



CITY OF LONG BEACH

C-6

DEPARTMENT OF CITY CLERK

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January 6, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the City Council minutes for the meetings held Tuesday, December 9, 2008 and Tuesday, December 16, 2008

DISCUSSION

The Legistar minutes for the City Council meetings held Tuesday, December 9, 2008 and Tuesday, December 16, 2008, are attached for review and approval.

Should any district offices have questions regarding the minutes we submit each week, we respectfully request that you contact the City Clerk Department prior to 12:00 p.m. on the day of the City Council meeting. With notice prior to the meeting, City Clerk staff can attempt to resolve any questions that you may have before the start of the regular meeting.

In cases where questions cannot be resolved before the 5:00 p.m. meeting start time, we will request a motion and a second that the minutes be held over for approval to the following week.

TIMING CONSIDERATIONS

None.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


LARRY O. HERRERA
CITY CLERK

Prepared by: Nancy Muth

LGH:nem
Attachment

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 & 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 for this meeting were considered in the order listed on the agenda.

ROLL CALL (5:15 PM)

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

Councilmembers S. Lowenthal and Schipske
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Michael 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: Dee Andrews, Councilman, Sixth District.

Kathy Schofield, spcaLA, presented a canine.

Mayor Foster welcomed guests from the Long Beach Job Corps student government.

Presentation from Long Beach International City Bank Marathon.

Mayor Foster spoke.

Bob Seagren spoke.

SECOND ROLL CALL (5:21 PM)

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

Councilmembers Schipske
Absent:

S. Lowenthal joined the meeting.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

HEARINGS (5:31 PM)

1. 08-1244 Recommendation to conduct a public hearing on the proposed amendment to the General Plan and re-zoning of two (2) parcels located at 2125 Santa Fe Avenue for the purpose of allowing the expansion of a public park;

Receive supporting documentation into the record, conclude the public hearing and adopt the resolution amending the General Plan from Land Use District No. 3A (Townhome) to Land Use District No. 11 (Open Space/Parks); and

A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-08-0153. The motion carried by the following vote:

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

Absent: 1 - Schipske

Enactment No: RES-08-0153

- 08-1271 Declare ordinance changing the zones from CCA (Automobile-Oriented Commercial) to P (Park), read the first time and laid over to the next regular meeting of the City Council for final reading. (District 7)

Craig Beck, Director of Development Services, spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to declare ordinance 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: 7 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Schipske

2. 08-1245

Recommendation to receive and file supporting documentation and declare ordinance amending Long Beach Municipal Code Chapter 5.72 establishing permanent conditions for the Downtown Dining and Entertainment District Program 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 S. Lowenthal, seconded by Councilmember DeLong, to declare ordinance 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, Gabelich and Lerch

Absent: 2 - Schipske and Reyes Uranga

08-1246

Adopt resolution establishing standardized Entertainment District conditions of operation and tiered conditions. (Districts 1,2)

Councilmember S. Lowenthal spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0154. The motion carried by the following vote:

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

Absent: 2 - Schipske and Reyes Uranga

Enactment No: RES-08-0154

3. 08-1261

Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions be taken: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Laugh Factory Long Beach, 151 S. Pine Avenue, for Entertainment Without Dancing by Patrons at an existing restaurant. (District 2)

Councilmember S. Lowenthal spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to approve recommendation to grant the Permit with conditions. The motion carried by the following vote:

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

Absent: 2 - Schipske and Reyes Uranga

PUBLIC COMMENT (5:47 PM)

Kendall Rainwater spoke regarding Wrigley Heights ball park.

Harvey Cochran spoke regarding La Rizza's Pizza House.

Michael La Rizza spoke regarding La Rizza's Pizza House.

THIRD ROLL CALL (5:54 PM)

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

Schipske joined the meeting.

Pamela Mah spoke regarding La Rizza's Pizza House.

Carol Hornback spoke regarding La Rizza's Pizza House.

Councilwoman Gabelich spoke.

Pat West, City Manager, spoke.

Councilmember DeLong spoke.

08-1305 Karen Ashikeh Lamantia spoke regarding Save Community TV and submitted written materials.

