



CITY OF LONG BEACH

C-3

DEPARTMENT OF CITY CLERK

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March 3, 2009

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

RECOMMENDATION:

Approve the City Council and the Study Session minutes for the meetings held Tuesday, February 10, 2009 and City Council minutes for the meeting held Tuesday, February 17, 2009

DISCUSSION

The Legistar minutes for the City Council meeting and the Study Session held Tuesday, February 10, 2009 and the City Council meeting held Tuesday, February 17, 2009, 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 G. 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

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

Bob Foster, Mayor

FINISHED AGENDA & DRAFT MINUTES

ROLL CALL: (3:39 PM)

Councilmembers O'Donnell, Reyes Uranga and Lerch

Present:

Councilmembers S. Lowenthal, DeLong, Schipske, Andrews and Gabelich

Absent:

Also present: Patrick H. West, City Manager; Reginald Harrison, Deputy City Manager; Heather Mahood, Chief Assistant City Attorney; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Vice Mayor Lerch presiding.

SPECIAL MEETING (3:39 PM)

see media

1. 09-0157 Recommendation to hold a study session regarding the Los Angeles Regional Interoperable Communications System (LA-RICS).

This Agenda Item was received and filed.

Pat West, City Manager, spoke.

Reginald Harrison, Deputy City Manager, made introductory comments.

SECOND ROLL CALL (3:41 PM)

Councilmembers S. Lowenthal, O'Donnell, Schipske, Reyes Uranga, Gabelich and

Present: Lerch

Councilmembers DeLong and Andrews

Absent:

S. Lowenthal joined the meeting. Schipske joined the meeting. Gabelich joined the meeting.

Deputy Chief J.J. Craig, Long Beach Police Department, provided a PowerPoint presentation.

Deputy Chief Alan Patalano, Long Beach Police Department, continued the PowerPoint presentation.

Reginald Harrison, Deputy City Manager, spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

ADJOURNMENT: (4:00 PM)

At 4:00 P.M., Vice Mayor Lerch adjourned the meeting.

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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 presented.

ROLL CALL (5:12 PM)

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

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

Mayor Foster presiding.

Mayor Foster announced that there would be a presentation, update and public comment regarding the flooding on Arlington Avenue.

Invocation: Moment of Silence.

Flag Salute: Dee Andrews, Councilman, Sixth District.

Presentation and update regarding the Arlington Avenue flooding.

Pat West, City Manager, provided a video showing the flooding on Arlington Avenue.

09-0190 Mike Conway, Director of Public Works, provided a PowerPoint presentation entitled, Arlington Avenue Flooding.

This Handout was received and filed.

Mayor Foster spoke regarding his discussion with Southern California Edison.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke.

Mayor Foster spoke.

Migel Moreno spoke.

Maria Norvell spoke.

Andy Perez spoke.

Lynette Hernandez spoke.

Leonardo Ceverro spoke.

Alisa Eckerson spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke.

Presentation from U.S. Census Bureau, Long Beach Office.

09-0188 Ramon Rodriquez spoke and provided brochures regarding the census.

This Handout was received and filed.

Brittany Hart spoke and provide the phone number to inquire regarding working the census 866-861-2010.

Presentation from Lucky and Ratha on their journey to Long Beach.

HEARINGS (6:29 PM)

1. 09-0130 Recommendation to receive supporting documentation, conclude the public hearing, and declare ordinance amending Chapter 2.63 of the Long Beach Municipal Code as it relates to the Cultural Heritage Commission 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 Reyes Uranga, seconded by Vice Mayor Lerch, that the item be continued to the meeting of Tuesday, February 17, 2009. The motion carried by the following vote:

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

09-0131

Adopt resolution authorizing Director of Development Services to submit amendments to the Cultural Heritage Commission ordinance to the State Office of Historic Preservation for its review and approval as an implementing ordinance of the Certified Local Government (CLG) program. (Citywide)

A motion was made by Councilmember Reyes Uranga, seconded by Vice Mayor Lerch, that the item be continued to the meeting of Tuesday, February 17, 2009. The motion carried by the following vote:

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

2. 09-0133

Recommendation to receive supporting documentation, hold a public hearing, and find that a portion of Lakewood Boulevard north of the Traffic Circle adjacent to 1919 Lakewood Boulevard is not needed for present or prospective public use. (District 4)

Councilmember O'Donnell spoke.

