

Vacant, 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.

ROLL CALL (5:12 PM)

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

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; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Mayor Foster announced that there would be a presentation, update and public comment regarding the flooding on Arlington Avenue.

Invocation: Moment of Silence.

Flag Salute: Dee Andrews, Councilman, Sixth District.

Presentation and update regarding the Arlington Avenue flooding.

Pat West, City Manager, provided a video showing the flooding on Arlington Avenue.

[09-0190](#)

Mike Conway, Director of Public Works, provided a PowerPoint presentation entitled, Arlington Avenue Flooding.

This Handout was received and filed.

Mayor Foster spoke regarding his discussion with Southern California Edison.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke.

Mayor Foster spoke.

Migel Moreno spoke.

Maria Norvell spoke.

Andy Perez spoke.

Lynette Hernandez spoke.

Leonardo Ceverro spoke.

Alisa Eckerson spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke.

Presentation from U.S. Census Bureau, Long Beach Office.

[09-0188](#) Ramon Rodriquez spoke and provided brochures regarding the census.

This Handout was received and filed.

Brittany Hart spoke and provide the phone number to inquire regarding working the census 866-861-2010.

Presentation from Lucky and Ratha on their journey to Long Beach.

HEARINGS (6:29 PM)

[see media](#)

1. [09-0130](#) Recommendation to receive supporting documentation, conclude the public hearing, and declare ordinance amending Chapter 2.63 of the Long Beach Municipal Code as it relates to the Cultural Heritage Commission read the first time and laid over to the next regular meeting of the City Council for final reading; and

A motion was made by Councilmember Reyes Uranga, seconded by Vice Mayor Lerch, that the item be continued to the meeting of Tuesday, February 17, 2009. The motion carried by the following vote:

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

[see media](#)

[09-0131](#)

Adopt resolution authorizing Director of Development Services to submit amendments to the Cultural Heritage Commission ordinance to the State Office of Historic Preservation for its review and approval as an implementing ordinance of the Certified Local Government (CLG) program. (Citywide)

A motion was made by Councilmember Reyes Uranga, seconded by Vice Mayor Lerch, that the item be continued to the meeting of Tuesday, February 17, 2009. The motion carried by the following vote:

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

Enactment No: RES-09-0011

[see media](#)

2. [09-0133](#)

Recommendation to receive supporting documentation, hold a public hearing, and find that a portion of Lakewood Boulevard north of the Traffic Circle adjacent to 1919 Lakewood Boulevard is not needed for present or prospective public use. (District 4)

Councilmember O'Donnell spoke.

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

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

PUBLIC COMMENT (6:35 PM)

Harvey Cochran spoke regarding a variety of issues.

Larry Goodhue spoke regarding Lehman Brothers lawsuit.

Claudette Powers spoke regarding property tax reassessment mail.

John Deats spoke regarding action taken regarding street repairs at the last meeting.

James Ota spoke regarding ticketing on posted street.

Elizabeth Martinez spoke regarding hotel employees salaries.

[09-0189](#) Gary Hytrek spoke regarding a "Tale of Two Citires" report, and submitted copies for the record.

This Handout was received and filed.

Jim Meyer spoke regarding no funding for streets and sidewalk repairs in the 8th District.

Councilwoman Gabelich spoke.

CONSENT CALENDAR (6:57 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 3 - 8. The motion carried by the following vote:

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

3. [09-0144](#) Recommendation to refer to City Attorney damage claims received between January 26, 2009 and February 2, 2009.

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

4. [09-0156](#) Recommendation to approve the destruction of records for the Development Services Department (formerly Planning and Building Department) as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-09-0010 on the Consent Calendar.

