TO PARK RANGER KEVIN PHILLIPS**

President Kozaites stated that Kevin Phillips has done a wonderful thing for this country and presented Mr. Phillips with a certificate. He called on Ms. Diane Lewis to explain what Kevin has done.

Ms. Lewis said that Kevin Phillips was being honored today for his safe return from Iraq. She said that Kevin enlisted in 1988 and enlisted to the National Guard active duty in 1996. He became a part-time park ranger in 1999. This was his fifth war, and

he has served in Panama, Desert Storm, Somalia, Afghanistan, and Iraq. He was attached to the U.S. Embassy and his primary job was diplomatic protection services, protecting ranking officers of the embassy, members of the United Nations, countless generals, and members of the new Iraqi government. Ms. Lewis said that Kevin has been married since 1997 and has four children. She said that we are honored to have him as an employee.

Mr. Phillips implored everyone, regardless of how everyone feels about what is going on in the world, to pay attention to a group that is being overlooked. He said to please look after and take care of the soldiers' wives and families. He thanked everyone.

Chief Ranger Steven Neal welcomed Mr. Phillips back.

## **VI. PRESENTATION TO WILLIAM MARMION**

President Kozaites thanked Mr. Marmion for all his years of service and personally, it has been a pleasure serving with him. He has done an outstanding job on the Commission and brought a lot to the city with his service. He presented a plaque to Mr. Marmion in appreciation for his eight years of service on the Parks and Recreation Commission.

Vice President Saltzgaver thanked Mr. Marmion for being a mentor and a model of community service and caring.

Commissioner Antenore stated that she has known Mr. Marmion since 1960, when he was a teacher to her boys. She said that he is a great teacher, a great citizen, a great person, a great husband, a great father, and it has been a wonderful part of her life to have known him.

Commissioner Satariano stated that his family has know the Marmion family for over 50 years, and Bill has provided a consistent, stable style of leadership over the years, as has the whole Marmion family. He looks forward to seeing what Bill will be doing over the next couple of decades.

Mr. Hester thanked Mr. Marmion, from the Department. He said that Mr. Marmion has helped take the Commission to a new level. The Commission is much more active in the community and in support of the Department. He said that he had been asked by the Mayor, who was not available, to present Mr. Marmion with a clock. Mr. Hester then presented Mr. Marmion with a windbreaker and an official "William Marmion Park" sign from the Department.

Commissioner Marmion thanked everyone. He said that the Mayor called him asking if he would be willing to serve to replace Rae Gabelich, a Parks and Recreation Commissioner whose term was ending. He said that he has been watching Mr. Hester for the past eight years, and how Phil has transformed this department. He said that he has enjoyed working with staff and he would be watching from the sidelines.



Commissioner George said that he would like to arrange for a luncheon at the Old Ranch Country Club in Seal Beach, on July 21, about 12:00 noon, right after the next Parks and Recreation Commission meeting.

**VII. COMMISSION ACTION ITEMS**

**#05-0601**

**PERSONAL SERVICES/INSTRUCTION AGREEMENTS-MONTHLY APPROVAL**

**It was moved by Commissioner Marmion and seconded by Commissioner Antenore to authorize the Community Recreation Programs Bureau manager or his or her management designee to execute the Personal Services and Instruction Agreements and amend Attachment "A" of the agreements as needed. The motion carried unanimously.**

**#05-0602**

**MEMORIAL PLAQUE FOR GREG CECIL**

Mr. Hester stated that this was an item that came to the Department requesting placement of a memorial plaque in Los Altos Park. He said that this would be the first time that there would be a memorial of this type. The individual was a resident of Long Beach and used the park on a regular basis, and the family is looking to place a memorial plaque in memory of Mr. Cecil. Mr. Hester asked if there was anyone in the audience who wanted to speak.

Ms. Deanne Cecil stated that she is Greg Cecil's niece. She said that he was a police officer for 28 years. She said that Greg grew up in the neighborhood by Los Altos Park, and before there were drinking fountains, the kids would drink from the sprinklers. The family thought it would be fun to dedicate a drinking fountain at the park to Greg.