This Handout was received and filed.

Councilwoman Gabelich spoke.

Larry Goodhue spoke regarding corruption.

Ann Denison spoke and introduced new Executive Director of Los Cerritos Wetlands Trust.

Elizabeth Land, Executive Director of Los Cerritos Wetlands Trust, spoke.

Alma Marquez spoke introducing the office of Senator Roderick D. Wright.

Leah DiGiallanardo spoke regarding public safety.

Pat West, City Manager, spoke.

CONSENT CALENDAR (6:17 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve Consent Calendar Items 4-10. The motion carried by the following vote:

Yes: 7 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - S. Lowenthal

4. 08-1260 Recommendation to adopt minute order to grant an application from Patricia B. Wilcott for a widow's pension.
A motion was made to approve recommendation on the Consent Calendar.
5. 08-1255 Recommendation to authorize City Attorney to pay the sum of \$6,765 in full settlement of lawsuit entitled State Farm v. City of Long Beach, Case No. C0705176.
A motion was made to approve recommendation on the Consent Calendar.
6. 08-1247 Recommendation to refer to City Attorney damage claims received between November 24, 2008 and December 1, 2008.
A motion was made to approve recommendation on the Consent Calendar.
7. 08-1252 Recommendation to authorize City Manager to renew a permit for use of space in the Main Library by the Long Beach Public Library Foundation,
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a California public benefit corporation, for a period of one year, with one additional one-year renewal option. (District 2)

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

8. 08-1248 Recommendation to authorize City Manager to execute the First Amendment to Lease No. 30190 with the Association for Retarded Citizens - Long Beach, Inc., a California nonprofit corporation, to revise the authorized use section of the Lease to allow the Long Beach Little League, Inc., access to the 45 parking spaces in the rear parking lot adjacent to Stearns Champions Park during the baseball season. (District 4)

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

9. 08-1249 Recommendation to receive and file the application of Kim & Lim Enterprise Incorporated, dba Sushi Saurus, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5260 East 2nd Street, with existing conditions. (District 3)

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

10. 08-1213 Recommendation to authorize City Manager to execute an agreement and any subsequent amendments with Vohne Liche Kennels Canine Security, LLC for training provided by the Long Beach Police Department. (Citywide)

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

UNFINISHED BUSINESS (6:18 PM)

11. 08-1200 Recommendation to authorize City Manager to execute two Purchase and Sale Agreements and Escrow Instructions and all necessary documents for the acquisition of 8.0 acres of land from Amerigas Propane, L.P., a Delaware limited partnership, and subsequent conveyance of the same property on identical terms to Wilmington-Lomita Blvd., LLC, a California limited liability company. (District 7)

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to receive and file. The motion carried by the following vote:

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

REGULAR AGENDA (6:20 PM)

12. 08-1270

Recommendation to respectfully request City Council designate December 18th as "A Day Without A Bag" in the City of Long Beach to encourage residents and businesses to utilize reusable bags for their holiday and regular shopping needs instead of single-use and paper bags; and

Request City Manager assist in spreading the message to City employees, residents and businesses through existing methods such as e-notify, press, radio, and other media outlets at the City's disposal.

Councilmember S. Lowenthal spoke.

Councilmember O'Donnell spoke.

Harvey Cochran spoke.

Gordana Kajer spoke.

Gabrielle Weeks spoke.

Karen Ashikeh Lamantia from Earth Neighborhood Television spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember S. Lowenthal, 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

13. 08-1258

Recommendation to adopt resolution declaring a vacancy in the office of: Member of the City Council for the First Council District and ordering, calling, providing for and giving notice of a Special Municipal Election to be held in the First Councilmanic District in the City of Long Beach on Tuesday, the 7th day of April, 2009, for the purpose of filling the Office of Member of the City Council for the First Councilmanic District for the remainder of the term of office terminating on the 3rd Tuesday of July 2010; and

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-08-0155. The motion carried by the following vote:

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

Enactment No: RES-08-0155

08-1259

Adopt resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a Special Municipal Election to be held on Tuesday, April 7, 2009. (District 1)

Joe Weinstein spoke.

