



# CITY OF LONG BEACH

# C-8

DEPARTMENT OF CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

December 2, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Approve the City Council minutes for the meetings held Tuesdays, November 11, 2008 and November 18, 2008; and the Study Session held Tuesday, November 18, 2008

## DISCUSSION

The Legistar minutes for the City Council meetings held Tuesdays, November 11, 2008 and November 18, 2008; and the Study Session held Tuesday, November 18, 2008, are attached for review and approval.

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

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

## TIMING CONSIDERATIONS

None.

## FISCAL IMPACT

None.

## SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

LARRY G. HERRERA  
CITY CLERK

Prepared by: Nancy Muth

LGH:nem  
Attachment

Bonnie Lowenthal, 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

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## FINISHED AGENDA & DRAFT MINUTES

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items can be taken out of order during the meeting. Please consult the time stamps to determine the order in which business was addressed.

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

### ROLL CALL (5:08 PM)

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

**Councilmembers** B. Lowenthal  
**Absent:**

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

Vice Mayor Lerch presiding.

Invocation: Moment of Silence.

Flag Salute: Suja Lowenthal, Councilmember, Second District.

Vice Mayor Lerch spoke regarding Veteran's Day and City employees who have served in the military.

Pet Adoption: Julie Pruitt, spcaLA, presented a canine.

Pat West, City Manager, spoke regarding new staff assignments.

08-1195 Long Beach Marketplace presentation and submittal of information packet.

**This Handout was received and filed.**

Proclamation for Diabetes Awareness Month.

**CONTINUED HEARINGS (5:21 PM)**

1. 08-1142            Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal of Dean Toji, Scott Fitzgerald, Donald Smith, Odette Perreault, Robert Williams, Long Beach Neighborhoods First, James F. Hannigan, Residents of Chateau Thierry, and Jerry Greenly, and uphold the Planning Commission decision to: (1) certify Mitigated Negative Declaration (No. 11-08); (2) approve Site Plan Review; (3) approve Vesting Tentative Map; (4) approve Conditional Use Permit, and likewise uphold the Planning Commission recommendation to approve an amendment to the General Plan and a re-zoning of the property located at 3635 Elm Avenue for the purpose of allowing the development of a 5-story, 65-unit senior assisted living facility;  
  
Adopt resolution certifying/approving Mitigated Negative Declaration No. 11-08, together with findings;  
  
Distributed at the meeting: Correspondence from James F. Hannigan, Jerry and Renate Greenly, Scott Fitzgerald, Steve Smith from AQMD, and Bill Piazza.  
  
Mike Mais, Assistant City Attorney, spoke regarding presentation format.  
  
Mike Kowal, appellant, spoke and submitted written comments.  
  
Don Spence, appellant, spoke.  
  
Donald Smith, appellant, spoke and submitted a PowerPoint presentation.  
  
Robert Williams, appellant, spoke.  
  
Scott Fitzgerald, appellant, spoke and submitted a copy of the Appeal to Application 0803-05, previously on file.  
  
Odette Perreault, appellant, spoke and submitted a petition.  
  
Jim Hannigan, appellant, spoke and submitted a PowerPoint presentation.  
  
Dean Toji, appellant, spoke.  
  
Jerry Kauffman, past president of Temple Beth Shalom, spoke on behalf of the applicant and submitted a packet of letters in support of the

project.

Dean Isaacson, Bruce Labins Architect & Associates, spoke and submitted a PowerPoint presentation, a Phase I environmental study, and a soil report.

Jim Hannigan, appellant, spoke.

Mike Kowal, appellant, spoke.

Ben Rockwell spoke.

Alisa Waltman spoke.

Chuck Greenberg spoke.

Victor Thompson spoke.

John Deats spoke.

Loretta Kane spoke.

Harvey Cochran spoke and submitted information.

Frank Prior spoke.

Abel Bacca spoke.

Ralph Camden spoke.

Cheryl Feinberg spoke.

William Sloan spoke.

Alicia Shelly spoke.

Ben Ohadiff spoke.

Blake Whitney spoke.

Parvis Marhini spoke.

Jerry Kane spoke.

Joe Sopo spoke.

Martin Kabalski spoke.

Rabbi Kane spoke.

Kelly Kaplan spoke.

Rabbi Gartenberg spoke.

Alon Barlevy spoke.

Richard Freeman spoke.

Sylvia Lambda spoke.

Rabbi Cantor Glenn Gelman spoke.

Allen Adler spoke.

Carl Switzski spoke.

Susan Nelson spoke.

Scott Fitzgerald, appellant, spoke.

Jeffrey Morris spoke.

Max Poper, President of Temple Beth Shalom, spoke and submitted petitions in support of the project.

Councilwoman Gabelich spoke.

Michael Mais, Assistant City Attorney, spoke regarding spot zoning.