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

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

PUBLIC COMMENT (6:35 PM)

Harvey Cochran spoke regarding a variety of issues.

Larry Goodhue spoke regarding Lehman Brothers lawsuit.

Claudette Powers spoke regarding property tax reassessment mail.

John Deats spoke regarding action taken regarding street repairs at the last meeting.

James Ota spoke regarding ticketing on posted street.

Elizabeth Martinez spoke regarding hotel employees salaries.

09-0189 Gary Hytrek spoke regarding a "Tale of Two Citires" report, and submitted copies for the record.

This Handout was received and filed.

Jim Meyer spoke regarding no funding for streets and sidewalk repairs in the 8th District.
Councilwoman Gabelich spoke.

CONSENT CALENDAR (6:57 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 3 - 8. The motion carried by the following vote:

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

3. 09-0144 Recommendation to refer to City Attorney damage claims received between January 26, 2009 and February 2, 2009.
A motion was made to approve recommendation on the Consent Calendar.
4. 09-0156 Recommendation to approve the destruction of records for the Development Services Department (formerly Planning and Building Department) as shown in Exhibit A; and adopt resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-09-0010 on the Consent Calendar.
Enactment No: RES-09-0010
5. 09-0134 Recommendation to receive and file the application of David Gomez Cisneros and Priscilla Cisneros, dba Daves Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 732 East 7th Street, with existing conditions. (District 1)
A motion was made to approve recommendation on the Consent Calendar.
6. 09-0135 Recommendation to receive and file the application of Arun Chaudhary and Tripta Shahi Thakuri, dba Kamal Palace Cuisine of India, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6374 East Pacific Coast Highway Suite A, with existing conditions. (District 3)

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

7. 09-0136 Recommendation to receive and file the application of Creperie Express Incorporated, dba La Creperie, for a fiduciary transfer of an Alcoholic Beverage Control License, at 4911 East 2nd Street, with existing conditions. (District 3)

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

8. 09-0145 Recommendation to receive and file minutes of:
Civil Service Commission - January 21, 2009.
Planning Commission - November 6, 2008.
Water Commission - January 8, 2009.

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

REGULAR AGENDA (6:58 PM)

9. 09-0154 Recommendation to receive and approve the appointment of Councilmember Gary DeLong to the Alameda Corridor Transportation Authority.

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

10. 09-0155 Recommendation to receive and file the appointment of Councilwoman Rae Gabelich to the I-710 Oversight Committee.

A motion was made by Councilmember O'Donnell, 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

11. 09-0159 Recommendation to receive and approve 2009 Commission/Board/Committee reappointments and new appointments to Non-Charter Commissions.

A motion was made by Councilmember DeLong, 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

- 12. 09-0158** Recommendation to request City Manager to work with appropriate staff to develop a Towing Cost Recovery program to commence immediately, with the goal of addressing insufficient cost recovery for towing and storage fees.

Councilmember O'Donnell spoke.

Harvey Cochran spoke.

Councilmember O'Donnell spoke.

Dennis Head, President of IAM Local Lodge 1930, spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, 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. 09-0147** Recommendation to receive and file the Proposition H Audit Report for fiscal year ending September 30, 2008.

Laura L. Doud, City Auditor, spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilmember DeLong spoke.

Harvey Cochran spoke.

A motion was made by Councilwoman Schipske, 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

- 14. 09-0137** Recommendation to authorize City Manager to execute any and all documents necessary for a Lease with Robert Ross, Frances Ross and Scott Ross for a vacant lot at 2000 East Fourth Street for the

construction of a temporary park-and-ride public parking lot, for a five-year term at an initial monthly rental rate of \$2,000. (District 2)

Harvey Cochran spoke.

Councilmember S. Lowenthal spoke.

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

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

15. 09-0138

Recommendation to authorize City Manager to notify the Los Angeles County Auditor-Controller that the City of Long Beach and its Redevelopment Agency (Agency) intend to fund the payment required by Section 33685(d) of the California Health and Safety Code using the Agency's tax increment revenue and housing set-aside in the amount of \$6,070,996. (Citywide)

Pat West, City Manager, spoke.

