

**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, DECEMBER 7, 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

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**CHECK PRESENTATION FROM  
OCCIDENTAL PETROLEUM & THUMS LONG BEACH COMPANY  
TO THE LONG BEACH PUBLIC LIBRARY**

**PROCLAMATION PRESENTED FOR  
OPERATION TEDDY BEAR  
DECEMBER 9, 2004**

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: FINANCIAL MANAGEMENT**

**SUBJECT:** Application of A Side Inc., dba Cohiba Night Club, for a Permit for Entertainment with Dancing by Patrons and Pool Hall at an Existing Bar/Tavern/Lounge at 110 E. Broadway. (District 2)

**SUGGESTED ACTION:**

Receive supporting documentation into the record and conclude the hearing.

Grant the permit, with or without conditions; or deny the permit.

2. DEPARTMENTS: PLANNING AND BUILDING AND PARKS, RECREATION AND MARINE

SUBJECT: Amendments to the Zoning Ordinance relating to designating parks in perpetuity in the Coastal Zone. (Resolution authorizing the Director of Planning and Building to submit to the California Coastal Commission for its review and consideration an ordinance designating and dedicating in perpetuity certain areas of the City for park purposes.) (Ordinance amending and restating Ordinance No. C-7894 setting aside and dedicating in perpetuity certain lands owned by the City of Long Beach for public park purposes and uses; and designating in perpetuity for park purposes and uses certain sites within the tidelands trust boundaries.) (District 2)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing;

Adopt resolution instructing the Director of Planning and Building to transmit the ordinance, together with all relevant supporting materials, to the California Coastal Commission for their review, approval and certification; and

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

3. ADVISORY BODY: PLANNING COMMISSION

SUBJECT: Appeals of John Deats, et al., of approval of Conditional Use Permit to allow sale of beer and wine from a convenience store located at 3410 Long Beach Boulevard. (Case No. 0408-05) (District 7)

SUGGESTED ACTION:

Receive supporting documentation into the record, conclude the hearing, overrule the appeals, sustain the decision of the City Planning Commission and approve the Conditional Use Permit; or

Receive supporting documentation into the record, conclude the hearing, sustain the appeals, overrule the decision of the City Planning Commission and deny the Conditional Use Permit.

**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: (4 - 28)**

4. DEPARTMENT: CITY AUDITOR

SUBJECT: Quarterly audit of cash and investment balances as of June 30, 2004.

SUGGESTED ACTION:

Receive and file.

5. DEPARTMENT: CITY AUDITOR

SUBJECT: Article 9 contract with Edward White & Co., LLP.

SUGGESTED ACTION:

Authorize City Manager to execute contract to conduct the Article 9 review in amount not to exceed \$257,500 for term of December 1, 2004 to November 30, 2005.

6. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages.

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between November 18, 2004 and December 2, 2004.

**REVISED**

7. DEPARTMENT: ~~CITY CLERK~~  
Withdrawn SUBJECT: ~~Canvass and certification of election results.~~  
SUGGESTED ACTION:  
~~Request City Attorney to amend Ordinance C-7380 (Long Beach Municipal Code Section 1.21.010) to extend the canvass of each municipal election held in the City from 14 days to 21 days.~~
8. DEPARTMENTS: COMMUNITY DEVELOPMENT AND PARKS, RECREATION AND MARINE  
SUBJECT: Sublease with Long Beach Area Convention and Visitors Bureau for office space at One World Trade Center for the Office of Special Events and Filming. (District 2)  
SUGGESTED ACTION:  
Authorize City Manager to execute sublease on a month-to-month basis at a monthly rent of \$1,800, plus \$210 for parking.
9. DEPARTMENTS: COMMUNITY DEVELOPMENT AND POLICE  
SUBJECT: First Amendment to Lease No. 26704 with Western Gardena Property, LLC, for office premises at 333 West Broadway, Suite 308, to house Long Beach Police Department's Community Relations and Internal Affairs Divisions. (District 1)  
SUGGESTED ACTION:  
Authorize City Manager to execute amendment and any subsequent amendments, except those pertaining to rent, at the effective monthly rate of \$1.52 per rentable square foot and extending term for a period of five years.
10. DEPARTMENTS: COMMUNITY DEVELOPMENT AND POLICE  
SUBJECT: Third Amendment to Lease No. 23849 between City of Long Beach and Long Beach Police Athletic League for City-owned property at 1205 Freeman Avenue. (District 4)  
SUGGESTED ACTION:  
Authorize City Manager to execute amendment extending lease term for five years to December 31, 2009.

11. DEPARTMENT: COMMUNITY DEVELOPMENT  
SUBJECT: Lease with Marjorie Freeman, an individual, dba Family Nutrition Center, for portion of former Palace Hotel located at 2644 Anaheim Street. (District 4)  
SUGGESTED ACTION:  
    Authorize City Manager to execute lease.
  
