

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 & DRAFT 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, with the exception of Agenda Item No. 13, which was the third presentation prior to Public Comment; Agenda Item No. 22, which was considered following the Consent Calendar; and Agenda Item No. 21, which was considered following Agenda Item No. 13.

### ROLL CALL (5:30 PM)

**Councilmembers** Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and  
**Present:** Neal

**Councilmembers** Garcia and O'Donnell  
**Absent:**

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Michael Mais, Assistant City Attorney; Heather Mahood, Chief Assistant City Attorney; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Mayor Foster announced that Councilmembers Garcia and O'Donnell would not be in attendance; that Agenda Item No. 13 would be considered as the third presentation; and that Agenda Item No. 22 would be considered following the Consent Calendar.

Proclamation for Long Beach Reads One Book.

Mayor Foster presented the proclamation.

Proclamation declaring March as Red Cross Month.

Councilman Andrews spoke.

Mayor Foster presented the proclamation.

**PUBLIC COMMENT (5:52 PM)**

John Deats spoke regarding the breakwater.

Larry Goodhue spoke regarding a variety of issues.

Tom Stout spoke regarding the passing of former City employee Maria Menke.

**CONSENT CALENDAR (6:00 PM)**

Passed The Consent Calendar

**A motion was made by Vice Mayor Lowenthal, seconded by Councilman Andrews, to approve Consent Calendar Items 1 - 8. The motion carried by the following vote:**

**Yes:** 5 - Lowenthal, Andrews, Johnson, Gabelich and Neal

**Absent:** 4 - Garcia, DeLong, O'Donnell and Schipske

1. [11-0285](#) Recommendation to receive and file report on travel to Washington, D.C. regarding federal issues, February 28 to March 2, 2011.  
**A motion was made to approve recommendation on the Consent Calendar.**
2. [11-0270](#) Recommendation to approve the minutes for the Regular and Special City Council meetings held Tuesday, March 8, 2011.  
**A motion was made to approve recommendation on the Consent Calendar.**
3. [11-0269](#) Recommendation to refer to City Attorney damage claims received between March 7, 2011 and March 14, 2011.  
**A motion was made to approve recommendation on the Consent Calendar.**
4. [11-0276](#) Recommendation to approve the destruction of records for Long Beach

Fire Department, Fire Prevention Bureau as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-11-0037 on the Consent Calendar.**

**Enactment No:** RES-11-0037

5. [11-0277](#) Recommendation to approve the destruction of records for Long Beach Police Department, Records and Technology Division as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-11-0038 on the Consent Calendar.**

**Enactment No:** RES-11-0038

6. [11-0271](#) Recommendation to authorize City Manager, or designee, to execute a Personal Services and Instruction Agreement with Sinjin, LLC, to facilitate beach volleyball instruction on City beach volleyball courts as a recreational contract class within the Department of Parks, Recreation and Marine, for a period of three years, with two, one-year renewal options at the discretion of the City Manager or his designee. (District 2)

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

7. [11-0272](#) Recommendation to determine that the granting of Facility/Pipeline Permit No. P-239-11, to The Boeing Company, will not be contrary to the public interest; and authorize City Manager to issue said permit supplement in accordance with Section 15.44.060, Permit Issuance, of the Long Beach Municipal Code. (District 5)

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

8. [11-0275](#) Recommendation to receive and file minutes for:  
Civil Service Commission - March 2, 2011.  
Planning Commission - January 6, 2011.

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

## **REGULAR AGENDA (6:25 PM)**

[see media](#)

9. [11-0281](#) Recommendation to respectfully request City Manager to develop a "Neighborhood Market Conversion" program, within 60 days, that provides incentives for local corner stores and liquor stores to provide healthier food options and improve the overall neighborhood experience.

This program should include standards that hold the following:

- Offers incentives for small businesses to improve and enhance their interiors and exteriors.
- Encourages and provides healthier food and beverage options in communities.
- Limits alcohol and tobacco signage.
- Encourages signage to promote healthier foods and beverages.
- Promotes child and family-friendly environments.
- Encourages stores to decrease the availability or visibility of items such as alcohol, tobacco or junk foods.

Councilmember Neal spoke.

Councilwoman Schipske joined the meeting.

Councilmember Johnson spoke.

Councilmember Andrews spoke.

Vice Mayor Lowenthal spoke.

Robert Catherman, representing 7-Eleven, spoke.

Maria Soto spoke.

Leanna Carrillo spoke.