Enactment No: RES-09-0010

5. [09-0134](#) Recommendation to receive and file the application of David Gomez Cisneros and Priscilla Cisneros, dba Daves Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at

732 East 7th Street, with existing conditions. (District 1)

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

6. [09-0135](#) Recommendation to receive and file the application of Arun Chaudhary and Tripta Shahi Thakuri, dba Kamal Palace Cuisine of India, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6374 East Pacific Coast Highway Suite A, with existing conditions. (District 3)

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

7. [09-0136](#) Recommendation to receive and file the application of Creperie Express Incorporated, dba La Creperie, for a fiduciary transfer of an Alcoholic Beverage Control License, at 4911 East 2nd Street, with existing conditions. (District 3)

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

8. [09-0145](#) Recommendation to receive and file minutes of:
Civil Service Commission - January 21, 2009.
Planning Commission - November 6, 2008.
Water Commission - January 8, 2009.

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

REGULAR AGENDA (6:58 PM)

[see media](#)

9. [09-0154](#) Recommendation to receive and approve the appointment of Councilmember Gary DeLong to the Alameda Corridor Transportation Authority.

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

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

[see media](#)

10. [09-0155](#) Recommendation to receive and file the appointment of Councilwoman Rae Gabelich to the I-710 Oversight Committee.

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

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

[see media](#)

11. [09-0159](#)

Recommendation to receive and approve 2009 Commission/Board/Committee reappointments and new appointments to Non-Charter Commissions.

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

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

[see media](#)

12. [09-0158](#)

Recommendation to request City Manager to work with appropriate staff to develop a Towing Cost Recovery program to commence immediately, with the goal of addressing insufficient cost recovery for towing and storage fees.

Councilmember O'Donnell spoke.

Harvey Cochran spoke.

Councilmember O'Donnell spoke.

Dennis Head, President of IAM Local Lodge 1930, spoke.

Councilmember Reyes Uranga spoke.

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

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

[see media](#)

13. [09-0147](#)

Recommendation to receive and file the Proposition H Audit Report for fiscal year ending September 30, 2008.

Laura L. Doud, City Auditor, spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilmember DeLong spoke.

Harvey Cochran spoke.

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

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

[see media](#)

14. [09-0137](#)

Recommendation to authorize City Manager to execute any and all documents necessary for a Lease with Robert Ross, Frances Ross and Scott Ross for a vacant lot at 2000 East Fourth Street for the construction of a temporary park-and-ride public parking lot, for a five-year term at an initial monthly rental rate of \$2,000. (District 2)

Harvey Cochran spoke.

Councilmember S. Lowenthal spoke.

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

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

[see media](#)

15. [09-0138](#)

Recommendation to authorize City Manager to notify the Los Angeles County Auditor-Controller that the City of Long Beach and its Redevelopment Agency (Agency) intend to fund the payment required by Section 33685(d) of the California Health and Safety Code using the Agency's tax increment revenue and housing set-aside in the amount of \$6,070,996. (Citywide)

Pat West, City Manager, spoke.

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

Yes: 7 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

No: 1 - Lerch

[see media](#)

16. [09-0139](#)

Recommendation to authorize City Manager to make payment for property and boiler and machinery insurance for the Southeast Resource Recovery Facility for the period of January 1, 2009 through January 1,

2010, for a premium of \$557,251, payable to Veolia Environmental Services North American Corporation. (District 2)

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

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

[see media](#)

17. [09-0140](#)

Recommendation to authorize City Council to accept the donation of photovoltaic solar panels located at the Long Beach Airport; and authorize City Manager to execute any and all documents necessary for the conveyance from EcoMedia, LLC, to the City of Long Beach at no cost. (District 5)

Pat West, City Manager, spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

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

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

[see media](#)

18. [09-0141](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Pacific Sailing LLC, dba Pacific Sailing & Yacht Club, for an original Alcoholic Beverage Control License, at 423 Shoreline Village Drive Suite D, with conditions. (District 2)

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

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

[see media](#)

19. [09-0097](#)

Recommendation to receive and file the application of Chicago Hotel Works Hospitality Corporation, dba Avia Hotel, for an original Alcoholic Beverage Control License, at 285 Bay Street, with conditions. (District 2)

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

Yes: 7 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

[see media](#)

20. [09-0142](#)

Recommendation to receive and file the application of Empire Food Service Incorporated, dba Cafe Ambrosia, for an original Alcoholic Beverage Control License, at 1923 East Broadway, with conditions. (District 2)

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

Yes: 7 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 1 - Reyes Uranga

[see media](#)

