

Robert Garcia, 1st District  
Suja Lowenthal, Vice Mayor, 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  
James Johnson, 7th District  
Rae Gabelich, 8th District  
Steven Neal, 9th District

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 order presented.

### ROLL CALL (5:02 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Heather Mahood, Chief Assistant City Attorney; Laura L. Doud, City Auditor; Merianne Nakagawa, Legislative Bureau Manager; Nancy Muth, City Clerk Analyst.

Vice Mayor Lowenthal presiding.

Invocation: Moment of Silence.

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

Presentation for the Bike Festival/Tour of Long Beach.

Kraig Kojian, Downtown Long Beach Associates, spoke.

Vice Mayor Lowenthal spoke.

Certificate of Recognition for Cabrillo High School.

Councilmember Johnson spoke.

Lee White spoke.

Councilmember Johnson spoke.

Presentation for Hepatitis B Awareness Month. (5:20 PM)

Councilman Andrews spoke.

### HEARING (5:24 PM)

[see media](#)

1. [11-0367](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution amending the Master Fee and Charges Schedule. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilmember Johnson, to approve recommendation and adopt Resolution No. RES-11-0054, as amended. The motion carried by the following vote:**

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

**Absent:** 1 - Andrews

**Enactment No:** RES-11-0054

### PUBLIC COMMENT (5:26 PM)

Diana Budd spoke regarding public health and quality of life issues regarding food carts in neighborhoods.

Councilmember Garcia spoke.

Larry Goodhue spoke regarding a Southern California Edison facility near Marine Stadium.

[11-0489](#) Jim Lewis, Long Beach Rescue Mission, spoke regarding the Winter Shelter; and submitted written comments.

**This Handout was received and filed.**

Councilmember Neal spoke.

Chett Davidson spoke regarding bike safety.

### CONSENT CALENDAR (5:41 PM)

Passed The Consent Calendar

**A motion was made by Councilmember DeLong, seconded by Councilmember Johnson, to approve Consent Calendar Items 2 - 6. The motion carried by the following vote:**

**Yes:** 7 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson and Neal

**Absent:** 2 - O'Donnell and Gabelich

2. [11-0441](#) Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending September 30, 2010.

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

3. [11-0430](#) Recommendation to refer to City Attorney damage claims received between April 25, 2011 and May 2, 2011.

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

4. [11-0436](#) Recommendation to approve the destruction of records for the Human Resources Department as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-11-0055 on the Consent Calendar.**

**Enactment No:** RES-11-0055

5. [11-0437](#) Recommendation to approve the destruction of records for the Long Beach Police Department as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-11-0056 on the Consent Calendar.**

**Enactment No:** RES-11-0056

6. [11-0431](#) Recommendation to receive and file the minutes for: Planning Commission - April 7, 2011.

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

#### **REGULAR AGENDA (5:42 PM)**

7. 11-0445 ~~Recommendation to receive and file a report on travel to Silicon Valley for the Big Ten Mayors meeting, May 2, 2011.~~

**This Agenda Item was withdrawn.**

[see media](#)

8. [11-0444](#) Recommendation to receive and file the first TEDxSoCal conference

update, scheduled for July 16, 2011 at the Center Theatre in Long Beach.

Councilwoman Schipske spoke.

Steve Goodling, Long Beach Convention and Visitors Bureau, spoke and provided a video presentation.

Craig Watson, Arts Council for Long Beach, spoke.

Councilmember Neal spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

9. [11-0446](#)

Recommendation to respectfully request City Attorney to work with the City Prosecutor and City Manager to draft an ordinance protecting pedestrians and businesses from aggressive and passive solicitation.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Gary Anderson, Deputy City Attorney, spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Gary Anderson, Deputy City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Jim McDonnell, Chief of Police, spoke.

Councilmember Garcia spoke.

Jim Lewis, Long Beach Rescue Mission, spoke.

Gary Shelton spoke.

Loara Cadavona spoke.

Kareem Mohammed spoke.

Kraig Kojian, Downtown Long Beach Associates, spoke.

Councilwoman Schipske spoke.

Patrick West, City Manager, spoke.

Gary Anderson, Deputy City Attorney, spoke.

Vice Mayor Lowenthal spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

10. [11-0447](#)

Recommendation to request City Manager to work with the City Attorney to bring forward changes to the existing Downtown Pilot Newsrack Program and related municipal codes in the following manner:

- Expand the pilot program to that area bounded by Ocean Boulevard, Pacific Avenue, 10th Street and Long Beach Boulevard, as well as that area bounded by Long Beach Boulevard, 4th Street, Alamitos Avenue and Ocean Boulevard.
- Include both sides of streets in the pilot area.
- Pilot program newsracks should be redefined as single-base racks similar to the K-Jack 100 model. Newsracks may not be bolted or otherwise affixed to the sidewalk.