Raul Anorve spoke.

Elaina Rodriguez spoke.

Sabrina Sanders spoke.

Darlene Broom spoke.

Angelo Logan spoke.

Frank Fernandez spoke.

Ron Arias, Director of Health and Human Services, spoke.

Vice Mayor Lowenthal spoke.

Doris Felix spoke.

Tom Bebenette spoke.

Councilmember Neal spoke.

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

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

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

[see media](#)

10. [11-0279](#)

Recommendation to respectfully request City Manager to incorporate the recommended "Deemed Approved" conditions into the City's Nuisance Abatement and Administrative Citation process in order to address public nuisance activity at retail alcohol outlets. The "Deemed Approved" conditions should include the following standards:

- The outlet must maintain upkeep so that its operating characteristics are compatible with the surrounding neighborhood.
- The outlet must not contribute to nuisance activities, such as disturbances of the peace, drug dealing, public drinking and inebriation, gambling, loitering, prostitution and sale of stolen goods.
- The premises are properly maintained and do not adversely affect the health, peace, or safety of persons residing or working in the surrounding area.
- Nuisance activities such as litter, graffiti, and unruly behavior associated with public consumption of alcoholic beverages within the premises or in close proximity of the premises, be resolved with the best interests of the community.
- The premises' owner, the employees, or agents do not participate in, or assist persons participating in, illegal activities within the premises or within the boundaries of the premises' property line including the sidewalk and areas between the premises and the street, including, but not limited to, disturbance of the peace, illegal drug activity, illegal sale of firearms, public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, sale or receipt of stolen goods, or theft, and assaults or batteries.
- Violations of any applicable provision of city, state or federal regulation, ordinance or statute are not committed on the premises.
- Premises upkeep and operation are compatible with and will not adversely affect the liveability or appropriate development of

surrounding properties and the surrounding neighborhood.

Councilmember Neal spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

Robert Catherman spoke.

Sabrina Sanders spoke.

Frank Fernandez spoke.

Renache Avalos spoke.

Tom Bebenette spoke.

Darlene Broom spoke.

Grace Chen spoke.

Councilwoman Gabelich spoke.

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

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

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

[see media](#)

11. [11-0280](#)

Recommendation to respectfully request that City Council adopt policies to discourage the approval of any new liquor stores in the City of Long Beach and to carefully scrutinize any request for a finding of "convenience and necessity" related to the establishment of new liquor stores in order to protect the quality of life in surrounding residential areas and to reduce over concentration of alcohol outlets.

Councilmember Neal spoke.

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Councilman Andrews spoke.

Councilmember Neal spoke.

Doris Felix spoke.

Frank Fernandez spoke.

Darlene Broom spoke.

Sabrina Sanders spoke.

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

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

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

[see media](#)

12. [11-0286](#)

Recommendation to request City Attorney to draft a resolution calling for the Intermodal Container Transfer Facility Joint Powers Authority to include a Zero-Emissions Goods Movement System option in its anticipated Environmental Impact Report analyzing the potential expansion of the facility.

Distributed at the meeting: Correspondence from Elizabeth Warren, Executive Director of FuturePorts.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

John Cross spoke.

Joan Greenwood spoke.

Angelo Logo spoke.

Jesse Marquez spoke.

Elaina Rodriguez spoke.

Peter Greenwald, advisor for AQMD, spoke.

Evelyn Knight spoke.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

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

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

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

[see media](#)

**13. [11-0287](#)**

Recommendation to receive and file a presentation from the Historical Society of Long Beach on the archive of the Long Beach City Manager files from 1922 through 1953.

Distributed at the meeting: Packet of informational flyers.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

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

**Yes:** 6 - Lowenthal, DeLong, Andrews, Johnson, Gabelich and Neal

**Absent:** 3 - Garcia, O'Donnell and Schipske

[see media](#)

**14. [11-0134](#)**

Recommendation to City Council to concur in recommendation of the Budget Oversight Committee that the City Council go on record with the State Legislatures to fully support the Little Hoover Commission's recommendations regarding public pension obligations; and urge the Legislatures to implement them on our behalf, as well as the State.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, that the item be laid over two weeks to the meeting of Tuesday, April 5, 2011. The motion carried by the following vote:**



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

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

[see media](#)

15. [11-0264](#)

Recommendation to City Council to concur in recommendation of the Budget Oversight Committee to request City staff to determine the benefits that may be realized by Long Beach residents as a result of contracting out the City's street sweeping operations.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Johnson, that the item be laid over two weeks to the meeting of Tuesday, April 5, 2011. The motion carried by the following vote:**

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

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

[see media](#)

16. [10-1167](#)

Recommendation to City Council to concur in recommendation of the Environmental Committee to approve the Greywater Recycling Pilot Program in the City of Long Beach.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Joan Greenwood spoke.

