

Dr. Robert Garcia, 1st District  
Dr. Suja Lowenthal, Vice Mayor, 2nd District  
Gary DeLong, 3rd District  
Patrick O'Donnell, 4th District



Gerrie Schipske, R.N.P./J.D., 5th District  
Dee Andrews, 6th District  
James Johnson, 7th District  
Rae Gabelich, 8th District  
Steven Neal, 9th District

Patrick H. West, City Manager  
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Robert E. Shannon, City Attorney

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## FINISHED AGENDA & MINUTES

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda Items can be taken out of order during the meeting. Please consult the time stamps to determine the order in which business was addressed.

Agenda Items were considered in the following order: Public Comment, Consent Calendar Item Nos. 2 - 9, Agenda Item Nos. 12, 1, 10, 11 and 13.

### ROLL CALL (5:06 PM)

**Councilmembers** Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews,  
**Present:** Gabelich and Neal

**Councilmembers** Johnson  
**Absent:**

Also present: Suzanne Frick, Assistant City Manager; Michael Mais, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gerrie Schipske, Councilwoman, Fifth District.

Mayor Foster read a thank you note from Anitra Dempsey regarding the passing of her son; announced that Councilmember Johnson would be absent; and indicated that the order of business would be Public Comment, Consent Calendar, Unfinished Business, Hearing, and the remainder of the agenda.

Lacey from the Animal Shelter presented a canine.

### HEARING (5:44 PM)

[see media](#)

1. [11-1240](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeals by David Robertson and Mary Suttie; Los Cerritos Wetlands Land Trust; Heather Altman; "Our Town-Long Beach" (ten people); and Kerrie Aley, and uphold the decision of the Planning Commission certifying the Final EIR and approving the Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local Coastal Development Permit requests;

Adopt resolution recertifying the Final EIR 04-09 for the Second + PCH project (State Clearinghouse No. 2009101014);

Michael Mais, Assistant City Attorney, spoke.

Amy Bodek, Director of Development Services, and Derek Burnham, Planning Administrator, spoke and provided a PowerPoint presentation.

David Malmuth of Seaport Marina LLC/David Malmuth Development LLC, applicant, spoke.

Raymond Linn, applicant, spoke.

Allan Pullman, Studio One Eleven, and Mark Rios spoke.

Tim McMann, CBRE Commercial Real Estate, spoke.

Freda Hinsche Otto, community outreach spokesperson, spoke.

Elizabeth Lambe, Los Cerritos Wetland Land Trust, appellant, spoke.

Michelle Black, Chatten-Brown & Carstens, spoke.

Mel Nutter, Los Cerritos Wetland Land Trust, appellant, spoke.

Mary Suttie, appellant, spoke.

David Robertson, appellant, spoke; and submitted written comments.

Heather Altman, appellant, spoke.

Mary Parcell, Our Town-Long Beach, appellant group, spoke.

Jeff Miller, Our Town-Long Beach, appellant group, spoke.

Allan Songer, Our Town-Long Beach, appellant group, spoke.

Melinda Cotton, Our Town-Long Beach, appellant group, spoke.

Kerrie Aley, appellant, spoke.

Mel Nutter, Los Cerritos Wetland Land Trust, appellant, spoke.

David Malmuth of Seaport Marina LLC/David Malmuth Development LLC, applicant, spoke in rebuttal.

Bill Thomas spoke.

Phil Jones spoke.

Susan Phillips spoke and submitted photographs.

Gabrielle Weeks, representing the Sierra Club, spoke.

Larry Goodhue spoke.

C.J. Hansen spoke.

Tom Mays spoke.

Diane Jacobus spoke on behalf of Beverly O'Neill.

Mike Vebie spoke.

Blake Christian spoke.

Ryan Serrano spoke.

John Hancock spoke.

Dina Deck spoke.

Nata Tushnet spoke.

Raymond Torres Santos spoke.

Guillermo Parma spoke.

Joanne Gordon spoke.

Anne Desmero spoke.

Gary Shelton spoke.

Doug Shea spoke.

Anne Dennison spoke.

Gordana Caiger spoke.

Joe Dever spoke.

Eric Brownstein spoke.

Kala Crown spoke.

Jerry Olivera, City of Seal Beach planner, spoke.

Lorraine Favre spoke.

Todd Becker spoke.

Sarah Gilbert spoke.

Marvin Eidermann spoke.

Peter Zak, Lyon Communities, spoke.

Tim Paone, attorney for Lyon Communities, spoke.