12. DEPARTMENTS: COMMUNITY DEVELOPMENT AND PUBLIC WORKS  
SUBJECT: Renewal of Lease No. DTFA08-94-L-14414 between City of Long Beach and Department of Transportation, Federal Aviation Administration, for an electronic communications equipment storage facility. (District 5)  
SUGGESTED ACTION:  
    Authorize City Manager to execute a lease renewal.
  
13. DEPARTMENTS: COMMUNITY DEVELOPMENT AND PUBLIC WORKS  
SUBJECT: Renewal of Lease No. 17075, between City of Long Beach and Department of Transportation, Federal Aviation Administration, for operating and maintaining a remote transmitter facility. (District 5)  
SUGGESTED ACTION:  
    Authorize City Manager to execute renewal of lease.
  
14. DEPARTMENT: FINANCIAL MANAGEMENT  
SUBJECT: Investment Report for Quarter Ending September 30, 2004. (Citywide)  
SUGGESTED ACTION:  
    Receive and file report.
  
15. DEPARTMENT: FINANCIAL MANAGEMENT  
SUBJECT: Statement of Investment Policy for Calendar Year 2005. (Citywide)  
SUGGESTED ACTION:  
    Adopt Statement of Investment Policy for Calendar Year 2005 pursuant to Section 53646 (a) of the State of California Government Code.

16. DEPARTMENT: HEALTH AND HUMAN SERVICES  
SUBJECT: Agreement with Kaiser Foundation Health Plan, Inc. to provide outreach services for enrolling children into health insurance programs. (Citywide)  
SUGGESTED ACTION:  
    Authorize City Manager to execute agreement and all necessary documents and increase appropriations in the Health Fund (SR 130) and the Department of Health and Human Services (HE) by \$10,000.
17. DEPARTMENT: HEALTH AND HUMAN SERVICES  
SUBJECT: Grant Application to State of California Department of Health Services, Office of Family Planning, for Community Challenge Grant. (Citywide)  
SUGGESTED ACTION:  
    Authorize City Manager to submit grant application and execute all necessary documents upon receipt of funding.
18. DEPARTMENT: LAW  
SUBJECT: Yao Yan Qui & Song Cum Lee v. City of Long Beach and Ralph Calvette.  
SUGGESTED ACTION:  
    Authorize City Attorney to pay sum of \$8,600 in full settlement.
19. DEPARTMENT: PARKS, RECREATION AND MARINE  
SUBJECT: Grant application to Long Beach Navy Memorial Heritage Association for the Recreation Park Historic Bandshell Arbors. (District 3)  
SUGGESTED ACTION:  
    Authorize City Manager to submit grant application in amount of \$15,000 for the planning phase of the reconstruction of the Recreation Park Historic Bandshell Arbors project; and to execute any documents necessary for the implementation and administration of the project at a total cost of \$20,000 (including \$5,000 of City funds from Park Impact Fees).

20. DEPARTMENT: POLICE

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

- A. Application of Morry's of Naples Incorporated, dba Morry's of Naples Incorporated, for an off-sale general license at 5764 East 2nd Street. (District 3)
- B. Application of Panchito Market Incorporated, dba Kim's Deli and Market, for an on-sale beer and wine for bonafide eating place license at 2325 East Anaheim Street. (District 4)
- C. Application of Bijan Azadi and Massoum Azadi, dba Huff's Restaurant, for an on-sale beer and wine for bonafide eating place license at 8105 East Wardlow Road. (District 5)
- D. Application of Mi Ye Yim and Won Ho Yim, dba Han's Market, for an off-sale beer and wine license at 3667 Delta Avenue. (District 7)
- E. Application of Bong Soo Lee and Gyu Re Lee, dba Numero Dos Rancho Market, for an off-sale beer and wine license at 5575 Atlantic Avenue. (District 8)

SUGGESTED ACTION:

Receive and file with existing conditions.

21. DEPARTMENT: PUBLIC WORKS

SUBJECT: First Amendment to Agreement No. 26610 with City of Lakewood regarding transfer of traffic signal maintenance and operations responsibilities at intersection of Pioneer Boulevard at Carson Street from City of Lakewood to City of Long Beach. (District 5)

SUGGESTED ACTION:

Authorize City Manager to execute amendment.

22. DEPARTMENT: PUBLIC WORKS

SUBJECT: Traffic Signal Maintenance Agreement with City of Hawaiian Gardens.

SUGGESTED ACTION:

Authorize City Manager to execute agreement for a period of three years, with an option to extend the agreement for an additional three years.

23. DEPARTMENT: PUBLIC WORKS

SUBJECT: Easement Deed to provide for widening of alley west of Lemon Avenue and north of Seventeenth Street adjacent to 1703 Lemon Avenue. (District 6)

SUGGESTED ACTION:

Request City Attorney to accept easement deed.

