

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



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

Patrick H. West, City Manager
Larry G. Herrera, City Clerk

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINTUES

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: Consent Calendar (2-9), Agenda Item Nos. 16-20, 15, 13, 1, 10, 11 and 14.

ROLL CALL (4:32 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Dominic Holzhaus, Principal Deputy City Attorney; Barbara McTigue, Deputy City Attorney; Mike Mais, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Girl Scouts from the Fifth District.

Mayor Foster announced that Agenda Item No. 1 would be considered at 5:00 p.m, with the Consent Calendar and as many Regular Agenda items being considered as possible prior to 5:00 p.m.

HEARING (5:07 PM)

[see media](#)

1. [09-0487](#) Recommendation to respectfully request City Council: (1) receive supporting documentation into the record and conduct a hearing on four appeals in accordance with Long Beach Municipal Code Section 21.21.507; and (2) uphold the Board of Harbor Commissioners' certification of the Final Environmental Impact Report for the Middle

Harbor Redevelopment Project ("FEIR") by adopting resolution (Attachment 1). (District 2)

Mayor Foster spoke.

Richard Steinke, Executive Director, PoLB, spoke.

Robert Kanter, Managing Director, Environmental Affairs, PoLB, spoke.

Anthony Beaumon, appellant, City Attorney, City of Riverside, spoke and submitted a letter and PowerPoint presentation.

Joe Aguilar, Mayor, City of Commerce, appellant, spoke and submitted a letter.

Jorge Riffa, City Administrator, City of Commerce, appellant, spoke.

Adriano Martinez, Center for Biological Diversity, appellant, spoke and submitted correspondence.

Candace Kim, Coalition for Clean Air, spoke.

Theo Golden, City of Long Beach resident, spoke.

Adriano Martinez, appellant, Center for Biological Diversity, spoke.

Jesse Marquez, Executive Director, Coalition for Safe Environment, appellant, spoke and submitted a letter.

Gabrielle Weeks spoke.

Jesse Marquez, Executive Director, Coalition for Safe Environment, appellant, spoke.

Gabrielle Weeks spoke.

Robert Kanter, Managing Director, Environmental Affairs, PoLB, spoke.

Jolene Hayes, Transportation Planner, PoLB, provided rebuttal comments and submitted correspondence from Dave Roseman, Traffic Engineer, City of Long Beach.

Robert Kanter, Managing Director, Environmental Affairs, PoLB, spoke and presented a PowerPoint presentation.

Kathryn Jensen, Rutan and Tucker, CEQA council, spoke.

Thomas Jelenic, Assistant Director, Environmental Planning, PoLB, spoke.

Rick Cameron, Director of Environmental Planning, PoLB, spoke.

Nick Sramak, Vice President, Board of Harbor Commissioners, spoke.

Mike Walter, Secretary, Board of Harbor Commissioners, spoke.

Mario Cordero, Board of Harbor Commissioners, spoke.

Jim Hankla, President, Board of Harbor Commissioners, spoke.

Anthony Beaumon, City Attorney, City of Riverside, appellant, spoke in rebuttal.

Tom Boyd, Traffic Engineer, City of Riverside, spoke in rebuttal.

Anthony Beaumon, City Attorney, City of Riverside, appellant, spoke in rebuttal.

Jorge Riffa, City Administrator, City of Commerce, appellant, spoke in rebuttal.

Adriano Martinez, Center for Biological Diversity, appellant, spoke and submitted correspondence.

Ryan Wiggins, Communities for Clean Ports, spoke in rebuttal and submitted written comments.

Theo Golden, City of Long Beach resident, spoke in rebuttal.

Jesse Marquez, Executive Director, Coalition for Safe Environment, appellant, spoke in rebuttal.

Gabrielle Weeks spoke in rebuttal.

Gary Toeppen spoke and submitted correspondence.

Vance Baugham spoke.

Greg Freeman spoke and submitted correspondence.

Patty Senecal spoke.

Blake Christian spoke.

Jessica Maldonado spoke and submitted correspondence.

Rich Dines, ILWU representative, spoke.

Norma Duran spoke and submitted correspondence.

Rich Brandt, President, Long Beach Firefighters' Association, spoke.

Mike Duree, Vice President, Long Beach Firefighters' Association, spoke.

Michael Larison spoke.

Matthew Schrap spoke.

Marnie Primmer spoke.

Elizabeth Warren spoke.

Dominick Miretti spoke.

Thomas Jacobsen spoke.

Jill Morgan spoke.

Sandy King spoke.

Sofia Carrillo spoke.

Bill Madden spoke.

Mike Mitre spoke.

Kevin Hayes spoke.

Andrew Mayorga spoke.

Joan Greenwood spoke and submitted written comments.

Rebecca Torrez spoke for Raul Rodriguez.