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

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

No: 1 - Lerch

16. 09-0139

Recommendation to authorize City Manager to make payment for property and boiler and machinery insurance for the Southeast Resource Recovery Facility for the period of January 1, 2009 through January 1, 2010, for a premium of \$557,251, payable to Veolia Environmental Services North American Corporation. (District 2)

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember DeLong, 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. 09-0140

Recommendation to authorize City Council to accept the donation of photovoltaic solar panels located at the Long Beach Airport; and authorize City Manager to execute any and all documents necessary for the conveyance from EcoMedia, LLC, to the City of Long Beach at no cost. (District 5)

Pat West, City Manager, spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, 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. 09-0141** Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Pacific Sailing LLC, dba Pacific Sailing & Yacht Club, for an original Alcoholic Beverage Control License, at 423 Shoreline Village Drive Suite D, with conditions. (District 2)

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember DeLong, 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. 09-0097** Recommendation to receive and file the application of Chicago Hotel Works Hospitality Corporation, dba Avia Hotel, for an original Alcoholic Beverage Control License, at 285 Bay Street, with conditions. (District 2)

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

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

Absent: 1 - Reyes Uranga

- 20. 09-0142** Recommendation to receive and file the application of Empire Food Service Incorporated, dba Cafe Ambrosia, for an original Alcoholic Beverage Control License, at 1923 East Broadway, with conditions. (District 2)

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

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

Absent: 1 - Reyes Uranga

21. 09-0143

Recommendation to adopt Plans and Specifications No. R-6762 for installing bike route signs on existing bikeways and installing bikeway signing and striping;

Award the project to and authorize City Manager to sign all documents necessary to execute a contract with Excel Paving, dba Palp, Inc, (Excel Paving) the lowest responsible bidder, and any necessary amendments thereto relative to the scope of work, in the amount of \$277,703 plus a 15% contingency amount of \$41,656, if necessary, for a total of \$319,359; and

Increase appropriations in the Gas Tax Street Improvement Fund (SR 181) in the Department of Public Works (PW) in the amount of \$256,084. (Districts 1,2,3,4,5)

Larry Goodhue spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

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

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

22. 09-0160

Recommendation to authorize City Manager to execute a Real Estate Exchange Agreement, providing overall terms and conditions of an exchange of approximately 12.1 acres of City-owned land for surface rights to approximately 33.77 acres of privately-owned wetlands. (Districts 1,3)

Pat West, City Manager, spoke.

Mike Conway, Director of Public Works, spoke and provided a PowerPoint presentation.

Harvey Cochran spoke.

Jerry Schubel spoke.

Stan Poe spoke on behalf of Long Beach Heritage.

Belinda Falstinos spoke.

Andy Kincaid spoke.

Lenny Arkinstall spoke and submitted correspondence and photographs.

Larry Goodhue spoke.

Frank Prior spoke.

Elizabeth Lambe spoke.

Ray Thorn spoke.

Eric Zahn spoke.

Mike Ruehle spoke.

Dave Perozzi spoke.

Mike Murchison spoke.

Ben Rockwell spoke.

Annie Van Horn spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilmember S. Lowenthal

Councilwoman Gabelich spoke.

A substitute motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to approve the main motion (including the deed restriction) as stated but amended to direct staff to: [1] seek to have LCW absorb up to \$500,000 in costs for relocation of the public service yard; and [2] return to City Council with a real estate exchange agreement for review and approval. The motion failed by the following vote:

Yes: 3 - Schipske, Reyes Uranga and Gabelich

No: 5 - S. Lowenthal, DeLong, O'Donnell, Andrews and Lerch

A motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, to approve recommendation, with the inclusion of a deed restriction, which would restrict the land to wetlands use in perpetuity. The motion carried by the following vote:

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

No: 2 - Schipske and Gabelich

ORDINANCE (9:15 PM)

23. 09-0077

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 8.68.020.R, Section 8.68.060, and Subsection 8.68.110.A; and by adding Subsection 8.68.020.S, and Section 8.68.210, all relating to smoking in public places, read and adopted as read. (Citywide)

Councilwoman Schipske spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

Claudette Powers spoke.