Councilwoman Gabelich spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember S. Lowenthal, to approve recommendation to deny the appeal and uphold the Planning Commission decision to: (1) certify Mitigated Negative Declaration (No. 11-08); (2) approve Site Plan Review; (3) approve Vesting Tentative Map; (4) approve Conditional Use Permit as amended with the following changes and additions to the Conditions of Approval: [1] striking of condition 5 d. regarding valet service during religious holidays and special events; [2] addition of a covenant restricting use of the property to senior assisted housing for 50 years; and [3] addition of a condition to provide for the planting of trees at the Fitzgerald property; and likewise uphold the Planning Commission recommendation to approve an amendment to the General Plan and re-zoning of the property for the purpose of allowing the development. The motion carried by the following vote:

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

**Absent:** 1 - B. Lowenthal

A motion was made by Councilman Andrews, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-08-0140 certifying and approving the Mitigated Negative Declaration. The motion carried by the following vote:

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

**Absent:** 1 - B. Lowenthal

**Enactment No:** RES-08-0140

08-1009 Declare ordinance amending the Land Use District Map of the City of Long Beach from R-3-S (Three Family Residential) to R-4-U (High Density, Multi-Family Residential) 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 Councilman Andrews, seconded by Councilmember S. Lowenthal, 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:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - B. Lowenthal

08-1010 Adopt resolution amending the Land Use Element of the General Plan from LUD No. 3B to LUD No. 5. (District 8)

Councilmember S. Lowenthal spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Vice Mayor Lerch spoke.

**A motion was made by Councilman Andrews, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-08-0141. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

**Enactment No:** RES-08-0141

Vice Mayor Lerch declared a 5 minute recess.

2. 08-0277 Recommendation to withdraw hearing agenda item for Wilfredo Antonio Ramos, dba La Hacienda Club, 1551 Santa Fe Avenue for a Permit for Entertainment With Dancing by Patrons at an existing bar/tavern/lounge. (District 1)

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

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

**Absent:** 2 - B. Lowenthal and Schipske

### **HEARINGS (9:38 PM)**

3. 08-1131 Recommendation to receive supporting documentation into the record, conclude the hearing and declare ordinance amending the Use District Map of the City of Long Beach from Douglas Aircraft District (PD-19) to Light Industrial (IL) read the first time and laid over to the next regular meeting of the City Council for final reading. (District 5)

Harvey Cochran spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, 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:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - B. Lowenthal

4. 08-1149 Recommendation to hold a public hearing and conclude the election of the property owners regarding the undergrounding of utilities between 5430 and 5544 The Toledo to be funded by Assessment District No. 08-01; adopt resolution overruling protests, determining results of the election; and

**A motion was made by Councilman Andrews, seconded by Councilmember DeLong, that the hearing be closed and the item be continued to the meeting of Tuesday, December 2, 2008. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

- 08-1150 Adopt resolution adopting the Engineer's Report, confirming assessments and ordering the improvements, if supported by the majority of votes in the election. (District 3)

James Champa, attorney, spoke.

**A motion was made by Councilman Andrews, seconded by Councilmember DeLong, that the hearing be closed and the item be continued to the meeting of Tuesday, December 2, 2008. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

#### **PUBLIC COMMENT (9:44 PM)**

Harvey Cochran spoke regarding a variety of issues.

Ben Rockwell spoke regarding air quality and truck parking in North Long Beach.

#### **CONSENT CALENDAR (9:50 PM)**



Passed The Consent Calendar

**A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve Consent Calendar Items 5-18. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

5. 08-1127 Recommendation to authorize agreement between the City of Long Beach and the law firm of Nossaman LLP to assist the City Attorney in connection with real estate litigation services.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. 08-1129 Recommendation to adopt resolution approving and authorizing the destruction of certain records, papers, and writings by Financial Management Department Treasury Bureau.  
**A motion was made to approve recommendation and adopt Resolution No. RES-08-0142 on the Consent Calendar.**  
**Enactment No:** RES-08-0142
7. 08-1130 Recommendation to adopt resolution approving and authorizing the destruction of certain records, papers, and writings by the Water Department.  
**A motion was made to approve recommendation and adopt Resolution No. RES-08-0143 on the Consent Calendar.**  
**Enactment No:** RES-08-0143
8. 08-1151 Recommendation to approve the City Council minutes for the meetings held Tuesday, October 14, 2008 and Tuesday, October 21, 2008; and the Study Session held Tuesday, October 28, 2008.  
**A motion was made to approve recommendation on the Consent Calendar.**
9. 08-1144 Recommendation to refer to City Attorney damage claims received between October 13, 2008 and November 3, 2008.  
**A motion was made to approve recommendation on the Consent Calendar.**
10. 08-1132 Recommendation to refer to hearing officer the consolidated appeal to business license and Entertainment Permit revocation by the Guadalupe
-

Perez, dba Mariscos Brite Spot, 1616 East Anaheim Street. (District 2)

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

11. 08-1133

Recommendation to authorize City Manager to execute the First Amendment to Permit No. 30285 with American Heritage Marine Institute, LLC, for a name change to Children's Maritime Foundation. (District 2)

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

12. 08-1134

Recommendation to receive and file the application of K V Mart Company, dba Top Valu Market 9, for a stock transfer of an Alcoholic Beverage Control License, at 421 Pacific Avenue, with existing conditions. (District 1)

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

13. 08-1135

Recommendation to receive and file the application of K V Mart Company, dba Top Valu Market 7, for a stock transfer of an Alcoholic Beverage Control License, at 2038 East 10th Street, with existing conditions. (District 2)

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

14. 08-1136

Recommendation to receive and file the application of Panama Joes Incorporated, dba Panama Joes, for a stock transfer of an Alcoholic Beverage Control License, at 5100-02 East 2nd Street, with existing conditions. (District 3)

