

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



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

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

FINISHED AGENDA & 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meeting were considered in the order presented, with the exception of Agenda Item Nos. 16, 18, 19 and 25, which were withdrawn from the agenda.

ROLL CALL (5:00 PM)

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

Councilmembers S. Lowenthal
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Mike 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: Patrick O'Donnell, Councilmember, Fourth District.

Julie Pruitt, spcaLA, presented a canine.

Vice Mayor Lerch announced that Agenda Item Nos. 16, 18, 19 and 25 had been withdrawn from the agenda.

HEARINGS (5:04 PM)

[see media](#)

1. [09-0080](#) Recommendation to rescind the City Council action taken on October 21, 2008 to approve a One-Year Short-Term Entertainment Permit with conditions to Lucky Luke, Inc., dba The Copacabana, at

2688 South Street; and

Adopt a motion to approve a Permit with conditions for Entertainment With Dancing by Patrons at a restaurant to Lucky Luke, Inc., dba The Copacabana, at 2688 South Street. (District 8)

Councilwoman Gabelich spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to approve recommendation to rescind City Council action of October 21, 2008, approving a One-Year Short-Term Entertainment Permit to Lucky Luke, Inc., dba The Copacabana. The motion carried by the following vote:

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

Absent: 1 - S. Lowenthal

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, to approve recommendation to grant a Permit with conditions. The motion carried by the following vote:

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

Absent: 1 - S. Lowenthal

Vice Mayor Lerch announced that he must recuse himself.

Councilmember Reyes Uranga assumed the chair.

[see media](#)

2. [09-0056](#) Recommendation to receive supporting documentation into the record, conclude the public hearing; deny the appeal of Robert and Shirley Rayhill and uphold the Planning Commission decision to: (1) certify Negative Declaration ND 14-08, (2) approve Site Plan Review, (3) approve five Standards Variances, (4) approve Lot Merger, and (5) adopt a Finding of General Plan Conformity for Alley Vacation for a new City fire station located at 1199 E. Artesia Boulevard;

Declare ordinance amending the Use District Map of the City of Long Beach by amending portions of Part 29 of said Map from CCA (Automobile-Oriented Commercial) and R-1-N (Single-Family Residential) to I (Institutional) read the first time and laid over to the next regular meeting of the City Council for final reading; and

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Gabelich spoke.

Deputy Chief Jeff Reeb, Long Beach Fire Department, spoke.

Councilwoman Gabelich spoke.

Rich Brandt, President, Firefighters Association, spoke.

Phil Somler spoke.

Steve Kutcher spoke.

Martha Thuenta spoke.

Debbie Flynn spoke.

Barbara Bolin spoke.

Dave San Jose spoke.

Francis Emily Dawson Harris spoke.

Councilman Andrews spoke.

Robert and Shirley Rayhill, appellants, spoke.

Mike Mais, Assistant City Attorney, spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember DeLong, to approve recommendation to deny the appeal and (1) certify Negative Declaration ND 14-08, (2) approve Site Plan Review, (3) approve five Standards Variances, (4) approve Lot Merger, and (5) adopt a Finding of General Plan Conformity for Alley Vacation for a new City fire station located at 1199 E. Artesia Boulevard. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Abstentions: 1 - Lerch

Absent: 1 - S. Lowenthal

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, 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: 6 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Abstentions: 1 - Lerch

Absent: 1 - S. Lowenthal

Enactment No: ORD-09-0001

[see media](#)

[09-0057](#)

Adopt resolution amending the Land Use Element of the General Plan from Land Use District Nos. 8A and 1 to Land Use District No. 10. (District 9)

A motion was made by Councilwoman Gabelich, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-09-0002. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Abstentions: 1 - Lerch

Absent: 1 - S. Lowenthal

Enactment No: RES-09-0002

Vice Mayor Lerch assumed the chair.

PUBLIC COMMENT (5:54 PM)

Harvey Cochran spoke regarding a variety of issues.

Jim Azbeu, Long Beach Taxpayers Association, spoke regarding City employee benefits and budget.

Kathy Ryan, Long Beach Taxpayers Association, spoke regarding City budget and employee benefits.

[09-0096](#)

Summer Hansen spoke regarding Children's Day and submitted information regarding the event.

This Handout was received and filed.

Thomas Stout spoke regarding City contracts and pensions.

Leo Mitchell spoke regarding employee pensions.

Gary Shelton spoke regarding Schroeder Hall and support for the homeless in Long Beach.

Francis Emily Dawson Harris read a poem "Soul Connection" that she had written.

Steve Hrenak spoke regarding Schroeder Hall.

CONSENT CALENDAR (6:23 PM)

Passed The Consent Calendar

A motion was made by Councilmember Reyes Uranga, seconded by Councilmember DeLong, to approve Consent Calendar Items 3-15. The motion carried by the following vote:

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

Absent: 1 - S. Lowenthal

3. [09-0070](#) Recommendation to authorize City Attorney to pay the sum of \$10,530 in full settlement of the governmental claim for damages of Rosalva Tepos.
A motion was made to approve recommendation on the Consent Calendar.
4. [09-0071](#) Recommendation to adopt resolution in support of Religious Freedom Day 2009. (Citywide)
A motion was made to approve recommendation and adopt Resolution No. RES-09-0003 on the Consent Calendar.
Enactment No: RES-09-0003
5. [09-0072](#) Recommendation to approve the City Council, the Budget Briefing and the Special Meeting minutes for the meetings held Tuesday, January 6, 2009.
A motion was made to approve recommendation on the Consent Calendar.
6. [09-0075](#) Recommendation to refer to City Attorney damage claims received between January 5, 2009 and January 12, 2009.
A motion was made to approve recommendation on the Consent Calendar.

