



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

C-3

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June 1, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the minutes for the City Council meetings held Tuesdays, May 11 and 18, 2010; and the City Council Budget Meeting held Tuesday, May 18, 2010.

DISCUSSION

The Legistar minutes of the City Council meetings held Tuesdays, May 11 and 18, 2010; and the City Council Budget Meeting held Tuesday, May 18, 2010 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

Robert Garcia, 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 were considered in the order presented

ROLL CALL (5:00 PM)

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

Councilmembers Garcia, DeLong and Gabelich
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Michael Mais, Assistant City Attorney; Larry Herrera, City Clerk; Carolyn Harris, City Clerk Specialist.

Vice Mayor Lerch presiding.

Invocation: Moment of Silence.

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

Kathy Schofield, spcaLA, presented a feline.

Vice Mayor Lerch spoke.

SECOND ROLL CALL

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

Councilmembers Garcia and Gabelich
Absent:

Councilmember DeLong joined the meeting.

Recognition of St. Anthony's Girls' Varsity Basketball Team.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Vice Mayor Lerch spoke.

Presentation on Green Long Beach Festival.

Councilmember Lowenthal spoke.

CONTINUED HEARING (5:08 PM)

1. 10-0359 Recommendation to continue the appeal hearing of Eyal Shlomot, Ray Sumner, and Vicki Pell resulting from a decision of the Planning Commission to approve a modification to upgrade an unmanned telecommunication facility at the Gaytonia Apartment Building, a designated historic landmark located at 212 Quincy Avenue in the R-1-N zone. (District 3)

Michael Mais, Assistant City Attorney, spoke.

Lynn Van Aken, representative for Sprint Nextel, spoke.

Vice Mayor Lerch spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, that the item be laid over to a date uncertain. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

HEARING (5:14 PM)

2. 10-0494 Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeal of Sandra Denisac and

Cindy Bambam, and uphold the Planning Commission decision to approve a Modification to a Conditional Use Permit and Local Coastal Development Permit to upgrade an alcohol license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) at an existing restaurant located at 5734 East 2nd Street, and withdraw the public notice of protest approved by the City Council on January 19, 2010. (District 3)

Suzanne Frick, Assistant City Manager, spoke.

Sandy Denisac, appellant, spoke.

George Sabbagh, owner of KC Branaghans, spoke.

Sandy Denisac, appellant, spoke.

Harvey Cochran spoke.

Robert Dahlworth spoke and submitted a photo pertaining to KC Branaghans.

Randy Cook spoke.

Helga Nesbitt spoke.

Councilmember DeLong spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to deny the appeal of Sandra Denisac and Cindy Bambam; withdraw the public notice of protest; and uphold the Planning Commission decision and include the following conditions: [1] Amend condition 17 to read as follows: The operator shall install an alarm system at the rear exit doors along with lighting along the alleyway; [2] Insert condition 18 to read: The operator shall also install exterior video security cameras at the front and rear of the business with full view of the public rights-of-way and shall also install exterior security video cameras that provide full view of any areas where operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required; [3] Re-number the March 4, 2010, conditions 18 and 19 as conditions 19 and 20, respectively; and [4] Provide that the hours of operation for Sunday through Thursday shall not go beyond 11:30 p.m. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

PUBLIC COMMENT (5:44 PM)

Harvey Cochran spoke regarding various issues.

Anthony and Cristella Lopez spoke regarding an update with the Police Department.

Vice Mayor Lerch spoke.

Robert Shannon, City Attorney, spoke.

Ben Rockwell spoke regarding 211 issues.

Larry Goodhue spoke referring to the Webster dictionary.

Kendall Rainwater spoke regarding the County property gate.

CONSENT CALENDAR (6:06 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve Consent Calendar Items 3 - 6. The motion carried by the following vote:

Yes: 6 - Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga and Lerch

Absent: 3 - Garcia, Andrews and Gabelich

3. 10-0495 Recommendation to refer to City Attorney damage claims received between April 26, 2010 and May 3, 2010.