- All plastic newsracks are prohibited; and

Request City Attorney to draft language that amends existing Long Beach Municipal Code (Sections 14.20.050 and 14.20.060):

- Require newsrack vendors in the City of Long Beach to maintain updated contact and electronic mail information with the Director of Public Works.
- Enable the use of electronic mail for notification of violations to the newsrack vendor.
- Extend the period for rectifying a violation following notice from three to five business days to codify existing business-friendly practices by City staff.
- Enable immediate notification and removal of newsracks by the City Manager or his/her designee from the public space when they are found in such a condition as to present a hazard to public safety.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Mary Coburn, Downtown Long Beach Associates, spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

11. 11-0448

~~Recommendation to request City Attorney and City Manager to amend the Conditions of Operation for the Downtown Dining and Entertainment District in the following manner:~~

~~Dining and Entertainment District Conditions:~~

- ~~- Outdoor amplified music on patios and rooftops is prohibited, except in conjunction with special events or occasional events permits.~~
  - ~~- All doors and windows shall remain closed whenever entertainment is being provided, except for normal ingress and egress and in case of an emergency.~~
  - ~~- The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 12:00 a.m. and 7:00 a.m.~~
  - ~~- All new permittees and existing permittees shall install and maintain a video surveillance system that monitors no less~~
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~~than the front and rear of the business with full view of the public right of ways and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras. New permittees must install the system within three months of being approved for an Entertainment Permit and existing permittees must install a system within one year of this condition being established. Lack of compliance may result in assignment to Tier II status.~~

- ~~- Require annual review of violations (i.e. calls for service, code violations, health violations, Alcoholic Beverage Control complaints) before Entertainment Permits are renewed to determine whether Tier II conditions should be applied;~~

~~Request City Manager to survey cities with similar entertainment areas and/or permits as well as acoustic organizations to provide feedback on the following topics to the Environmental Committee within 60 days:~~

- ~~- Use of "vibration perception threshold" and C-weighted sound as a means of accurately measuring the impact of bass sound upon adjacent businesses and residents.~~
- ~~- Measure and require mitigation of sound in commercial and residential developments located inside the Dining and Entertainment District as part of planning approval or the Certificate of Occupancy process; and~~

~~Request City Manager to pursue the following recommendations and update the Environmental Committee within 60 days:—~~

- ~~- Work with the Downtown Long Beach Associates (DLBA) to develop a Peer-to-Peer Review program for new and existing Entertainment Permittees to receive guidance~~

- ~~before infractions and complaints require corrective action per conditions in their permit.~~
- ~~- Develop a more effective tracking system of "calls for service" that enables LBPD South Division, Vice and the Business Relations Bureau to be informed when three or more similar complaints are received within a month's period, as per existing conditions found in Attachment B, Tier II.~~

**This Agenda Item was withdrawn.**

[see media](#)

**12. [11-0449](#)**

Recommendation to respectfully request City Manager to work with appropriate staff to report back to City Council on a potential "sliding scale" cost schedule for Conditional Use Permits (CUPs).

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Annie Greenfeld spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to approve recommendation and request a report back to City Council in two months. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

**13. [11-0442](#)**

Recommendation to receive and file the Towing Operations Cash Handling Procedures Follow-Up Audit; and request City Management to review the recommendations, develop strategies for implementation and update the City Council and City Auditor in six months and in one year from the date of receipt and filing of this report.

Laura L. Doud, City Auditor, spoke.

Councilmember O'Donnell spoke.

Michael Conway, Director of Public Works, spoke.

Councilmember DeLong spoke.



Michael Conway, Director of Public Works, spoke.

Patrick West, City Manager, spoke.

Councilmember DeLong spoke.

Michael Conway, Director of Public Works, spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Michael Conway, Director of Public Works, spoke.

Kareem Mohammed spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Neal, to approve recommendation and request a report back to City Council in 60 days. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

14. [11-0432](#)

Recommendation to authorize City Manager to execute all related documents to implement a Sales Tax Incentive Agreement with Cabe Brothers for the expansion of the Toyota dealership located at 2895 Long Beach Boulevard. (District 6)

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

**A motion was made by Councilman Andrews, seconded by Councilwoman Schipske, to approve recommendation, with a stipulation that if the Certificate of Occupancy is not issued in the four years, the funds received during those four years would be repaid with interest, at the current market interest rate. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

**15. [11-0207](#)**

Recommendation to authorize City Manager to execute all necessary agreements with Wells Fargo Bank, N.A., for general banking services for a period of three years, with the option to renew for seven additional one-year periods. (Citywide)

Motion: That the proposed recommendation be rejected, and request that staff issue a new Request for Proposal, with the inclusion of additional community-based services in under-served areas such as ATM's and banking branches.