Harvey Cochran spoke.

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-08-0156. The motion carried by the following vote:

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

Enactment No: RES-08-0156

14. 08-1257

Recommendation to adopt resolution declaring results of the Special Municipal Election held on November 4, 2008. (Citywide)

A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to approve recommendation and adopt Resolution No. RES-08-0157. The motion carried by the following vote:

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

Enactment No: RES-08-0157

15. 08-1250

Recommendation to authorize City Manager to execute a contract with Reward Strategy Group to conduct a comprehensive review of the City's current classification and compensation structure, and to develop recommendations to revise the classification structure and conduct a compensation study for a period of three years in an amount not to exceed \$350,000. (Citywide)

Larry Goodhue spoke.

Janet Schabow spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember Reyes Uranga, 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

16. 08-1251

Recommendation to authorize City Manager to extend the agreement with Long Beach Public Library Foundation, through which the Foundation provides services and financial support to the Long Beach Public Library system, for a period of five years, with an additional five-year renewal option. (District 2)

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

17. 08-1253

Recommendation to authorize City Manager to (A) execute a Natural Gas Delivery and Purchase Agreement for Unit Gas between Thums Long Beach Company and the City; (B) terminate existing Natural Gas Delivery Agreement for locally produced gas between Thums Long Beach Company and the City; (C) execute a Natural Gas Supply Agreement for power plant between Thums Long Beach Company and the City; (D) terminate existing Natural Gas Transportation/Service Agreement between Thums Long Beach Company and the City; (E) execute a North American Energy Standards Board (NAESB) contract between Merrill Lynch Commodities, Inc. and the City on such terms and enter into such transactions under the NAESB as the City Manager may deem appropriate; (F) execute an amendment to the Prepaid Natural Gas Purchase and Sale Agreement between Merrill Lynch Commodities, Inc. and the Long Beach Bond Finance Authority; and (G) execute an amendment to the Natural Gas Supply Agreement between the Long Beach Bond Finance Authority and the City, for the remarketing and purchase of Local Natural Gas produced in the City of Long Beach and the supply of natural gas for the electrical power plant for oil operations. (Citywide)

A motion was made by Councilmember Reyes Uranga, 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

18. 08-1254 Recommendation to authorize City Manager to accept \$3.5 million in grant funds awarded through the Los Angeles County Proposition A Excess Funds Program for the DeForest Wetlands and Wrigley Greenbelt projects; increase appropriations in the Capital Projects Fund (CP) in the Department of Parks, Recreation and Marine (PR) by \$1.5 million and in the Department of Public Works (PW) by \$2 million; and execute any documents necessary for the administration of the projects. (Districts 7,8,9)

Larry Goodhue spoke.

A motion was made by Councilmember Reyes Uranga, 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

19. 08-1256 Recommendation to receive and file the application of Michaels on Naples LLC, dba Michaels on Naples Ristorante, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 5620 East 2nd Street, with conditions. (District 3)

A motion was made by Councilmember DeLong, 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

ORDINANCES (6:50 PM)

20. 08-1208 Recommendation to declare ordinance involving the temporary limitation (moratorium) on truck transfer and truck terminal facilities in the IG (General Industrial) Zone; declaring the urgency thereof; and declaring this ordinance shall take effect immediately, read and adopted as read. (Ordinance No. ORD-08-0035) (Citywide)

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to declare ordinance read and adopted as read. The motion carried by the following vote:

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

Enactment No: ORD-08-0035

21. 08-1222 Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Section 14.20.220 relating to the Naples

Island newsrack pilot program, read and adopted as read. (District 3)

A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Schipske, to approve recommendation and adopt Ordinance No. ORD-08-0037. The motion carried by the following vote:

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

Enactment No: ORD-08-0037

NEW BUSINESS (6:51 PM)

22. Affidavit of Service for special meeting held Tuesday, December 9, 2008.

ANNOUNCEMENTS (6:51 PM)

Mayor Foster made community announcement.

Councilwoman Gabelich made community announcement.

Councilmember S. Lowenthal made community announcement.

Councilmember Reyes Uranga made community spoke.

Councilman Andrews spoke and made community announcement.