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

15. 08-1137

Recommendation to authorize the acceptance and expenditure of the Next Generation Click It or Ticket Grant from the University of California, Berkeley Traffic Safety Center with funding from the State of California Office of Traffic Safety; and increase appropriations in the General Grants Fund (SR 120) and in the Police Department (PD) by \$39,047. (Citywide)

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

16. 08-1138

Recommendation to authorize City Manager to execute all necessary documents to receive and expend funding from the Solving Cold Cases with DNA 08 project cooperative agreement; and increase appropriations

in the General Grants Fund (SR) and in the Police Department (PD) by \$319,596. (Citywide)

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

17. 08-1139 Recommendation to adopt resolution ordering the summary vacation of a portion of an alley east of Termino Avenue and north of Wilton Street adjacent to 4141 - 4145 Wilton Street. (District 4)

**A motion was made to approve recommendation and adopt Resolution No. RES-08-0144 on the Consent Calendar.**

**Enactment No: RES-08-0144**

18. 08-1128 Recommendation to receive and file minutes of:  
Civil Service Commission - October 8, 15 and 22, 2008.  
Parks and Recreation Commission - September 18, 2008.  
Planning Commission - August 21, 2008.  
Water Commission - September 4, 18 and October 9, 2008.

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

#### **UNFINISHED BUSINESS (9:50 PM)**

19. 08-1049 Recommendation to approve submittal of the Draft 2008-2014 Housing Element of the General Plan to the California Housing and Community Development Department. (Citywide)

Distributed at the meeting: PowerPoint presentation - Draft 2008-2014 Housing Element.

Suzanne Frick, Assistant City Manager, spoke.

Craig Beck, Director of Development Services, provided a PowerPoint presentation.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Motion: That the draft housing element be laid over for 30 days.  
Moved by Schipske, seconded by Gabelich.

Councilmember DeLong spoke.

Motion: Substitution motion to approve recommendation.  
Moved by DeLong, seconded by Andrews.

Councilmember Reyes Uranga spoke.

Vice Mayor Lerch spoke.

Harvey Cochran spoke.

Ben Rockwell spoke.

Paul DeJong spoke.

Blake Christianson spoke.

Christine Jacoy spoke.

Gary Shelton spoke.

Sandra Kroll spoke.

Angela Reid spoke.

Bryan Russell spoke.

Clyde Graham spoke.

Suzanne Brown spoke.

Alex Bellehumer spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilmember S. Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lerch spoke.

Councilwoman Gabelich spoke.

**A second substitute motion was made by Councilwoman Gabelich, seconded by Councilmember O'Donnell, to approve staff recommendation with the following revisions: [1] strike the provisions relating to the location, by right, of homeless shelters in light industrial areas; [2] add a provision that homeless shelters be allowed, by right, in the Port Overlay Zone; and [3] request that staff respond in 30 days to each of the 15 questions raised by Legal Aid during the City Council meeting of October 14, 2008. The motion carried by the following vote:**

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

**No:** 3 - S. Lowenthal, Schipske and Reyes Uranga

**Absent:** 1 - B. Lowenthal

#### **REGULAR AGENDA (11:44 PM)**

- 20. 08-1152** Recommendation to request City Manager report back within thirty (30) days what steps can be taken to remove standing water from streets where residents report water has not drained within 24 hours. Such report should include steps by which a City Council office or resident or street sweeper can report the standing water; notification of the City Health Officer regarding the location of the standing water in order to determine whether or not the standing water presents a public health hazard and whether it needs to be referred to Vector Control; coordination with the Water Department to determine the source of the water and contact with residents on the street; and removal of the standing water by the City.

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

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

**Absent:** 1 - B. Lowenthal

- 21. 08-0397** Recommendation to City Council to concur in recommendation of the Transportation and Infrastructure Committee to receive and forward the presentation of the I-710 Community Livability Plan as referred by the I-710 Oversight Committee.
- A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, that the item be laid over 30 days, or until the meeting of Tuesday, December 16, 2008. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

- 22. 08-1140** Recommendation to authorize City Manager to execute any and all documents necessary for the Second Amendment to Office Lease No. 25822 with Jimmy Blair and Becky Blair, husband and wife in joint tenancy, successors by assignment to Topdanmark (California) Inc., for office space at 333 West Broadway, Suite 100, for the occupancy by the Long Beach Police Department, Internal Affairs Division, for a five-year term, at an initial monthly base rent of \$7,387. (District 1)

**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

**Absent:** 1 - B. Lowenthal

- 23. 08-1141** Recommendation to authorize City Manager to execute the Eleventh Amendment to Historical Site Lease No. 24291 with Rancho Los Alamitos Foundation to provide for the annual increase of the management fee to \$542,558. (District 3)

**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

**Absent:** 1 - B. Lowenthal

- 24. 08-1143** Recommendation to receive and file the application of Golden Star Family Restaurants Incorporated, dba Golden Star Family Restaurant No. 2, for an original Alcoholic Beverage Control License, at 2001 East Carson Street, with conditions. (District 7)

