

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



Gerrie Schipske, 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: Agenda Item Nos. 1 - 3, 23, 31, 21 and 4, Consent Calendar Item Nos. 5 - 15, Public Comment, and Agenda Item Nos. 30 and 16 - 29 minus 18 and 19.

### ROLL CALL (5:46 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; Robert Shannon, City Attorney; Mike Mais, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Allison Bunma, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

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

Mayor Foster announced that Agenda Item Nos. 18 and 19 have been withdrawn; Agenda Item No. 31 will be taken after the Consent Calendar; and Agenda Item No. 30 will be taken after Agenda Item 31.

Presentation of National Hunger and Homeless Awareness Week.

Mayor Foster spoke.

### HEARINGS (5:50 PM)

[see media](#)

1. [10-1218](#) Recommendation to receive supporting documentation into the record,

conclude the hearing, adopt resolution for a street name change for the 4400 block of Cerritos Drive between San Antonio Drive and Orange Avenue to Le Park Drive; and authorize City Manager to direct the Public Works Director to change maps and street signs as necessary. (District 8)

Councilwoman Gabelich spoke.

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to approve recommendation and adopt Resolution No. RES-10-0138. The motion carried by the following vote:**

**Yes:** 7 - Garcia, Lowenthal, O'Donnell, Andrews, Johnson, Gabelich and Neal

**Absent:** 2 - DeLong and Schipske

**Enactment No:** RES-10-0138

[see media](#)

2. [10-1219](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal of Kerrie Aley, Peggy McCabe, Monte Cofell, Allen Songer, Gregory Warren, Barrie Laffoon Huff, Carla Johnson, Craig Wallace, Ginny Kortz, Matt Kirk and Eric Peterson; and uphold the Planning Commission decision to approve an Addendum to a previously certified Final Environmental Impact Report (EIR 30-07) for the Colorado Lagoon Restoration Project;

Adopt resolution together with Findings and approve the revised Phase 1 project; and

Approve the Phase 2 project and select Alternative 4a as the preferred alternative. (District 3)

Mayor Foster announced that Councilwoman Gabelich would recuse herself from the item.

Suzanne Frick, Assistant City Manager, spoke.

Jill Griffiths, Development Services, provided a PowerPoint presentation.

Suzanne Frick, Assistant City Manager, spoke.

Eric Lopez, Public Works, continued the PowerPoint presentation.

Suzanne Frick, Assistant City Manager, spoke.

Kerrie Aley, appellant, spoke; and submitted written comments.

Matt Kirk, appellant, spoke; and submitted written comments.

Suzanne Frick, Assistant City Manager, spoke.

Jeff Bennett, geologist, spoke.

Suzanne Frick, Assistant City Manager, spoke.

Kerrie Aley, appellant, spoke.

Larry Goodhue spoke.

Erik Zane spoke.

Bill Thomas spoke.

Taylor Parker spoke.

Ginny Kortz, appellant, spoke.

Allen Songer, appellant, spoke.

Bill Heck spoke; and submitted a petition.

Ken Hamilton spoke.

Craig Wallace, appellant, spoke.

Diane Songstrom spoke.

Ray Thorton spoke.

John Whitmaker spoke.

Dave Perazzi spoke.

Carla Conrad Peterson spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to deny the appeal and uphold the Planning Commission decision to approve an Addendum to a previously certified EIR; and adopt Resolution No. RES-10-0139 with Findings and approve the revised Phase 1 project. The motion carried by the following vote:**

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

**Abstentions:** 1 - Gabelich

Councilmember O'Donnell spoke.

