

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



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

Bob Foster, Mayor

Gerrie Schipske, 5th District
Dee Andrews, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, Vice Mayor, 9th District

Robert E. Shannon, City Attorney

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 for this meeting were considered in the order presented, with the exception of Agenda Item No. 26, which was considered first of the Regular Agenda; and Agenda Item No. 22, which was withdrawn.

ROLL CALL (5:10 PM)

Councilmembers Lowenthal, DeLong, O'Donnell, Andrews and Lerch

Present:

Councilmembers Garcia, Schipske, Reyes Uranga and Gabelich

Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Heather Mahood, Chief Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Carolyn Harris, City Clerk Specialist.

Mayor Foster presiding.

Mayor Foster announced that Agenda Item No. 22 was withdrawn and Agenda Item No. 26 would be considered at the beginning of the Regular Agenda.

Invocation: Moment of Silence.

Flag Salute: Patrick O'Donnell, Councilmember, Fourth District.

Presentation of Proclamations Recognizing Parks, Recreation and Marine Employees

Phil Hester, Director of Parks, Recreation and Marine, spoke.

SECOND ROLL CALL (5:12 PM)

Councilmembers Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews,
Present: Reyes Uranga, Gabelich and Lerch

Councilmembers Garcia, Schipske, Reyes Uranga, and Gabelich joined the meeting.

Mayor Foster spoke.

Councilman Andrews spoke.

PUBLIC COMMENT (5:16 pm)

Larry Goodhue spoke regarding the new Police Chief selection.

Don Davis spoke regarding flooding on January 19, 2010.

Mayor Foster spoke.

[10-0200](#) Diane Atkinson spoke during public comment and submitted handout regarding mold contamination.

This Handout was received and filed.

Harvey Cochran spoke regarding garage sales.

David Zink spoke regarding the remarks of Mayor Foster on medical marijuana.

Melida Hines spoke regarding safety, vehicles, bicycle and skateboard issues.

Thomas Marchese spoke regarding soil contamination.

[10-0201](#) Tom Stout spoke during public comment and submitted handout regarding pension reform.

This Handout was received and filed.

CONSENT CALENDAR (5:41 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve Consent Calendar Items 1 - 4. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

1. [10-0136](#) Recommendation to refer to City Attorney damage claims received between January 25, 2010 and February 1, 2010.
A motion was made to approve recommendation on the Consent Calendar.

2. [10-0160](#) Recommendation to adopt resolution designating the ballot listing of the candidates which have been nominated for the City's Primary Nominating Election, April 13, 2010.
**Approve recommendation and adopt Resolution No. RES-10-0014
Enactment No: RES-10-0014**

3. [10-0135](#) Recommendation to receive and file the application of Joflynn Taronu Figueroa, dba Mindas Restaurant & Karaoke Lounge, for a person-to-person transfer of an Alcoholic Beverage Control License, at 2227 Pacific Avenue, with existing conditions. (District 6)
A motion was made to approve recommendation on the Consent Calendar.

4. [10-0147](#) Recommendation to receive and file minutes for:
Civil Service Commission - January 20, 2010.
Parks and Recreation Commission - December 17, 2009.
A motion was made to approve recommendation on the Consent Calendar.

UNFINISHED BUSINESS (5:41 PM)

[see media](#)

24. [10-0115](#) Recommendation to receive and file the application of 212 Bistro LLC, dba 212 Bistro, for an original Alcoholic Beverage Control License, at 2708 East 4th Street, with conditions. (District 2)

Councilmember Lowenthal spoke.
A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:
Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

25. [10-0117](#) Recommendation to adopt Specifications No. R-6832 for both anticipated and unanticipated (emergency) construction of various City infrastructure repairs and improvements to be done under the method of Job Order Contracting (JOC);

Authorize City Manager to execute agreements for one year terms in amounts not to exceed \$1,000,000 for the following JOC Contracts: JOC Contract No. 10 for Angeles Contractor with an adjustment factor of .5940, JOC Contract No. 11 for New Creation Builders with an adjustment factor of .6000, JOC Contract No. 12 for MacKone Development, Inc. with an adjustment factor of .5980, JOC Contract No. 13 for Worldwide Construction with an adjustment factor of .6900, and JOC Contract No. 14 for MTM Thomasville with an adjustment factor of .8000;

