

**CITY OF LONG BEACH
CITY COUNCIL AGENDA**

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

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



Beverly O'Neill, Mayor

**TUESDAY, MAY 11, 2004
COUNCIL CHAMBER, 5:00 P.M.**

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

Robert E. Shannon, City Attorney

**CERTIFICATE OF RECOGNITION PRESENTED TO
OFFICER LARRY BAUTISTA
MEDAL OF VALOR AND PURPLE HEART RECIPIENT**

**PROCLAMATION PRESENTED TO
OFFICER JESSE VALADEZ
"OFFICER OF THE YEAR"
2003**

**PROCLAMATION PRESENTED TO
JOHN HOUCK
POLICE SERVICES ASSISTANT
"EMPLOYEE OF THE YEAR"
2003**

**UPDATE BY STEVE GOODLING, PRESIDENT & CEO
REGARDING LONG BEACH CONVENTION & VISITORS BUREAU
AND AQUATICS GRAND PRIX/U.S. SWIM TRIALS**

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.

HEARING:

1. ADVISORY BODY: PLANNING COMMISSION

SUBJECT: Appeal of Linda Eddenfield, Cary j. Ugolini, and Richard Gutmann, from the decision of the City Planning Commission certifying Final Environmental Impact Report (FEIR) for 712 W. Baker Street (SCH2-022396-1). (Resolution certifying that the Final Environmental Impact Report for the proposed self-storage with recreational vehicle storage facility located at 712 West Baker Street, Long Beach, California [SCH2-022396-1] has been completed in accordance with the provisions of the California Environmental Quality Act and State and local guidelines, making certain findings and determinations relative thereto; and adopting a Mitigation Monitoring and Reporting Program.) (District 7)

SUGGESTED ACTION:

Receive supporting documentation into the record, conclude the hearing, overrule the appeal, sustain the decision of the City Planning Commission, and adopt Resolution re-certifying the FEIR; or

Receive supporting documentation into the record, conclude the hearing, sustain the appeal, overrule the decision of the City Planning Commission, and receive and file Resolution re-certifying the FEIR.

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: (2 -13)

2. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages.

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between April 29, 2004 and May 6, 2004.

3. DEPARTMENT: CITY CLERK

SUBJECT: Revisions to the Fire Department Records Retention Schedule.

SUGGESTED ACTION:

Rescind all previously applicable Records Retention schedules for the Fire Department; and

Approve the Fire Department Records Retention Schedule.

4. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Agreement with State of California Franchise Tax Board (FTB) for records obtained from the FTB Taxpayer Information System and Business Entity Tax System. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute agreement with FTB for a term of January 1, 2004 through January 31, 2005.

5. 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 \$57,502.50 in compliance with Appeals Board order for claim of Steven Henry Filippini; \$7,817 for claim of Douglas Perrin; and \$10,600 for claim of Ronald Taylor.

6. DEPARTMENT: LAW

SUBJECT: Haprov vs. City of Long Beach.

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$6,200 in full settlement.

7. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Permit with Turomatic Machine Company, Inc., dba Sight Instruments, for coin-operated telescopes at Rainbow Harbor and Bluff Park. (Districts 2,3)

SUGGESTED ACTION:

Authorize City Manager to execute permit for a term of five years, commencing January 1, 2004.

8. DEPARTMENT: POLICE

SUBJECT: Amendment to Chapter 5.82 of the Long Beach Municipal Code relating to towing operations. (Citywide)

SUGGESTED ACTION:

Request City Attorney to review and amend Chapter 5.82 of the Long Beach Municipal Code, Towing Operations, so that the Police Department may resume local regulation of towing operations within Long Beach, as allowed by federal law.

9. DEPARTMENT: POLICE

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

- A. Application of Pollo Feliz, Incorporated, dba Pollo Feliz, for a person-to-person transfer of an on-sale beer and wine for bonafied eating place alcoholic beverage license at 1826 Pacific Avenue. (District 6)
- B. Application of Players Empire LLC, dba The Dutchmill, for a person-to-person transfer of an on-sale beer alcoholic beverage license at 1740 East Artesia Boulevard. (District 9)

SUGGESTED ACTION:

Receive and file with existing conditions.

10. DEPARTMENT: PUBLIC WORKS

SUBJECT: Memorandum of Agreement with the Federal Aviation Administration (FAA) for operational evaluation and testing of a final approach runway occupancy signal at the Long Beach Airport. (District 5)

SUGGESTED ACTION:

Authorize City Manager to execute Memorandum of Agreement.

11. ADVISORY BOARD: SENIOR CITIZEN ADVISORY COMMISSION

SUBJECT: Senior Citizen Advisory Commission Annual Report. (Citywide)

SUGGESTED ACTION:

Receive and file the January 1, 2003 to December 31, 2003 report and continue the Commission in its existing format for the next calendar year.