Suzanne Frick, Assistant City Manager, spoke.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to approve the Phase 2 project and select Alternative 4a as the preferred alternative. The motion carried by the following vote:**

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

**Abstentions:** 1 - Gabelich

**Enactment No:** RES-10-0139

[see media](#)

3. [10-1236](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution to create an amnesty program for existing automobile sales businesses and to waive fees for a period of 60 days for Conditional Use Permit and Site Plan Review applications in subareas 1, 3 and 4 between Willow Street and Anaheim Street within the Long Beach Boulevard Planned Development District (PD-29). (Districts 1,6,7)

**A motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0140. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-10-0140

[see media](#)

4. [10-1235](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the recommendation to revoke Entertainment Permit No. BU20656240 for CNR Holdings, LLC, dba Evo Lounge, located at 5300 East 2nd Street. (District 3)

Erik Sund, Business Relations Manager, spoke.

Robert Shannon, City Attorney, spoke.

Gary Roth spoke.

Ilene Colonne spoke.

Larry Herrera, City Clerk, read statement from Brendan Kyle.

Brian Jones spoke.

Katie Jones spoke.

John Forsom spoke; and submitted written comments from residence.

Frank Carey spoke.

Paul Cabeany spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Councilman Andrews spoke.

Councilmember Johnson spoke.

Erik Sund, Business Relations Manager, spoke.

Vice Mayor Lowenthal spoke

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

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

**PUBLIC COMMENT (8:42 PM)**

Steve Baker spoke relating to "Just Say No" campaign.

**CONSENT CALENDER (8:42 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember Garcia, seconded by Councilwoman Schipske, to approve Consent Calendar Items 5 - 15. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

5. [10-1238](#) Recommendation to adopt minute order to grant an application from Elenor Dolores Marshall for a widow's pension.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. [10-1245](#) Recommendation to receive and file the quarterly report of Cash and Investments for the quarter ending March 31, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. [10-1246](#) Recommendation to authorize City Manager to execute a contract with Edward White and Company, LLP to perform an Article 9 review for three one-year terms from December 1, 2010 through November 30, 2013 in amounts not to exceed \$185,000 in Fiscal Year (FY) 2011, \$190,000 in FY 2012 and \$195,000 in FY 2013; with two one-year

options for renewal not to exceed \$200,000 for each of those years.

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

8. [10-1230](#) Recommendation to approve the minutes for the City Council meeting held Tuesday, November 2, 2010.

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

9. [10-1231](#) Recommendation to refer to City Attorney damage claims received between November 1, 2010 and November 8, 2010.

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

10. [10-1224](#) Recommendation to adopt resolution authorizing City Manager to execute a contract with Consolidated Fabricators Corporation of Vernon, CA (not an MBE, WBE, SBE or Local), for the purchase of commercial trash containers on the same terms and conditions afforded to the Los Angeles Community College District, in the estimated annual amount of \$95,000 for the period of one year, with the option of renewing for two additional one-year periods, at the discretion of the City Manager, if necessary and if funds are available. (Citywide)

**A motion was made to approve recommendation and adopt Resolution No. RES-10-0142 on the Consent Calendar.**

**Enactment No:** RES-10-0142

11. [10-1220](#) Recommendation to receive and file the application of Harish Pravin Brahmhatt, dba The Pepper Corner, for a person-to-person transfer of an Alcoholic Beverage Control License, at 601 East Broadway, with existing conditions. (District 2)

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

12. [10-1221](#) Recommendation to receive and file the application of Brandon Tan, dba PCH Liquor & Mart, for a person-to-person transfer of an Alcoholic Beverage Control License, at 729 West Pacific Coast Highway, with existing conditions. (District 6)

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

13. [10-1222](#) Recommendation to receive and file the application of 7 11 21 Incorporated, dba Joes Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1710 East Artesia Boulevard, with existing conditions. (District 9)

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

14. [10-1223](#) Recommendation to authorize City Manager to execute any and all documents necessary for a license agreement between the City of Long Beach and Long Beach Yacht Club, a non-profit public benefit corporation, to construct and maintain a trash bin enclosure in the City-owned parking lot across from the clubhouse, located at 6201 Appian Way. (District 3)

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

15. [10-1232](#) Recommendation to receive and file minutes for:  
Civil Service Commission - October 27, 2010.

