

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



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

Bob Foster, Mayor

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

Robert E. Shannon, City Attorney

FINISHED AGENDA & DRAFT MINUTES

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

Agenda Items for this meeting were considered in the order presented, with the exception of Agenda Item No. 18, which was considered following Agenda Item No. 3.

ROLL CALL (6:03 PM)

Councilmembers Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews,
Present: 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.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Dee Andrews, Councilman, Sixth District.

Mayor Foster announced that Agenda Item No. 18 would be considered following the hearings; and that Assemblymember Bonnie Lowenthal had been called away.

HEARINGS (6:05 PM)

1. 09-1270 Recommendation to receive supporting documentation into the record, conclude the hearing, declare an urgency ordinance relating to the temporary limitation (moratorium) on new billboards, supergraphics, and the conversion of existing billboard displays into electronic or digital billboards; 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 the City Council for final reading. (Citywide)

Michael Mais, Assistant City Attorney, spoke.

Councilmember O'Donnell spoke.

Councilman Andrews spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to declare emergency to exist. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: ORD-09-0035

09-1270

Recommendation to declare an urgency ordinance relating to the temporary limitation (moratorium) imposing interim regulations on the issuance of building permits or other entitlements for billboards, supergraphic signs, and the conversion of existing billboard/sign displays into electronic or digital billboards, read and adopted as read. (Citywide)

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to receive documentation into the record, conclude the hearing and declare urgency Ordinance No. ORD-09-0035 read, 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 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: ORD-09-0035

2. 09-1252

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution continuing the Belmont Shore Parking and Business Improvement Area program and assessment for the period of October 1, 2009 through September 30, 2010; and authorize City Manager to execute an agreement with the Belmont Shore Business Association for a one-year term. (District 3)

Mike Ruehle spoke.

Gene Rotondo spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0150. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0150

3. 09-1253 Recommendation to receive supporting documentation into the record, conclude the hearing, find that the area to be vacated is not needed for present or prospective public use, and adopt resolution ordering the vacation of a portion of the alley west of Long Beach Boulevard and south of Anaheim Street. (District 1)

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0151. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0151

PUBLIC COMMENT (6:23 PM)

Thomas Marchese spoke regarding ethics ordinance and lobbyist registration.

Michael Deuschel spoke regarding illegal towing by the City.

Councilmember Lowenthal spoke.

Mary Coburn spoke regarding downtown tree planting.

Jim Lewis spoke regarding the homeless and winter shelter.

Pat West, City Manager, spoke.

Councilwoman Gabelich spoke.

Councilmember Lowenthal spoke.

Michael Johnson, Support Services Bureau Manager, Health and Human Services Department, spoke.

- 09-1298 Gary Hytrek spoke regarding ethics concerning development deals within the City; and submitted a written request for public records.

This Handout was received and filed.

Casey Terrazas spoke regarding ethics concerning development deals within the City.

Matthew Abams spoke regarding medical marijuana.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Andrew Gallegos spoke regarding lobbyist and City developments.

CONSENT CALENDAR (6:48 PM)

Passed The Consent Calendar

A motion was made by Councilwoman Schipske, seconded by Councilmember Reyes Uranga, to approve Consent Calendar Items 4 - 11. The motion carried by the following vote:

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

Absent: 2 - Garcia and O'Donnell

4. 09-1254 Recommendation to receive and file a report on travel to San Jose to attend the League of California Cities Annual Conference and Exposition, September 17 - 18, 2009.

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

5. 09-1255 Recommendation to approve the minutes of the City Council meetings held Tuesdays, November 10 and 17, 2009 and the Study Session held Tuesday, November 17, 2009.

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

6. 09-1259 Recommendation to refer to City Attorney damage claims received between November 9, 2009 and November 23, 2009.

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

7. 09-1269 Recommendation to approve the destruction of records for the Long Beach Police Department as shown in Exhibit A; and adopt resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-09-0152 on the Consent Calendar.
Enactment No: RES-09-0152
8. 09-1256 Recommendation to authorize City Manager to execute an Affiliation Agreement for a period of five years, and all necessary amendments including term extensions, with the Regents of the University of California, on behalf of the University of California, Los Angeles (UCLA) Center for Prehospital Care - Daniel Freeman Hospital Paramedic Education Program for the Long Beach Fire Department to provide field internships to students completing Emergency Medical Technician-Paramedic training. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
9. 09-1257 Recommendation to authorize City Manager, or designee, to execute an agreement and any subsequent amendments between the City of Long Beach and the County of Los Angeles to provide HIV/AIDS Health Education/Risk Reduction services in the amount of \$216,000. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
10. 09-1258 Recommendation to receive and file the application of EJM Mini Mart Incorporated, dba EJM Mini Mart, for a fiduciary transfer of an Alcoholic Beverage Control License, at 2221 Palo Verde Avenue Suite No. 1G, with existing conditions. (District 4)
A motion was made to approve recommendation on the Consent Calendar.
11. 09-1260 Recommendation to receive and file minutes for:
Civil Service Commission - November 4 and 11, 2009.
Cultural Heritage Commission - October 12, 2009.
Parks and Recreation Commission - September 17, 2009.
Planning Commission - October 15, 2009.
Water Commission - October 15, 2009.
A motion was made to approve recommendation on the Consent Calendar.

12. 09-1261 Recommendation to suspend the rule contained in Long Beach Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of December 22, 2009.

