

**CITY OF LONG BEACH  
CITY COUNCIL MINUTES**

**TUESDAY, DECEMBER 21, 2004  
COUNCIL CHAMBER, 5:00 PM**

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



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

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

Beverly O'Neill, Mayor

Robert E. Shannon, City Attorney

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**Councilmembers** B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson,  
**Present:** Reyes Uranga, Gabelich and Lerch

Mayor O'Neill presiding.

Invocation: Moment of Silence.

Flag Salute: Councilmember O'Donnell, Fourth District

Pet Adoption: Julie Prewitt presented a canine for adoption.

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

Presentation of key to the City to Olympic Gold Medalist Misty May.

Recognition of Poly High School Football Team CIF Southern Section Division I Champions.

**CONTINUED HEARING**

1. [04-2022](#) Consider declaring City Council to be the Redevelopment Agency.  
(Related communications from Councilmember Val Lerch, Ninth District  
also provided.) (Citywide)

Ana Maria Bucare spoke in support.

Joan Greenwood spoke in opposition.

Diana Lejins spoke in opposition.

Ginny Gonzales spoke in support.

Lydia Sarmiento spoke in support.

Mark Bowen spoke in opposition.

Don Darnauer spoke in support.

Bry Myown spoke in support.

Jesse Brown spoke.

Michael Jackson spoke in opposition.

Donald Sims spoke in support.

Annie Greenfield spoke.

Maria Pena spoke in support.

Claudia (no last name given) spoke in support.

Maureen Meley spoke.

Laurie Angel spoke in support.

Gabriel Weeks spoke in support.

Coby Sky spoke in support.

Alan Tolcoft spoke in support.

**A motion was made by Vice Mayor Kell, seconded by Councilwoman Richardson, to amend that the City Council hold a study session on June 7, 2005, to review and discuss the May 31st RDA study; and that the hearing on whether the City Council should become the Redevelopment Agency Board be reconvened on June 14, 2005.**

**The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

## HEARINGS

2. [04-2204](#) Zone change from a Regional Highway Commercial District (CHW) to a Commercial Storage District (CS) for a portion of an existing self-storage facility at 4100 Cherry Avenue. (Case No. 0406-18) (District 7) (Ordinance amending the Use District Map of the City of Long Beach as said map has been established and amended by amending portions of Part 23 of said map from CHW (Regional Highway District) to CS [Commercial Storage] for property located at 4100 Cherry Avenue, in the City of Long Beach [RZ-0406-18].)

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Baker, that this matter be laid over for January 4, 2005. The motion carried by the following vote:**

**Yes:** 7 - Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga and Lerch

**Absent:** 2 - B. Lowenthal and Gabelich

## PUBLIC COMMENT

Diana Lejins spoke regarding community events.

Donald Sims spoke regarding freedom of speech.

Lowenthal and Gabelich joined the meeting

Robert Bastian spoke regarding the Chess Club.

**CONSENT CALENDAR (3 - 11)**

3. [04-2205](#) Amendment to Long Beach Municipal Code Section 2.03.040 authorizing placement of City Council resolutions on the Consent Calendar or Regular Agenda of weekly City Council agenda.

**A motion was made by Councilmember Baker, seconded by Councilmember Lowenthal, to. requested City Attorney to prepare amendment to Long Beach Municipal Code.**

**The motion carried by the following vote:**

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

**Absent:** 1 - Colonna

4. [04-2206](#) Claims for Damages.

**A motion was made to pass suggested action on the Consent Agenda.**

5. [04-2207](#) Canvass and certification of election results.

**A motion was made to pass suggested action on the Consent Agenda.**

6. [04-2208](#) Fifth Amendment to Contract No. 27206 between City of Long Beach and Foster Assessment Center and Testing Service, Inc. (Citywide)

**A motion was made to pass suggested action on the Consent Agenda.**

7. [04-2209](#) Contract with CCT Learning Solutions to provide customized training services to local businesses. (Citywide)

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Baker, to authorize City Manager contract for an amount not to exceed \$125,000.**

**The motion carried by the following vote:**

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

**Absent:** 1 - Colonna

8. [04-2210](#) Annual Report on Community Facilities District No. 6 to comply with Local Agency Special Tax Bond and Accountability Act. (District 2)

**A motion was made to pass suggested action on the Consent Agenda.**

9. [04-2211](#) Application of Mario Jesus Gutierrez, dba Broke Ass Cantina and Grill, to drop a partner from an on-sale beer and wine for bonafide eating place license at 650 Pine Avenue. (District 1)

**A motion was made to pass suggested action on the Consent Agenda.**

- B. [04-2212](#) Application of Nik Pheng and Maria Luisa Ramos-Pheng, dba Dear Heart Cafe, for an on-sale beer and wine for bonafide eating place license at 3832 East Anaheim Street. (District 4)