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

#### UNFINISHED BUSINESS (8:45 PM)

[see media](#)

30. [10-1209](#) Recommendation to respectfully request City Attorney to prepare an amendment to Section 5.87.040 of the Long Beach Municipal Code regarding medical marijuana collective permit approval and operating conditions.

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

Councilmember Johnson spoke.

Motion: Substitute motion to approve proposed ordinance modifications absent provisions relating to proximity buffers and the concentration of cultivation sites in industrial areas, as well as the creation of an additional requirement that collective applicants sign an acknowledgement expressing their understanding that the City Council may amend the ordinance to provide for further restriction and other revisions.

Moved by Johnson, motion failed due to lack of second.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Pat West, City Manager, spoke.



Councilmember Garcia spoke.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

**A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve recommended ordinance modifications concerning the following: [1] a requirement for filing of annual financial statements; [2] the restriction of business hours from 9 a.m. to 7 p.m.; [3] establishment of a 45-day public comment period for submittal of comments to the Financial Management Department followed by a City Council hearing on the issuance of a collective permit; [4] creation of a one-year moratorium on the issuance of additional permits; [5] a requirement for the placement of outdoor security cameras; and [6] creation of a 1,000 foot buffer from parks. Industrial zone concentration would not be required. The motion carried by the following vote:**

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

**No:** 2 - O'Donnell and Johnson

## REGULAR AGENDA (7:51 PM)

[see media](#)

16. [10-1247](#) 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 November 23, 2010.

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, 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](#)

17. [10-1250](#) Recommendation to receive and file the Small Business Enterprise pilot and Local Preference report; and direct City Manager to return to the City Council within 30 days with a citywide Small Business Enterprise program that would include local outreach and parameters for all City Departments.

Mayor Foster spoke.

**A motion was made by Councilman Andrews, 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

18. 10-1234 ~~Recommendation to respectfully request City Council to adopt a policy for officially designating neighborhoods, Business Improvement Districts (BIDs) and Neighborhood Improvement Districts, including the establishing of a procedure for setting boundaries, a formal application process and appropriate fees for processing applications and installing signage.~~

**This Agenda Item was withdrawn.**

19. 10-1237 ~~Recommendation to receive and file the TEDx (Technology, Entertainment & Design) So Cal conference update.~~

**This Agenda Item was withdrawn.**

[see media](#)

20. [10-1248](#) Recommendation to request that City Management schedule a study session for the Council to consider a long-term financial plan within 60 days.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

**A motion was made by Councilmember Johnson, seconded by Councilmember Neal, 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](#)

21. [10-1249](#) Recommendation to request City Manager to work with L.A. SHARES staff to develop a business and residential reusable goods and materials donation program for the benefit of Long Beach schools, community non-profits and City departments; and

Request City Manager to return to City Council within 60 days with the proposed program, potential partners and cost to implement.

Vice Mayor Lowenthal spoke.

Rebecca Buckley spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

**A motion was made by Vice Mayor Lowenthal, seconded by Councilwoman Schipske, 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](#)

22. [10-1226](#)

Recommendation to adopt Specifications No. PA-03110 and award a contract to American Rotary Broom Company, Inc., of Escondido, CA (SBE), in the amount of \$220,000, to furnish and deliver street sweeper brooms for the period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (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, Johnson, Gabelich and Neal

[see media](#)

23. [10-1227](#)

Recommendation to adopt resolution declaring a shelter crisis; suspending applicable provisions of local law, including those contained in the City's zoning ordinances and regulations; and authorizing the operation of a winter shelter between the dates of December 1, 2010 and March 31, 2011; and

Authorize City Manager to execute any and all documents necessary for a lease between Long Beach Rescue Mission Foundation (Lessor) and the City (Lessee) and a sublease between the City (Sublessor) and the Long Beach Rescue Mission (Sublessee) and any amendments at the discretion of the City Manager for approximately 12,000 rentable square feet of industrial space at 6845 Atlantic Avenue at the monthly base rent of \$6,000 for use as a winter shelter. (District 9)