Adopt resolution authorizing City Manager to execute a contract with the Gordian Group for access rights to their proprietary Pro-Gen software and for administrative services to manage the JOC program in an amount not to exceed \$225,000 for a term of three years, with the option of renewing for two additional one-year periods; and

Authorize City Manager to execute amendments for each JOC contract to extend the term for two separate periods of one year each and up to \$1,000,000 per extended term, and to execute amendments to the Gordian Group agreement relative to the extension of the term, to authorize additional services, if required, within the provisions of the agreement, and to adjust the Gordian fee for inflation. (Citywide)

Mark Christoffels, City Engineer, spoke.

Harvey Cochran spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-10-0015. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-10-0015

REGULAR AGENDA (5:45 PM)

[see media](#)

5. [10-0161](#) Recommendation to request City Attorney, in collaboration with the City Manager, to draft a policy to adopt a Tax Amnesty Program and report back to City Council in 30 days. (Citywide)

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Patrick West, City Manager, spoke.

Erik Sund, Business Relations Manager, spoke.

Councilwoman Gabelich spoke.

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

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

6. [10-0162](#)

Recommendation to respectfully request City Council to recognize February as American Heart Month and support efforts to educate the public about heart disease, detection and prevention; and

Request City Manager to notify City employees and residents about participating in American Heart Month and provide information from the American Heart Association about how to take positive actions to reduce the risk of heart disease and stroke.

Councilmember Lowenthal spoke.

David Ross spoke.

Larry Borland spoke.

Mike Murchison spoke.

Larry Goodhue spoke.

Councilwoman Gabelich spoke.

Jeff Reeb, Acting Fire Chief, spoke.

Councilmember Reyes Uranga spoke.

Jeff Reeb, Acting Fire Chief, spoke.

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

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

7. [10-0159](#) Recommendation that City Council review and consider draft proposed Lobbyist Ordinance and, after public input, request City Attorney to prepare a Lobbyist Ordinance for first reading. (Citywide)

Robert Shannon, City Attorney, spoke.

Councilmember O'Donnell spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Councilmember O'Donnell spoke.

Motion: Approve recommendation.
Moved by O'Donnell, seconded by Schipske.

Judy Ross spoke.

Jim Lewis spoke.

Harvey Cochran spoke.

Mayor Foster spoke.

Annette Quintero spoke.

Gary Hytrek spoke.

Larry Borland spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Tom Stout spoke.

Jack Smith spoke.

Thomas Marchese spoke.

Larry Goodhue spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Councilwoman Gabelich spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Vice Mayor Lerch spoke.

Mayor Foster spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Motion: Substitute motion to approve recommendation to remove the exemption of the non-profits and the labor associations.
Moved by DeLong, seconded by Lerch.

Councilmember Garcia spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

A second substitute motion was made by Councilmember Garcia, seconded by Councilwoman Gabelich, to approve recommendation to request City Attorney to prepare an ordinance with amendments as discussed. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

8. [10-0163](#) Recommendation to receive and file the Technology Services Inventory Controls Audit Report.

Laura L. Doud, City Auditor, spoke.

Councilwoman Schipske spoke.

Laura L. Doud, City Auditor, spoke.

Councilwoman Gabelich spoke.

Curtis Tani, Director of Technology, spoke.

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

Yes: 8 - Garcia, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Lowenthal

[see media](#)

9. [10-0137](#)

Recommendation to authorize City Manager to execute a Second Amendment to Lease No. 30946 with Wilmington-Lomita Blvd., LLC, a Long Beach-based California limited liability company, for lease of approximately 5.61 acres of excess Terminal Island Freeway right-of-way, at a monthly rental rate of \$13,931. (District 7)

Dennis Thys, Director of Community Development, spoke.

Gloria Jones spoke.

Jack Smith spoke.

Thomas Marchese spoke.

Larry Goodhue spoke.

Mike Murchison spoke.

Councilmember Reyes Uranga spoke.

Dennis Thys, Director of Community Development, spoke.

Councilwoman Gabelich spoke.

Dennis Thys, Director of Community Development, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Dennis Thys, Director of Community Development, spoke.