Pete Pirzade spoke.

Mike Murchison, lobbyist for Lyon Communities, spoke.

Greg Magneson spoke.

Tom Haisely spoke.

Richard Roth spoke.

Maureen Poe spoke.

Ben Leonen spoke.

Joseph Murphy spoke.

Laurie Picket-Smith spoke.

Ken Croft spoke.

Dan Halbertson spoke.

Chris Gesko spoke.

Andy MacAffey spoke.

Marty Cox spoke.

Pat Gibson, Gibson Engineering, traffic impact study consultant, spoke.

Ziggie Rothman spoke.

Karen Reaside spoke.

Jessica England spoke.

Heather Vider spoke.

Barbara Shuller spoke.

Vince Pellatzi spoke.

Steve Connolly spoke.

Eugene Williams spoke.

Bill Lorbeer spoke.

Steven Geller spoke.

Curtis Kaiser spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Mayor Foster spoke.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Mel Nutter, Los Cerritos Wetland Land Trust, appellant, spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Tim Paone spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to deny the appeals, with the following conditions:**

- 1. Developer agrees to fund their fair share of the SEADIP update;**
- 2. Provide and complete landscaping improvements to the following areas: [a] center medians on 2nd Street between Marina Drive and Studebaker Road; [b] Studebaker Road between Loynes Drive and 2nd Street; [c] 2nd Street and Bellflower Boulevard along the Pacific Coast Highway corridor intersections at the "iron triangle"; and [d] 22 Freeway to 7th Street exit;**
- 3. Install two (2) "Welcome to Long Beach" signs to entrances at the 22 Freeway to 7th Street and the Seal Beach Pacific Coast Highway entrance;**
- 4. Agree to pay cost of extending the west bound left hand turn pockets on 2nd Street and Pacific Coast Highway and add 100 feet to the waiting line que; and**
- 5. That a theater be included as part of master development. The motion failed by the following vote:**

**Yes:** 3 - Garcia, DeLong and Gabelich

**No:** 5 - Lowenthal, O'Donnell, Schipske, Andrews and Neal

**Absent:** 1 - Johnson

**A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation and adopt resolution recertifying the Final EIR 04-09 for the Second + PCH project. The motion failed by the following vote:**

**Yes:** 4 - Garcia, Lowenthal, DeLong and O'Donnell

**No:** 4 - Schipske, Andrews, Gabelich and Neal

**Absent:** 1 - Johnson

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, that the City Manager return to City Council in 60 days with recommendations for funding and starting a comprehensive update of the SEADIP plan. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

**Absent:** 1 - Johnson

[11-1239](#)

Adopt resolution amending the Local Coastal Program (LCP) of the General Plan and forward supporting materials to the California Coastal Commission for approval and certification; and

**This Resolution was received and filed.**

[11-1241](#)

Declare ordinance amending Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP, also known as PD-1) read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

**This Ordinance was received and filed.**

**PUBLIC COMMENT (5:13 PM)**

Sandra Rendell spoke for the Downtown Homeowners Unite regarding the DLBA and the PBID.

Mark Bertrand spoke regarding the DLBA and the PBID.

Nicolaus Chomenko spoke regarding a crime at 7th Street and Rose Avenue and medical marijuana.

Larry Goodhue spoke regarding a variety of issues concerning medical marijuana, the marina, and Occupy Long Beach.

Sarah Rice of Occupy Long Beach spoke regarding police brutality.

Councilmember O'Donnell spoke.

Jay Matthews spoke about incidents with the police and Occupy Long Beach.

Christopher Perkins of Occupy Long Beach spoke regarding police harassment.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Suzanne Frick, Assistant City Manager, spoke.

Jonathan Vazquez and Lydia Deaton, local high school students, spoke a word of thanks.

### **CONSENT CALENDAR (5:41 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 2 - 9. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

**Absent:** 1 - Johnson

2. [11-1245](#) Recommendation to authorize City Attorney to pay the sum of \$200,000 in full settlement of lawsuits entitled Tavaron Mitchell v. City of Long Beach, et al., and Marcus Toles v. City of Long Beach, et al.  
**A motion was made to approve recommendation on the Consent Calendar.**
3. [11-1242](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, December 6, 2011.  
**A motion was made to approve recommendation on the Consent Calendar.**
4. [11-1243](#) Recommendation to refer to City Attorney damage claims received between December 5, 2011 and December 12, 2011.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. [11-1255](#) Recommendation to authorize City Manager to execute an agreement, any subsequent amendments thereto, and any related necessary

documents to provide parking processing services to Long Beach City College District (LBCCD) for a period of two years with an option to extend this agreement for three additional one-year terms. (Districts 5,6)