PUBLIC (6:58 PM)

Lee Underwood spoke.

Terry Slavin spoke.

ADJOURNMENT (7:03 PM)

At 7:03 P.M., Mayor Foster adjourned the meeting.

adb

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 & 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 for this meeting were considered in the following order: Agenda Item Nos. 1, 15 and 31, followed by the remaining Agenda Item Nos. 2-38.

ROLL CALL (5:04 PM)

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

Councilmembers Absent: S. Lowenthal and Gabelich

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; Laura L. Doud, City Auditor; Merianne Nakagawa, Legislative Bureau Manager; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Tonia Reyes Uranga, Councilmember, Seventh District.

Mayor Foster announced that Agenda Item No. 8 was withdrawn and Agenda Item No. 15 would be considered at 6:30 p.m.

Julie Pruitt, spcaLA, presented a canine.

SECOND ROLL CALL (5:08 PM)

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

Councilmembers S. Lowenthal
Absent:

Gabelich joined the meeting.

Presentation on the Sea Festival.

08-1316 Correspondence submitted by the Department of Parks, Recreation and Marine regarding the Sea Festival.

This Handout was received and filed.

HEARINGS (5:24 PM)

1. 08-1272 Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal of Candace Mead, Brophy Dale, Mike Laquatra, and Lynette Ferenczy, and uphold the Planning Commission decision to (1) certify Mitigated Negative Declaration (No. 08-08) and (2) approve Site Plan Review and a Standards Variance for the property located at 3332 Magnolia Avenue for the purpose of allowing the development of a 45,101 square-foot, two-story church. (District 7)

Mike Laquatra, appellant, spoke.

Lynette Ferenczy, appellant, spoke.

Brophy Dale, appellant, spoke and submitted correspondence.

Candace Mead, appellant, spoke and submitted correspondence.

Glen Tumatori spoke representing the Pacific Baptist Church.

Richard Lazo, building committee chairman for the Pacific Baptist Church, spoke.

Joan Greenwood spoke and submitted correspondence.

Richard Lazo requested that condition of approval No. 27 be revised.

Joe Espizito, Pacific Baptist Church pastor, spoke.

Neil Gotanda, resident, spoke and submitted correspondence regarding the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA).

Ila Hardestein spoke.

Leslie and Michael Gonier spoke.

Jill Hill, president of Wrigley Area Neighborhood Alliance, Inc., spoke and submitted correspondence.

Ben Rockwell spoke.

Joseph Ludwig spoke.

Dave Bard spoke and read a letter on behalf of John Deats.

Lisa Weibow spoke.

Jorge Pineda read correspondence into the record.

Maria Norvell read correspondence from Assemblymember Laura Richardson into the record.

Jay Madly read correspondence into the record.

Vince Latardo spoke.

Lee Pacuti spoke.

Mana Eichner spoke.

Chris Stein spoke.

Jerry Montgomery spoke.

Councilmember Reyes Uranga spoke.

Mike Mais, Assistant City Attorney, spoke regarding RLUIPA.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to approve recommendation with conditions as follows: 1) traffic engineering review after 12 months, 2) modify condition No. 27 which has to do with the elimination of the current shuttle buses and modify condition No. 27 to amend it to read the best available technology when buses are changed out in 2 years, and 3) request 6 foot setback rather than 4 foot setback and explore mitigation of massing through architectural detail and materials. The motion carried by the following vote:

Yes: 7 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - S. Lowenthal

2. 08-1273 Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions be taken: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Wasabi Grill, Inc., dba Wasabi Grill, 200 Pine Avenue, for Entertainment With Dancing by Patrons at an existing restaurant. (District 2)

James Stroud, attorney, spoke on behalf of Wasabi Grill requesting that the permit be approved without conditions.

Harvey Cochran spoke.

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

Yes: 5 - DeLong, O'Donnell, Andrews, Gabelich and Lerch

Absent: 3 - S. Lowenthal, Schipske and Reyes Uranga

3. 08-1274 Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions be taken: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of S.C. Fish Grill, LLC, dba Khoury's Restaurant, 110 Marina Drive, for Entertainment With Dancing by Patrons at an existing restaurant. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve recommendation to grant a One-Year Short-Term Permit with conditions. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

PUBLIC COMMENT (7:41 PM)

Mark Jaworski spoke regarding building permit extension for the Bolgotha Trinity Baptist Church at 1630 E. 14th Street.