Commissioner Chavarria asked if the community organizations around the park were aware of this proposal? Mr. Hester responded that staff has not talked to any community associations yet, but they would do that. He said that he did not anticipate any problem because the neighborhood is usually very supportive.

**It was moved by Commissioner Satariano and seconded by Commissioner Chavarria to approve the placement and installation of the memorial plaque for Mr. Greg Cecil. The motion carried unanimously.**

**#05-0603**

AUTHORIZATION TO EXECUTE A PICNIC CONCESSION PERMIT WITH US MARKETING SPECIALISTS, INC., DOING BUSINESS AS SOUTHERN CALIFORNIA EVENTS

Mr. Hester stated that this is one of the picnic services historically approved by the Parks and Recreation Commission. He said that that the City permits these companies to make sure they have adequate insurance.

It was moved by Commissioner Chavarria and seconded by Commissioner Antenore to authorize the Director of Parks, Recreation and Marine to execute a Picnic Service Concession Permit for US Marketing Specialists, Inc., doing business as Southern Events, for a term of three years, with two one-year options, subject to the discretion of the Director. The motion carried unanimously.

**#05-0604**

AUTHORIZATION TO EXECUTE A SECOND AMENDMENT TO PICNIC SERVICE CONCESSION PERMIT NO. 27428 TO CHANGE THE PERMITTEE NAME FROM POSH PARTIES AND SPECIAL EVENTS, INC. TO POSH PRODUCTIONS, INC.

Mr. Hester stated that this is a similar picnic service company that is requesting to change their name and to extend their term.

It was moved by Commissioner Chavarria and seconded by Commissioner Satariano to authorize the Director of Parks, Recreation and Marine to execute a second amendment to Permit No. 27428 to extend the term through June 30, 2006, and to change the name of the Permittee from Posh Parties and Special Events, Inc. to Posh Productions, Inc. The motion carried unanimously.

**#05-0605**

AUTHORIZATION TO EXECUTE A SPECIAL EVENT CONCESSION PERMIT WITH DARRYL ALEXANDER, DOING BUSINESS AS ONSHORE FOOD SERVICE, FOR FOOD AND NON-ALCOHOLIC BEVERAGE SALES AT THE 2005 LONG BEACH MUNICIPAL BAND CONCERT SITES

Mr. Hester stated that a request for proposals was sent out to concession operators for the municipal band concerts. He said that there were two responses and the companies were interviewed by a panel, which recommended that Onshore Food Service be awarded the contract.

Ms. Gwendolyn Parker stated that this year the theme for the municipal band concert series is based on food, with a patriotic picnic, western barbecue, big apple deli, and several other themes. Each week there will be food that represents the musical theme. Ms. Parker distributed the municipal band flyers.

Mr. Darryl Alexander, the owner of Onshore Food Service, said that he has been providing services for the Department for the past 12 years. He thanked the Parks and Recreation Commission.

It was moved by Commissioner Chavarria and seconded by Commissioner George to execute a permit with Darryl Alexander, doing business as Onshore Food Service, to sell food and non-alcoholic beverages during the 2005 Municipal Band concert season at the designated performance sites, from June 28, 2005 through August 5, 2005. The motion carried unanimously.

#### **VIII. PUBLIC HEARING**

##### **A. FEES AND CHARGES RELATING TO FILMING LOCATION FEES**

President Kozaites opened the public hearing

Mr. Hester stated that the City wants to make sure it doesn't price itself out of the market for special events and filming. He stated that staff has been working with the Special Events and Filming Bureau and feels comfortable with these fees.

Vice President Saltzgaver stated that the Executive Committee met with staff and wanted to point out that these fees are specifically related to park facilities. He said there are other fees in the City, but those are not under the purview of the Parks and Recreation Commission.

Commissioner Satariano said he was very impressed with how the Special Events and Filming Bureau has analyzed the market and knows exactly where their place is in the market. He said that he is convinced that they are walking a fine line between being competitive and properly priced and becoming overpriced, which is what happened to the City of Alhambra recently. He said that he supports these fees.

President Kozaites asked for public comment. There were no comments, so he closed the public hearing on fees.

It was moved by Vice President Saltzgaver and seconded by Commissioner Antenore to adopt a resolution for fees and charges relating to filming location fees, effective October 1, 2005. The motion carried unanimously.

