

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



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

Bob Foster, Mayor

Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, Vice Mayor, 9th District

Robert E. Shannon, City Attorney

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## FINISHED AGENDA & MINUTES

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

Agenda Items for this meeting were considered in the order presented, with the exception of Agenda Item No. 20 which was considered following the Consent Calendar and prior to Agenda Item No. 15.

### ROLL CALL (5:09 PM)

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

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

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Vice Mayor Val Lerch, Councilmember, Ninth District.

Julie Pruitt, spcaLA, presented a canine.

Mayor Foster announced that Agenda Item No. 17 would be withdrawn and continued to the January 20, 2009 meeting; and that Agenda Item No. 20 would be considered following the hearing.

Recognition of Asian Food Trade Association for their contribution to Community Action Partnership.

Councilmember Reyes Uranga spoke.

**HEARING (5:19 PM)**

1. [09-0001](#) Recommendation to receive supporting documentation into the record, conclude the hearing; adopt an urgency ordinance extending a temporary limitation (moratorium) on all check cashing uses Citywide for six months; 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. (Citywide)

Councilmember Reyes Uranga spoke.

Motion: That the moratorium not be extended and that staff be instructed to bring into compliance the 106 unlicensed businesses within the City. Moved by Reyes Uranga, seconded by Lerch.

Councilman Andrews spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lerch spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Motion: Substitute motion to approve recommendation for a 90 day extension of moratorium. Moved by Gabelich, motion failed due to lack of second.

Councilmember Reyes Uranga spoke.

Mike Mais, Assistant City Attorney, spoke.

Harvey Cochran spoke.

Christine Burford spoke.

Ben Rockwell spoke.

Francis Emily Dawson Harris spoke.

Liana Molina, California Reinvestment Coalition, spoke.

Claudette Powers spoke.

Naomi Rainey, Long Beach Chapter of NAACP, spoke.

Tina Prado spoke.

Adama Iwu spoke.

Sergio Carrillo spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

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

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

**No:** 2 - Schipske and Andrews

**PUBLIC COMMENT (6:06 PM)**

[09-0046](#)

Harvey Cochran spoke concerning a property management company renting garages and submitted correspondence.

**This Handout was received and filed.**

Becky Burson spoke regarding commercial vehicle municipal code.

[09-0048](#)

Ben Rockwell spoke regarding ADA and submitted correspondence and took issue with the Legislative agenda listing approved at the December 16, 2008 meeting.

**This Handout was received and filed.**

Councilwoman Gabelich spoke.

[09-0047](#) Larry Goodhue spoke and submitted correspondence regarding dismissal of the City Manager.

**This Handout was received and filed.**

Francis Emily Dawson Harris spoke regarding ADA concerns.

Karen Thompson spoke regarding commercial vehicle code.

Janae Knight spoke regarding commercial vehicle code.

### **CONSENT CALENDAR (6:33 PM)**

Passed The Consent Calendar

**A motion was made by Councilwoman Gabelich, seconded by Councilmember DeLong, to approve Consent Calendar Items 2-14. The motion carried by the following vote:**

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

**Absent:** 2 - Andrews and Lerch

2. [09-0003](#) Recommendation to receive and file a report on travel to Chicago, IL to meet with President-elect Obama's transition team as a member of the United States Conference of Mayors delegation, December 17 - 18, 2008.

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

3. [09-0004](#) Recommendation to authorize City Manager to execute a 9th amendment to the agreement with the firm of Ezra, Brutzkus, Gubner, LLP, in the matter entitled Queens Seaport Development, Inc, Case No. LA 05-1575VZ.

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

4. [09-0005](#) Recommendation to authorize City Manager to execute a 12th amendment to the agreement with The Law Offices of M. Brian McMahon, in the matter entitled Long Beach Oil Development Company vs. City of Long Beach, Case No. CV 03-6655; and Long Beach Oil Development Company vs. City of Long Beach, Case No. BC 375503.

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

5. [09-0006](#) Recommendation to adopt minute order to grant an application from Phyllis L. Hepler for a widow's pension.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. [09-0007](#) Recommendation to approve the City Council minutes for the meetings held Tuesday, December 9, 2008 and Tuesday, December 16, 2008.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. [09-0008](#) Recommendation to refer to City Attorney damage claims received between December 8, 2008 and December 29, 2008.  
**A motion was made to approve recommendation on the Consent Calendar.**
8. [09-0009](#) Recommendation to refer to hearing officer the appeal of business license revocations by 2706 South Street, LLC, dba Ajas, located at 2706 South Street. (District 9)  
**A motion was made to approve recommendation on the Consent Calendar.**
9. [09-0010](#) Recommendation to authorize City Manager to execute second amendments to Lease Nos. 21436 and 27371, with the Greater Long Beach Girl Scout Council, a California nonprofit corporation, for a name change to Girl Scouts of Greater Los Angeles. (Districts 3,5)  
**A motion was made to approve recommendation on the Consent Calendar.**
10. [09-0011](#) Recommendation to receive and file the application of Ocean Deli & Bistro Incorporated, dba Ocean Deli & Bistro, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1900 East Ocean Boulevard, with existing conditions. (District 2)  
**A motion was made to approve recommendation on the Consent Calendar.**
11. [09-0012](#) Recommendation to receive and file the application of Michael Vu Nguyen, dba The Host Shop, for a person-to-person transfer of an Alcoholic Beverage Control License, at 2265 North Lakewood Boulevard, with existing conditions. (District 5)  
**A motion was made to approve recommendation on the Consent Calendar.**