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

4. 10-0496 Recommendation to authorize City Manager to execute all necessary agreements with the State of California to receive \$46,930 in American Recovery and Reinvestment Act (ARRA) Wagner-Peyser (WP) 10 Percent funds to support the Disability Program Navigator Initiative, and to execute any subsequent needed amendments. (Citywide)

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

5. 10-0497 Recommendation to authorize City Manager to execute all necessary documents with the LA84 Foundation to accept Summer Swim 2010 grant funds in the amount of \$25,000, for summer aquatic programs for economically disadvantaged youth at Martin Luther King, Jr. Pool, Silverado Pool, Millikan High School Pool, Jordan High School Pool, and Belmont Plaza Pool, from June 21, 2010 to August 27, 2010; and authorize City Manager to execute all necessary documents to implement and administer the grant and any amendments. (Districts 3,5,6,7,9)

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

6. 10-0499 Recommendation to receive and file minutes for: Civil Service Commission - April 7 and 14, 2010.

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

UNFINISHED BUSINESS (6:07 PM)

17. 05-2662 Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee that a written policy be established for public use of audio/visual presentations at City Council meetings, with the authorization of a Council office or the Mayor's office;

presentations must be presented to Technology Services five (5) days prior to the meeting; and the public would be governed by the current three (3) minute rule.

Robert Shannon, City Attorney, spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Larry Herrera, City Clerk, spoke.

Councilmember Reyes Uranga spoke.

Harvey Cochran spoke.

Vice Mayor Lerch spoke.

A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to amend and approve recommendation as follow: (1) Amend the March 9, 2010 Housing and Neighborhoods Committee recommendation regarding Council meeting audio-visual presentations by members of the public to provide that presentations must be presented to the City Clerk five (5) calendar days prior to the meeting or by Thursday 12:00 noon, and the public would be governed by the current three (3) minute rule; and (2) adopt the proposed Guidelines to be effective on June 1, 2010, and request that the City Clerk report back to the City Council in 90 days as to the operational impact of the policy Guidelines. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

18. 10-0479

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Target Corporation, dba Target T 0195, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 2270 North Bellflower Boulevard, with conditions. (District 4)

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

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

Absent: 2 - Garcia and Gabelich

REGULAR AGENDA (6:15 PM)

7. 10-0519 Recommendation to respectfully request City Attorney to prepare an amendment to Section 14.14.045 of the Long Beach Municipal Code with the addition of Subsection F, relating to conditions or restrictions for sidewalk occupancy permits.
- A motion was made by Councilmember DeLong, seconded by Councilman Andrews, that the item be laid over to a date uncertain. The motion carried by the following vote:**
- Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Lerch
- Absent:** 2 - Garcia and Gabelich
8. 10-0520 Recommendation to request City Manager to work with appropriate staff to update the City Council on the effort to allow residents the opportunity to secure permits online and identify further service areas that may be conducted online.
- 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:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Lerch
- Absent:** 2 - Garcia and Gabelich
9. 10-0506 Recommendation to adopt resolution designating 2010 as the Year of No Texting While Driving. (Citywide)
- A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to approve recommendation and adopt Resolution No. RES-10-0049. The motion carried by the following vote:**
- Yes:** 6 - Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga and Lerch
- Absent:** 3 - Garcia, O'Donnell and Gabelich
- Enactment No:** RES-10-0049
10. 10-0500 Recommendation to adopt resolution authorizing City Manager to submit
-

a grant application to the State of California Strategic Growth Council through the Urban Greening for Sustainable Communities Program, in an amount totaling \$1,500,000, to implement the Long Beach Low Impact Development Academy. (District 7)

Councilmember Reyes Uranga spoke.

Patrick West, City Manager, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Vice Mayor Lerch spoke.

Kendall Rainwater spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0050. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

Enactment No: RES-10-0050

11. 10-0501

Recommendation to authorize City Manager to execute all documents with the County of Los Angeles and its pass-through agency, the City of Hawthorne on behalf of the South Bay Workforce Investment Board, to receive \$3,610,500 in American Recovery and Reinvestment Act (ARRA) funds to operate a Summer Youth Program that will assist approximately 1,500 youth ages 14-24; execute all documents with various partners and vendors in an amount totaling \$247,500; increase appropriations in the Community Development Grants Fund (SR 150) in the Department of Community Development (CD) by \$3,610,500; and execute any needed subsequent amendments. (Citywide)

Patrick West, City Manager, spoke.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

Councilmember O'Donnell spoke.