Moved by Andrews, seconded by Neal.

Councilman Andrews spoke.

Councilmember Garcia spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Motion: Substitute motion to return to all final bidders with a revised RFP and request that they meet their best offer and include a minimum of one full-service ATM within a community of need to be determined by City management.

Moved by Johnson, seconded by Lowenthal.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Councilmember Neal spoke.

Patrick West, City Manager, spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Randall Hernandez, Union Bank, spoke.

Annie Greenfeld spoke.

Pepper Russell spoke.

Kareem Mohammed spoke.

Dan Pressburg spoke.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilmember O'Donnell spoke.

Councilman Andrews spoke.

**A second substitute motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to return to all final bidders with a revised RFP and request that their best offer provide an annual savings of at least \$50,000 over the City's current banking relationship; that there be no increase in fees and no decrease in proposed service levels; and that banking services be included that provide at minimum full-service ATM's in two areas, North and West Long Beach, and further ask that the banking institutions be creative in their offers of banking services that might include up to full service branches. The motion carried by the following vote:**

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

**No:** 1 - Johnson

[see media](#)

16. [11-0434](#)

Recommendation to authorize City Manager to execute a multi-year master lease agreement and all related documents with Banc of America Public Capital Corporation. (Citywide)

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

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

**Absent:** 2 - Garcia and Johnson

[see media](#)

17. [11-0435](#)

Recommendation to authorize City Manager to transfer \$516,600 in San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy grant funds from the West San Gabriel River Parkway Project to the El Dorado Nature Center Renewal Project, Phases 1 and 2; and execute any documents necessary for the implementation and administration of the project. (Districts 4,5)

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Patrick West, City Manager, spoke.

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

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

**Absent:** 1 - Garcia

### **NEW BUSINESS (8:53 PM)**

[see media](#)

**18. [11-0457](#)**

Recommendation to request a staff report, with an update and timeline, regarding the Health and Wellness Element for the City of Long Beach; and request information from Staff regarding other ways in which the City can partner with The California Endowment in its 10-Year \$100 million initiative to make Long Beach a better place to live, work and play.

Councilman Andrews spoke.

Motion: Approve recommendation and, in light of the recent actions concerning the \$100,000 Health Element grant awarded from the California Endowment, to direct City staff to officially notify the City Council via a City Council agenda item every time the City receives a grant award to allow the final authority whether to accept or decline all grants and awards to rest with the City Council.

Moved by Andrews, seconded by Johnson.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Ryan Gray spoke.

Kevin Sun spoke.

Francisco Martinez spoke.

Rene Castro spoke.

Tom Crow spoke.

Anna Bunyo spoke.

Andreas Garcia spoke.

Jessica Quintana spoke.

Cameron Herbert spoke.

Annie Greenfeld spoke.

Angelo Logan spoke.

Zela Maguillo spoke.

Suzanne Brown spoke.

Andrew Kishman spoke.

Councilwoman Schipske spoke.

Councilmember Garcia spoke.

Councilmember Johnson spoke.

**A substitute motion was made by Councilwoman Schipske, seconded by Councilwoman Gabelich, to approve recommendation and, in light of the recent actions concerning the \$100,000 Health Element grant awarded from the California Endowment, to direct City staff to notify the City Council via a City Council agenda item every time a grant is awarded, in order that the City Council may accept or decline the grant award; to place an item on the June 7, 2011 City Council agenda for approval of this grant; and to request City Manager to contact the California Endowment to determine whether additional funds, for the complete amount needed, could be obtained. The motion carried by the following vote:**

**Yes:** 7 - Garcia, Lowenthal, Schipske, Andrews, Johnson, Gabelich and Neal

**Absent:** 2 - DeLong and O'Donnell

19. Affidavits of Service for the special meetings held Tuesday, May 10, 2011.

20. [11-0455](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, May 6, 2011.

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

21. [11-0490](#) eComments received for the City Council meeting of May 10, 2011.

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

**ANNOUNCEMENTS (10:22 PM)**

Councilmember Johnson requested that the meeting be adjourned in memory of Ellis Powers; and made community announcements.

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Neal made community announcements.

**PUBLIC (10:29 PM)**

Daryl Cabilling spoke regarding a ticket received during the Critical Mass bike incident.

Vice Mayor Lowenthal spoke.

Dennis Dunn spoke regarding a variety of issues.

**ADJOURNMENT (10:37 PM)**

At 10:37 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Ellis Powers.

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