Donald Sims spoke.

Gary Shelton spoke regarding budget year-end report review at the December 22, 2008 meeting of the Budget Oversight Committee.

Pat West, City Manager, spoke.

Harvey Cochran thanked the City Council and staff for the support for LaRizza Pizza House.

Larry Goodhue spoke regarding the Sea Festival and Marine Stadium fee waiver.

Dennis Dunn spoke regarding motor vehicle crashes and drunk driving, and using displays of car wrecks as a deterrent.

CONSENT CALENDAR (7:56 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve Consent Calendar Items 4-13, except for item 8. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

4. 08-1118 Recommendation to authorize City Attorney to submit Compromise and Release for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$78,000 in compliance with the Appeals Board Order for Patrick Taitingfong.
- A motion was made to approve recommendation on the Consent Calendar.**
5. 08-1275 Recommendation to authorize City Attorney to submit Stipulations with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$55,750 and also separate

authority to pay \$8,680 for the claim of Kenneth Roberts in compliance with the Appeals Board Orders.

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

6. 08-1276 Recommendation to approve the City Council minutes for the meeting held Tuesday, December 2, 2008.

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

7. 08-1296 Recommendation to refer to City Attorney damage claims received between December 1, 2008 and December 8, 2008.

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

8. 08-1277 Recommendation to adopt Specifications No. PA-00209 and award a contract to EDCO Waste Services LLC for the diversion of green waste debris in the estimated amount of \$200,000 for the period commencing November 1, 2008 for one year, with the option of renewing for two additional one-year periods. The City will have the option of adding a 10 percent (or \$20,000) contingency above the annual contract amount, if necessary and if funds are available. (Citywide)

This Contract was withdrawn.

9. 08-1278 Recommendation to authorize City Manager to execute an agreement and all necessary documents with the State of California Department of Health Services in an amount not to exceed \$76,832 for pandemic influenza preparedness. (Citywide)

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

10. 08-1279 Recommendation to receive and file the application of Creme De La Crepe of Westwood Incorporated, dba Creme De La Crepe, for a person-to-person transfer of an Alcoholic Beverage Control License, at 400 East 1st Street, with existing conditions. (District 2)

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

11. 08-1280 Recommendation to receive and file the application of Smittys Cocktail Incorporated, dba Smittys Cocktail, for a fiduciary transfer of an Alcoholic Beverage Control License, at 2332 Pacific Avenue, with existing conditions. (District 6)

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

12. 08-1281 Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the California Office of Emergency Services Paul Coverdell Forensic Sciences Improvement Program grant and the Federal Bulletproof Vest Partnership Program grant, and increase appropriations in the General Grants Fund (SR) and in the Police Department (PD) by \$38,854. (Citywide)

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

13. 08-1295 Recommendation to receive and file minutes of:
Civil Service Commission - November 19, 2008.
Parks and Recreation Commission - October 16, 2008.
Water Commission - November 20, 2008.

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

UNFINISHED BUSINESS (7:57 PM)

14. 08-0397 Recommendation to City Council to concur in recommendation of the Transportation and Infrastructure Committee to receive and forward the presentation of the I-710 Community Livability Plan as referred by the I-710 Oversight Committee.

Councilmember O'Donnell spoke.

Councilmember O'Donnell spoke.

Jack Smith spoke.

Harvey Cochran spoke.

Councilwoman Gabelich spoke.

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

15. 08-1149 Recommendation to adopt resolution overruling protests and determining

results of the election; and

James Ciampa, attorney with Lagerlof, Senecal, Gosney & Kruse, LLP, spoke on behalf of the property owner and submitted a PowerPoint presentation.

Mike Gelflick spoke on behalf of Robert Gumbiner and submitted correspondence.

John Canning spoke.