John Howland spoke.

Ben Rockwell spoke.

Ralph Guida spoke.

Isella Ramirez spoke.

Dan Maylor spoke.

Juan Carlos Garibay spoke.

Susan Nakamura spoke.

Martha Cota submitted written comments.

Elena Rodriguez spoke.

Larry Goodhue spoke.

Andrew Donohue spoke.

Bob Wallace spoke.

Richard Slawson spoke.

Tom Moxley spoke.

Brenda Nevarez spoke.

Tommy Fahvae spoke.

Joel Thurwachter spoke.

Piedmont Brown spoke.

Eva Ramirez spoke.

Mark Bierci spoke.

Colleen Callahan spoke.

Harold Steinberg spoke.

Michele Grubbs spoke.

Roberto Ramirez spoke.

Ann Fry spoke.

Joe Weinstein spoke.

Carlos Crinzen spoke.

Max Palma spoke.

Christian Gonzalez spoke.

Jerry Rich spoke.

Carlos Marchese spoke.

Kevin Elizondo spoke.

Denis Delgado spoke.

Hailee Didio spoke.

Jesus Puga spoke.

Evelyn Knight spoke.

Ken Casey spoke.

Kathleen Woodfield spoke.

John Taeleifi spoke.

Joseph Saldivar spoke.

Councilmember S. Lowenthal spoke.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke and submitted final recommendations.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilmember Garcia spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Vice Mayor Lerch spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Vice Mayor Lerch, to approve recommendation to uphold the Board of Harbor Commissioners certification of the final EIR for the middle harbor redevelopment project and request that as part of the Community Health: Port of Long Beach grant programs, that the Port regularly assess the programs and provide reports twice annually to the City Council; and that when the grant program funding amounts become fully subscribed, the Board will review it based on advancements in environmental mitigation; and adopt Resolution No. RES-09-0049. The motion carried by the following vote:

Yes: 9 - Garcia, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0049

PUBLIC COMMENT (4:37 PM)

Kathy Ryan spoke regarding AB 155.

Mike Duree, Vice President of the Long Beach Firefighters' Association, spoke.

Harvey Cochran spoke regarding volunteer service.

CONSENT CALENDAR (4:36 PM)

Passed The Consent Calendar

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve Consent Calendar Items 2-9. The motion carried by the following vote:

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

Absent: 2 - Reyes Uranga and Gabelich

2. [09-0481](#) Recommendation to authorize agreement between the City of Long Beach and the law firm of Brownstein Hyatt Farber Schreck, LLP to assist the City Attorney in regard to a Zero Emissions Container Mover System (ZECMS). (Districts 1,2)
A motion was made to approve recommendation on the Consent Calendar.
3. [09-0482](#) Recommendation to authorize City Attorney to pay the sum of \$47,500 in

full settlement of lawsuit entitled Jarron Bonner v. City of Long Beach et al., Case No. BC391769; \$75,000 in full settlement of lawsuit entitled Jerome Clemmons v. City of Long Beach et al., Case No. CV05-5525; \$6,500 in full settlement of lawsuit entitled Carmen Garcia v. City of Long Beach, Case No. NC051257; and \$7,508 in full settlement of claim by James A. Marshall, Claim No. C08-0818.

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

4. [09-0483](#) Recommendation to refer to City Attorney damage claims received between April 27, 2009 and May 4, 2009.

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

5. [09-0475](#) Recommendation to authorize City Manager to enter into a contract with Landscape Structures, Inc., for the purchase of playground equipment to replace the existing equipment at Mother's Beach playground, in the amount not to exceed \$105,378. (District 3)

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

6. [09-0472](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba Longs Drug Store 3931, for a person-to-person transfer of an Alcoholic Beverage Control License, at 650 North Bellflower Boulevard, with existing conditions. (District 3)

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

7. [09-0473](#) Recommendation to authorize City Manager to execute a license agreement with the Carpenter Performing Arts Center, located on the Campus of California State University Long Beach, for a period of one day, with an option to renew the license agreement for a period of one day, each year, over the next five years at the discretion of the City Manager. (District 3)

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

8. [09-0474](#) Recommendation to request City Manager to accept an easement deed for the dedication of new street right-of-way related to the development of Douglas Park. (District 5)

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

9. [09-0485](#) Recommendation to receive and file minutes for: Civil Service Commission - April 22, 2009.

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

REGULAR AGENDA (4:42 PM)

[see media](#)

10. [09-0480](#) Recommendation to approve the City Attorney's release of documents previously withheld relating to the proposed exchange of property between LCW, LLC and the City of Long Beach.

Councilwoman Schipske spoke.

Thomas Marchese spoke.