**IX. COMMITTEE STATUS REPORTS**

**A. EXECUTIVE COMMITTEE  
President Kozaites, Chair**

President Kozaites stated that the Committee met last week to discuss the agenda.

**1. COMMITTEE ASSIGNMENTS**

President Kozaites stated that he has not had any feedback yet.

Commissioner Antenore requested that she stay on the City Schools/Joint Use Committee.

Commissioner Satariano stated that that Commissioner Chavarria should continue with his leadership and direction and he would like to stay on the Equal Employment Opportunity and Customer Satisfaction Committee as well.

Commissioner Marmion recommended that the Commissioners think about changing some of the assignments. He said that one becomes familiar with a particular task and he thought it important for at least one new person to come to each committee. He said that it was his experience that new committee assignments help to fill in an aspect about what the Department is all about.

Vice President Saltzgaver suggested postponing the decision until the new Commissioner is appointed and they have a little more time to take a look at the Committees.

**B. FINANCE AND APPEALS COMMITTEE  
Commissioner Satariano, Chair**

Commissioner Satariano stated that the financial report was included in the packet.

**C. PARK SAFETY COMMITTEE  
Commissioner Marmion, Chair**

Commissioner Marmion stated that the quality and substance of the Committee reports over the years have improved tremendously. He stated that the park safety report was included in the packet.

D. EQUAL EMPLOYMENT OPPORTUNITY AND CUSTOMER SATISFACTION  
COMMITTEE  
Commissioner Chavarria, Chair

Commissioner Chavarria stated that the Committee did not meet this month; however, there was information in the Director's report on page 5.

E. CAPITAL IMPROVEMENT PROJECTS COMMITTEE  
Vice President Saltzgaver, Chair

Vice President Saltzgaver stated that the Committee met yesterday, which was the first public meeting for the Sports Park EIR. He stated that the press release from the City Manager's office was included in the packet regarding the series of public meetings that would take place. He said that this would be coming back to the full Parks and Recreation Commission at the July meeting, which would be a public meeting where the Commission could make recommendations to the Planning Commission but would not be able to take any action.

F. CITY SCHOOLS/JOINT COMMITTEE  
Commissioner Antenore, Chair

Commissioner Antenore stated that she received a list from the School District of the schools that would have lunches served this summer.

Commissioner Marmion said he was asked to be on the Committee because of his familiarity with the School District and some of the issues. He said that neither the District nor the Department was as represented at the meeting as well as he would have liked. He stated that he would like this meeting to be a priority because this is important dialog. Commissioner Marmion stated that the quality of life is going to be dependent on these two agencies coming together and making the best use of their talent and resources.

Commissioner Marmion stated that he was impressed with the participation of a staff member, Joy Warren, at the meeting.

X. DIRECTOR'S REPORT TO COMMISSION

A. DIRECTOR'S MONTHLY REPORT – MAY 2005

Commissioner Marmion said that he has some good news about the Rancho Los Cerritos. He said that the Rancho submitted a request to the Miller Foundation for three years of funding to jump-start the construction of the new visitors center. The Foundation agreed to fund \$50,000 a year for three years, for a total of \$150,000, towards the visitors center and hopefully the Rancho Foundation could raise the balance.

Commissioner Antenore stated that on page 16, regarding the Volunteers of America (VOA) meals, she heard they were not going to be able to provide the meals any longer. Mr. Hester responded that she was correct.

Mr. Hester stated that the VOA, which serves meals at the City's sites, has notified the Area Agency on Aging that they do not want to be the meal provider for Long Beach and Lakewood any longer. Mr. Hester stated that the Department discovered this through a press release. He said that Chrissy Marshall has been in discussions with the staff and they found another organization, Human Services Agency (HSA), which is looking to step in and provide those services.

Ms. Marshall stated that HSA is looking for the switchover to occur August 1, 2005. She said that HSA is trying to transition over to make sure that there will be no slip in service and to extend that to September 1. Plus, they still need to request a fee waiver from the Department and the Parks and Recreation Commission before they begin.

Vice President Saltzgaver said that VOA has provided an incredible service in the city; unfortunately, their office has been in disarray for the last year or more. He said it is critical to see the service continue, but he feels badly that the Department was not aware this was going on.