Motion: Substitute motion to approve recommendation with the inclusion of a provision prohibiting sub-leasing of the property.
Moved by Schipske, seconded by Gabelich.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Dennis Thys, Director of Community Development, spoke.

Councilmember DeLong spoke.

Dennis Thys, Director of Community Development, spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Patrick West, City Manager, spoke.

Vice Mayor Lerch spoke.

Patrick West, City Manager, spoke.

Vice Mayor Lerch spoke.

Motion: To call for the question.
Moved by DeLong, seconded by O'Donnell.

Councilwoman Schipske withdrew her substitute motion.

Vote: To call for the question. (Carried 8-1)
Yes: Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, and Lerch.
No: Gabelich.

A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga, Gabelich and Lerch

No: 1 - Schipske

[see media](#)

10. [10-0138](#) Recommendation to authorize City Manager to execute all documents necessary for the acquisition of 189 Park Avenue as part of the Belmont Shore Parking and Business Improvement Area; and increase appropriation in the Parking and Business Improvement Revenue Fund (SR 132) in the Department of Community Development (CD) by \$1,400,000. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

11. [09-0972](#) Recommendation to authorize City Manager to execute any and all documents necessary for a lease between the City of Long Beach and the Historical Society of Long Beach, California, a California nonprofit corporation, for the use and occupancy of City-owned property located at 4258-4260 Atlantic Avenue for a twenty-year term, at an annual rent of \$1.00. (District 8)

Patrick West, City Manager, spoke.

Dan Petersen spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:

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

Absent: 1 - Reyes Uranga

[see media](#)

12. [10-0139](#) Recommendation to authorize City Manager to accept fee title and execute all necessary documents to transfer title to 602 West Anaheim Street, 851 Orange Avenue, 1440 Temple Avenue, 2821, 2837 and 2929 East 14th Street from the Redevelopment Agency of the City of Long Beach for permanent parkland. (Districts 1,4,6)

Patrick West, City Manager, spoke.

Phil Hester, Director of Parks, Recreation and Marine, spoke.

Councilmember Garcia spoke.

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

13. [10-0140](#)

Recommendation to authorize City Manager to execute all documents necessary for a lease between the City of Long Beach and Lucky Auto Detailing for the use of City-owned parking structures and/or lots for the implementation of a Waterless Car Wash Pilot Program at an annual rental rate of \$1.00 for a term of six-months. (Citywide)

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

14. [10-0141](#)

Recommendation to approve the Fiscal Year 2010 first quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)

David Wodynski, Budget and Performance Management Bureau Manager, spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Lerch

Absent: 1 - Gabelich

[see media](#)

15. [10-0142](#)

Recommendation to adopt Specifications No. PA-02309 to award a contract to Emergency Vehicle Group, Inc., of Anaheim, California, for the purchase of five Advanced Life Support paramedic ambulances in the contract amount of \$988,000 including tax, with the option of purchasing up to five additional units by February 2011, if necessary, and if funds are available, and at the discretion of the City Manager; and

Authorize City Manager to execute a master lease-purchase agreement and related financing documents with Chase Equipment Finance, Inc., of Phoenix, Arizona, for the financing in an amount not to exceed \$988,000, payable over a six-year period. (Citywide)

Patrick West, City Manager, spoke.

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

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

16. [10-0143](#)

Recommendation to receive and file the application of Wings Over Long Beach LLC, dba Hooters, for a premise-to-premise transfer and a LLC membership change of an Alcoholic Beverage Control License, at 71 Aquarium Way, The Pike at Rainbow Harbor, with conditions. (District 2)

Councilmember Lowenthal spoke.

John Steinmiester spoke.

Chris Caldwell spoke.

Councilmember Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Councilmember Lowenthal spoke.

Suzanne Frick, Assistant City Manager, spoke.

Councilmember Lowenthal spoke.

Billy Quach, Chief of Police, spoke.