Robert Shannon, City Attorney, spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, that the item be received and filed. The motion carried by the following vote:

Yes: 9 - Garcia, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

11. [09-0491](#) Recommendation to request City Attorney to provide guidance concerning the appropriate policies and procedures for retention of electronic documents, including but not limited to e-mails, by elected and appointed officials (i.e. Harbor, Water, Planning, Parks, Recreation and Marine, and Civil Service Commissioners) and City employees, in order to comply with the Brown Act, the California Public Records Act and State and Federal rules of evidence.

Councilwoman Schipske spoke.

Thomas Marchese spoke.

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

Yes: 9 - Garcia, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

12. [09-0492](#) WITHDRAWN
~~Recommendation to request City Attorney to draft a resolution in support of SB 350 (Florez), AB 241 (Nava), AB 242 (Nava) and/or AB 243 (Nava); and direct City Manager to communicate the City's support to Long Beach legislative offices.~~

This Agenda Item was withdrawn.

[see media](#)

13. [09-0493](#)

Recommendation to refer to the Parks and Recreation Commission and the Housing and Neighborhoods Committee in accordance with Administrative Regulations for consideration of naming parks and open space sites.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Joan Greenwood spoke.

John Stacy spoke.

Larry Goodhue spoke.

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

Yes: 9 - Garcia, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

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

Yes: 9 - Garcia, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

14. [09-0494](#)

Recommendation to request City Manager to forward communication expressing City Council's support of Propositions 1A - 1F.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilmember S. Lowenthal spoke.

Councilmember Garcia spoke.

Ben Rockwell spoke.

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

Yes: 4 - S. Lowenthal, O'Donnell, Andrews and Reyes Uranga

No: 3 - Garcia, Schipske and Gabelich

Abstentions: 1 - Lerch

Absent: 1 - DeLong

[see media](#)

15. [09-0490](#)

Recommendation to authorize City Manager to execute a contract with DS & Associates, LLC to perform a Reverse Sales Tax Audit for one one-year term with the option by the City to extend for two more years, with compensation to be 20% of the total recoveries collected by the City as a result of this audit, not to exceed \$350,000.

Laura Doud, City Auditor, spoke.

Councilmember O'Donnell spoke.

Councilmember S. Lowenthal spoke.

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

Yes: 9 - Garcia, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

16. [09-0476](#)

Recommendation to adopt resolution authorizing City Manager to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB); and

Authorize City Manager to execute any and all documents necessary for a new funding agreement and any amendments thereto with the SWRCB to restart the Colorado Lagoon Clean Beaches Initiative Grant Project with funding support from the American Recovery and Reinvestment Act of 2009. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-09-0045. The motion carried by the following vote:

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

Absent: 1 - Reyes Uranga

Enactment No: RES-09-0045

[see media](#)

17. [09-0394](#)

Recommendation to increase the contingency percentage for Contract No. 30696 with Brian Mendoza, dba Freeway Electric, for the installation of streetlights at California State University at Long Beach on Bellflower Boulevard and Palo Verde Avenue, from 15 percent to 25 percent due to extra work required relating to SCE meter locations. (District 3)

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

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

Absent: 1 - Reyes Uranga

[see media](#)

18. [09-0477](#)

Recommendation to adopt resolution authorizing City Manager to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB); and

Authorize City Manager to execute any and all documents necessary for a new funding agreement and any amendments thereto with the SWRCB to restart the Vortex Separation System (VSS) project at pump station 11 with funding support from the American Recovery and Reinvestment Act of 2009. (District 9)

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0046. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0046

[see media](#)

19. [09-0478](#)

Recommendation to adopt resolution authorizing City Manager to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB); and

Authorize City Manager to execute any and all documents necessary for a new funding agreement and any amendments thereto with the SWRCB to restart the trash nets project at pump station 12 with funding support from the American Recovery and Reinvestment Act of 2009. (District 9)

A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0047. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0047

[see media](#)

20. [09-0479](#)

Recommendation to adopt resolution authorizing City Manager to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB); and

Authorize City Manager to execute any and all documents necessary for a new funding agreement and any amendments thereto with the SWRCB to restart the trash nets project at pump station 13 with funding support from the American Recovery and Reinvestment Act of 2009. (District 9)

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0048. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0048

NEW BUSINESS (11:03 PM)

21. Affidavits of Service for the special meetings held Tuesday, May 12, 2009.

ANNOUNCEMENTS (11:03 PM)

Councilwoman Gabelich made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilman Andrews made community announcements.

Councilmember O'Donnell made community announcements.

Mayor Foster made community announcements.

PUBLIC (11:06 PM)

Ben Rockwell spoke regarding cuts to assistance programs.

Linda Hobbs spoke regarding volunteering.

ADJOURNMENT (11:08 PM)

At 11:08 PM, Mayor Foster adjourned the meeting.

nem