Mr. Hester stated that he was not sure if the organization would be ready to come before the Commission at the July meeting, but staff would be meeting with them.

Commissioner Marmion asked about the "Good Sports" event happening on June 25.

Ms. Marshall stated that the event is scheduled for Saturday, June 25, from 9:00 a.m. to 3:00 p.m., at Blair Field. She said that it is not confirmed, but they are hoping that the keynote speakers will be Tommy Lasorda and Milton Bradley. She stated that Sports Illustrated has teamed with the National Recreation and Park Association to do the "Good Sports" program, which are city and recreation agencies coming together to the forefront to promote good sports in the city with independent youth leagues. Ms. Marshall said that one portion of the day would be a summit to reach out to the parents and discuss putting youth back in the sports and having the parents stepping back. The second portion is just a festival and a fun time for the kids. She said that there would be break-out sessions with coaches and parents to discuss ideas from teams and controlling negative parent behavior.

Commissioner Chavarria stated that an item on page 27 mentions that the North Long Beach Redevelopment Agency Project Area Committee recommended funding to add a parcel to Admiral Kidd Park and to improve the center. He suggested that a thank you letter be sent to the North PAC.

Commissioner Satariano stated that under upcoming events on page 4, he wanted to remind everyone that the Hall of Fame presentation is this Saturday, June 18. He also reminded everyone about the upcoming Sea Festival, 60-day event, which will begin the weekend of July 4<sup>th</sup>.

Commissioner George stated that on page 4, it mentioned the Dr. Bob Jazz Quartet. He asked if they were from CSULB. Ms. Calomiris responded that they have performed at CSULB.

**XI. CORRESPONDENCE**

President Kozaites stated that there was no correspondence.

**XII. UNFINISHED BUSINESS**

President Kozaites stated that there was no unfinished business.

**XIII. NEW BUSINESS**

**A. RANCHO LOS CERRITOS LANDSCAPE RESTORATION**

Mr. Hester stated that Ms. Ellen Calomiris is here to make a presentation.

Ms. Calomiris stated that they are delighted that the Miller Foundation has granted the Rancho \$50,000 per year for three years, as a matching grant for construction of the visitor/education center.

Ms. Calomiris stated that the Rancho Los Cerritos master plan was approved by the City Council in 2002. She addressed a portion of phase 2 of the project, which involves perimeter landscaping along the west and north sides of the Rancho, as well as raising the fence line. She said that it also involves restoring the arroyo, which is one of the few open spaces still left on the property and installing a California native garden. She said that the funding for the design work was from the Rivers and Mountains Conservancy.

Ms. Calomiris presented the plans that had been developed at 90 percent to date, which would be completed on June 30, 2005. She said that they needed to retain any historic plant material and introduce as infill, California native plants, which would lower their irrigation needs. They also wanted to retain any historic features and pick up historic themes on any new features, such as railings and seating. She said that they also want to build a really strong privacy barrier between the Rancho and the neighbors.

**It was moved by Commissioner Marmion and seconded by Commissioner Chavarria to approve the designs for the arroyo restoration, perimeter fence and landscape improvements, and development of the California native garden at Rancho Los Cerritos Historic Site. The motion carried unanimously.**

**B. SUMMER FOOD SERVICE AND MOBILE RECREATION SUMMER PROGRAMS – CYNTHIA FOGG**

Ms. Cynthia Fogg introduced Ann Link, who does all the work for the Summer Food program. She stated that the Summer Food program is funded by money from United States Department of Agriculture that has flowed through the State Department of Education. She said that the Department partners with the School District, who provides the food, and Department staff would be serving the food at 35 sites this summer. She distributed a listing of the sites.

Ms. Link stated that this is the City's 26<sup>th</sup> year of providing this program. She said that the purpose of the program is to provide the same kind of nourishing, well-balanced lunch during the summer that they receive during the school year through the National School Lunch Program. She said that at any of the 35 sites, if any child 18 years of age or younger comes in and wants a lunch, they are served a lunch. There is no paperwork, no difficulty, and kids don't have to prove they need the lunch. The Department is reimbursed for the lunches served and we pay the School District for the lunches ordered. Ms. Link stated that they would begin serving June 20 through August 19, and they plan on serving approximately 100,000 lunches this year. She said that the record keeping and program regulations are very stringent.