**A motion was made to pass suggested action on the Consent Agenda.**

- C. [04-2213](#) Application of Jaturong Wattanachai and Watcharee Wattanachai, dba Little Ocha Restaurant, for an on-sale beer and wine for bonafide eating place license at 4124 Orange Avenue. (District 7)

**A motion was made to pass suggested action on the Consent Agenda.**

- D. [04-2214](#) Application of Pov Thai and Chhoy Charles Yam, dba Lucky Liquor Market, for an on-sale general license at 1045 South Street. (District 9)

**A motion was made to pass suggested action on the Consent Agenda.**

10. [04-2215](#) Public Walkways Occupancy Permit for sidewalk dining at Wasabi Japanese Restaurant located at 200 Pine Avenue, Suite C. (District 2)

**A motion was made to pass suggested action on the Consent Agenda.**

11. [04-2216](#) Minutes for filing:

Harbor Commission, December 6, 2004  
Water Commission, November 18, 2004

**This Matter was approved on the Consent Agenda.**

**Passed The Consent Agenda**

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

**Absent:** 1 - Reyes Uranga

**UNFINISHED BUSINESS**

12. [04-2171](#) 2004 nominations for appointments and reappointments to non-charter Commissions, Committees, and Boards.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Baker, that this matter be approved. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**REGULAR AGENDA**

**DEPARTMENTAL COMMUNICATIONS**

13. [04-2217](#) Magnolia Industrial Group Property and Business Improvement District Annual Report and Assessment. (District 1)

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Baker, to. approved Magnolia Industrial Group Property and Business Improvement District Annual Report and Assessment for the period of December 1, 2004, through November 30, 2005, automatically extending the current agreement with the Magnolia Industrial Group, Inc. for a one-year period.**

**The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

14. [04-2218](#) Revised findings to deny Conditional Use Permit to allow sale of beer and wine for off-premises consumption at a 7- Eleven Convenience Store. (Case No. 0408-05) (District 7)

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Lowenthal, to adopt revised findings to deny the Conditional Use Permit.**

**The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

15. [04-2219](#) Application of Christopher Clark Reece and Otilia Maria Reece, dba Pike, for an original on-sale general for bonafide eating place alcoholic beverage license at 1836 East 4th Street. (District 2)

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

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**16. [04-2220](#)**

Application of Humera Sheikh, dba 62nd Place Peninsula Cafe, for an original on-sale beer and wine for bonafide eating place alcoholic beverage license at 76 1/2 62nd Place. (District 3)

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

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**17. [04-2221](#)**

Application of Motorcade Incorporated, dba Andy Shell, for an original off-sale beer and wine alcoholic beverage license at 1990 Del Amo Boulevard. (District 8)

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

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**18. [04-2222](#)**

Plans and Specifications No. R-6535 and award contract to Murphy Industrial Coatings, Inc., for Second Street bridge repainting. (District 3)

**A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to authorize City Manager to award contract in an estimated amount of \$944,500; and execute contract and all necessary documents related to the contract, and adopt specifications. The motion carried by the following vote:**



**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

19. [04-2223](#) Contract to RND Works, Inc. for construction of a replacement canopy over the north baggage claim area at Long Beach Airport. (District 5)

**A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to authorize City Manager to award contract in estimated amount of \$296,450; and execute contract and all necessary documents related to the contract.**

**The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

#### RESOLUTION

20. [04-2224](#) Resolution authorizing the City Manager to execute, on behalf of said City, a contract with Haaker Equipment Company, without advertising for bids, for furnishing replacement parts for Elgin Street Sweepers for one year commencing November 1, 2004 for the estimated sum of two hundred fifty thousand dollars (\$250,000.00) plus an optional five percent (5%), if needed, with options to extend for two (2) additional one-year periods on the same terms and conditions if the sole source status of Haaker Equipment Company remains the same, with increases in the extension periods, if needed, by up to five percent (5%) of the previous year's expenditures. (Citywide)

**A motion was made by Councilmember Baker, seconded by Councilmember O'Donnell, that this matter be adopted Resolution No. C-28497 in an estimated annual amount of \$250,000 and authorize amendments to exercise City's option to renew where noted and authorize City Manager to execute same.**