12. [09-0013](#) Recommendation to receive and file the application of Jojo Incorporated, dba Baba Ghanouj, for a person-to-person transfer of an Alcoholic Beverage Control License, at 4276 Atlantic Avenue, with existing conditions. (District 8)
- A motion was made to approve recommendation on the Consent Calendar.**
13. [09-0014](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Wokcano Restaurant and Bar located at 199 The Promenade North. (District 2)
- A motion was made to approve recommendation on the Consent Calendar.**
14. [09-0015](#) Recommendation to receive and file the minutes of:  
Board of Examiners, Appeals and Condemnation - November 17, 2008.  
Civil Service Commission - December 3 and 10, 2008.  
Planning Commission - September 4 and October 2, 2008.  
Water Commission - November 6 and December 4, 2008.
- A motion was made to approve recommendation on the Consent Calendar.**

#### REGULAR AGENDA (6:34 PM)

[see media](#)

15. [09-0016](#) Recommendation to request City Attorney to draft an ordinance creating a small business enterprise (SBE) recruitment pilot program for the Departments of Public Works; Parks, Recreation and Marine; and the Long Beach Gas and Oil.
- Mayor Foster spoke.
- Councilwoman Gabelich spoke.
- Councilmember DeLong spoke.
- Councilmember Reyes Uranga 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:** 7 - S. Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

[see media](#)

16. [09-0017](#)

Recommendation to request City Attorney to prepare a resolution of support for Religious Freedom Day 2009.

Councilwoman Schipske spoke.

Donald Shoemaker spoke.

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

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

**Absent:** 1 - Andrews

17. 09-0018

Recommendation to respectfully recommend that the City of Long Beach request of the California Integrated Waste Management Board's authority to continue to allow its residents to dispose of household sharps waste. In doing so, this would allow Long Beach residents to dispose of household sharps in the same manner as they had prior to the new law (SB 1305 Medical Waste Management Act) with the assurance that such waste is not dumped in a landfill but incinerated at high temperatures; and

In the interim of receiving approval by California Integrated Waste Management Board to allow continued disposal in household trash, the City of Long Beach needs to distribute information through its Refuse Collection Services as to how and where residents can dispose of their needles, syringes and other sharps.

**This Agenda Item was withdrawn.**



[see media](#)

18. [09-0031](#) Recommendation to request that the resolution establishing the Budget Oversight Committee be amended to require the committee to be constituted as a Committee of the Whole.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Harvey Cochran spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

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

**Yes:** 3 - Schipske, Reyes Uranga and Gabelich

**No:** 4 - S. Lowenthal, DeLong, O'Donnell and Lerch

**Absent:** 1 - Andrews

[see media](#)

19. [09-0035](#) Recommendation to receive and file the Queen Mary Inventory Audit Report. (District 2)

Laura L. Doud, City Auditor, spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Harvey Cochran spoke.

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

**Yes:** 6 - S. Lowenthal, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 2 - DeLong and Andrews

[see media](#)

20. [09-0019](#)

Recommendation to receive and file the Fiscal Year 2008 Year-End Budget Performance Report; and

Concur with the Budget Oversight Committee to transfer \$3 million in General Fund ending fund balance into the Budget Stabilization Fund to assist with the FY 09 impacts of the economic crisis. (Citywide)

Gary Shelton spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

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

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

**Absent:** 1 - Andrews

[see media](#)

21. [09-0020](#)

Recommendation to adopt Specifications No. PA-00609 and award contracts to Azteca Landscape and Mariposa Horticultural Enterprises, for the Department of Parks, Recreation and Marine for landscape maintenance services, in the estimated annual amount of \$2,802,000 for a period of one year, with the option of renewing for three additional one-year periods, at the discretion of the City Manager, with the option of adding expenditures up to 15 percent (or \$420,300) above the annual contract amount, if necessary and if funds are available. (Citywide)

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

**Yes:** 6 - S. Lowenthal, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 2 - DeLong and Andrews

[see media](#)

22. [09-0021](#)

Recommendation to authorize City Manager to execute a contract with Tristar Managed Care, Incorporated, to provide managed health care services for the City of Long Beach Workers' Compensation Program for the period beginning February 1, 2009, through January 31, 2010, with an option for a three year renewal;

Authorize City Manager to execute a contract with Lien On Me, Incorporated, to provide bill review services for the City of Long Beach Workers' Compensation Program for the period beginning February 1, 2009, through January 31, 2010, with the option for a three year renewal; and

Authorize City Manager to execute any subsequent amendments necessary to maintain service levels and remain in compliance with state and federal laws. (Citywide)

**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, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

[see media](#)

23. [09-0022](#) Recommendation to authorize City Manager to submit an application for Airport Improvement Program Grant(s) for Fiscal Year 2009 to the Federal Aviation Administration (FAA) to fund the Airfield Signage Replacement Project, Phase 1B Improvements to the Air Carrier Ramp, and Improvements to Taxilane J, accept such grant(s); and execute and amend grant documents and amounts from the FAA for entitlement and discretionary funds. (District 5)

Councilwoman Gabelich spoke.