Commissioner Marmion asked about the time between August 19 and the beginning of school.

Ms. Link responded that there is a lapse there, and they would love to cover it all, but there is no seamless summer program. She stated that there are lunch programs at the year-round school sites that provide lunches all the time for kids.

Ms. Fogg stated that the Parks and Recreation Commission also asked about the summer Mobile Recreation Programs. She said that the Mobile Recreation Program trucks visit 20 sites throughout the city, Monday through Friday, and that they operate for ten weeks, beginning June 20. She stated that the money for the program comes from the Community Development Block Grant funds. Ms. Fogg said that the sites they visit have to be approved by Mr. Dennis Thys, the Neighborhood Services Bureau Manager, and the site coordination is done through the NIS Coordinators, who help them identify neighborhoods where the kids do not have access to parks and there are apartment complexes with a lot of kids living in them. She said that the Police and Fire Departments need to be notified because staff blocks off the streets. Ms. Fogg said that the Department



has four trucks that each visit two sites per day. She invited the Commissioners to view the Mobile Recreation Trucks parked outside, after the meeting.

#### **XIV. COMMENTS**

##### **A. AUDIENCE**

There were no comments from the audience.

##### **B. STAFF**

Mr. Hester stated that he wanted to remind the Commissioners about the Juneteenth celebration on Saturday, June 18, at Martin Luther King, Jr. Park. He said that there would also be a pier art celebration on June 18, at 11:00 a.m., to show some of the new benches that would be a part of the enhancement. He said that Partners of Parks is working very closely on this project with the medallions. Mr. Hester also reminded the Commissioners about the Baseball and Softball Hall of Fame event on June 18, at 4:00 p.m. He said that the opening of Rotary Centennial Park would be on June 25, and the Sports Illustrated event, also on June 25, would begin at 9:00 a.m. Mr. Hester mentioned the City's Budget Summit scheduled for July 9, from 9:00 a.m. to 12:00 noon, at The Grand, and he encouraged the Commissioners to attend that day.

President Kozaites asked about the status of the National Park and Recreation Association (NRPA) Gold Medal Awards. Mr. Hester responded that the final video would be sent in on June 17, and staff could show the video at the July Commission meeting. He stated that the winner would be announced at the NRPA Conference in October.

##### **C. COMMISSIONERS**

Commissioner Antenore stated that the Strategic Plan for Older Adults went before the City Council on June 14.

Vice President Saltzgaver said he wanted to inform the Commissioners of a possible conflict of interest; the Grunion Gazette has become the presenting sponsor of the community portion of the Sea Festival.

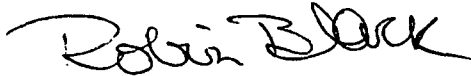
#### **XV. NEXT MEETING**

The next meeting will be held at 9:00 a.m. on Thursday, July 21, 2005, at the El Dorado Park West Community Center, in the Senior Center Library, 2800 Studebaker Rd., Long Beach.

**XVI. ADJOURNMENT**

President Kozaites adjourned the meeting at 10:50 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Robin Black". The signature is written in a cursive, flowing style.

Robin Black  
Executive Secretary  
to the Director

c: Phil T. Hester, Director of Parks, Recreation and Marine

**CITY PLANNING COMMISSION MINUTES****June 16, 2005**

A study session of the City Planning Commission convened Thursday, June 16, 2005, at 12:00 pm in the City Council Chambers, 333 W. Ocean Boulevard, to discuss Green Building. The regular meeting of the Planning Commission convened at 1:30.

**PRESENT: COMMISSIONERS:** Charles Winn, Nick Sramek, Matthew Jenkins, Mitchell Rouse

**CHAIRMAN:** Matthew Jenkins

**EXCUSED:** Leslie Gentile, Charles Greenberg, Morton Stuhlbarg

**STAFF MEMBERS PRESENT:** Suzanne Frick, Director of Planning and Building  
Greg Carpenter, Planning Manager  
Carolyn Bihn, Zoning Officer  
Angela Reynolds, Advance Planning Officer  
Derek Burnham, Planner  
Larry Rich, Advance Planning

**OTHERS PRESENT:** Mike Mais, Assistant City Attorney  
Heidi Eidson, Minutes Clerk

**PLEDGE OF ALLEGIANCE**

Commissioner Rouse led the pledge of allegiance.