**The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No: C-28497**

ORDINANCES

21. [04-2184](#) Ordinance amending the Use District Map of the City of Long Beach as said map has been established and amended by amending portions of Part 17 and 24 of said map from CCA (Community Automobile-Oriented District) and PD-19 (Douglas Aircraft Planned Development District) to PD-32 (Douglas Park Planned Development District) for property located at 3855 Lakewood Boulevard, in the City of Long Beach (RZ-0404-13).
- A motion was made by Councilmember Baker, seconded by Councilmember O'Donnell, to declare ordinance read and adopted as read Ordinance No. C-7956**
- The motion carried by the following vote:**
- Yes:** 8 - Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch
- Absent:** 1 - B. Lowenthal
- Enactment No:** See file text
22. [04-2184](#) Ordinance amending and restating the Douglas Aircraft Planned Development District (PD-19).
- A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to declare ordinance read and adopted as read Ordinance No. C-7957**
- The motion carried by the following vote:**
- Yes:** 8 - Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch
- Absent:** 1 - B. Lowenthal
- Enactment No:** See file text
23. [04-2184](#) Ordinance establishing the Douglas Park Planned Development District (PD-32).
- A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to declare ordinance read and adopted as read Ordinance No. C-7958**
- The motion carried by the following vote:**

**Yes:** 8 - Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - B. Lowenthal

**Enactment No:** See file text

**24. [04-2184](#)**

Ordinance amending the Long Beach Municipal Code by amending Section 8.80.160 by amending the Noise District Map; and by amending Section 21.29.090 and Section 21.37.020 by adding No. 32 - Douglas Park (Planned Development District).

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to declare ordinance read and adopted as read Ordinance No. C-7959**

**The motion carried by the following vote:**

**Yes:** 7 - Baker, Colonna, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch

**No:** 1 - Kell

**Absent:** 1 - B. Lowenthal

**Enactment No:** See file text

**25. [04-2184](#)**

Ordinance approving application for a development agreement in the vicinity of Lakewood Boulevard and Carson Street pursuant to Chapter 21.29 of the Long Beach Municipal Code, directing the City Attorney to prepare a development agreement embodying the application and authorizing and directing the City Manager to execute, on behalf of the City, a development agreement with McDonnell Douglas Corporation for the Douglas Park Project.

**A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to declare ordinance read and adopted as read Ordinance No. 7960**

**The motion carried by the following vote:**

**Yes:** 8 - Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - B. Lowenthal

**Enactment No:** See file text

26. [04-2185](#)

Ordinance amending the Long Beach Municipal Code by amending Sections 21.15.110.G and 21.15.607; and by adding Sections 21.51.226 and 21.51.237, relating to live nude modeling for the purpose of art drawing; and computer cafes as an accessory use.

**A motion was made by Councilmember Colonna, seconded by Councilmember Baker, to declare ordinance read and adopted as read Ordinance No. C-7961**

**The motion carried by the following vote:**

**Yes:** 8 - Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - B. Lowenthal

**Enactment No:** C-7961

27. [04-2203](#)

Ordinance finding and determining that a further credit is due against the Transportation Improvement Impact Fee applicable to the CSULB Foundation Technology Park located at 2000 West Nineteenth Street and authorizing the City Manager to execute an agreement regarding credit for transportation improvements made to Pacific Coast Highway from Cota Avenue to Nineteenth Street.

**A motion was made by Councilmember Baker, seconded by Councilmember Colonna, to declare ordinance read and adopted as read Ordinance No. C-7962**

**The motion carried by the following vote:**

**Yes:** 8 - Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - B. Lowenthal

**Enactment No:** C-7962

**NEW BUSINESS**

28. [04-2225](#)

Report regarding temporary housing and utilization of Transient Occupancy Tax.

James Black

Donald Sims

Tracy Sims

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Lerch, to. Request City Manager to prepare report on amount of Transient Occupancy Tax (TOT) paid by individuals and families identified as transitional and how the TOT is administered and allocated.**

**The motion carried by the following vote:**

**Yes: 9 - B. Lowenthal, Baker, Colonna, O'Donnell, Kell, Richardson, Reyes Uranga, Gabelich and Lerch**

**29. 04-2226** Interim plan for City Council and Redevelopment Agency.

**30.**

Councilmember Colonna spoke regarding community events.

Councilwoman Richardson spoke regarding community events.

Vice Mayor Kell spoke regarding community events.

Councilwoman Gabelich spoke regarding community events.

David Moore spoke regarding the Martin Luther King Day Parade.

James Black spoke.

Mayor O'Neill adjourned the meeting at 8:08 P.M.

**NOTE:**

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

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

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

បើលោកអ្នកមិនចេះនិយាយភាសាអង់គ្លេស ហើយត្រូវការរបៀបវារៈកិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង និងរបាយការណ៍កិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង ជាសំណៅប្រែសម្រួលលាយលក្ខណ៍អក្សរទៅជាភាសាបស់លោកអ្នក នោះសូមស្នើសុំមកនាយកដ្ឋានស្មៀនសាលាក្រុង តាមទូរស័ព្ទលេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវបានធ្វើឡើង។