

**CITY 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, Acting City Manager
Larry G. Herrera, City Clerk



Beverly O'Neill, Mayor

**TUESDAY, MAY 13, 2003
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

FINISHED AGENDA & MINUTES

Call to Order: 5:03 P.M.

Roll Call - Councilmembers Present: Lowenthal, Baker, Colonna, Carroll, Kell,
Richardson, Reyes Uranga, Webb, Lerch.

Absent: None.

Also Present: Gerald R. Miller, City Manager
Reginald Harrison, Deputy City Manager
Robert E. Shannon, City Attorney
Larry G. Herrera, City Clerk
Renaë Tyner, Deputy City Clerk

Mayor O'Neill presiding.

Flag Salute

Invocation: Pastor Steven Hines, Shoreline Community Church

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation for National Conference for Community and Justice Award Recognition

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

HEARINGS:

1. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Agreement of purchase and sale and escrow instructions with Pacific Court-Pine Square Partners for the sale of real property at 245 Pine Avenue – Downtown Redevelopment Project Area. (Resolution approving the proposed purchase and sale agreement between the Redevelopment Agency of the City of Long Beach, California, and Pacific Court-Pine Square Partners; finding that the consideration for the conveyance of certain real property in the Downtown Redevelopment Project is not less than fair market value in accordance with covenants and conditions governing such conveyance; and approving the conveyance of the property and the Purchase and Sale agreement.) (District 2) (Doc. 2)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Approve the agreement of purchase and sale and escrow instructions.

Adopt resolution making certain findings.

Approve and authorize Executive Director to execute any and all documents necessary to implement the agreement.

ACTION: As recommended; adopted Resolution No. C-28173. (Baker/Lowenthal)
(Unanimous) (Absent: Kell)

2. DEPARTMENT: PUBLIC WORKS

SUBJECT: Resolution No. C-28167, Intention to vacate portion of Atlantic Avenue south of Forty-Fifth Street. (Resolution ordering the vacation of a portion of Atlantic Avenue south of Forty-Fifth Street.) (District 8) (Doc. 3)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Adopt resolution .

ACTION: As recommended; adopted Resolution No. C-28174. (Webb/Baker)
(Unanimous) (Absent: Lowenthal,Kell)

3. DEPARTMENT: PUBLIC WORKS

SUBJECT: Resolution No. C-28166, Intention to vacate portions of Atlantic Plaza and Atlantic Avenue south of Fifty-Second. (Resolution ordering the vacation of portions of Atlantic Avenue south of Fifty-Second Street.) (District 8) (Doc. 4)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Adopt resolution.

ACTION: As recommended; adopted Resolution No. C-28175. (Webb/Baker)
(Unanimous)

Speakers: Holly Forsyth.

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.)

Robert Bastian, spoke on county courts.

Dave San Jose, spoke on 710 Long Beach Freeway expansion.

Jim Sturm, spoke on 710 Long Beach Freeway expansion.

Thomas Murphy, spoke on an article in the Long Beach Press-Telegram.

Harvey Cochran, announced events throughout the City.

Allen Hose, submitted petition in opposition to 710 Long Beach Freeway expansion
"Alternative C Plan". (Doc. 5)

Vicki Pell, spoke on the closing of Billings Hardware.

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 - 20) (Pulled for discussion Items 5, 6, 12, 15, and 16.)

4. DEPARTMENT: CITY AUDITOR

SUBJECT: Quarterly Audit of Cash and Investment Balances as of September 30, 2002.
(Doc. 6)

SUGGESTED ACTION:

Receive and file.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

5. DEPARTMENT: CITY MANAGER

SUBJECT: Agreement with the Greater Long Beach National Conference for Community and Justice (NCCJ) for provision of Human Dignity Programming Services. (Citywide) (Doc. 36)

SUGGESTED ACTION:

Authorize City Manager to enter into an agreement for a period of one year in an amount not to exceed \$93,000.

ACTION: As recommended. (Baker/Lowenthal) (Unanimous) (Absent: Webb)

Speakers: Harvey Cochran.

Thomas Murphy.

6. DEPARTMENT: HEALTH AND HUMAN SERVICES

SUBJECT: First Amendment to Agreement No. 27779 with Community Hospital of Long Beach to provide emergency room services to Long Beach Jail inmates. (Citywide) (Doc. 37)

SUGGESTED ACTION:

Authorize City Manager to execute amendment in an amount not to exceed \$265,000 for a one-year period.

ACTION: As recommended. (Baker/Lowenthal) (Unanimous) (Absent: Carroll, Webb)

Speaker: Thomas Murphy.