Jim Lewis spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-10-0141. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

**Absent:** 1 - O'Donnell

**Enactment No:** RES-10-0141

[see media](#)

**24. [10-1228](#)**

Recommendation to authorize City Manager to execute the Thirteenth Amendment to Historical Site Lease No. 24291 with Rancho Los Alamitos Foundation to provide for the annual management fee for lease year 2010-2011. (District 3)

**A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, 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](#)

**25. [10-1229](#)**

Recommendation to adopt Plans and Specifications No. R-6779 for the improvements of Stearns Street between Studebaker Road and Stevely Avenue, and authorize City Manager to award and execute the contract with All American Asphalt, in an estimated amount of \$199,199, plus a 10 percent contingency amount of \$19,919, if necessary, for a total of \$219,118, and any amendments thereto except for an increase in the contract price. (District 5)

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, 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](#)

**26. [10-1128](#)**

Recommendation to authorize City Manager to amend Contract No. 31470 with Mark Sauer Construction for the construction of a visitor's

education center, to add construction of a new entryway for Rancho Los Cerritos in an estimated amount of \$254,666, plus a 10 percent contingency amount of \$25,467, for a total of \$280,133, and execute any documents necessary for the implementation and administration of the project; and

Authorize City Manager to submit an application to the Rancho Los Cerritos Foundation (Foundation) and receive a gift of grant funds totaling \$336,160 from the Foundation; and increase appropriations in the Capital Projects Fund (CP 201) in the Department of Public Works (PW) in the amount of \$336,160. (District 8)

**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, Johnson, Gabelich and Neal

[see media](#)

27. [10-1251](#)

Recommendation to adopt Plans and Specifications No. R-6871 for the Ocean Boulevard Bluff Erosion and Enhancement Project, and award the contract to and authorize City Manager to execute the contract with Y&M Construction, Inc., in an estimated amount of \$1,482,095, plus a 15 percent contingency amount of \$222,314, if necessary, for a total of \$1,704,409, and any amendments thereto. (District 3)

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

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

## ORDINANCES (9:15 PM)

[see media](#)

28. [10-1194](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending and restating Title 18 in its entirety; and by repealing Chapter 21.62, all relating to the adoption and amendments to the 2010 Edition of the California Building Standards Codes and the 1997 Edition of the Uniform Housing Code to be known as the Long Beach Building Standards Code, read and adopted as read. (Citywide)

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-10-0035. The motion carried by the following vote:**

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

**Enactment No:** ORD-10-0035

[see media](#)

29. [10-0549](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Subsection 16.08.460.K relating to fishing restrictions, read and adopted as read. (District 2)

**A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-10-0036. The motion carried by the following vote:**

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

**Enactment No:** ORD-10-0036

#### **NEW BUSINESS (7:56 PM)**

[see media](#)

31. [10-1253](#)

Recommendation to request that the Housing and Neighborhoods Committee, and the Parks and Recreation Commission approve renaming 1640 W. 20th Street "Mary Molina Community Garden."

Councilmember Garcia spoke.

Dr. Martha Molina Bernadette spoke.

**A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, to approve recommendation and refer to the Housing and Neighborhoods Committee The motion carried by the following vote:**

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

**Absent:** 1 - Neal

**A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, to approve recommendation and refer to the Parks and Recreation Commission The motion carried by the following vote:**

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

**Absent:** 1 - Neal

32. [10-1254](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, November 12, 2010.

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

33. Affidavit of Service for the special meeting held Tuesday, November 16, 2010.

**ANNOUNCEMENTS (9:17 PM)**

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Garcia made community announcements.

Councilmember Neal made community announcements.

Councilmember Johnson made community announcements.

Councilmember O'Donnell made community announcements.

**ADJOURNMENT (9:21 PM)**

At 9:21 PM, Mayor Foster adjourned the meeting.

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