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

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

Absent: 2 - Garcia and Gabelich

12. 10-0502

Recommendation to adopt resolution declaring that a fiscal hardship will exist within the City of Long Beach as result of the State's borrowing of Highway Users Tax Account (HUTA) Funds. (Citywide)

Larry Goodhue spoke.

Vice Mayor Lerch spoke.

Patrick West, City Manager, spoke.

Councilmember Reyes Uranga spoke.

Lori Ann Farrell, Director of Financial Management, spoke.

Councilwoman Schipske spoke.

Patrick West, City Manager, spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0051. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

Enactment No: RES-10-0051

13. 10-0503

Recommendation to authorize City Manager to execute the second amendment to the Prepaid Natural Gas Purchase and Sale Agreement dated September 13, 2007, by and between Long Beach Bond Finance Authority and the City of Long Beach, to allow for alternative natural gas delivery points, balancing of prepaid gas delivered into the Long Beach Gas and Oil system from additional gas suppliers, and to stipulate that any failure to deliver prepaid gas as a result of non-performance under certain Physical Natural Gas Transaction Confirmations or Base

Contract for Sale and Purchase of Natural Gas Agreement, shall not constitute an authority delivery default. (Citywide)

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

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

Absent: 2 - Garcia and Gabelich

14. 10-0504

Recommendation to receive and file the application of Congregation Long Beach Chapter LLC, dba Congregation Alehouse, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 201 East Broadway, with conditions. (District 2)

Distributed at the meeting: Correspondence from Insurance Exchange Building Homeowners Association Board.

Councilmember Lowenthal spoke.

Neysa Colizzi spoke.

Ian Asano spoke.

Councilmember Lowenthal spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to approve recommendation with conditions as follow:

C16 - The Quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department of Alcoholic Beverage Control on demand.

C20 - The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation.

C28 - There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performances or fashion shows.

C36A - Trash shall not be emptied between the hours of 10:00 pm and 7:00 am.

C34 - The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises which they share with residents. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

15. 10-0505

Recommendation to receive and file the application of DJS Pizzeria Incorporated, dba DJS Pizza, for an original Alcoholic Beverage Control License, at 8185 East Wardlow Road, with conditions. (District 5)

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

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

Absent: 2 - Garcia and Gabelich

ORDINANCE (6:48 PM)

16. 10-0398

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 1.25.020, 2.02.020, 2.87.130, 3.44.030, 5.12.170, 5.20.040, 5.24.100, Subsections 5.28.050.A.12, 5.28.071.B, 5.28.080.D, 5.28.080.E, 6.24.020.B, Sections 8.04.010,

8.12.020, Subsection 8.60.089.C, Subsection 8.60.091.A, Subsection 8.60.093.B, Sections 10.50.040, 10.50.060, 14.12.040, Subsections 14.16.050.A.4, 16.08.720.A, and Sections 16.24.050, 16.36.040, 16.44.110, and 16.48.050, all related to transferring various fees from the Municipal Code to the Master Fee and Charges Resolution; and amending Subsection 5.12.120.A related to false alarm charges, read and adopted as read. (Citywide)

A motion was made by Councilman Andrews, seconded by Councilmember Lowenthal, to approve recommendation and adopt Ordinance No. ORD-10-0014. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

Enactment No: ORD-10-0014

NEW BUSINESS (6:49 PM)

17. Agenda Item No. 17 is listed under Unfinished Business.
18. Agenda Item No. 18 is listed under Unfinished Business.
19. Affidavit of Service for special meeting held Tuesday, May 11, 2010.

ANNOUNCEMENTS (6:49 PM)

Councilmember O'Donnell made community announcements.

Councilmember Reyes Uranga made community announcements.

Councilman Andrews made community announcements.

Councilmember Lowenthal asked that the meeting be adjourned in memory of Kenya Casareal.

Vice Mayor Lerch asked that the meeting be adjourned in memory of Rick Borgus.

ADJOURNMENT (6:52 PM)

At 6:52 PM, Vice Mayor Lerch adjourned the meeting in memory of Kenya Casareal and Rick Borgus.

cah

Robert Garcia, 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: (3:37 PM)

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

Councilmembers Garcia and Andrews
Absent:

Also present: Patrick West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Laura L. Doud, City Auditor; Merianne Nakagawa, Legislative Bureau Manager; Allison Bunma, City Clerk Analyst.