Rick Williams spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-08-0158. The motion carried by the following vote:

Yes: 7 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - S. Lowenthal

Enactment No: RES-08-0158

08-1150

Adopt resolution adopting the revised Final Engineer's Report, confirming assessments and ordering the improvements for the undergrounding of utilities between 5430 and 5544 The Toledo to be funded by Assessment District No. 08-01. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-08-0159. The motion carried by the following vote:

Yes: 7 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - S. Lowenthal

Enactment No: RES-08-0159

REGULAR AGENDA (8:09 PM)

16. 08-1300

Recommendation to suspend the 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 December 23, 2008.

Karen Ashikeh Lamantia spoke.

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

17. 08-1302

Recommendation to City Council to concur in recommendation of the Federal Legislation Committee to discuss and take action on the 2009 Federal Legislation Agenda, from its meeting held Tuesday, December 9, 2008.

Tom Modica, Government Affairs Officer, spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve recommendation with the following additions: 1) to advocate for legislation grants that provide funding for mitigation and to eliminate negative health impacts suffered by local communities; and 2) to provide accelerated depreciation for owners who put in fire sprinkler systems to recoup the money quickly. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

18. 08-1301

Recommendation to City Council to concur in recommendation of the State Legislation Committee to discuss and take action on the 2009 State Legislation Agenda, from its meeting held Monday, December 8, 2008.

Councilmember O'Donnell spoke.

Tom Modica, Government Affairs Officer, spoke.

Councilwoman Gabelich spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

19. 08-1285

Recommendation to receive and file the Quarterly Audit of Cash and Investments Reports for the quarters ending December 31, 2007, and March 31, 2008.

Laura L. Doud, City Auditor, spoke.

Larry Goodhue spoke.

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

Yes: 5 - DeLong, O'Donnell, Schipske, Gabelich and Lerch

Absent: 3 - S. Lowenthal, Andrews and Reyes Uranga

20. 08-1218

Recommendation to approve the Green Business Program Proposal and implement the Long Beach Green Business Program. (Citywide)

Suzanne Frick, Assistant City Manager, spoke.

Councilmember O'Donnell spoke.

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

Yes: 5 - DeLong, O'Donnell, Schipske, Gabelich and Lerch

Absent: 3 - S. Lowenthal, Andrews and Reyes Uranga

21. 08-1282

Recommendation to receive and file the report from MuniFinancial pertaining to the Housing Trust Fund. (Citywide)

Jack Smith spoke.

Gary Shelton spoke.

Bob Hildebrand spoke.

Sandra Kraull spoke.

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

22. 08-1283

Recommendation to authorize City Manager to execute individual contracts with the following environmental consultants for on-call review services: LSA Associates, Inc., PCR Services Corp., RBF Consulting, Rincon Consultants, Inc., and Sapphos Environmental, within the City of Long Beach for a three-year period. (Citywide)

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

23. 08-1284

Recommendation to receive and file the Fiscal Year 2008 Fourth Quarter Operational Performance Report. (Citywide)

Councilwoman Gabelich spoke.

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

24. 08-1286

Recommendation to authorize City Manager, or designee, to execute a contract and all necessary amendments, including term extensions, between the City of Long Beach and Raytheon to implement a patient tracking system at the cost of \$740,000. (Citywide)

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

25. 08-1287

Recommendation to authorize City Manager, or designee, to execute a

contract and all necessary amendments, including term extensions, between the City of Long Beach and the University of California Los Angeles to implement a Public Health Training and Education Academy at a cost of \$757,000. (Citywide)

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

26. 08-1288

Recommendation to authorize City Manager to execute a five-year agreement with Innovative Interfaces, Inc. to provide hardware, software, supplies, installation, project management, training, and support for the Millennium Integrated Library System. (Citywide)

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

27. 08-1289

Recommendation to authorize City Manager to execute all necessary documents to amend and restate Lease No. 25092, by and between the City of Long Beach and Choura Venue Services, a California Corporation, for City-owned property located at 2400 Studebaker Road, for a term of five years with three five-year renewal options; and authorize City Manager to execute future amendments to extend the lease term and adjust the minimum annual rent. (District 5)

