



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

**C-4**

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March 18, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Approve the City Council and the Study Session minutes for the meetings held Tuesday, March 11, 2008.

**DISCUSSION**

The Legistar minutes of the City Council and the Study Session for the meetings held Tuesday, March 11, 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, Vice Mayor, 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, 9th District

Robert E. Shannon, City Attorney

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## FINISHED AGENDA & DRAFT MINUTES

### ROLL CALL (3:45 PM)

**Councilmembers** Schipske, Andrews, Gabelich and Lerch  
**Present:**

**Councilmembers** B. Lowenthal, S. Lowenthal, DeLong, O'Donnell and Reyes  
**Absent:** Uranga

Also present: Partick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Heather Mahood, Chief Assistant City Attorney; Laura Doud, City Auditor; Larry Herrera, City Clerk; Allison Bunma, City Clerk Analyst.

Mayor Foster presiding.

1. 08-0221 Study Session regarding Public/Private Partnerships for Transportation Improvements.

Michael Conway, Director of Public Works, spoke.

Mike Murchinson spoke.

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

**SECOND ROLL CALL (3:47 PM)**

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

**Councilmembers Absent:** B. Lowenthal, DeLong and Reyes Uranga

S. Lowenthal joined the meeting. O'Donnell joined the meeting.

Scott Weiss spoke.

Robert Ardolino presented a PowerPoint presentation.

Mayor Foster spoke.

Michael Conway, Director of Public Works, spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilman Andrews spoke.

Mayor Foster spoke.

**PUBLIC (4:00 PM)**

Harvey Cochran spoke.

Brynn Baird Kernaghan spoke.

**ADJOURNMENT (4:04 PM)**

At 4:04 PM, Mayor Foster adjourned the meeting.

adb

Bonnie Lowenthal, Vice Mayor, 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, 9th District

Robert E. Shannon, City Attorney

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## FINISHED AGENDA & DRAFT MINUTES

### ROLL CALL (5:02 PM)

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

**Councilmembers** B. Lowenthal and Reyes Uranga  
**Absent:**

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

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Mayor Foster announced the changes to the order of presentations; and that Agenda Items 18, 22 and 23 will be considered prior to the hearings.

Pet Adoption: Kathy Schofield, spcaLA, presented a feline.

Presentation on Smithonsian Week. (5:20 PM)

Proclamation presented to the Los Angeles Police Emerald Society (LAPES). (5:06 PM)

Councilmember O'Donnell spoke.

Proclamation presented to the McCartan School of Irish Dance. (5:11 PM)

Councilmember O'Donnell spoke.

Agenda Item Nos. 18, 22 and 23 were considered at this time, and in this order.

**CONTINUED HEARINGS (6:52 PM)**

1. 08-0106 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Permit with conditions for an Entertainment Permit with Dancing by Patrons at Frisco's Food Services, Inc., dba Frisco's Restaurant, 4750 Los Coyotes Diagonal. (District 4)

Christopher Frisco spoke and submitted correspondence for the record.

Councilmember O'Donnell spoke.

Joanne Frisco Stathoulis spoke.

Councilmember DeLong spoke.

Anthony Batts, Police Chief, spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilman Andrews spoke.

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

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

**Absent:** 3 - B. Lowenthal, Reyes Uranga and Lerch

2. 08-0184 Recommendation to receive supporting documentation into the record, and open the public hearing to receive public comment.

Adopt resolution calling for a special election regarding public improvements authorized to be financed by Community Facilities District No. 5 (Long Beach Towne Center);

Councilwoman Schipske spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0026. The motion carried by the following vote:**

**Yes:** 5 - S. Lowenthal, DeLong, O'Donnell, Schipske and Gabelich

**Absent:** 4 - B. Lowenthal, Andrews, Reyes Uranga and Lerch

**Enactment No:** RES-08-0026

08-0185

Adopt resolution declaring the results of the special election and directing recording of an amendment to the notice of special tax lien for Community Facilities District No. 5 (Long Beach Towne Center); and

Larry Herrera, City Clerk, opened the single ballot envelope and announced the results.