Vice Mayor Lerch presiding.

SPECIAL MEETING: (3:38 PM)

Recommendation to hold a Budget Meeting to:

Pat West, City Manager, spoke.

1. 10-0553 Approve Fiscal Year 2011 Budget Balancing Strategy; and

Lori Ann Farrell, Director of Financial Management, spoke and provided a PowerPoint presentation.

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

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

Absent: 2 - Garcia and Andrews

Councilmember Lowenthal, Mayor Foster and Councilwoman Schipske joined the meeting.

Mayor Foster assumed the chair.

Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Harvey Cochran spoke.

Councilwoman Schipske spoke.

2. 10-0554 Receive and file a report on Budget Solutions in other Cities.

Distributed at the meeting: Other CA Cities' FY 11 Budget Strategies.

Dave Wodynski, Budget and Performance Management Bureau Manager, spoke.

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

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

Absent: 2 - Garcia and Andrews

PUBLIC:

There were no comments from the public.

ADJOURNMENT: (4:29 PM)

At 4:29 PM, Mayor Foster adjourned the meeting.

adb

Robert Garcia, 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 were considered in the order presented.

ROLL CALL (4:59 PM)

Councilmembers Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes

Present: Uranga, Gabelich and Lerch

Councilmembers Garcia

Absent:

Also present: Patrick H. West, City Manager; Robert Shannon, City Attorney; Heather Mahood, Chief Assistant City Attorney; Michael Mais, Assistant City Attorney; Merianne Nakagawa, Legislative Bureau Manager; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Councilwoman Gerrie Schipske, Fifth District.

Mayor Foster announced that Agenda Item Nos. 18, 30 and 31 have been withdrawn.

Newly appointed Fire Chief Alan Patalano spoke.

Patrick West, City Manager, spoke.

Kathy Schofield, spcaLA, presented two felines.

Proclamation for National Public Works Week. (5:07 PM)

Patrick West, City Manager, spoke.

Presentation on Asian Pacific Islander/Asian American Heritage Month. (5:12 PM)

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

HEARINGS (5:18 PM)

1. 10-0446 Recommendation to receive supporting documentation into the record, conclude the hearing, declare ordinance relating to the temporary limitation (moratorium) on the approval of permits for the installation of wireless telecommunications facilities in the City read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately. (Citywide)

Distributed at or prior to the meeting: Correspondence from Sarah L. Burbidge, Mackenzie & Albritton LLP; Sarah Blackshire, Alston & Bird LLP; Suzanne Toller, Davis Wright Tremaine LLP; Paul R. O'Boyle, NextG Networks of California; and Jamie Hall, California Wireless Association.

Michael Mais, Assistant City Attorney, spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Suzanne Toller, Davis Wright Tremaine LLP, spoke.

Harvey Cochran spoke.

Marisa Blackshire, Alston & Bird LLP, spoke.

Joe Thompson spoke.

Paul O'Boyle, NextG Networks of California, spoke.

Mayor Foster spoke.

Michelle Felton, Verizon, spoke.

Andrew Massey spoke in opposition to the moratorium.

Larry Goodhue spoke.

Francis Emily Dawson Harris spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

A substitute motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to exempt industrial areas only from the moratorium. The motion failed by the following vote:

Yes: 4 - Andrews, Reyes Uranga, Gabelich and Lerch

No: 4 - Lowenthal, DeLong, O'Donnell and Schipske

Absent: 1 - Garcia

A motion was made by Councilwoman Schipske, seconded by Councilmember Lowenthal, to declare emergency to exist. The motion carried by the following vote:

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

Absent: 1 - Garcia

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to declare Ordinance No. ORD-10-0015 for the temporary limitation (moratorium) on the approval of permits for the installation of wireless telecommunications facilities in residential areas read and adopted as read and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:

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

No: 2 - Reyes Uranga and Gabelich

Absent: 1 - Garcia

Enactment No: ORD-10-0015

2. 10-0522 Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution amending the Master Fee and Charges Schedule for Medical Marijuana Collective application and permitting fees; and receive and file a report regarding the implementation of Chapter 5.87 of the Long Beach Municipal Code relating to Medical Marijuana Collectives. (Citywide)

Distributed at the meeting: PowerPoint presentation entitled Medical Marijuana Collective Implementation Plan.