**A motion was made by Councilmember Reyes Uranga, 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

**Absent:** 1 - B. Lowenthal

- 25. 08-1145** Recommendation to authorize City Manager to sign all documents

necessary to execute an agreement with the County of Los Angeles, whereby the County will provide \$500,000 for installation of a low-flow sanitary sewer diversion pumping system at the Belmont Pump Station; accept the grant funding; and increase appropriations in the General Capital Projects Fund (CP) in the Department of Public Works (PW) by \$500,000. (District 3)

**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

**Absent:** 1 - B. Lowenthal

26. 08-1146

Recommendation to request City Attorney to prepare an ordinance to implement a pilot program to standardize news racks within the Naples commercial district. (District 3)

Vice Mayor Lerch 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

**Absent:** 1 - B. Lowenthal

27. 08-1147

Recommendation to authorize City Manager to execute all documents necessary to enter into Agreement No. 07-4825 with the California Department of Transportation (Caltrans) for a rehabilitation project along I-710 freeway within the City of Long Beach and execute any amendments thereto. (Districts 7,8,9)

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

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

**Absent:** 1 - B. Lowenthal

28. 08-1148

Recommendation to authorize City Manager to execute an agreement and amendments thereto with the Gateway Cities Council of Governments (GCCOG) regarding the administration and cost sharing of a coordinated monitoring plan for the Los Angeles River's Metals Total Maximum Daily Load (TMDL), with a contribution amount of \$31,166,

plus a 20 percent contingency, if needed and if available, over four years. (Citywide)

**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

**Absent:** 1 - B. Lowenthal

29. 08-1103

Recommendation to adopt list of projects for potential funding with Proposition 1B bond proceeds; authorize staff to apply to the State Department of Finance for release of Proposition 1B funds for these projects; increase appropriations in the Transportation Fund (SR 182) of the Department of Public Works (PW) by up to \$7,477,345; and amend the FY 09 Capital Improvement Program to reflect this increase of Proposition 1B funds into the Citywide Residential Street Repair Program. (Citywide)

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

**Absent:** 1 - B. Lowenthal

#### ORDINANCE (11:53 PM)

30. 08-1092

Recommendation to declare ordinance levying special taxes within the City of Long Beach Community Facilities District No. 2007-2 (Belmont Shore) read and adopted as read. (District 3)

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation and adopt Ordinance No. ORD-08-0030. The motion carried by the following vote:**

**Yes:** 7 - S. Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Absent:** 2 - B. Lowenthal and O'Donnell

**Enactment No:** ORD-08-0030

#### ANNOUNCEMENTS (11:53 PM)



Councilmember S. Lowenthal made community announcements.

Councilman Andrews made Community announcements.

Vice Mayor Lerch made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Reyes Uranga made community announcements.

**ADJOURNMENT (12:00 AM)**

At 12:00 A.M., Vice Mayor Lerch adjourned the meeting.

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Bonnie Lowenthal, 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

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## FINISHED AGENDA & DRAFT MINUTES

### ROLL CALL (3:35 PM)

**Councilmembers** B. Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga and  
**Present:** Lerch

**Councilmembers** S. Lowenthal, Andrews and Gabelich  
**Absent:**

Also Present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager;  
Robert Shannon, City Attorney; Larry Herrera, City Clerk; Allison Bunma, City Clerk  
Analyst.

Vice Mayor Lerch presiding.

### SPECIAL MEETING

- 08-1196 Recommendation to hold a study session regarding:
  - An Opportunity to Acquire, Preserve and Restore our Wetlands

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

Distributed at the meeting: Correspondence email from Dan Pressburg and Annie  
Greenfield-Wisner.

Larry Herrera, City Clerk, Spoke.

Pat West, City Manager, spoke.

Mike Conway, Director of Public Works, presented a PowerPoint presentation.

### SECOND ROLL CALL (3:40 PM)

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

**Councilmembers** Andrews  
**Absent:**

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

Phil Hester, Director of Parks, Recreation and Marine, continued the PowerPoint presentation.

Mike Conway, Director of Public Works, continued the PowerPoint presentation.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Mike Conway, Director of Public Works, spoke.

**PUBLIC (4:09 PM)**

Joray Zuckerman spoke.

Harvey Cochran spoke.

Ann Cantrell spoke.

Sandy Van Horne spoke.

Damien Pavehia spoke.

Cesar Castellanos spoke.

Joan Greenwood spoke.

Joan Chantren spoke.

John Taelifi spoke and submitted a correspondence.

Joe Ibarra spoke.

Brady Bartold spoke.

Johnny Stenson spoke.

Jack Smith spoke.

Heather Oakman spoke.

Lenny Arkinstall spoke.

Erik Zahn spoke.

Belinda Faustino spoke.

Thomas Marcasey spoke.

Vice Mayor Lerch spoke.

**THIRD ROLL CALL (4:45 PM)**

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

Andrews joined the meeting.

Mike Conway, Director of Public Works, spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Vice Mayor Lerch spoke.

**ADJOURNMENT (5:11 PM)**

At 5:11 P.M., Vice Mayor adjourned the meeting.

adb

Bonnie Lowenthal, 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

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## FINISHED AGENDA & DRAFT MIINUTES

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: Ceremonial presentations, Agenda Item Nos. 1, 2 and 16, Public Comment, Agenda Item No. 29, Consent Calendar, Agenda Item Nos. 5, 6, 17 - 25, and 27 - 35.