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

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

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

[see media](#)

17. [11-0282](#)

Recommendation to provide City Manager with direction regarding desired communication with the California Citizens Redistricting Commission pertaining to state and federal districts in Long Beach. (Citywide)

Tom Modica, Director of Government Affairs, spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

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

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

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

[see media](#)

18. [11-0283](#)

Recommendation to adopt criteria for the upcoming redistricting process as recommended by the City Manager, or adopt alternative criteria as deemed appropriate by the City Council. (Citywide)

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation, with an amendment of criteria item 14 to provide that redistricting will involve the use of Census tracts wherever possible and avoid the splitting of census blocks where appropriate. The motion carried by the following vote:**

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

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

[see media](#)

19. [11-0273](#)

Recommendation to adopt resolution approving the Annual and

Five-Year Reports for the Transportation Improvement Fee, Park and Recreation Facilities Fee, the Fire Facilities Impact Fee, and the Police Facilities Impact Fee. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilmember Neal, to approve recommendation and adopt Resolution No. RES-11-0039. The motion carried by the following vote:**

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

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

**Enactment No:** RES-11-0039

[see media](#)

20. [11-0274](#)

Recommendation to authorize City Manager to execute any and all documents necessary for the conveyance of the property described in Exhibit "A" to the City of Long Beach from the Redevelopment Agency of the City of Long Beach. (Districts 1,2)

Amy Bodek, Director of Development Services, spoke.

Councilmember Gabelich spoke.

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

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

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

[see media](#)

21. [11-0258](#)

Recommendation to authorize City Manager to execute the Fifth Amendment to Lease No. 25092 with Choura Venue Services for the operation of the El Dorado Park Golf Course Restaurant, exercising the first five-year extension option in return for a \$70,000 investment in capital improvements, and revising the Term section of the Lease related to two future extensions. (District 5)

**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, Schipske, Andrews, Johnson, Gabelich and Neal

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

**NEW BUSINESS (6:01 PM)**

[see media](#)

**22. [11-0292](#)**

Recommendation to authorize City Manager to execute any and all documents necessary for the termination of Lease No. 27140 with Community Hospital of Long Beach, Inc., a California public benefit corporation, for City-owned property at 1720 Termino Avenue; and

Authorize City Manager to execute any and all documents necessary for a Lease with Long Beach Memorial Medical Center, a California non-profit public benefit corporation, for City-owned property at 1720 Termino Avenue for a term of 55 years at a rental rate of one dollar per year for the operation of a licensed health care facility. (District 4)

Councilmember Johnson spoke.

Diana Hendel, CEO of Long Beach Memorial Medical Center and Miller Children's Hospital, spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

Mayor Foster spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation, and include the stipulation that should the earthquake retrofit be completed the facility would continued as an acute care facility. The motion carried by the following vote:**

**Yes:** 6 - Lowenthal, DeLong, Andrews, Johnson, Gabelich and Neal

**Absent:** 3 - Garcia, O'Donnell and Schipske

**23. [11-0293](#)**

Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, March 18, 2011.

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

**ANNOUNCEMENTS (8:35 PM)**

Vice Mayor Lowenthal requested that the meeting be adjourned in memory of Mark Bixby, Tom Dean, Jeff Berger, Bruce Krall, and Kenneth Cruz.

Councilman Andrews requested that the meeting be adjourned in memory of Nathaniel Dwayne Hale; and made community announcements.

Councilwoman Gabelich made community announcements; and requested that the meeting be adjourned in memory of Stuart Cahn.

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

Councilmember Neal made community announcements.

Vice Mayor Lowenthal made community announcements; and expressed get well wishes to Mike Jensen.

**PUBLIC (8:47 PM)**

Julie Fogg spoke regarding the benefits of and the need for a Toast Masters Club in the City.

**ADJOURNMENT (8:48 PM)**

At 8:48 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Mark Bixby, Tom Dean, Jeff Berger, Bruce Krall, Kenneth Cruz, Nathaniel Dwayne Hale, Stuart Cahn, and Ralph Palomo.

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