**A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0027. The motion carried by the following vote:**

**Yes:** 5 - S. Lowenthal, DeLong, O'Donnell, Schipske and Gabelich

**Absent:** 4 - B. Lowenthal, Andrews, Reyes Uranga and Lerch

**Enactment No:** RES-08-0027

08-0186

Adopt resolution authorizing the issuance of special tax bonds for Community Facilities District No. 5 (Long Beach Towne Center), and approving related documents. (District 5)

**A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0028. The motion carried by the following vote:**

**Yes:** 5 - S. Lowenthal, DeLong, O'Donnell, Schipske and Gabelich

**Absent:** 4 - B. Lowenthal, Andrews, Reyes Uranga and Lerch

**Enactment No:** RES-08-0028

### HEARING (7:15 PM)

3. 08-0187 Recommendation to receive supporting documentation into the record; find that the public convenience and necessity requires the continued operation of pedicabs as described in the application for amendment; and authorize City Manager to (i) retroactively extend the term of the

permit granted to Long Beach Pedicabs, LLC to operate pedicabs for a period of one additional year and (ii) expand the area in which Long Beach Pedicabs, LLC is authorized to operate. (Districts 1,2)

Doug Bailey spoke.

Gabrielle Weeks spoke.

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

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

**Absent:** 3 - B. Lowenthal, Reyes Uranga and Lerch

**PUBLIC COMMENT (7:19 PM)**

Harvey Cochran spoke regarding a variety of issues.

Nick Sramek, Harbor Commissioner, spoke regarding the clean trucks program.

Larry Goodhue spoke regarding marine stadium.

**SECOND ROLL CALL (7:28 PM)**

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

**Councilmembers** Reyes Uranga  
**Absent:**

B. Lowenthal joined the meeting.

John Cross spoke regarding clean air on the westside.

Karl Miller spoke regarding a lost pet web site.

Janiel Fredrick spoke regarding the proposed homeless center at Schroeder Hall.

Councilwoman Gabelich spoke.

Doug Korthof spoke regarding Port pollution, refineries and AQMD.

Dr. Jayendra A. Shah spoke regarding Ocean Boulevard traffic and pollution.

Oscar Torelo spoke on behalf of the truck drivers in attendance and the proposed Port program.

Carl Kemp spoke regarding the Port and the environmental concerns.

Mayor Foster spoke.

**CONSENT CALENDAR (7:54 PM)**

Passed The Consent Calendar

**A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to approve Consent Calendar Items 4-15. The motion carried by the following vote:**

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

**Absent:** 2 - Reyes Uranga and Lerch

4. 08-0205 Recommendation to receive and file report on the Federal Legislative trip from February 25 - 27, 2008, to Washington, D.C.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. 08-0225 Recommendation to receive and file report on attendance at the Independent Cities Association Seminar from February 8 - 10, 2008, in Santa Barbara, CA.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. 08-0222 Recommendation to authorize City Attorney to submit Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay 1) \$18,317.50, 2) \$2,520 and 3) \$49,450 for the claim of Parine Soth; and \$69,742.50 for the claim of Robert Wynne in compliance with the Appeals Board Orders.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. 08-0228 Recommendation to authorize City Attorney to pay the sum of \$10,000 in full settlement of lawsuit entitled Aguiar v. City of Long Beach, Case No. NC038731.



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

8. 08-0224 Recommendation to approve the City Council minutes for the meeting held Tuesday, March 4, 2008.

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

9. 08-0223 Recommendation to refer to City Attorney damage claims received between February 28, 2008 and March 6, 2008.