**SWEARING OF WITNESSES****REGULAR AGENDA****1. Case No. 0504-05, Conditional Use Permit, CE 05-63**

**Applicant:** The Wren Group  
c/o Ulises Garcia  
**Subject Site:** 510 Pine Avenue (Council District 1)  
**Description:** Conditional Use Permit to allow the establishment of a computer arcade.

Derek Burnham presented the staff report recommending approval of a Conditional Use Permit for a computer arcade with 73 computer terminals, 21 of which will be located within a game room, and also including 56 seats in a lounge and café area.

Mr. Burnham explained that Zoning Regulations provide two categories of uses including a computer arcade, where the primary use is computer rental for public use, and internet café, where the primary use is a restaurant with computers as an accessory use. Because of the number of computers at this site, it is considered a computer arcade.

Mr. Burnham stated that Section 21.52 of the Zoning Ordinance requires several special Conditions of Approval including hours of operations and a security plan with the police department, which have been incorporated into the draft Conditions of Approval for this project.

Nathan Semens of the Wren Group, architect for the project, stated that they were in agreement with the Conditions of Approval, but had a question regarding the hours of operation. Mr. Semens stated that they would like the Condition changed from 8:00 am to midnight to 24 hours of operation. Mr. Semens then discussed operations at several of the owner's other businesses, which provide 24-hour service.

In response to a query from Commission Winn, Carolyne Bihn stated that the hours of operation outlined in the Conditions of Approval come from the Zoning Ordinance, however the Commission could evaluate the request to extend the hours. Ms. Bihn also remarked that the business would be located directly beneath a residential use and therefore staff felt that the hours of 8:00 am to midnight were reasonable. However, the Commission could consider a trial period of extended hours if they desired.

Commissioner Rouse stated that he felt the increased hours could be a service to the neighborhood and that he was willing to consider a trial period for extended hours.

Commissioner Sramek stated that he also liked the idea of extended hours, but asked that if a trial period were granted would there be a way to get the tenants of the building involved to provide their input.

Mr. Mais stated that once an entitlement has been granted, it's very difficult to take it away. He advised that from a legal standpoint it would be much easier to keep the operating hours until midnight and then come back after 6 months and grant an extension of hours if there had been no complaints or problems.

In response to a query from Commissioner Rouse, Mr. Gong, CEO of C and C Internet Café, stated that less than 5% of usage is gaming and more than 95% is people over 21 accessing the internet. He remarked that a lot of college students use the service for research purposes late at night.

In response to a query from Commissioner Sramek, Mr. Semens stated that security would be provided to control loitering.

Commissioner Winn stated that he felt uncomfortable with automatically granting 24 hours of operation and therefore made a motion to approve the Conditional Use Permit subject to conditions as presented and Commissioner Sramek seconded the motion.

Commissioner Rouse remarked that he supported the motion, but would like to see the area become more eclectic and have more 24-hour businesses.

With regards to a query from Commissioner Jenkins, Mr. Mais stated that the Commission could make a stipulation in the Conditions that the applicant come back to the Director of Planning and Building after a period of time for extended hours, he recommended that that period be no less than 3 months.

Ms. Bihn stated that the recommended language of the Condition be "the hours of operation shall be limited to 8:00 am to 12:00 midnight for 3 months after which time the applicant may request extended hours, subject to the review and approval of the Director of Planning and Building."

Commissioners Winn and Sramek agreed to the language. The question was called and the motion passed 4-0. Commissioners Gentile, Greenberg and Stuhlbarg were absent.

## **2. Case No. 0505-41, Certificate of Appropriateness**

Applicant: Wade Francis, Circle Capital, LLC  
Subject Site: 330 Cedar Avenue (Council District 1)  
Description: Hearing to consider an Appeal of the Cultural Heritage Commission's decision to conditionally approve a Certificate of Appropriateness for exterior alterations to the Silver Bow Apartments, a designated City Historic Landmark.