7. DEPARTMENT: LAW

SUBJECT: Compromises and Releases. (Docs. 7-8)

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$25,000 in compliance with Appeals Board order for claim of Richard Andrew Benson; and \$28,000 for claim of Robert Earl Walker.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

8. DEPARTMENT: LAW

SUBJECT: Stipulations with Requests for Awards. (Docs. 9-11)

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$11,280 in compliance with Appeals Board order for claim of Denis Gannon; \$5,355 for claim of Filomena Ibalio; and \$10,600 for claim of Allene Seymore.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

9. DEPARTMENTS: LAW

SUBJECT: Lawsuit of Rajendra Desai. (Doc. 12)

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$10,000 in full settlement.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

10. DEPARTMENTS: LAW

SUBJECT: Claim of GE Auto Insurance. (Doc. 13)

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$9,450.11 in full settlement.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

11. DEPARTMENT: LAW

SUBJECT: Amendment to Schedule "A" of City Attorney's Office Conflict of Interest Code removing position of Claims Officer - Workers' Compensation and modifying position of Office Manager to Legal Administration. (Doc. 14)

SUGGESTED ACTION:

Approve.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

12. DEPARTMENT: LONG BEACH ENERGY

SUBJECT: Natural Gas Sales and Purchase Agreement with Nuevo Energy Company, a seller of locally produced natural gas. (Citywide) (Doc. 38)

SUGGESTED ACTION:

Authorize City Manager to execute five-year Natural Gas Sales and Purchase Agreement between the City and Nuevo Energy Company, effective from the date of termination of the prior agreement.

ACTION: As recommended with amendment that the term of the agreement be modified from five years to three years. (Colonna/Lowenthal) (Unanimous)
(Absent: Carroll, Webb)

13. DEPARTMENT: OIL PROPERTIES

SUBJECT: Pier A Toe Drain Water Agreement between City of Long Beach, West Wilmington Unit Operator, and City of Long Beach, Board of Harbor Commissioners. (Districts 1,2) (Doc. 15)

SUGGESTED ACTION:

Authorize City Manager to execute agreement effective July 1, 2003 for a period of ten years, with a Board option to renew for an additional ten years.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

14. Omitted from agenda.

15. DEPARTMENT: PARKS, RECREATION AND MARINE

SUBJECT: Park Impact Fee Report for Fiscal Year 2002. (Citywide) (Doc. 39)

SUGGESTED ACTION:

Receive and file.

ACTION: As recommended. (Baker/Lowenthal) (Unanimous) (Absent: Carroll, Webb)

16. DEPARTMENT: PUBLIC WORKS

SUBJECT: Plans and Specifications No. R-6541 and Award of Contract to All American Asphalt for Improvement of Monlaco Road between Bellflower Boulevard and Woodruff Avenue and Program Supplement Agreement No. 044-M to Administering Agency - State Agreement No. 07-5108. (District 5) (Doc. 40)

SUGGESTED ACTION:

Adopt Plans and Specifications.

Authorize City Manager to award contract in an estimated amount of \$279,508 and execute contract and all necessary documents related to the contract, and approve program supplement.

ACTION: As recommended. (Baker/Carroll) (Unanimous) (Absent: Colonna)

Speaker: Thomas Murphy.

17. DEPARTMENT: PUBLIC WORKS

SUBJECT: Plans and Specifications Nos. R-6583 and R-6587 and Award of Contracts to Ruiz Engineering Co. and All American Asphalt, respectively for Improvement of South Street Between Ackerfield Avenue and Paramount Boulevard, and Improvement of Santa Fe Avenue Between Pacific Coast Highway and Hill Street. (Districts 1,7,8,9) (Doc. 16)

SUGGESTED ACTION:

Adopt Plans and Specifications.

Authorize City Manager to award contracts to Ruiz Engineering Co. in estimated amount of \$103,590 for R-6583, and to All American Asphalt in estimated amount of \$411,248 for R-6587, and execute contracts and all necessary documents related to the contracts.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

18. COUNCIL COMMITTEE: COUNCILMEMBER DAN BAKER, SECOND DISTRICT, CHAIR, STATE LEGISLATION AND ENVIRONMENTAL AFFAIRS COMMITTEE

SUBJECT: Claim on behalf of City of Long Beach from the Public Employees Retirement System (PERS). (Doc. 17)

SUGGESTED ACTION:

Concur in recommendation of Committee to receive and file communications regarding claim on behalf of City of Long Beach from the Public Employees Retirement System (PERS).