Melinda Cotton spoke.

Stafford Cox spoke.

Harvey Cochran spoke.

Tom Fallon spoke.

Evan Braude spoke.

Ben Rockwell spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Councilmember S. Lowenthal spoke.

Motion: Call for question.

Moved by DeLong, seconded by Andrews.

Vote: Call for question.(Carried 6-2)

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

No: Schipske, Gabelich.

A motion was made by Vice Mayor Lerch, seconded by Councilmember Reyes Uranga, that the original ordinance presented at the February 3, 2009 meeting be reintroduced for first reading, with an added condition prohibiting smoking lounges from selling food or drink, 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, Reyes Uranga and Lerch

No: 2 - Schipske and Gabelich

NEW BUSINESS (9:52 PM)

24. 09-0127 Recommendation to City Council to concur in recommendation of the Personnel and Civil Service Committee to receive the communication and confirm one (1) reappointment to the Planning Commission.

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

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

Absent: 1 - DeLong

25. Affidavit of Service for the special meeting held, Tuesday, February 10, 2009.

ANNOUNCEMENTS (9:53 PM)

Councilmember Reyes Uranga made community announcements.

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

ADJOURNMENT (9:56 PM)

At 9:56 P.M., Mayor Foster adjourned the meeting.

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



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

Bob Foster, Mayor

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 presented, with the exception of Agenda Item No. 23, which was considered immediately following Agenda Item No. 2 and prior to Public Comment.

ROLL CALL (5:05 PM)

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

Councilmembers Schipske and Gabelich
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Heather Mahood, Chief Assistant City Attorney; Mike Mais, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Vice Mayor Lerch presiding.

Vice Mayor Lerch announced that Agenda Item Nos. 14 and 15 were withdrawn and continued to the meeting of March 3, 2009.

Invocation: Moment of Silence.

Flag Salute: Tonia Reyes Uranga, Seventh District.

Mayor Foster assumed the chair.

Certificate of Recognition for 80th Anniversary of Long Beach Playhouse.

Councilmember O'Donnell spoke.

CONTINUED HEARING (5:13 PM)

22. 09-0130 Recommendation to receive supporting documentation, conclude the public hearing, and declare ordinance amending Chapter 2.63 of the Long Beach Municipal Code as it relates to the Cultural Heritage Commission read the first time and laid over to the next regular meeting of the City Council for final reading; and

Councilmember Reyes Uranga spoke.

Carol McCafferty spoke.

Bree Myon spoke.

John Thomas, President of Long Beach Heritage, spoke.

Larry Goodhue spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Reyes Uranga, 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, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

- 09-0131 Adopt resolution authorizing Director of Development Services to submit amendments to the Cultural Heritage Commission ordinance to the State Office of Historic Preservation for its review and approval as an implementing ordinance of the Certified Local Government (CLG) program. (Citywide)

A motion was made by Councilmember Reyes Uranga, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0011. The motion carried by the following vote:

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

Absent: 2 - Schipske and Gabelich

Enactment No: RES-09-0011

HEARINGS (5:34 PM)

1. 09-0161 Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions: 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 Springbok Bar & Grill Long Beach, Inc., dba Springbok Bar & Grill, 423 Shoreline Village Drive #A, for Entertainment Without Dancing by Patrons at an existing restaurant. (District 2)

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

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

Absent: 2 - Schipske and Gabelich

2. 09-0162

Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions: 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 Hak Heang Restaurant, Inc., dba Hak Heang Restaurant, 2041 E. Anaheim Street, for Entertainment With Dancing by Patrons at an existing restaurant. (District 4)

Councilman Andrews spoke.

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

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

Absent: 2 - Schipske and Gabelich

PUBLIC COMMENT (6:08 PM)

Reyna Akers spoke regarding toxic dust and the wetland land swap.

09-0193 Larry Goodhue spoke regarding the wetlands land swap and submitted written comments.

This Handout was received and filed.