Councilmember Lowenthal spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilmember Garcia, that the item be laid over to the meeting of Tuesday, March 2, 2010. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

17. [10-0116](#)

Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the Port of Long Beach California Port and Maritime Security Grant Program; and increase appropriations in the General Grants Fund (SR 120) in the Police Department (PD) by \$350,000. (Citywide)

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

18. [10-0144](#)

Recommendation to adopt Plans and Specifications No. R-6812 for the construction of the Main Library roof waterproofing at 101 Pacific Avenue; and authorize City Manager to award and execute a contract with Best Contracting Services, Inc. in an estimated amount of \$1,333,870 plus a ten percent contingency amount of \$133,387, if necessary, for a total of \$1,467,257, and any amendments thereto. (District 2)

Elliot Gonzalez spoke.

Mayor Foster spoke.

Patrick West, City Manager, spoke.

Councilmember Garcia spoke.

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

Yes: 7 - Garcia, Lowenthal, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 2 - DeLong and O'Donnell

[see media](#)

19. [10-0145](#)

Recommendation to adopt Plans and Specifications No. R-6764 for the annual contract for Public Works repairs and minor improvements, award

the project, and authorize City Manager to sign all documents necessary to execute a contract with Sully Miller Contracting, the lowest responsible bidder, and any necessary amendments thereto relative to the scope of work, in an estimated amount of \$8,000,000; and

Authorize City Manager to execute subsequent amendments to the agreement to extend the term for up to two additional one-year terms and to increase the unit prices, if necessary, for inflation. (Citywide)

A motion was made by Councilmember Lowenthal, seconded by Councilmember Reyes Uranga, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 2 - DeLong and O'Donnell

[see media](#)

20. [10-0146](#)

Recommendation to authorize City Manager to execute agreements and all related documents with recommended firms, including six Long Beach businesses, to provide as-needed professional and technical services related to system analysis, system development, system implementation, project management, and technical support in an aggregate amount not to exceed \$675,000 in total expenditure per year for three years; and authorize City Manager to execute amendments to renew and extend the term. (Citywide)

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

Yes: 7 - Garcia, Lowenthal, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 2 - DeLong and O'Donnell

ORDINANCES (8:19 PM)

[see media](#)

21. [10-0126](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.20.120 relating to maximum amount of prizes, read and adopted as read. (Citywide)

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Ordinance No. ORD-10-0003. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 2 - DeLong and O'Donnell

Enactment No: ORD-10-0003

22. [09-1203](#)

WITHDRAWN

~~Chapter 5.87 to implement the State Compassionate Use Act and State Medical Marijuana Program Act, read and adopted as read. (Citywide)~~

This Ordinance was withdrawn.

[see media](#)

23. [10-0118](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 10.30.010, 10.30.040, and 10.30.050, all relating to beach area parking lots, read and adopted as read. (Districts 2,3)

A motion was made by Councilman Andrews, seconded by Councilwoman Gabelich, to approve recommendation and adopt Ordinance No. ORD-10-0004. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 2 - DeLong and O'Donnell

Enactment No: ORD-10-0004

NEW BUSINESS:

[see media](#)

24. Agenda Item No. 24 is listed under Unfinished Business (page 2)

25. Agenda Item No. 25 is listed under Unfinished Business (page 3)

[see media](#)

26. [10-0192](#)

Recommendation to request City Manager to identify ways to assist victims of flooding caused by our most recent set of storms including, but not limited to, waiving building and utility fees, expediting building plan review and low-interest loans funded by State of Emergency assistance funds; and

Request City Manager to utilize the web-based property damage survey already established by the City shortly after the flooding to determine potential cost impacts and communicate with residents about the permit

and loan opportunities.

Councilmember Lowenthal spoke.

Patrick West, City Manager, spoke.

Councilmember Lowenthal spoke.

Harvey Cochran spoke.

Patrick West, City Manager, spoke.

Charlotte Shelton spoke.

Patrick West, City Manager, spoke.

Michael Conway, Director of Public Works, spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

ANNOUNCEMENTS (8:20 PM)

Councilwoman Schipske made community announcements.

Councilmember Lowenthal made community announcements.

Councilwoman Gabelich made community announcements.

Councilman Andrews made community announcements.

Councilmember Reyes Uranga made community announcements.

PUBLIC (8:26 PM)

Larry Borland spoke regarding wellness program for Fire and Police employees.

Thomas Marchese spoke regarding soil and wetland issues.

Patrick West, City Manager, spoke.

ADJOURNMENT (8:31 PM)

At 8:31 PM, Mayor Foster adjourned the meeting.

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