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

19. DEPARTMENT: VARIOUS

SUBJECT: Minutes for filing: (Docs. 18-20)

Civil Service Commission, April 23, 2003
Harbor Commission, April 28, 2003
Water Commission, April 17, 2003

SUGGESTED ACTION:

Receive and file.

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

20. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages. (Docs. 21-35)

SUGGESTED ACTION:

Refer to City Attorney the following:

Nancy E. Bender	\$	489.75
Lance Cohen		600.66
Roberto G. De La Torre		3,809.26
Libby Escobedo		700.00
Tom Flesch		250,000.00
Mladen Grbavac		Amount Unknown
Ervin Greenlee		Amount Unknown
Maria J. Kanlilar		937.27
Candace Lee		450.00
Jessie Lee Levy		Amount Unknown
Aneesah Muhammad		14,000.00
Connie Pirillis		Amount Unknown
State Farm Insurance Companies, subrogee for Sharon Eve Lewis		2,008.08
Lorraine D. Wesley		187.52
Eng Yorn		660.00

ACTION: As recommended. (Lowenthal/Baker) (Unanimous)

SUGGESTED ACTION: CONCUR IN RECOMMENDATIONS ON CONSENT CALENDAR.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

21. COUNCIL OFFICE: COUNCILMEMBER BONNIE LOWENTHAL, FIRST DISTRICT
COUNCILMEMBER DAN BAKER, SECOND DISTRICT

SUBJECT: Request for report on Port Expansion including long-term and short-term plans for expansion and how the plans may effect infrastructure needs (including goods movement), the environment, and surrounding communities. (Doc. 41)

SUGGESTED ACTION:

Refer to City Manager to work in cooperation with the Harbor Department to prepare report.

ACTION: Referred to City Manager for report within 45 days to include fiscal impact analysis. (Lowenthal/Baker) (Unanimous)

Speaker: Colette Marie McLaughlin.

22. COUNCIL OFFICE: COUNCILMEMBER DENNIS CARROLL, FOURTH DISTRICT

SUBJECT: Renaming of Field No. 1 at Stearns Champions Park in honor of Mike Murphy. (Doc. 42)

SUGGESTED ACTION:

Refer to Housing and Neighborhoods Committee and Parks and Recreation Commission for consideration and public input and return to the City Council within 30 days.

ACTION: Made finding of urgency due to Mr. Murphy's terminal illness and in honor of his 50 years of service to Long Beach Little League, and approved renaming of Field No. 1 to Mike Murphy Field. (Carroll/Colonna) (Unanimous)

Speaker: Scott Chambers.

23. ~~COUNCIL OFFICE: COUNCILMEMBER VAL LERCH, NINTH DISTRICT~~

~~SUBJECT: Advising of agenda item for May 20, 2003 City Council meeting regarding adopting policy regarding reconsideration of I-710 major corridor study alternatives.~~

~~SUGGESTED ACTION:~~

~~Receive and file.~~

~~**ACTION:** Withdrawn from agenda.~~

24. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Renewal of property insurance for City buildings and contents. (Citywide)
(Doc. 43)

SUGGESTED ACTION:

Authorize City Manager to purchase "all risk" property insurance through Driver-Alliant Insurance Services, for a total premium not to exceed \$684,285.

Authorize City Manager to pay additional premiums to Driver-Alliant Insurance Services, equal to the proposed "all risk" premium rate of \$0.059214 per \$100 applied to the value of any new buildings purchased or constructed by the City, or the increased value of any buildings reappraised during the term of this insurance policy.

ACTION: As recommended. (Colonna/Baker) (Unanimous)

25. DEPARTMENT: HUMAN RESOURCES

SUBJECT: Purchase property and boiler and machinery insurance for the Southeast Resource Recovery Facility (SERRF). (District 1) (Doc. 44)

SUGGESTED ACTION:

Authorize City Manager to purchase property and boiler and machinery insurance for SERRF, for the period May 15, 2003 through April 1, 2004, for a premium not to exceed \$556,000, payable to Onyx North America Group or its Montenay Pacific Power Corporation subsidiary.

ACTION: Approved, as amended, to decrease earthquake coverage from \$25,000,000 to \$7,000,000 and increase property coverage from \$150,000,000 to \$200,000,000. (Lowenthal/Baker) (Unanimous)

26. DEPARTMENT: LONG BEACH ENERGY

SUBJECT: Memorandum of Understanding Between Long Beach Energy and Sound Energy Solutions. (Citywide) (Doc. 45)

SUGGESTED ACTION:

Authorize City Manager to execute Memorandum of Understanding for the purpose of discussions about a future long-term gas contract and the feasibility and development, financing, construction, operation and maintenance of gas pipelines to the proposed Liquefied Natural Gas (LNG) Facility.