Patrick West, City Manager, spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Vice Mayor Lerch spoke.

Motion: Approve recommendation with a two-tier application fee of \$12,530 to qualify the application for the lottery and the remainder of \$2,212 paid once the application has been qualified for the lottery. Moved by Lerch, seconded by Gabelich.

Councilmember Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Mr. Sharp spoke.

Paul Violis spoke.

Diana Lejins spoke.

Sean Thompson spoke.

Larry Parks spoke.

Madeline Johnson spoke.

Dan Kern, attorney, spoke.

Richard Eastman spoke.

Steven Edwards spoke.

Claudette Powers spoke.

Al Pacino Nunez spoke.

Glen Howard spoke.

Mayor Foster spoke.

Francis Emily Dawson Harris spoke.

Kathryn Aldridge spoke.

Christopher Grimes spoke.

Steve Baker spoke.

Chris Horncel spoke.

Larry Goodhue spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

A second substitute motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to waive application fees for collectives of 10 or less members. The motion failed by the following vote:

Yes: 3 - Reyes Uranga, Gabelich and Lerch

No: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

Absent: 1 - Garcia

A substitute motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0052. The motion carried by the following vote:

Yes: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

No: 3 - Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

Enactment No: RES-10-0052

PUBLIC COMMENT (7:39 PM)

Vice Mayor Lerch spoke.

Harvey Cochran spoke regarding park event.

Dennis Dunn spoke regarding flower and magazine stands.

Larry Goodhue spoke regarding the Development Services newsletter; and a moratorium of farmers/flea markets.

10-0555 Francis Emily Dawson Harris spoke regarding a variety of issues; and submitted correspondence.

This Handout was received and filed.

10-0560 Frank McIlouham announced a "Rock for Vets" benefit concert for Long Beach Veterans Administration; and submitted a flyer.

Councilwoman Gabelich spoke.

This Handout was received and filed.

CONSENT CALENDAR (7:57 PM)

Passed The Consent Calendar

Francis Emily Dawson Harris spoke regarding Agenda Item No. 7.

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve Consent Calendar Items 3 - 19, except for Items 8 and 18. The motion carried by the following vote:

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

Absent: 1 - Garcia

3. 10-0523 Recommendation to approve the minutes for the City Council meeting of

Tuesday, May 4, 2010.

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

4. 10-0524 Recommendation to refer to City Attorney damage claims received between May 3, 2010 and May 10, 2010.

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

5. 10-0550 Recommendation to approve the destruction of records for the Department of Development Services as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-10-0053 on the Consent Calendar.

Enactment No: RES-10-0053

6. 10-0537 Recommendation to request City Attorney to prepare an amendment to Section 10.28.130 of the Long Beach Municipal Code to create Subzone "A" within Parking Meter Zone One. (District 3)

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

7. 10-0525 Recommendation to authorize City Manager to execute all necessary documents to extend existing Facility Use Permit No. 30087 for the County of Los Angeles Department of Social Services (DPSS) to provide services at the Multi-Service Center for the Homeless for the period of May 18, 2010 through June 30, 2013, with the option of further extending the Permit annually thereafter upon a determination by the City that the permittee has fully complied with the terms and conditions of the Permit and is otherwise in good standing with the City. (District 1)

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

8. 10-0526 Recommendation to authorize City Manager to execute a permit with Shore Aquatics, Inc. a California corporation doing business as Shore Aquatics for the use of Belmont Plaza Pool for swimming and water polo practices and games for a term of one year, with three, one-year renewal options, at the discretion of the City Manager, or his designee. (District 3)

Patrick West, City Manager, spoke.

Mr. Cordell, Shore Aquatics, spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lerch spoke.