CONSENT CALENDAR (6:16 PM)

Passed The Consent Calendar

A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to approve Consent Calendar Items 3-13, except for Item 10. The motion carried by the following vote:

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

Absent: 3 - S. Lowenthal, Schipske and Gabelich

3. 09-0173 Recommendation to authorize City Attorney to submit Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$93,667.50 for the claim of Mark Saxlund; and \$61,996.25 for the claim of Joseph Vancoutren, in compliance with the Appeals Board Orders.
- A motion was made to approve recommendation on the Consent Calendar.**
4. 09-0174 Recommendation to approve the City Council and Budget Meeting minutes for the meetings held Tuesday, February 3, 2009.
- A motion was made to approve recommendation on the Consent Calendar.**
5. 09-0175 Recommendation to refer to City Attorney damage claims received between February 2, 2009 and February 9, 2009.
- A motion was made to approve recommendation on the Consent Calendar.**
6. 09-0177 Recommendation to approve the destruction of records for the City Council Second District as shown in Exhibit A; and adopt resolution.
- A motion was made to approve recommendation and adopt Resolution No. RES-09-0012 on the Consent Calendar.**
- Enactment No:** RES-09-0012
7. 09-0163 Recommendation to approve the Neighborhood Partners Program funding recommendations to support nine neighborhood beautification and improvement projects in the amount of \$34,738. (Districts 1,4,6,7,9)
- A motion was made to approve recommendation on the Consent Calendar.**
8. 09-0164 Recommendation to authorize City Manager to execute the First Amendment to Lease No. 28285 with Heritage Yacht Sales, Inc., to amend the term and provisions of the Lease allowing for the construction of a new reconfigured dock, gangway, and utilities in Basin No. 1, located in Alamitos Bay Marina; and add Yacht Haven Marina, Inc., a California corporation, as a lease holder along with Heritage Yacht

Sales, Inc. (District 3)

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

9. 09-0165 Recommendation to receive and file the application of Hyun Jin Kim and Myung Hee Kim, dba Amigos Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1100 East 10th Street, with existing conditions. (District 1)

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

10. 09-0166 Recommendation to receive and file the application of LJB Bishop Enterprises Incorporated, dba Sachi Bar, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6400 East Pacific Coast Highway, with existing conditions. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember Reyes Uranga, to approve recommendation, with the condition that alcohol will not be served until 10:00 a.m. The motion carried by the following vote:

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

Absent: 3 - S. Lowenthal, Schipske and Gabelich

11. 09-0167 Recommendation to authorize City Manager to execute an agreement with County of Orange (County) to use a license area at the County's Santiago Peak Communications Facility (Santiago Peak) for public safety dispatching at an estimated annual cost of \$2,360 for year one with an annual increase thereafter of 3.3 percent. The term of the proposed lease is one year and shall automatically be renewed for up to ten consecutive periods of one year, each subject to approval of the City Manager. (Citywide)

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

12. 09-0168 Recommendation to authorize City Manager to execute lease agreements with Long Beach City College, Long Beach Transit, Long Beach Unified School District, St. Mary Medical Center, Southern California Gas Company, City of Cerritos, and City of Signal Hill, to use space at the City's radio transmitter facilities. The term of the proposed leases is five years, and shall be renewed for an additional five years, subject to the approval of the City Manager. (Citywide)

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

13. 09-0176 Recommendation to receive and file minutes of:
Civil Service Commission - January 28, 2009.
Planning Commission - September 18 and December 4, 2008.

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

REGULAR AGENDA (6:19 PM)

14. 08-1203 Recommendation to City Council to concur in recommendation of the Personnel and Civil Service Committee to receive and review the communication regarding California Public Employees' Retirement System (CalPERS) financial status and the impact on the City of Long Beach.

This Agenda Item was withdrawn.

15. 09-0103 Recommendation to City Council to concur in recommendation of the Transportation and Infrastructure Committee to support option two of the proposals made by the Department of Public Works and forward the presentation to the City Council for its consideration to review Long Beach Municipal Code Chapter 10.40 regarding the definition and prohibition of commercial vehicles on residential streets.

This Agenda Item was withdrawn.

16. 09-0178 Recommendation to receive and file report on the actions taken at the Metropolitan Water District Board meetings held on January 13 and February 10, 2009.