24. ADVISORY BODY: PLANNING COMMISSION

SUBJECT: Mills Act Historic Property Contract with owner of 1345 Linden Avenue, a historic property located in the Linden Avenue Historic District. (District 1)

SUGGESTED ACTION:

Authorize City Manager to execute contract with Tina M. Coover, owner of 1345 Linden Avenue, a qualified historic property in the Linden Avenue Historic District.

25. ADVISORY BODY: PLANNING COMMISSION

SUBJECT: Mills Act Historic Property Contract with owner of 640 West Eighth Street, a historic property located in the Drake Park/Willmore City Historic District. (District 1)

SUGGESTED ACTION:

Authorize City Manager to execute contract with Michael LaPoint, owner of 640 West Eighth Street, a qualified historic property in the Drake Park/Willmore City Historic District.

26. COUNCIL COMMITTEE: COUNCILMEMBER VAL LERCH, NINTH DISTRICT,  
CHAIR, PUBLIC SAFETY COMMITTEE

SUBJECT: City should not charge victim of a crime for towing or storage of vehicle impounded by City as part of investigation of crime.

SUGGESTED ACTION:

Concur in recommendation of Committee that the issue be received and filed.

27. DEPARTMENTS: VARIOUS

SUBJECT: Minutes for filing:

Harbor Commission, November 15 and 22, 2004  
Parks and Recreation Commission, October 21, 2004

SUGGESTED ACTION:

Receive and file.

28. DEPARTMENT: LEGISLATIVE

SUBJECT: Proclamation for Operation Teddy Bear, December 9, 2004.

SUGGESTED ACTION:

Approve.

**SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.**



**REVISED**

**UNFINISHED BUSINESS:**

29. ~~DEPARTMENT: POLICE~~

Withdrawn  
by  
applicant.

~~SUBJECT: Application of David Sun and Shusan Chang Sun, dba Ray and Roy  
Market, for an off-sale beer and wine license at 2093 Pacific Avenue.  
(District 6)~~

~~SUGGESTED ACTION:~~

~~Receive and file with existing conditions.~~

30. COUNCIL COMMITTEE: COUNCILMEMBER VAL LERCH, NINTH DISTRICT, CHAIR,  
PUBLIC SAFETY COMMITTEE

SUBJECT: Ordinance amending the Long Beach Municipal Code relating to smoking in  
the work place and public places.

SUGGESTED ACTION:

Concur in recommendation of Committee to receive communication; the exception  
for bars, taverns, break rooms, and gaming facilities deleted from the Municipal  
Code and the amended ordinance adopted; and

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

**REGULAR AGENDA**

**DEPARTMENTAL COMMUNICATIONS:**

31. OFFICE: MAYOR BEVERLY O'NEILL

SUBJECT: Nomination of Helen Hansen to the Metropolitan Water District.

SUGGESTED ACTION:

Confirm appointment.

32. OFFICE: MAYOR BEVERLY O'NEILL

SUBJECT: 2004 nominations for appointments and reappointments to non-charter Commissions, Committees, and Boards.

SUGGESTED ACTION:

Confirm appointment of Jocelyn Genoso to the Cable Communications Advisory Commission; appointment of Alex Cherin to the Community Development Commission; appointment of Marty Isozaki to the Commission on Youth and Children; appointments of Chris Leonard and Joy Tshako to the Citizens Advisory Commission on Disabilities; reappointments of Brigida Knauer and Robert W. Parkin to the Long Beach Transportation Company Board of Directors; and appointments of Margo Hoffer and Janice Lee Ward to the Public Safety Advisory Commission.

33. COUNCIL COMMITTEE: COUNCILMEMBER DAN BAKER, SECOND DISTRICT, CHAIR, PERSONNEL AND CIVIL SERVICE COMMITTEE

SUBJECT: Review recommended appointment to City Charter Commission as follows: Parks and Recreation Commission.

SUGGESTED ACTION:

Concur in recommendation of Committee that the communications be received and the following appointment confirmed: appointment of Simon George to the Parks and Recreation Commission.

34. COUNCIL COMMITTEE: COUNCILMEMBER VAL LERCH, NINTH DISTRICT, CHAIR, PUBLIC SAFETY COMMITTEE

SUBJECT: City curfew posting: Report request.

SUGGESTED ACTION:

Concur in recommendation of Committee that the communications be received; recommendations as set forth in the memorandum from the Chief of Police, dated November 22, 2004, adopted; and that the Police Department be requested to include the County of Los Angeles Probation Department in the educational and enforcement process.