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

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

Absent: 1 - Garcia

9. 10-0527 Recommendation to receive and file the application of The 33 Degrees Group LLC, dba 33 Degrees, for a person-to-person transfer of an Alcoholic Beverage Control License, at 423 Shoreline Village Drive Suite A, with existing conditions. (District 2)
- A motion was made to approve recommendation on the Consent Calendar.**
10. 10-0528 Recommendation to receive and file the application of Dreamax Incorporated, dba Maru Maki, for a person-to-person transfer of an Alcoholic Beverage Control License, at 745 East Broadway, with existing conditions. (District 2)
- A motion was made to approve recommendation on the Consent Calendar.**
11. 10-0529 Recommendation to receive and file the application of Fawzy Morcouc Barakat, dba Hody Lane Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5201 East Pacific Coast Highway, with existing conditions. (District 3)
- A motion was made to approve recommendation on the Consent Calendar.**
12. 10-0530 Recommendation to receive and file the application of Kellys Restaurant Holdings Incorporated, dba Kellys Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5716 East 2nd Street, with existing conditions. (District 3)
- A motion was made to approve recommendation on the Consent Calendar.**
13. 10-0531 Recommendation to receive and file the application of Lodge Development LLC, dba Busters Beach House and Long Board Bar, for a

person-to-person transfer of an Alcoholic Beverage Control License, at 168 North Marina Drive, with existing conditions. (District 3)

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

14. 10-0532 Recommendation to receive and file the application of Abbas Kazemi, dba Huffs Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 8105 East Wardlow Road, with existing conditions. (District 5)

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

15. 10-0533 Recommendation to receive and file the application of Woo Taek Yun, dba New Liquor Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5602 Long Beach Boulevard, with existing conditions. (District 8)

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

16. 10-0534 Recommendation to receive and file the application of Maria Dejesus Ramirezparra, dba El Nuevo Altata Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6800 Long Beach Boulevard, with existing conditions. (District 9)

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

17. 10-0535 Recommendation to receive and file the application of Carlos Castilla Bravo, dba Artesian, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1006-08 East Artesia Boulevard, with existing conditions. (District 9)

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

18. 10-0498 Recommendation to authorize City Manager to execute a three-year agreement and two, one-year amendments, with WomenShelter of Long Beach (WSLB) to accommodate an advocate at the Long Beach Police Department (LBPD) Public Safety Building (PSB) to provide comprehensive services to victims of domestic violence. (Citywide)

This Contract was withdrawn.

19. 10-0536 Recommendation to receive and file the minutes for:
Civil Service Commission - April 21, 2010.
Water Commission - April 15, 2010.

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

REGULAR AGENDA (8:06 PM)

- 20. 10-0552** Recommendation to request City Council to reconsider the action of March 23, 2010, for an Alcoholic Beverage Control License application for Sababa Entertainment Incorporated, dba Sababa, and amend the conditions of approval as set forth.

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

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

Absent: 1 - Garcia

- 21. 10-0538** Recommendation to receive and file Investment Report for Quarter Ending March 31, 2010. (Citywide)

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

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

Absent: 1 - Garcia

- 22. 10-0539** Recommendation to adopt resolution determining all unpaid assessments for the City's Assessment District No. 08-01 (The Toledo Utility Undergrounding); and

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-10-0054. The motion carried by the following vote:

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

Absent: 2 - Garcia and Lowenthal

Enactment No: RES-10-0054

- 10-0540** Adopt resolution providing for the issuance of improvement bonds in an amount not to exceed \$1,335,000, contingent upon the City Council's award of a construction contract, and approving related documents and

actions for Assessment District No. 08-01. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-10-0055. The motion carried by the following vote:

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

Absent: 2 - Garcia and Lowenthal

Enactment No: RES-10-0055

23. 10-0541

Recommendation to authorize City Manager to submit a grant application, through the Long Beach Department of Health and Human Services, to the U.S. Department of Housing and Urban Development (HUD) for the 2010 Continuum of Care for Homeless Assistance Program; and execute all necessary documents, subgrants and any amendments changing the amount of the award or extending the grant term upon receipt of HUD funding. The grant award amount will be between \$5.5 million and \$7.5 million, for a period of one to five years. (Citywide)

Councilman Andrews spoke.