### ROLL CALL (5:29 PM)

**Councilmembers** B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske,  
**Present:** Andrews, Reyes 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; Michael Mais, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Vice Mayor Lerch presiding.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Presentation by the APGA to Long Beach Gas & Oil, "Gas Utility of the Year 2008" Award.

Pat West, City Manager, introduced several new managers.

Presentation by Assemblymember Warren Furutani.

Councilmember S. Lowenthal spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Proclamation for 100 Year Anniversary of Auditor's Office.

Laura L. Doud, City Auditor, spoke.

Presentation by Cape Verde Mayors.

Councilwoman Gabelich spoke.

Robert Barbosa spoke.

Presentation in Recognition of Councilmember Bonnie Lowenthal's service to the City of Long Beach.

Vice Mayor Lerch spoke.

Assemblymember Warren Furutani spoke.

Helene Hansel, representative from Senator Alan Lowenthal's office, spoke.

Pat West, City Manager, and Suzanne Frick, Assistant City Manager, spoke.

Chief Dave Ellis, Long Beach Fire Department, spoke.

Chief Anthony Batts, Long Beach Police Department, spoke.

Mario Cordero, Board of Harbor Commissioners, spoke.

Pat Brown, Long Beach Housing Authority, spoke.

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

Connie Ziebel, representative from County Supervisor Don Knabe's office, spoke.

Larry Herrera, City Clerk, spoke.

Phil Hester, Director of Parks, Recreation and Marine, spoke.

Richard Powers, Gateway Cities Council of Governments, spoke.

Lois Ledger, League of Women's Voters, spoke.

Dennis Head, IAM union representative, spoke.

Gladys Gutierrez spoke.

Councilmember O'Donnell spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilmember S. Lowenthal spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lerch spoke.

Nikki Tennant spoke.

Councilmember B. Lowenthal spoke.

Vice Mayor Lerch announced that Agenda Item No. 16 would be considered following the hearings; and that Agenda Item No. 29 would be consider at approximately 8:30 p.m.

### **HEARINGS (7:00 PM)**

1. 08-1089 Recommendation to receive supporting documentation into the record, conclude the hearing; adopt an urgency ordinance extending for six months a temporary limitation (moratorium) of construction and development activities in the Rancho Estates (PD-11) area; declaring the urgency thereof, and declaring this ordinance shall take effect immediately, read, adopted as read and laid over to the next regular meeting of City Council for final reading. (District 5)

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to declare Emergency Ordinance No. ORD-08-0031 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:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

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

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

**Enactment No:** ORD-08-0031

08-1090

Recommendation to receive supporting documentation into the record, conclude the hearing; adopt an urgency ordinance extending for six months a temporary limitation (moratorium) of construction and development activities in the Los Cerritos area; declaring the urgency thereof, and declaring this ordinance shall take effect immediately, read, adopted as read and laid over to the next regular meeting of City Council for final reading. (District 8)

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember O'Donnell, to declare Emergency Ordinance No. ORD-08-0032 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:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to declare emergency to exist. The motion carried by the following vote:**

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

**Enactment No:** ORD-08-0032

2. 08-1158

Recommendation to continue the public hearing for the vacation of a portion of Edison Avenue in the vicinity of the Pacific Harbor Line rail right-of-way south of Ninth Street to December 2, 2008. (District 1)

Vice Mayor Lerch spoke.

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

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

**PUBLIC COMMENT (8:25 PM)**



Jim Lewis spoke regarding housing element.

Harvey Cochran spoke regarding a variety of issues.

Helen Bushrod spoke regarding teen curfew and enforcement.

Mike Ruehle spoke regarding the Belmont Shore PBIA Commission.

Larry Herrera, City Clerk, spoke.

### **CONSENT CALENDAR (9:39 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 3-15, except for Items 5 and 6. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

3. 08-1182 Recommendation to receive and file report on travel to Davis, California to participate in a forum on energy efficiency, October 14, 2008.

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

4. 08-1157 Recommendation to adopt resolution approving and authorizing the destruction of certain records, papers, and writings by the Public Works Department Engineering Bureau.

**A motion was made to approve recommendation and adopt Resolution No. RES-08-0145 on the Consent Calendar.**

**Enactment No:** RES-08-0145

5. 08-1189 Recommendation to authorize City Manager to execute an agreement with the firm of Richards, Watson & Gershon, in the matter entitled Los Angeles Unified School District (LAUSD) School Site Writ, City of Long Beach vs. Los Angeles Unified, Case No. BS109101 and General CEQA.

Councilmember Reyes Uranga spoke.

Harvey Cochran spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, that the item be laid over to the meeting of Tuesday, December 2, 2008. The motion carried by the following vote:**

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

6. 08-1190 Recommendation to authorize City Manager to execute an agreement with the firm of Rutan & Tucker, LLP, in the matter entitled Airport EIR Litigation (Long Beach Unified School District vs. City of Long Beach, et al.), Case No. BS104281.

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

**Absent:** 1 - B. Lowenthal

7. 08-1184 Recommendation to refer to City Attorney damage claims received between November 3, 2008 and November 10, 2008.