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

10. 08-0200 Recommendation to authorize City Manager to execute an agreement with the California Franchise Tax Board (FTB) for records obtained from the FTB Taxpayer Information System and Business Entity Tax System, at a cost of \$10,781, with a term of April 1, 2008 through December 31, 2008. (Citywide)

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

11. 08-0190 Recommendation to authorize City Manager to execute a first amendment to Agreement No. 30224 with CJ Tech Construction, Inc., for \$85,371; extend the term through completion of repairs of the Bixby Park Band Shell; execute any future documents necessary to complete the reconstruction project; decrease appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$11,916; and increase appropriations in the Capital Projects Fund (CP) in the Department of Parks, Recreation and Marine (PR) by \$11,916. (District 2)

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

12. 08-0201 Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the State of California Governor's Office of Emergency Services Paul Coverdell Forensic Sciences Improvement Program grant; and increase appropriations in the General Grants Fund (SR) and in the Police Department (PD) by \$14,915. (Citywide)

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

13. 08-0202 Recommendation to receive and file the application of Joshua 26 Enterprises Incorporated, dba La Bodega Mexicana 2, for a

person-to-person transfer of an Alcoholic Beverage Control License, at 5575 Atlantic Avenue, with existing conditions. (District 8)

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

14. 08-0203 Recommendation to find that all requirements of the final subdivision map for condominium conversion have been satisfied and approve the final map for Tract No. 66070 located south of Sixth Street and west of Cherry Avenue. (District 2)

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

15. 08-0213 Recommendation to receive and file minutes of:  
Civil Service Commission - February 27, 2008.  
Planning Commission - January 3 and 17, 2008.

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

**UNFINISHED BUSINESS (7:54 PM)**

16. 08-0195 Recommendation to receive and file the application of Bai Plu Thai & Aki Sushi Bar Incorporated, dba Bai Plu Thai & Sushi Bar, for an original Alcoholic Beverage Control License, at 2119 North Bellflower Boulevard, with conditions. (District 4)

**A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to approve recommendation, with an additional condition that trash dumping not be allowed after 12:30 A.M. The motion carried by the following vote:**

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

**Absent:** 2 - Reyes Uranga and Lerch

**REGULAR AGENDA (5:29 PM)**

17. 08-0204 Recommendation to request City Attorney's office to prepare such an ordinance governing the formation of utility undergrounding assessment districts.

John Keeting spoke.

Councilmember O'Donnell requested that the City Manager provide the Council with a memo on the topic of underground utility assessment district formation.

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

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

**Absent:** 2 - Reyes Uranga and Lerch

Agenda Item No. 18 was considered following the presentations and prior to Agenda Item No. 22.

- 18. 08-0229** Recommendation to receive and file the report on the Emergency Preparedness Task Force of Kingdom Causes on their efforts to coordinate emergency preparedness among neighbors by mobilizing worship centers to be equipped and trained in the event of a large-scale emergency.

Councilwoman Gabelich spoke.

Brad Fieldhouse, representing Kingdom Causes, spoke.

Bianca Sovich spoke.

Councilwoman Gabelich spoke.

Ben Rockwell spoke.

Doug Korthof spoke.

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

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

**Absent:** 2 - B. Lowenthal and Reyes Uranga

- 19. 08-0208** Recommendation to receive supporting documentation into the record regarding the Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing; and adopt resolution approving the issuance of revenue bonds by the California Statewide Communities Development Authority (CSCDA) to benefit the Retirement Housing Foundation (RHF) in an amount not to exceed \$45,000,000. (District 8)

**A motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-08-0029. The motion carried by the following vote:**

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

**Absent:** 3 - B. Lowenthal, Reyes Uranga and Lerch

**Enactment No:** RES-08-0029

**20. 08-0207**

Recommendation to approve and adopt the Long Beach Unit Annual Plan (July 1, 2008 - June 30, 2009). (Citywide)