Larry Rich presented the staff report recommending that the Planning Commission sustain the Cultural Heritage Commission's decision to conditionally approve a Certificate of Appropriateness for exterior alterations to the Silver Bow Apartments, which was designated as a City Historic Landmark in 1995.

Mr. Rich stated that staff had observed exterior work being done on the Silver Bow Apartments and that a violation notice was issued pointing out that a Certificate of Appropriateness was necessary before work could be done to a historic landmark building. Later, an entrance canopy with the name Gatsby West had been installed to the building, also without approval.

Mr. Rich stated that an application for a Certificate of Appropriateness had then been submitted and that the case was heard before the Cultural Heritage Commission. The Commission approved the Certificate of Appropriateness for painting of the exterior, non-brick portions of the building, but did not approve the canopy or the covering of the Silver Bow name.

Wade Francis, Managing Partner of Circle Capital, applicant/appellant, 527 E. 1<sup>st</sup> Street, stated that when they purchased the building it was not disclosed that it was a historic landmark and it was not mentioned on the City's website. The canopy was order shortly after the purchase of the building.

Mr. Francis also stated that he was not contacted by the Historic Preservation Officer with the date of his hearing and therefore was not present. After being denied by the Cultural Heritage Commission he contacted a consultant for advice on his appeal.

Andrea Galvin, consultant for the applicant, 3819 Via La Salva, Palos Verdes Estates, presented her interpretation of the Secretary of the Interior's Standards, with regards to rehabilitation, as it relates to the project. Ms. Galvin also stated that upon reviewing the survey conducted at the time of landmark designation for the building, it lists character features defining its historic significance, but does not call out the name of the building as contributing to its significance as a landmark.

Finally, Ms. Galvin commented that in keeping with the Secretary of the Interior's Standards for rehabilitation, the additions/alterations are temporary in nature and do not damage or destroy any character features of the building.

Mr. Mais stated that the Municipal Code sets forth every structure within the City that has been designated as historically significant. The Cultural Heritage Commission took into consideration the signage of the building when it recommended approval of the ordinance by stating that "its name is displayed in large silver letters over the entry way."

Layne Johnson, Chair of the Cultural Heritage Committee, 251 Junipero, stated that the name over the entrance is something that the Cultural Heritage Commission found to be a character defining feature. The Commission also felt that the canopy style was not an appropriate style for the building and that changing the name to Gatsby West was also inappropriate.

Nancy Stephanie, Ocean Boulevard, stated that she was the owner of the building at the time it was designated as a historic landmark. She also

stated that the application to make the building a landmark notes the name at the front of the building.

Christopher Hauser, 330 Cedar Avenue, commented that people refer to buildings by their name and by changing the name of this building it will lose its identity.

Mr. Francis, stated that he wanted to change the name of the building because it had formerly been a sober living facility and he wanted to lose the negative connotation associated with it.

Mr. Francis also stated that he would be interested in putting up a plaque stating that the building was a historic landmark.

Commissioner Sramek made a motion to sustain the decision of the Cultural Heritage Commission to approve a Certificate of Appropriateness for the painting of non-brick portions of the building subject to the removal of the canopy and removal of the plywood covering the name Silver Bow. Commissioner Winn seconded the motion, which passed 4-0. Commissioners Gentile, Greenberg and Stuhlbarg were absent.

#### **MATTERS FROM THE AUDIENCE**

There were no matters from the audience.

#### **MATTERS FROM THE DEPARTMENT OF PLANNING AND BUILDING**

Mr. Carpenter reported that the City Council overturned the appeal of the Memorial Hospital project and approved the project and certified the Environmental Impact Report.

Mr. Carpenter also reported that a 2-unit condominium project on The Toledo that had been approved by the Commission was being appealed to the City Council in July.

#### **MATTERS FROM THE PLANNING COMMISSION**

Commissioner Sramek asked if there was a way that Conditions of Approval could be distributed within neighborhoods, so that people could be made aware of the Conditions placed on a project and could report violations if they witnessed them. Ms. Bihn replied that staff would explore some alternatives and report back on ways to accomplish this.

**ADJOURN**

The meeting adjourned at 3:00.

Respectfully submitted,

Heidi Eidson  
Minutes Clerk