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

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

Absent: 1 - Garcia

24. 10-0542

Recommendation to authorize City Manager to execute all necessary agreements with the County of Los Angeles Department of Public Health in the amount of \$784,000 to provide Community Prevention and Wellness Services under the American Recovery and Reinvestment Act of 2009 (ARRA), to administer and execute all necessary documents to accept and expend all grant funds in connection herewith, and to take all other actions necessary to implement the use of such funds;

Execute subcontracts in the amount of \$40,000 and subsequent amendments with the listed subcontract agencies to address smoking cessation needs and to build on existing smoke-free policies in the City of Long Beach; and

Increase appropriations in the Health Fund (SR 130) in the Department of Health and Human Services (HE) by \$712,000 and in the General Grants Fund (SR 120) in the Department of Public Works (PW) by \$72,000 for the period of March 19, 2010 to March 18, 2012. (Citywide)

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

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

Absent: 1 - Garcia

25. 10-0543

Recommendation to authorize City Manager to execute a license agreement with Ms. Lee Ostendorf for use of City-owned property in the parking lot adjacent to the northwest end of Marine Stadium, to conduct a certified farmers' market for a three-year term, with two, one-year renewal options, at the discretion of the City Manager or his designee. (District 3)

Larry Goodhue spoke.

Harvey Cochran spoke.

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

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

Absent: 1 - Garcia

26. 10-0545

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Joseph Macleod Irwin, dba The Cellar, for an exchange of an Alcoholic Beverage Control License, at 206 The Promenade, with conditions. (District 2)

Councilmember Lowenthal spoke.

Harvey Cochran spoke.

Councilwoman Gabelich spoke.

Dan Peterson spoke.

Paul St. Bernard, owner of the Cellar, spoke.

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

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

Absent: 1 - Garcia

27. 10-0546

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Construction Group Incorporated, dba A B S Market, for an original Alcoholic Beverage Control License, at 1605 East Wardlow Road, with conditions. (District 7)

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, that a conditional protest be filed with ABC on the basis of (1) over concentration and (2) proximity to residences; and with the conditions (1) to limit hours to close not later than 10:00 PM for Monday through Thursday and 12:00 AM for Friday through Sunday, and (2) restrict sales of singles. The motion carried by the following vote:

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

Absent: 2 - Garcia and DeLong

28. 10-0547

Recommendation to authorize the modification of land at the Public Service Yard to be included in the real estate exchange approved by City Council on August 4, 2009. (Districts 1,3)

Distributed at or prior to the meeting: Correspondence from Eric Zahn, Coastal Ecologist Tidal Influence; and Jerry Schubel, Aquarium of the Pacific.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Motion: That the item be laid over to the City Council meeting of Tuesday, June 1, 2010.

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

Councilmember Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Melinda Cotton spoke.

Elizabeth Lamb spoke.

Councilmember Reyes Uranga spoke.

Pat Loster spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

A substitute motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, that the item be laid over to the City Council meeting of Tuesday, June 1, 2010. The motion failed by the following vote:

Yes: 3 - Schipske, Reyes Uranga and Gabelich

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

Absent: 1 - Garcia

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation, with the stipulation that within three months a request be made to the State for a delineation study. The motion carried by the following vote:

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

No: 2 - Schipske and Gabelich

Absent: 1 - Garcia

29. 10-0432

Recommendation to authorize City Manager to increase Contract No. 31353 with United Storm Water, Inc. by \$787,000, for a total FY 2010 amount of \$1,398,498, for oil spill response at storm drain pump station SD23 located at the Port of Long Beach, and emergency response to floods throughout the City during the months of January and February 2010. (Citywide)

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

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

Absent: 1 - Garcia

ORDINANCES

- 30. 10-0548** Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.72.130; and by repealing Section 14.04.070, both relating to permits read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

This Ordinance was withdrawn.

- 31. 10-0549** Recommendation to declare ordinance amending Section 16.08.460 of the Long Beach Municipal Code, related to fishing restrictions on the banks of the Los Angeles River read the first time and laid over to the next regular meeting of the City Council for final reading. (District 2)

This Ordinance was withdrawn.

NEW BUSINESS (9:05 PM)

- 32.** Affidavits of Service for the Special Meetings held Tuesday, May 18, 2010.

ANNOUNCEMENTS (9:05 PM)

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember Reyes Uranga made community announcements.

ADJOURNMENT (9:13 PM)

At 9:13 PM, Mayor Foster adjourned the meeting.

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