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

28. 08-1290

Recommendation to authorize City Manager to execute a new contract and any amendments with Lenny Arkinstall, Sr., dba Los Cerritos Wetlands Stewardship, Inc., for maintenance and management of environmentally sensitive areas, in an amount not to exceed \$264,000 per year, commencing October 1, 2008, with two one-year renewal options at the discretion of the City Manager or his designee. (Districts 2,3)

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

29. 08-1291

Recommendation to adopt resolution authorizing City Manager to execute all documents necessary to enter into an agreement with CH2M Hill for engineering design services for the DeForest Wetlands Restoration Project, in an amount not to exceed \$462,295. (Districts 8,9)

A motion was made by Vice Mayor Lerch, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0160. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

Enactment No: RES-08-0160

30. 08-1292

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Randall Francis Bartlett, dba 4 Joes Wines, for an original Alcoholic Beverage Control License, at 440 Redondo Avenue Suite 205, with conditions. (District 3)

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

Absent: 2 - S. Lowenthal and Reyes Uranga

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

31. 08-1293

Recommendation to receive and file the application of Sophan Thai, dba U S Liquor Jr Market, for an original Alcoholic Beverage Control License, at 3122-3120B Los Coyotes Diagonal, with conditions. (District 5)

Councilwoman Schipske spoke and submitted a petition of protest from residents.

Linda Nelson spoke.

Katie Pachota spoke.

A motion was made by Councilwoman Schipske, seconded by Councilwoman Gabelich, that the application for an ABC license be protested on the basis of: 1) over concentration in neighborhood and 2) closeness to residences. The motion carried by the following vote:

Yes: 7 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - S. Lowenthal

32. 08-1294 Recommendation to authorize City Manager to execute a five-year agreement for ad-bearing bus shelters with CBS Outdoor. (Citywide)

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

ORDINANCES (8:52 PM)

33. 08-1271 Recommendation to declare ordinance amending the Use District Map of the City of Long Beach as said map has been established and amended by amending portions of Part 8 of said map from CCA (Automobile-Oriented Commercial) to P (Park), read and adopted as read. (District 7)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Ordinance No. ORD-08-0038. The motion carried by the following vote:

Absent: 2 - S. Lowenthal and Reyes Uranga

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Enactment No: ORD-08-0038

34. 08-1245 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 5.72.200, 5.72.210 and 5.72.220 relating to the Downtown Dining and Entertainment District Program, read and adopted as read. (Districts 1,2)

A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve recommendation and adopt Ordinance No. ORD-08-0039. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

Enactment No: ORD-08-0039

NEW BUSINESS (8:54 PM)

- 35. 08-1304** Recommendation to receive and file report on travel to Sacramento, California to advocate on behalf of the City of Long Beach for legislation critical to the City.

Councilwoman Gabelich spoke.

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

- 36. 08-1308** Recommendation to request City Manager to gather community input and develop recommendations for the use of Public Educational Governmental (PEG) funds with community outreach to include the arts communitites, public access television and vocational education organizations and report back to City Council.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Harvey Cochran spoke.

Karen Ashikeh Lamantia spoke and submitted correspondence.

Antonio Ruis spoke.

Mark Coleman spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

37. 08-1306 Recommendation to receive and approve changes for the Biennial Conflict of Interest Code Review for departments and commissions.

A motion was made by Councilwoman Gabelich, seconded by Vice Mayor Lerch, to approve recommendation. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

38. 08-1178 Recommendation to authorize City Manager to approve a pilot program to offer discounted overnight parking in the La Verne Avenue and Junipero Beach parking lots for a four-month period, from January 1, 2009 to April 30, 2009. (Districts 2,3)

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

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - S. Lowenthal and Reyes Uranga

ANNOUNCEMENTS (9:19 PM)

Mayor Foster made an announcement regarding food bins available to support Food Finders organization during the holidays.

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilwoman Gabelich made community announcements for the 7th and the 8th Districts.

PUBLIC (9:25 PM)

Donald Sims requested a moment of silence in memory of members of the community lost to violence.

ADJOURNMENT (9:26 PM)

At 9:26 P.M., Mayor Foster adjourned the meeting.

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