35. DEPARTMENTS: COMMUNITY DEVELOPMENT AND PUBLIC WORKS

SUBJECT: Lease with option to purchase former railroad right-of-way adjacent to Long Beach Airport (Assessor Parcel Numbers 7149-007-802, 7149-007-803 and a Portion of 7149-007-801) from SEY Corporation, a California Corporation. (City of Lakewood Bordering District 5)

SUGGESTED ACTION:

Authorize City Manager to execute lease and all related documents.

36. ADVISORY BODY: PLANNING COMMISSION

SUBJECT: Mills Act Historic Property Contracts with The Lafayette Condominium Association and individual owners. (District 2)

SUGGESTED ACTION:

Authorize City Manager to execute contracts and to execute future amendments to the contract to add additional qualified condominium homeowners who make application for inclusion in the Mills Act contract.

37. DEPARTMENT: POLICE

SUBJECT: Application of Tokyo Wako Long Beach Incorporated, dba Tokyo Wako, for an original on-sale general for bonafide eating place alcoholic beverage license at 310 South Pine Avenue. (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 transmit conditions to California State Department of Alcoholic Beverage Control as requested by Councilmember.

38. DEPARTMENT: POLICE

SUBJECT: Application of Ishtiaq Aziz Chisti and Iffat Karim, dba Red Brick Pizza, for an original on-sale beer and wine for bonafide eating place alcoholic beverage license at 4085 Atlantic Avenue Unit B. (District 8)

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

39. DEPARTMENT: PUBLIC WORKS

SUBJECT: First Amendment to Contract No. 28590 with Sully-Miller Contracting Company for annual contract for street repairs and minor improvements. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute amendment to extend term of the contract to December 31, 2005, to increase the contract by \$4,500,000 for a total cumulative contract amount of \$8,500,000, and to replace Exhibit "A" with Exhibit "A-1."

40. DEPARTMENT: PUBLIC WORKS

SUBJECT: Plans and Specifications No. R-6666 and award contract to Damon Construction, Inc., for annual contract for sidewalk repairs, curb ramps and related improvements. (Citywide)

SUGGESTED ACTION:

Adopt Plans and Specifications and authorize City Manager to award contract in an amount not to exceed \$5,500,000.

41. DEPARTMENT: PUBLIC WORKS

SUBJECT: Monthly Airport Activity Reports - October 2004. (District 5)

SUGGESTED ACTION:

Receive and file reports.

42. DEPARTMENT: PUBLIC WORKS

SUBJECT: First Amendment to Agreement No. 28450 with 3D/International, Agreement No. 28424 with Concept Marine Associates, and Agreement No. 28361 with CBM Consulting, Inc., for as-needed construction management services. (Citywide)

SUGGESTED ACTION:

Authorize City Manager to execute amendments to increase amount of contracts for 3D/International, Concept Marine Associates, and CBM Consulting, Inc., by \$1,000,000 each.

RESOLUTIONS:

43. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution approving the issuance by California Statewide Communities Development Authority of taxable and tax-exempt obligations in an aggregate principal amount not to exceed \$69,000,000, of which not more than \$7,000,000 will be allocable to the project (as defined below), and authorizing related actions. (District 8)

SUGGESTED ACTION:

Adopt resolution authorizing the conversion of obligations issued by the California Statewide Communities Development Authority to benefit Bixby Knolls Towers, Inc., a wholly owned subsidiary of the Retirement Housing Foundation, a California not-for-profit corporation, from federally taxable to federally tax-exempt status.

44. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution providing for a ninety-day amnesty period for unlicensed businesses for the period from December 7, 2004 through December 31, 2005. (Citywide)

SUGGESTED ACTION:

Adopt resolution.

45. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Resolution providing for additional military leave and continued insurance benefits for City employees who are involuntarily called to active military service with the armed forces.

SUGGESTED ACTION:

Adopt resolution.

**REVISED**

ORDINANCE:

46. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Subsections 4a, 10c, 26b, 34e, 34f, 35b, 36c of Section 10.12.010; by amending Subsections 4a, 8d, 8e, 11a, 11e, and 44a of Section 10.12.010; and by adding Subsection 71 to Section 10.12.010; all relating to speed limits on City streets.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

**NEW BUSINESS:**

47.

48.

49.

**PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT**

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

**REMINDERS:**

Economic Development and Finance Committee (Attorney/Client) in Council Lounge, at 2:30 P.M.

December 14, 2004, Hearing on amendments to Zoning Ordinance to allow nude modeling at art studios and "computer cafes" with 10 or less computers.

(Case No. 0408-14) (Citywide)

December 14, 2004, Hearing on proposed Douglas Park Planned Development.

(Case No. 0404-13) (District 5)

December 21, 2004, Hearing on Planning Commission zone change from CHW to CS to expand self storage facility at 4100 Cherry Avenue. (District 7)

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](http://www.longbeach.gov)**. E-Mail correspondence can be directed to **[cityclerk@longbeach.gov](mailto: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