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

8. 08-1160 Recommendation to authorize Workforce Investment Network to refund previous year grant funds to the California Employment Development Department totaling \$42,294. (Citywide)

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

9. 08-1161 Recommendation to adopt Specifications No. PA-00309 and award a contract to Trend Offset Printing Services, Inc., for the Parks, Recreation and Marine printed program schedules, in the estimated amount of \$120,000 for a period of one year, with the option of renewing for two additional one-year periods, at the discretion of the City Manager, with the option of adding expenditures up to 10 percent (or \$12,000) above the annual contract amount, if necessary and if funds are available. (Citywide)

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

10. 08-1162 Recommendation to adopt resolution authorizing City Manager, or designee, to execute a contract with Gen-Probe Sales and Service, Inc., to purchase diagnostic test kits for one year in an amount not to exceed \$100,000, with the option to extend the contract for two additional years at the discretion of the City Manager. (Citywide)
- A motion was made to approve recommendation and adopt Resolution No. RES-08-0146 on the Consent Calendar.**
- Enactment No: RES-08-0146**
11. 08-1163 Recommendation to receive and file the Long Beach Airport Advisory Commission Report for the period January 2007 - June 2008. (District 5)
- A motion was made to approve recommendation on the Consent Calendar.**
12. 08-1164 Recommendation to authorize City Manager to execute an amendment to the Agreement for Implementation of an Optimized Waterflood Program for the Long Beach Unit that allows for enhanced oil recovery methods other than water injection. (Districts 1,2,3)
- A motion was made to approve recommendation on the Consent Calendar.**
13. 08-1165 Recommendation to authorize City Manager to execute the amendment to the agreement (Amendment) with Occidental Long Beach, Inc. to develop the oil reserves from State lease No. PRC 186 to increase the number of wells allowed, refine the cost allocation associated with injection wells, define the priority of the use of equipment and facilities, and define the payment of well fees. (Districts 1,2,3)
- A motion was made to approve recommendation on the Consent Calendar.**
14. 08-1166 Recommendation to authorize City Manager to approve the donation of a surplus lawnmower (unit No. 14185) and a sweeper (unit No. 14027) to the Long Beach Unified School District. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
15. 08-1167 Recommendation to receive and file the application of The Molly Brown LLC, dba The Paradise, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1800 East Broadway, with existing conditions. (District 2)

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

**REGULAR AGENDA (9:49 PM)**

- 16. 08-0882** Recommendation to City Council to concur in recommendation of the Elections Oversight Committee that the draft lobbyist ordinance be received and approved.

Distributed at the meeting: Estimated Administrative Costs for Lobbyist Ordinance, prepared by Larry Herrera, City Clerk.

Councilmember B. Lowenthal spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Harvey Cochran spoke.

Lois Ledger, League of Women's Voters, spoke.

Phyllis O'Connor, League of Women's Voters, spoke.

Lori Zostrom, Long Beach Chamber, spoke.

Jim Lewis, CEO of Long Beach Rescue Mission, spoke.

Ernie Vitmar, Sierra Club, spoke.

Jean Ross, Long Beach Non-Profit Partnership, spoke.

Doug Haulbert, member of the Ethic Task Force, spoke.

Betty Ann Downey, attorney, spoke.

Nancy Alsweet, Director of Apartment Owners Association, spoke.

Jack Smith spoke.

Mike Ruehle spoke.

Mike Murchison spoke.

Councilmember O'Donnell spoke.

Councilmember B. Lowenthal spoke.

Motion: Approve recommendation, except for the provisions relating to registration, and client and delinquency fees, which would be considered further at a later date.

Moved by B. Lowenthal, seconded by Schipske.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

Councilmember S. Lowenthal spoke.

Vice Mayor Lerch spoke.

Councilmember B. Lowenthal spoke.

Vice Mayor Lerch spoke.

**A substitute motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, that the item be received and field. The motion carried by the following vote:**

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

**No:** 2 - B. Lowenthal and Schipske

17. 08-1168

Recommendation to approve the Magnolia Industrial Group Property and Business Improvement District Annual Report and Assessment for the period of December 1, 2008 through November 30, 2009, automatically extending the current agreement with the Magnolia Industrial Group, Inc. for a one-year period. (District 1)

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

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

**Absent:** 1 - B. Lowenthal

18. 08-1052

Recommendation to authorize City Manager to execute an agreement, and any subsequent amendments, to provide law enforcement and security services to Long Beach Community College District for a period of three years. (Districts 5,6)

**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

**Absent:** 1 - B. Lowenthal

- 19. 08-1169** Recommendation to approve the amendment to Fiscal Year 2008 - 2009 Action Plan incorporating the Neighborhood Stabilization Program (NSP); authorize City Manager to execute all necessary documents with the U.S. Department of Housing and Urban Development (HUD) and other entities necessary to receive NSP funds; increase appropriations in the Community Development Grants Fund (SR 150) in the Department of Community Development (CD) by \$5,070,310; and acquire and dispose of properties related to the NSP. (Citywide)

Councilwoman Gaelich spoke,

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

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

**Absent:** 2 - B. Lowenthal and DeLong

- 20. 08-1170** Recommendation to adopt resolution making certain findings regarding the construction of certain public improvements at 2125 East Spring Street, with funds from the North Redevelopment Project Area. (District 5)

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-08-0147. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