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

Yes: 6 - Lowenthal, DeLong, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 3 - Garcia, O'Donnell and Schipske

13. 09-1248 Recommendation to request City Attorney and Port of Long Beach to provide an "on agenda" report to the City Council regarding the Stipulated Settlement between the Port of Long Beach and the American Trucking Association involving the Clean Trucks Program and the Natural Resources Defense Council's appeal of the Stipulated Settlement and the Board of Harbor Commission Resolution No. HD-2538.

Distributed at or just prior to the meeting: Correspondence from David Greene; Dominic Holzhaus, Principal Deputy City Attorney, dated October 21, 2009; Robert Shannon, City Attorney, dated November 20, 2009; Natural Resources Defense Council (NRDC); and Garry Toeppen and Elizabeth Warren, Los Angeles Area Chamber of Commerce (FuturePorts).

Councilmember Reyes Uranga spoke.

Robert Shannon, City Attorney, spoke regarding the settlement.

Richard Steinke, Executive Director, Port of Long Beach, spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

William Leight spoke.

Jessie Marquez spoke.

Laurie Loftstrom spoke.

David Langweer spoke.

Greg Litner spoke.

Joshua Owen spoke.

Raphael Dominguez spoke.

Sylvia Martinez spoke.

Julia Rodriguez spoke.

Mayor Foster spoke.

Estella Dubon spoke.

Elizabeth Horn spoke, and submitted correspondence from Los Angeles Area Chamber of Commerce.

Randy Thomas spoke.

Glen Amaya spoke.

Juan Ortega spoke.

David Petit spoke.

Brian Wiggins spoke.

Monique Lopez, Coalition for Clean Air, spoke.

Bob Curry, California Cartage Company, spoke.

Shannon Bell spoke.

Hank Thomason spoke.

Jose Villacartona spoke.

Wilson Ascensio spoke.

Andrew Dominguez spoke.

Jons Rolnick spoke.

Patty Senecal spoke.

Councilmember Reyes Uranga spoke.

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

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

Absent: 1 - Garcia

- 14. 09-1262** Recommendation to authorize City Manager to modify existing business loans, deferring the borrower's obligation to make monthly payments for twelve months; and extend the terms of the loans as appropriate. (Citywide)

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

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

Absent: 1 - Garcia

- 15. 09-1263** Recommendation to receive and file Investment Report for Quarter Ending September 30, 2009. (Citywide)

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

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

Absent: 1 - Garcia

- 16. 09-1264** Recommendation to adopt Specifications No. PA-02909 and award contracts to Matrix Environmental, Inc., HDR Corporation, Batres Alcides, Metalclad Insulation Corporation, Universal Abatement Services, Vizion's West, Inc., and Watson Painting Corporation in the total annual amount of \$500,000 for providing lead-based paint and other home hazard control services 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 to add expenditures up to 10 percent (or \$50,000) above the contract amounts, if necessary and if funds are available. (Citywide)

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

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

Absent: 1 - Garcia

17. 09-1265 Recommendation to authorize City Manager to execute the Twelfth Amendment to Historical Site Lease No. 24291 with Rancho Los Alamitos Foundation to provide for the annual management fee for lease year 2009-2010. (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 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

ORDINANCE (6:19 PM)

18. 09-1266 Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 2.73 establishing an "Equal Benefits Ordinance" requiring contractors on City contracts to provide employee benefits to their employees with domestic partners equivalent to those provided to their employees with spouses read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Distributed at or just prior to the meeting: Memorandum from Dennis J. Thys, Director of Community Development, entitled "City Leases Potentially Subject to the Proposed Equal Benefits Ordinance."

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading, with the addition of a yearly report from the City Manager regarding waivers and exceptions. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

NEW BUSINESS (8:13 PM)

- 19. 09-1297** Recommendation to adopt a Minute Order initiating a one-year moratorium on certain truck and transportation related uses in the General Industrial (IG) Zoning Districts. (Citywide)

The Mayor respectfully requests Council consideration of this minute order given the existing moratorium on truck transfer and truck facilities in the IG Zone is set to expire December 2, 2009. This recommendation is identical to action previously taken by the City Council, and is intended to ensure no new truck transfer facilities may begin operations while the moratorium is awaiting extension by the City Council.

Distributed at or just prior to the meeting: Correspondence from Mayor Bob Foster.

Michael Mais, Assistant City Attorney, spoke.

Councilwoman Gabelich spoke.

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

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

Absent: 2 - Garcia and DeLong

- 20.** Affidavits of Service for the special meetings held Tuesday, December 1, 2009.

ANNOUNCEMENTS (8:16 PM)

Mayor Foster requested that the meeting be adjourned in memory of Foster Hooper.

Councilwoman Schipske made community announcements.

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements; and requested that the meeting be adjourned in memory of Janet Johnson Deats.

Councilmember Lowenthal made community announcements.

Councilmember Reyes Uranga expressed condolences to Mr. Deats; and made community announcements.

Vice Mayor Lerch made community announcements.

Councilwoman Gabelich made a further announcement.

PUBLIC (8:27 PM)

Elliott Gonzalez spoke regarding the Sustainability Commission.

ADJOURNMENT (8:28 PM)

At 8:28 PM, Mayor Foster adjourned the meeting in memory of Foster Hooper and Janet Johnson Deats.

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