**A motion was made to approve recommendation on the Consent Calendar.**

6. [11-1247](#) Recommendation to authorize City Manager to execute new contracts and any other documents necessary for the completion of the Rancho Los Cerritos Visitors Center and McBride Teen Center grant projects from the California Department of Parks and Recreation Proposition 40 Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. (Districts 6,8)

**A motion was made to approve recommendation on the Consent Calendar.**

7. [11-1244](#) Recommendation to authorize City Manager to execute subdivision agreements and find that all requirements of the final subdivision map for a 10-unit condominium development located south of Ocean Boulevard and west of Fourth Place have been satisfied and approve the final map for Tract No. 53485. (District 2)

**A motion was made to approve recommendation on the Consent Calendar.**

8. [11-1246](#) Recommendation to authorize City Manager to execute an amendment to the agreement with Compulink Management Center, Inc., dba Laserfiche Solutions Group (LSG), to increase the amount by \$296,715 for software licenses, software support and implementation services and extend the term for three years to maintain annual payments at the existing level (\$72,750). (Citywide)

**A motion was made to approve recommendation on the Consent Calendar.**

9. [11-1256](#) Recommendation to receive and file minutes for:  
Parks and Recreation Commission - November 10, 2011.

**A motion was made to approve recommendation on the Consent Calendar.**

#### **UNFINISHED BUSINESS (5:42 PM)**

[see media](#)

12. [11-1220](#) Recommendation to refer to Hearing Officer the appeal of business license revocation by Donaciano Nunez and Nicanor Nunez, dba El Sonora Bar, located at 1862 Santa Fe Avenue; or revoke business license number BU04048840 issued to Donaciano Nunez and Nicanor

Nunez, dba El Sonora Bar, located at 1862 Santa Fe Avenue, due to abandonment of appeal. (District 1)

**A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, that the City Council accept the abandonment of the appeal of the business license. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

**Absent:** 1 - Johnson

### REGULAR AGENDA (10:56 PM)

[see media](#)

10. [11-1253](#) Recommendation to suspend Council rule contained in Long Beach Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of January 3, 2012.

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

**Absent:** 1 - Johnson

[see media](#)

11. [11-1222](#) Recommendation to authorize City Manager to execute individual contracts with the following consulting firms for on-call environmental consultant services: CSC Targhee, Inc., LSA Associates, Inc., Matrix Environmental, LLC, RBF Consulting, Rincon Consultants, Inc. and Terry A. Hayes Associates Inc., for a one-year period each in an amount not to exceed \$500,000 each, with two annual renewal options at the option of the City; and increase appropriations in the Development Services Fund (EF 337) in the Department of Development Services (DV) by \$350,000. (Citywide)

**A motion was made by Councilwoman Schipske, seconded by Councilmember Neal, to approve recommendation. The motion carried by the following vote:**

**Yes:** 7 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Gabelich and Neal

**Absent:** 2 - Andrews and Johnson

### NEW BUSINESS (10:57 PM)

12. Agenda Item No. 12 is listed under Unfinished Business (Page 4).

[see media](#)

13. [11-1259](#) Recommendation to receive and approve the following New Commission/Board/Committee appointments to Non-Charter Commissions.

**A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve recommendation. The motion carried by the following vote:**

**Yes:** 6 - Garcia, Lowenthal, O'Donnell, Schipske, Gabelich and Neal

**Absent:** 3 - DeLong, Andrews and Johnson

14. [11-1258](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 16, 2011.

**This Agenda Item was received and filed.**

15. [11-1260](#) eComments received for the City Council meeting of Tuesday, December 20, 2011.

**This Agenda Item was received and filed.**

#### **ANNOUNCEMENTS (10:58 PM)**

Mayor Foster made community announcements; and requested that the meeting be adjourned in memory of Byron Schweigert and Michael Brief.

Vice Mayor Lowenthal made community announcements.

Councilmember Garcia made community announcements.

Councilmember Neal made community announcements.

#### **PUBLIC (11:03 PM)**

Ryan Serrano spoke regarding the outcome of the hearing.

Dan Halverson spoke a word of thanks.

Robert Fisk spoke regarding perspective.

#### **ADJOURNMENT (11:09 PM)**

At 11:09 PM, Mayor Foster adjourned the meeting in memory of Byron Schweigert and Michael Brief.

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