**Enactment No:** RES-08-0147

- 21. 08-1173** Recommendation to authorize City Manager to execute a Third

Amendment to Contract No. 29198 with Aramark Correctional Services, Inc., for the purchase of frozen meals and food services for the Long Beach jail inmates for the period of October 1, 2008 to September 30, 2009 at an estimated cost of \$350,000, with the option of adding expenditures up to 10 percent (or \$35,000) above the contract amount, if necessary and if funds are available. (District 2)

**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

**Absent:** 1 - B. Lowenthal

22. 08-1174

Recommendation to adopt Specifications No. PA-00109 and award contracts to Fleming Environmental, Inc., and Tafoya & Associates, Inc., for the installation of Healy Enhanced Vapor Recovery (EVR) systems and upgrades to seven fueling sites in the estimated amount of \$470,510 for a period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager, with the option of adding expenditures up to 15 percent (or \$70,600) above the contract amount, if necessary and if funds are available. (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 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Absent:** 2 - B. Lowenthal and S. Lowenthal

23. 08-1175

Recommendation to adopt resolution declaring a shelter crisis, suspending applicable provisions of local law, including those contained in the City's zoning ordinances and regulations, and authorizing the operation of a winter shelter between the dates of December 1, 2008 and March 31, 2009; and

Authorize City Manager to execute any and all documents necessary for a lease between the Roman Family Trust (Lessor) and the City (Lessee) and a sublease between the City (Sublessor) and the Long Beach Rescue Mission (Sublessee) and any amendments at the discretion of the City Manager for approximately 6,900 rentable square feet of industrial space at 2235 Lemon Avenue at the monthly base rent of \$5,175 for use as a winter shelter. (District 6)

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Jim Lewis, CEO of Long Beach Rescue Mission, spoke.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-08-0148. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

**Enactment No:** RES-08-0148

**24. 08-1176**

Recommendation to authorize City Manager to execute a contract with Agreement Dynamics, Inc., in the amount up to \$150,000 plus up to a 10 percent contingency, if necessary and if funds are available at the discretion of the City Manager, to assist with facilitation of labor negotiations and training in the City for a one-year period with the option of extending the term for up to two additional years. (Citywide)

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Steve James, Police Officers Association, spoke.

Dennis Head, IAM union representative, spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Reyes Uranga, to approve recommendation for a one year contract only. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

**25. 08-1177**

Recommendation to authorize City Manager to execute the Ninth Amendment to the Long Beach Harbor Tidelands Parcel and Parcel "A" Oil Contract to modify the pricing of oil. (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

**Absent:** 1 - B. Lowenthal

26. 08-1178

WITHDRAWN

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

**This Agenda Item was withdrawn.**

27. 08-1180

Recommendation to adopt resolution approving the Termino Avenue Drain Project (TADP) as designed by Los Angeles County; authorizing City Manager to sign all documents necessary to execute the City-County Cooperative Agreement with Los Angeles County for construction of the TADP; and adopting a responsible agency environmental finding pursuant to the California Environmental Quality Act (CEQA). (Districts 3,4)

Councilmember Reyes uranga spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-08-0149. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

**Enactment No:** RES-08-0149

28. 08-1181

Recommendation to request City Attorney to draft ordinances and amendments as needed to modify various sections of the Long Beach Municipal Code as recommended in Exhibits A and B, to provide more clarity as to applicable regulations, and to provide the City Traffic Engineer with additional authority and flexibility in the implementation of traffic and parking controls. (Citywide)

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske 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

**Absent:** 1 - B. Lowenthal

**ORDINANCES (10:22 PM)**

**29. 08-1188** Recommendation to declare ordinance amending and restating in its entirety Title 9, Chapter 9.66 of the Long Beach Municipal Code entitled "Residency Restrictions for Sex Offenders" read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Robert Shannon, City Attorney, spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Thomas Reeves, City Prosecutor, spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Bill Blair, Long Beach Police Department, spoke.

Thomas Reeves, City Prosecutor, spoke.

Vice Mayor Lerch spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Nancy Alsweet, Director of Apartment Owners Association, spoke.

Councilmember S. Lowenthal spoke.

Harvey Cochran spoke.

Gary Shelton spoke.

John Sparling spoke.

Don Wagner spoke.

Margarie Landers spoke.

Jim Lewis spoke.

Helen Bush spoke.

Mike Wilson spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilmember DeLong, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

30. 08-1009

Recommendation to declare ordinance amending the Use District Map of the City of Long Beach as said map has been established and amended by amending portions of Part 5 of said Map from R-3-S (Three Family Residential) to R-4-U (High Density, Multi-Family Residential) (RZ-0803-05), read and adopted as read. (District 8)

**A motion was made by Councilwoman Gabelich, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-08-0033. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

**Enactment No:** ORD-08-0033

31. 08-1131

Recommendation to declare ordinance amending the Use District Map of the City of Long Beach as said Map has been established and amended

by amending portions of Part 17 of said Map from Douglas Aircraft District (PD-19) to Light Industrial (IL), read and adopted as read. (District 5)

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation and adopt Ordinance No. ORD-08-0034. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

**Enactment No:** ORD-08-0034

**NEW BUSINESS (10:23 PM)**

**32. 08-1198** Recommendation to request City Council adopt resolution opposing Federal Legislation regarding Longer Combination Vehicles and supporting the Safe Highway and Infrastructure Preservation Act (SHIPA, H.R. 3929).