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

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

Absent: 3 - S. Lowenthal, Schipske and Gabelich

17. 09-0169 Recommendation to authorize City Manager to execute any and all documents necessary for the First Amendment to Supplemental Agreement No. 21667 with SMG, formerly known as Spectacor Management Group, and to the Convention and Visitors Bureau for the completion of certain capital improvement projects at the Long Beach Convention and Entertainment Center (Center) located at 300 East Ocean Boulevard. (District 2)

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

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

Absent: 3 - S. Lowenthal, Schipske and Gabelich

18. 09-0170

Recommendation to adopt Plans and Specifications No. G-260 for gas main and service line replacement; and authorize City Manager to execute a contract with ARB, Inc., in an estimated amount of \$2,913,385 plus a 10 percent contingency if necessary. (Citywide)

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

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

Absent: 3 - S. Lowenthal, Schipske and Gabelich

19. 09-0171

Recommendation to authorize City Manager to amend the Agreement with Community Hospital of Long Beach for emergency room services for jail inmates to include hospitalization of jail inmates for an amount not to exceed \$110,000 annually, with an option to renew the Agreement at the discretion of the City Manager for two additional one-year periods at a cost not to exceed \$110,000 annually. (Citywide)

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

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

Absent: 2 - Schipske and Gabelich

20. 09-0172

Recommendation to find that excavations are immediately required for the general health, safety, and welfare of the City and cannot be delayed; that alternatives to excavating, such as alternative routing, or construction methods, such as boring or excavation of the parkway, are not possible; and approve a discretionary permit to excavate areas in certain City streets, which have been reconstructed within the previous 60 months, in accordance with Section 14.08.060 of the Long Beach Municipal Code. (Districts 7,9)

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation, with the additional condition that all work be completed to the satisfaction of the City Engineer. The motion carried by the following vote:

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

Absent: 2 - Schipske and Gabelich

ORDINANCE

21. 09-0130 Recommendation to declare ordinance amending the Long Beach Municipal Code Chapter 2.63 relating to the Cultural Heritage Commission, read and adopted as read. (Citywide)

This Ordinance was withdrawn.

NEW BUSINESS (6:24 PM)

22. Agenda Item No. 22 is listed under Continued Hearing (page 1).

23. 09-0187 Recommendation to direct City Manager to initiate action steps to address the continued flooding of the West Long Beach Arlington area neighborhood and to report back to City Council within 30 days.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, provided a slide presentation.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember Reyes Uranga spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember Reyes Uranga spoke.

Elisa Erickson spoke.

Mayor Foster spoke.

David Viegos spoke.

Migel Moreno 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: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

24. 09-0077

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 8.68.020.R, Section 8.68.060, and Subsection 8.68.110.A; and by adding Subsection 8.68.020.S, and Section 8.68.210, all relating to smoking in public places, read and adopted as read. (Citywide)

Belinda Cotton spoke.

Claudette Powers spoke.

Councilmember S. Lowenthal spoke.

A motion was made by Vice Mayor Lerch, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0002. The motion carried by the following vote:

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

Absent: 2 - Schipske and Gabelich

Enactment No: ORD-09-0002

25. 09-0192

Recommendation to authorize City Manager to enter into an International Swap and Derivatives Association (ISDA) Master Agreement that provides natural gas price protection with terms that meet or exceed the following conditions: 1) a term of no more than three years; 2) pricing terms indexed at the Southern California border; and 3) a market price ceiling of not greater than \$10.50 per MMBtu and/or a fixed price of no greater than \$8.20 per MMBtu. (Citywide)

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

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

Absent: 2 - Schipske and Gabelich

26. Affidavit of Service for the Special Meeting held Tuesday, February 17, 2009.

ANNOUNCEMENTS (6:33 PM)

Councilmember S. Lowenthal made community announcements.

Councilman Andrews made community announcements.

Councilmember O'Donnell made community announcements; and requested that the meeting be adjourned in memory of Dick and Erma Cocke.

ADJOURNMENT (6:38 PM)

At 6:38 PM, Mayor Foster adjourned the meeting in memory of Dick and Erma Cocke.

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