21. [09-0143](#)

Recommendation to adopt Plans and Specifications No. R-6762 for installing bike route signs on existing bikeways and installing bikeway signing and striping;

Award the project to and authorize City Manager to sign all documents necessary to execute a contract with Excel Paving, dba Palp, Inc, (Excel Paving) the lowest responsible bidder, and any necessary amendments thereto relative to the scope of work, in the amount of \$277,703 plus a 15% contingency amount of \$41,656, if necessary, for a total of \$319,359; and

Increase appropriations in the Gas Tax Street Improvement Fund (SR 181) in the Department of Public Works (PW) in the amount of \$256,084. (Districts 1,2,3,4,5)

Larry Goodhue spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

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

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

[see media](#)

22. [09-0160](#)

Recommendation to authorize City Manager to execute a Real Estate Exchange Agreement, providing overall terms and conditions of an exchange of approximately 12.1 acres of City-owned land for surface rights to approximately 33.77 acres of privately-owned wetlands. (Districts 1,3)

Pat West, City Manager, spoke.

Mike Conway, Director of Public Works, spoke and provided a PowerPoint presentation.

Harvey Cochran spoke.

Jerry Schubel spoke.

Stan Poe spoke on behalf of Long Beach Heritage.

Belinda Falstinos spoke.

Andy Kincaid spoke.

Lenny Arkinstall spoke and submitted correspondence and photographs.

Larry Goodhue spoke.

Frank Prior spoke.

Elizabeth Lambe spoke.

Ray Thorn spoke.

Eric Zahn spoke.

Mike Ruehle spoke.

Dave Perozzi spoke.

Mike Murchison spoke.

Ben Rockwell spoke.

Annie Van Horn spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilmember S. Lowenthal

Councilwoman Gabelich spoke.

A substitute motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to approve the main motion (including the deed restriction) as stated but amended to direct staff to: [1] seek to have LCW absorb up to \$500,000 in costs for relocation of the public service yard; and [2] return to City Council with a real estate exchange agreement for review and approval. The motion failed by the following vote:

Yes: 3 - Schipske, Reyes Uranga and Gabelich

No: 5 - S. Lowenthal, DeLong, O'Donnell, Andrews and Lerch

A motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, to approve recommendation, with the inclusion of a deed restriction, which would restrict the land to wetlands use in perpetuity. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

No: 2 - Schipske and Gabelich

ORDINANCE (9:15 PM)

[see media](#)

23. [09-0077](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 8.68.020.R, Section 8.68.060, and Subsection 8.68.110.A; and by adding Subsection 8.68.020.S, and Section 8.68.210, all relating to smoking in public places, read and adopted as read. (Citywide)

Councilwoman Schipske spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

Claudette Powers spoke.

Melinda Cotton spoke.

Stafford Cox spoke.

Harvey Cochran spoke.

Tom Fallon spoke.

Evan Braude spoke.

Ben Rockwell spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Councilmember S. Lowenthal spoke.

Motion: Call for question.

Moved by DeLong, seconded by Andrews.

Vote: Call for question.(Carried 6-2)

Yes: S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga, and Lerch.

No: Schipske, Gabelich.

A motion was made by Vice Mayor Lerch, seconded by Councilmember Reyes Uranga, that the original ordinance presented at the February 3, 2009 meeting be reintroduced for first reading, with an added condition prohibiting smoking lounges from selling food or drink, read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

No: 2 - Schipske and Gabelich

Enactment No: ORD-09-0002

NEW BUSINESS (9:52 PM)

[see media](#)

24. [09-0127](#)

Recommendation to City Council to concur in recommendation of the Personnel and Civil Service Committee to receive the communication and confirm one (1) reappointment to the Planning Commission.

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

Yes: 7 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - DeLong

25. Affidavit of Service for the special meeting held, Tuesday, February 10, 2009.

ANNOUNCEMENTS (9:53 PM)

Councilmember Reyes Uranga made community announcements.

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

ADJOURNMENT (9:56 PM)

At 9:56 P.M., Mayor Foster adjourned the meeting.

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