**A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-08-0150. The motion carried by the following vote:**

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

**Absent:** 1 - B. Lowenthal

**Enactment No:** RES-08-0150

**33. 08-1199** Recommendation to request City Manager to explore and come back with a report regarding the feasibility of the following:

1. Purchase and development of a site situated west of the I-710 Freeway and north of the 405 Freeway.
2. "Active" playing fields (soccer primarily but also baseball and football) on the remaining City-owned 18-acre plot of the Sports Park or Hilltop area.
3. "Active" playing fields on the Wrigley Heights area which should be considered with the input from the neighborhood.
4. Expediting park and recreation improvements in the West Long Beach area in order to ease the overcrowding.

Kendall Rainwater spoke.

Richard Gutherin spoke.

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

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

**Absent:** 1 - B. Lowenthal

**34. 08-1179**

Recommendation to receive and file report on additional Fiscal Year 2009 revenue enhancement or expenditure reduction opportunities, if any, in particular from those departments that did not take a 10 percent reduction, in order to restore funding for Park Rangers. (Citywide)

Distributed at the meeting: Correspondence from Joan Noble.

Motion: Approve recommendation.  
Moved by DeLong, seconded by S. Lowenthal.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.  
Steve James, Police Officers Association, spoke.

Motion: Substitute motion that the item be laid over to the meeting of Tuesday, December 2, 2008, and request staff to return with a report concerning recommendation to look at the departments that had not taken the 10% cut for potential sources to fund park rangers.  
Moved by Reyes Uranga, seconded by O'Donnell.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Anne Cantrell spoke.

Chris Ward spoke.

Unidentified woman spoke.

Jack Smith spoke.

Councilwoman Gabelich spoke.

Suzanne Frick, Assistant City Manager, spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

**A second substitute motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, that the item be laid over to the meeting of Tuesday, December 2, 2008. The motion carried by the following vote:**

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

**No:** 1 - DeLong

**Absent:** 1 - B. Lowenthal

**35. 08-1200**

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

Motion: Substitute motion to approve recommendation.  
Moved by DeLong, seconded by O'Donnell.

Councilwoman Gabelich spoke.

Motion: Second substitute motion that the item be laid over until questions are answered.  
Moved by Reyes Uranga, seconded by Gabelich.

Councilwoman Gabelich spoke.

Anne Cantrell spoke.

Richard Gutherin spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

The second substitute and the substitute motions were withdrawn by the makers and Councilwoman Gabelich amended her original motion to lay over to December 9, 2008.

**A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, that the item be laid over to the meeting of Tuesday, December 9, 2008. The motion carried by the following vote:**

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

**No:** 1 - DeLong

**Absent:** 1 - B. Lowenthal

#### **ANNOUNCEMENTS (11:24 PM)**

Councilwoman Schipske made community announcements.

Councilmember Reyes Uranga requested that the meeting be adjourned in memory of Manny Marquez and Syed Rushdy; and made community announcements.

Councilwoman Gabelich made community announcements.

#### **ADJOURNMENT (11:30 PM)**

At 11:30 P.M., Vice Mayor Lerch adjourned the meeting in memory of Manny Marquez and Syed Rushdy.

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**LONG BEACH MUNICIPAL CODE  
SECTION PERTAINING TO MASS MAILINGS**

**Chapter 1.26      MASS MAILINGS**

**1.26.010      Mass mailings by candidates at public expense prohibited.**

A. No mass mailing and no television or radio program shall be prepared, produced, printed, sent, broadcast, transmitted, delivered or distributed at public expense by or on behalf of any person holding the office of mayor or city council member to any person residing within the jurisdiction from which the officer was elected or to which he or she seeks election after any such officer has filed the nomination documents as defined in section 1.25.010 of the Long Beach Municipal Code or section 333 of the California Elections Code, whichever is applicable, for any local, state or federal office.

B. "Mass mailing" as used in this section means two hundred or more substantially similar documents, including but not limited to, any newsletter, report, survey or questionnaire, except:

(1) mail which is sent in response to an unsolicited letter or other inquiry; or

(2) any announcement, notice or invitation to an elected officer's constituents concerning a public meeting which is directly related to the elected officer's incumbent governmental duties, which is to be held by the elected officer and which the elected officer intends to attend; or

(3) any announcement, notice or invitation to any official agency event or events for which the city is providing its facilities, its staff or other financial support.

C. Any such notice or announcement may be printed on the elected officer's stationery and shall only include information which is pertinent to the purpose of the public meeting or event, such as, the date, time and place, description of the subject matter, identification of speakers or participants, an explanation of the problems or issues, directions to the location of the meeting, and a telephone number to call for additional information. The notice or announcement may include the name of the elected officer set forth in the letterhead, and on the return address portion of the envelope or post card, as well as a single mention of the elected officer's name in the body of the notice or announcement. Any said notice or announcement may not include the elected officer's signature or photograph.

D. Any violation of this section shall be deemed to constitute an infraction as provided in section 17 of the California Penal Code, and penalties for such infraction shall be as set forth in subsection 19.8 of the Penal Code. (Ord. C-7010 § 1, 1992)