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

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

**Absent:** 1 - Andrews

[see media](#)

24. [09-0023](#) Recommendation to authorize City Manager (i) to enter into an Other Transaction Agreement with the U.S. Department of Homeland Security, Transportation Security Administration for reimbursement for the installation of additional cameras and (ii) to execute amendments to the agreement, so that the Long Beach Airport Department can contract for the design, project management, and installation of additional cameras required by the TSA and receive reimbursement for these items of work from the TSA;

Authorize City Manager (i) to enter into an agreement with ARINC, Incorporated for an estimated amount of \$350,000, plus a 15 percent contingency of \$52,500, if necessary, to design, project manage, and install additional cameras required by the TSA, and (ii) to execute any necessary amendments; and

Increase appropriation in the Airport Enterprise Fund (EF 320) in the Long Beach Airport Department (AP) by \$450,000. (District 5)

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

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

**Absent:** 1 - Andrews

[see media](#)

25. [09-0024](#)

Recommendation to receive and file the application of Bruce Behrooz Alavi, dba Ice Bar, for an original Alcoholic Beverage Control License, at 49 South Pine Avenue, with conditions. (District 2)

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

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

**Absent:** 1 - Andrews

[see media](#)

26. [09-0025](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Yvette Erin Kim, dba Fresh N Joy, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 402 East 3rd Street, with conditions. (District 2)

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

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

**Absent:** 1 - Andrews

[see media](#)

27. [09-0026](#)

Recommendation to receive and file the application of Costa Azul Distribution Incorporated, dba Costa Azul Distribution Incorporated, for a premise-to-premise transfer of an Alcoholic Beverage Control License, at 748 Roswell Avenue, with conditions. (District 3)

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

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

**Absent:** 1 - Andrews

[see media](#)

28. [09-0027](#) Recommendation to receive and file the application of Malee Sakdi, dba Long Beach Fish Grill, for an original Alcoholic Beverage Control License, at 1201 Redondo Avenue, with conditions. (District 4)

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

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

**Absent:** 1 - Andrews

[see media](#)

29. [09-0028](#) Recommendation to receive and file the application of Linda Karma and Ramez Karma, dba M & M Liquor, for a premise-to-premise transfer of an Alcoholic Beverage Control License, at 3020 Woodruff Avenue, with conditions. (District 5)

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

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

**Absent:** 1 - Andrews

[see media](#)

30. [09-0029](#) Recommendation to receive and file the application of Royal Ocean City Corporation, dba Royal Buffet, for an original Alcoholic Beverage Control License, at 530 East 33rd 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:** 7 - S. Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

[see media](#)

31. [09-0032](#) Recommendation to authorize City Manager to execute an agreement and any subsequent amendments to provide law enforcement and security services for the Long Beach Public Transportation Company for a period of three (3) years with options to renew the agreement for two (2) one-year terms. (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 - S. Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

[see media](#)

32. [09-0033](#) Recommendation to authorize City Manager to execute a second amendment to Contract No. 30422 with Sully-Miller Contracting Company for the contract for minor street repairs and improvements increasing the contract amount by \$8,650,000. (Citywide)

Paul Gammon spoke.

Mike Ruehle spoke.

Councilmember DeLong spoke.

Mayor Foster spoke.

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

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

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

[see media](#)

33. [09-0034](#)

Recommendation to authorize City Manager to execute a second amendment to Contract No. 30343 with Nobest Incorporated for the contract for sidewalk repairs, curb ramps, alleys, local and major street concrete repairs, and related improvements increasing the contract amount by \$8,000,000. (Citywide)

Paul Gammon spoke.

Mike Ruehle spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

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

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

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

**NEW BUSINESS (8:04 PM)**

34. Affidavits of Service for the special meetings held, Tuesday, January 6, 2009.



**ANNOUNCEMENTS (8:04 PM)**

Mayor Foster requested that the meeting be adjourned in memory of Patrick Burke O'Sullivan.

Councilwoman Gabelich requested that the meeting be adjourned in memory of Patrick Burke O'Sullivan on behalf of Councilmember Reyes Uranga; and made community announcements.

Councilwoman Schipske requested that the meeting be adjourned in memory of Wolfgang Frederick Gabor; and made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilmember O'Donnell requested that the meeting be adjourned in memory of Charles Warino.

Mayor Foster announced that the January 13, 2009 City Council meeting will be held at the Karen and Richard Carpenter Performing Arts Center, beginning at 4:00 P.M., preceding the State of the City at 6:00 P.M.

**ADJOURNMENT (8:13 PM)**

At 8:13 P.M., Mayor Foster adjourned the meeting in memory of Patrick Burke O'Sullivan, Wolfgang Frederick Gabor and Charles Warino.

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