12. DEPARTMENT: VARIOUS

SUBJECT: Minutes for filing:

Harbor Commission, April 26, 2004

SUGGESTED ACTION:

Receive and file.

13. DEPARTMENT: LEGISLATIVE

SUBJECT: Certificate of Recognition to Officer Larry Bautista; Proclamation to Officer Jesse Valadez, "Officer of the Year" 2003; and John Houck, Police Services Assistant, "Employee of the Year" 2003.

SUGGESTED ACTION:

Approve.

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

UNFINISHED BUSINESS:

14. DEPARTMENT: PUBLIC WORKS

SUBJECT: Resolution of Intention to vacate a portion of the alley west of Long Beach Boulevard and north of Fourteenth Street, reserving easements for utilities. (District 1)

SUGGESTED ACTION:

Adopt resolution.

Set date of hearing for Tuesday, June 1, 2004, at 5:00 P.M.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

15. OFFICE: MAYOR BEVERLY O'NEILL

SUBJECT: Request for Personnel and Civil Service Committee to meet on or before May 18, 2004 to review the recommended appointment to the Planning Commission.

SUGGESTED ACTION:

Refer to Personnel and Civil Service Committee.

16. OFFICE: MAYOR BEVERLY O'NEILL

SUBJECT: Cancellation of City Council meeting of June 8, 2004.

SUGGESTED ACTION:

Suspend Council rule contained in Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of June 8, 2004 due to General Municipal Election.

17. COUNCIL OFFICE: VICE MAYOR FRANK COLONNA, THIRD DISTRICT
SUBJECT: Belmont Shore newsrack pilot program ordinance.
SUGGESTED ACTION:
Request City Council to adopt ordinance prepared by City Attorney.
18. COUNCIL OFFICE: COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT
SUBJECT: Report on City's Gang Intervention Program.
SUGGESTED ACTION:
Request City Manager to prepare report.
19. COUNCIL COMMITTEE: COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT, CHAIR, I-710 OVERSIGHT COMMITTEE
SUBJECT: Report on the circulation of the Draft Locally Preferred Strategy.
SUGGESTED ACTION:
Concur in recommendation of Committee that the communications be received, the recommended changes to the Draft Locally Preferred Strategy received and filed; the Community Recommendations sorted by category received and filed; and I-710 Oversight Committee Town Hall Meeting scheduled at 7:00 P.M. on Wednesday, May 19, 2004, at the Long Beach Energy Department, 2400 E. Spring Street.
20. DEPARTMENT: POLICE
SUBJECT: Application of Mavi Enterprise Group Incorporated, dba Pepperoni's Grill, for an original on-sale beer and wine for bonafide eating place alcoholic beverage license at 7541 Carson Boulevard. (District 5)
SUGGESTED ACTION:
Receive and file application; or
Request City Clerk to file protest with California State Department of Alcoholic Beverage Control.
Request City Clerk to transmit conditions to California State Department of Alcoholic Beverage Control as requested by Councilmember.

21. DEPARTMENT: PUBLIC WORKS

SUBJECT: Reimbursable Agreement with the Federal Aviation Administration, Western Pacific Region, for staff assistance with the Long Beach Airport's Runway 12-30 Rehabilitation Project. (District 5)

SUGGESTED ACTION:

Authorize City Manager to execute agreement in an amount not to exceed \$190,120.

22. DEPARTMENT: PUBLIC WORKS

SUBJECT: Adopt Plans and Specifications No. R-6627 and award contract to PPC Construction, Inc., for the construction of the storm drain VSS pollution trap at Pump Station SD12 Artesia Boulevard in the City of Long Beach, California. (District 9)

SUGGESTED ACTION:

Adopt Plans and Specifications;

Authorize City Manager to execute a contract in an estimated amount of \$216,135, plus a 25 percent contingency and execute all necessary documents related to the contract; and

Authorize City Manager to execute an agreement with Caltrans for the construction of the Storm Drain VSS Pollution Trap at SD12 and execute all necessary documents related to the agreement.

23. DEPARTMENT: PUBLIC WORKS

SUBJECT: Contract awards to JCM Facilities Planning and Management and Simplus Management Corporation for as-needed planning and relocation services. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute agreements in an amount not to exceed \$1,000,000 per consultant for a three-year term.

RESOLUTIONS:

24. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: Resolution dissolving the Long Beach/Signal Hill Joint Powers Agency, a certified unified program agency, and authorizing the City Manager to apply for certification as the City of Long Beach Unified Program Agency.

SUGGESTED ACTION:

Refer to Economic Development and Finance Committee.

25. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Resolution amending the Long Beach Marina Rules and Regulations' fees, rates and charges for Fiscal Year 2003-2004. (District 2)

SUGGESTED ACTION:

Adopt Resolution authorizing a fee of \$24 per foot, per month to moor a vessel at the east side of the Pine Avenue Pier in Rainbow Harbor.

26. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Resolution requesting a grant in the amount of \$1,250,000 from the State of California Wildlife Conservation Board for the construction of fishing platforms at the Belmont Veterans' Memorial Pier. (District 3)

SUGGESTED ACTION:

Adopt Resolution authorizing City Manager to apply for grant funds totaling \$1,250,000 from the State of California, Wildlife Conservation Board.

If grant is approved, authorize City Manager to enter into agreement with State of California, Wildlife Conservation Board to accept the funds, and to execute, implement, award, and administer the grant agreement, including the execution of any documents necessary for the implementation and administration of the project.

27. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Resolution adopting the City of Long Beach Park Impact Fee Report for Fiscal Year 2003; amending the Park Impact Fee Development Program to add recommended changes; and make findings relative thereto in accordance with Long Beach Municipal Code Chapter 18.18 and Government Code Sections 66001 and 66006. (Citywide)

SUGGESTED ACTION:

Adopt resolution.

28. DEPARTMENT: PUBLIC WORKS

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

SUGGESTED ACTION:

Adopt resolution of intention to vacate the easterly 14 feet of Pine Avenue adjacent to 100 E. Ocean Boulevard;

Set date of hearing for Tuesday, June 15, 2004, at 5:00 P.M.

Authorize City Manager to execute a quitclaim of the reserved storm drain easement upon relocation of the existing storm drain to the satisfaction of the City Engineer.

ORDINANCES:

29. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Ordinance making findings and determinations regarding contracting for work usually performed by City employees and authorizing the City Manager to enter contracts with Azteca Landscape, Midori Gardens and WM. Vandergeest Landscape Care, Inc. for landscape maintenance services. (Citywide)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading which, pursuant to Section 1806 of the City Charter, makes findings and determinations regarding contracting of landscape maintenance services, and award contracts to Azteca Landscape, Midori Gardens and WM. Vandergeest Landscape Care, Inc.

Authorize City Manager to execute contracts for a one-year period after the Proposition "L" Ordinance becomes effective, in the amount not to exceed \$3,285,810, and make three successive one-year extensions.

30. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Subsection (B) of Section 14.20.010, by adding Subsections (B)(1), (C)(1), (C)(2), and (E)(1) to Section 14.20.010, and by adding Section 14.20.110, all relating to newsracks. (District 3)

SUGGESTED ACTION:

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

31. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Section 10.38.020 relating to driving on sidewalks and bike paths. (Districts 2,3)

SUGGESTED ACTION:

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

32. DEPARTMENT: PARKS, RECREATION AND MARINE
SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Section 16.08.460 by amending Subsection E and adding Subsection I relating to fishing restrictions. (Districts 2,3)
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: PARKS, RECREATION AND MARINE
SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Section 16.08.581, relating to sailboard boats, Section 16.12.190 relating to surfboards or paddleboards, and 16.16.010, Subsections L through N, relating to prohibited acts. (Districts 2,3)
SUGGESTED ACTION:
Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

NEW BUSINESS:

34. COUNCIL OFFICE: COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT
SUBJECT: Status report on the Liquefied Natural Gas (LNG) terminal application.
SUGGESTED ACTION:
Request City Manager to prepare report.
35.
36.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity given to citizens to address the City Council on non-agenda items who have not already addressed the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

REMINDERS:

Budget Workshop at 2:00 P.M.

May 18, 2004, Hearing on application of Scott W. Landis and Pamela S. Beeney, dba BJ's Cafe Bistro, for Permit for Entertainment without dancing by Patrons and a Pool Hall at an Existing Bar/Tavern/Lounge at 3316 E. 7th Street. (District 2)

May 18, 2004, Hearing on application of Fusion Nutrition Inc., dba Wasabi, for Permit for Entertainment without Dancing by Patrons at an Existing Restaurant with Alcohol at 200 Pine Avenue, Unit C. (District 2)

May 18, 2004, Hearing on Hearing Officer Report on request for revocation of Business License No. BU86026130 for Gilliam & Wales of Dublin, Inc., dba The Pier (a.k.a. Live Bait) at 6251 E. Pacific Coast Highway. (District 3)

NOTE: An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802. You may view the agenda or documents on the Internet at www.longbeach.gov/cityclerk. E-Mail correspondence can be directed to cityclerk@longbeach.gov. Agenda items may be reviewed in the City Clerk Department or the Plaza Level Information Desk of the Main Library and at Branch Libraries. Communicate through the Telephone Device for the Deaf (TDD) at (562) 570-6626. If a special accommodation is desired pursuant to the Americans with Disabilities Act, or if you need the agenda provided in an alternate format, please phone Renae Tyner at (562) 570-6472 in the City Clerk Department. Inquire at the City Council Chamber Audio-Visual Room for an assistive listening device.