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

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

**Abstentions:** 1 - B. Lowenthal

**Absent:** 2 - Reyes Uranga and Lerch

**21. 08-0209**

Recommendation to request City Attorney to prepare, and authorize City Manager to execute an amendment to the Southeast Resource Recovery Facility (SERRF) Operations and Maintenance Agreement No. 23336 with Montenay Pacific Power Corporation, now known as Veolia ES Long Beach Corporation. This amendment will allow for the installation of a detonation boiler cleaning system at a cost to the contractor of approximately \$2.4 million, the extension of the Agreement term by approximately six years, and the recognition of the contractor's name change from Montenay Pacific Power Corporation to Veolia ES Long Beach Corporation. (District 2)

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

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

**Absent:** 2 - Reyes Uranga and Lerch

## **ORDINANCES (5:49 PM)**

Agenda Item No. 22 was considered following Agenda Item No. 18 and prior to Agenda Item No. 23.

22. 08-0212

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Subsection 2.03.025 relating to City Council meeting notice and agenda requirements (Version A or Version B) read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Councilmember S. Lowenthal spoke.

Motion: Approve recommendation for Version A.  
Moved by S. Lowenthal, seconded by Andrews.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Motion: Substitute motion that the item be laid over one week  
Moved by Gabelich, seconded by Schipske.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilmember S. Lowenthal spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilmember Lerch spoke.

Councilmember S. Lowenthal spoke.

**A second substitute motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, to approve recommendation to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading for Version A, with an amendment to Section 1, d. 7 - "a request in writing by three Councilmembers that immediate action be taken in order to avoid an adverse impact which would occur if the action were deferred." The motion carried by the following vote:**

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

**Noes:** 1 - Gabelich

**Absent:** 2 - B. Lowenthal and Reyes Uranga

Agenda Item No. 23 was considered following Agenda Item No. 22 and prior to Hearing No. 1.

- 23. 08-0214** Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 21.67, which establishes residency requirements for sex registrants, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)
- Cristyl Meyers, Deputy City Attorney. spoke.
- Jerry Jensen spoke.
- Cristyl Meyers, Deputy City Attorney, spoke.
- Councilmember S. Lowenthal spoke.
- Harvey Cochran spoke.
- Marge Landress spoke.
- Tom Reeves, City Prosecutor, spoke.
- Councilmember Lerch spoke.
- Cristyl Meyers, Deputy City Attorney, spoke.
- Nancy Alsweet spoke.
- Helen Bush spoke.
- Donald Sims spoke.
- Councilmember O'Donnell spoke.
- Councilwoman Gabelich spoke.
- Councilmember S. Lowenthal spoke.
- Councilwoman Schipske spoke.

Councilmember Lerch spoke.

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

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

**Absent:** 2 - B. Lowenthal and Reyes Uranga

**NEW BUSINESS (8:07 PM)**

24. Affidavits of Service for the special meetings of Tuesday, March 11, 2008.

**ANNOUNCEMENTS (8:07 PM)**

Councilmember O'Donnell made community announcements.

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilwoman Gabelich made community announcements; and requested that the meeting be adjourned in memory of Bryan "Whitey" Littlefield.

Vice Mayor B. Lowenthal made community announcements and commented regarding Bryan "Whitey" Littlefield.

**PUBLIC (8:13 PM)**

Terry Jensen spoke regarding Schroeder Hall project.

Councilwoman Schipske spoke.

Ian McMahan spoke regarding the Schroeder Hall project.

Ben Rockwell spoke regarding the State budget.

08-0230 Bill Lyte spoke and submitted an article entitled, Long Beach - Center for Maritiem Technology.

**This Handout was received and filed.**

Elizabeth Warren spoke regarding the Port's Clean Trucks Program.

Hudson Warren spoke in support of the Port's plan for clean trucks.

Michael Liteman spoke on behalf of Harbor Truckers.

Donald Sims spoke.

Elliott Gonzalez spoke regarding efforts to clean air and improving the park area with plants.

Mayor Foster spoke.

**ADJOURNMENT (8:36 PM)**

At 8:36 P.M., Mayor Foster adjourned the meeting in memory of Bryan "Whitey" Littlefield.

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