ACTION: As recommended. (Carroll/Colonna) (Unanimous)

27. DEPARTMENT: POLICE

SUBJECT: Alcoholic beverage license application of Richard Michael Chranowski, dba Marco Polo Cafe, at 421 Obispo Avenue. (District 2) (Doc. 46)

SUGGESTED ACTION:

Receive and file application; or

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

ACTION: Received and filed. (Baker/Colonna) (Unanimous)

28. DEPARTMENT: POLICE

SUBJECT: Alcoholic beverage license application of Joanna De Jesus Panameno and Daniel Sanchez Torres, dba Buon Gusto Trattoria, at 5755 East Pacific Coast Highway. (District 3) (Doc. 47)

SUGGESTED ACTION:

Receive and file application; or

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

ACTION: Received and filed. (Colonna/Lowenthal) (Unanimous)

29. DEPARTMENT: POLICE

SUBJECT: Alcoholic beverage license application of Rick Jason Boyer, dba The Zodiac, at 3020 Woodruff Avenue. (District 5) (Doc. 48)

SUGGESTED ACTION:

Receive and file application; or

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

ACTION: Received and filed. (Kell/Baker) (Unanimous)

30. DEPARTMENT: PUBLIC WORKS

SUBJECT: Amendment to the Long Beach Municipal Code relating to motorcycle parking restrictions. (Citywide) (Doc. 49)

SUGGESTED ACTION:

Request City Attorney to prepare amendment authorizing the City Traffic Engineer to designate motorcycle only on-street parking zones and designate marked on-street parking spaces in which motorcycle parking is prohibited.

ACTION: As recommended. (Baker/Colonna) (Unanimous)

RESOLUTIONS:

31. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Resolution declaring the intention of the City Council to re-establish the Magnolia Industrial Group Property and Business Improvement District, fixing the time and place of a public hearing thereon and giving notice thereof. (District 1) (Doc. 50)

SUGGESTED ACTION:

Adopt resolution.

Set date of hearing for Tuesday, July 15, 2003.

ACTION: Adopted Resolution No. C-28176 and set date of hearing for July 15, 2003.
(Lowenthal/Baker) (Unanimous)

Speaker: Colette Marie McLaughlin.

32. DEPARTMENT: LONG BEACH ENERGY

SUBJECT: Resolution authorizing the City Manager to purchase refuse carts through the contract between the City of Los Angeles and Rehrig Pacific Company. (Citywide) (Doc. 51)

SUGGESTED ACTION:

Adopt resolution authorizing City Manager to execute contract with Rehrig Pacific Company for the ongoing purchase of 65-gallon and 95-gallon refuse carts pursuant to City of Los Angeles Contract Number C-102987, on the same terms and conditions as are afforded to the City of Los Angeles, in an estimated annual amount of \$550,000, subject to budget appropriation.

ACTION: Adopted Resolution No. C-28177. (Baker/Colonna) (Unanimous)

33. DEPARTMENT: LAW

SUBJECT: Resolution establishing the Budget Oversight Committee. (Doc. 52)

SUGGESTED ACTION:

Adopt resolution read and adopted as read.

ACTION: Adopted Resolution No. C-28178. (Baker/Colonna) (Unanimous)

34. DEPARTMENT: PUBLIC WORKS AND COMMUNITY DEVELOPMENT

SUBJECT: Resolution ordering the vacation of Grisham and Ruth Avenues, Peace Street and adjacent alley. (District 8) (Doc. 53)

SUGGESTED ACTION:

Adopt resolution.

ACTION: Adopted Resolution No. C-28179. (Webb/Baker) (Unanimous)

NEW BUSINESS:

35. Affidavit of Service for special meeting held May 9, 2003.
ACTION: Received and made a part of the permanent record.
- 36.
- 37.

Councilmembers made announcements regarding community events.

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.)

Adjournment: 7:00 P.M., in memory of William Wildlan.

REMINDERS:

- Charter Amendment Committee at 2:00 P.M.
- Housing Authority at 4:30 P.M.
- Economic Development and Finance Committee (Attorney/Client) at 4:50 P.M.
- May 20, 2003, Hearing on Resolution of Necessity for Spring Street. (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. E-Mail correspondence can be directed to cityclerk@longbeach.gov. Agenda items may be reviewed in the City Clerk Department or the Government Publications Section 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.