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7. [09-0073](#) Recommendation to approve the destruction of records for the Long Beach Gas & Oil Department as shown in Exhibit A; and adopt the resolution.
- A motion was made to approve recommendation and adopt Resolution No. RES-09-0004 on the Consent Calendar.**
- Enactment No:** RES-09-0004
8. [09-0058](#) Recommendation to authorize City Manager to execute all documents with the South Bay Center for Counseling to receive Workforce Investment Act funds totaling \$64,139 for the portion of a Veterans Employment Assistance Program, and to execute any subsequent grant and contract amendments that change the terms or funding. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
9. [09-0059](#) Recommendation to authorize City Manager to execute all documents with the U.S. Department of Labor to receive a Workforce Investment Act grant in the amount of \$133,624, to execute a contract with the South Bay Center for Counseling in the amount of \$90,000 to deliver employment services to residents around the energy industry, and to execute any subsequent grant and contract amendments that change the terms or funding. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
10. [09-0064](#) Recommendation to authorize City Manager to execute all documents with the Harbor Department of the City of Los Angeles to provide employment services to the Port, with cost reimbursement totaling \$138,958 for the term of October 1, 2008 through September 30, 2009, and to execute any subsequent amendments that change the terms or reimbursement. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
11. [09-0060](#) Recommendation to adopt resolution authorizing City Manager to execute a contract with Simpler Systems, Inc., for maintenance of the City's Financial Accounting Information System (FAMIS) and as-need software consulting services, for a one-year term in the annual amount not to exceed \$150,000 with two one-year options to renew the agreement, at the City Manager's discretion. (Citywide)
- A motion was made to approve recommendation and adopt Resolution No. RES-09-0005 on the Consent Calendar.**
- Enactment No:** RES-09-0005
12. [09-0061](#) Recommendation to authorize City Manager to execute an amendment
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with Siemens Healthcare Diagnostics, Inc. to extend the contract to purchase diagnostic test kits through December 31, 2009, for an amount not to exceed \$150,000, plus a ten percent contingency for additional test kits if necessary and if funds are available. (Citywide)

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

13. [09-0062](#)

Recommendation to adopt resolution authorizing City Manager to amend the existing agreement with Dresser Roots Meters & Instruments, dba DMD Dresser, to provide rotary-type gas meters and other services and parts in an amount up to \$250,000 annually. The contract is in the first renewal term ending May 1, 2009, with the option for one additional one-year extension period, which will be executed at the discretion of the City Manager. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-09-0006 on the Consent Calendar.

Enactment No: RES-09-0006

14. [09-0063](#)

Recommendation to receive and file the application of Mosammat Parvin Akhter, dba Elbys Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 3337 East South Street, with existing conditions. (District 9)

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

15. [09-0074](#)

Recommendation to receive and file the minutes of:
Parks and Recreation Commission - November 20, 2008.
Water Commission - December 18, 2008.

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

REGULAR AGENDA (6:24 PM)

16. 09-0018

WITHDRAWN

~~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](#)

17. [09-0079](#)

Recommendation to refer review of the Long Beach Municipal Code Chapter 10.40 regarding definition and prohibition of commercial vehicles on residential streets to the City Council Transportation and Infrastructure Committee for further discussion and review for possible modification including, but not limited to, placing the item on the 2010 ballot.

Distributed at the meeting: Pictures of pick-up trucks receiving violations.

Councilwoman Schipske spoke.

Harvey Cochran spoke.

Councilwoman Schipske spoke.

Karen Thompson spoke.

Mike Bour spoke.

Councilmember O'Donnell spoke.

Charlie Evans spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Becky spoke.

Jenna Knight spoke.

Tom Stout spoke.

Dan Baldamere spoke.

Patrick West, City Manager, spoke.

Kathy Evans spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation and refer to the Transportation and Infrastructure Committee. The motion carried by the following vote:

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

Absent: 1 - S. Lowenthal

18. 09-0081

Recommendation to request City Manager to send a letter to the U.S. Housing and Urban Development Department requesting that a waiver be granted to the City of Long Beach regarding the requirement to accommodate the homeless providers with property in light of the fact that the City currently provides a higher than required amount of services to this population;

In the alternative, the City of Long Beach should be permitted to provide the cash equivalent of the property offered at Burnett Street and Grand Avenue to the homeless services provider as a full accommodation; and

Include this item on the City's Federal Legislative priorities list.

This Agenda Item was withdrawn.

19. [09-0078](#)

Recommendation to receive and file the City Clerk Department report regarding commission, board, and committee membership compliance with Long Beach Municipal Code Section 2.07.020 relating to ethics training. (Citywide)

This Agenda Item was withdrawn.

[see media](#)

20. [09-0065](#)

Recommendation to authorize City Manager to execute all documents with the Orange County Workforce Investment Board to receive Workforce Investment Act funds totaling \$519,008 for a Veterans Employment Assistance Program, to execute a contract with the California State University Long Beach Foundation in the amount of \$253,000, and to execute any subsequent grant and contract

amendments that change the terms or funding. (Citywide)

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

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

Absent: 1 - S. Lowenthal

[see media](#)

21. [09-0066](#)

Recommendation to authorize City Manager to execute the First Amendment to Contract No. 30978 and all necessary amendments, including term extensions, with the City of Los Angeles to receive and expend Department of Homeland Security grant funding for the 2006 Urban Area Security Initiative (UASI) Grant, at an amount not to exceed \$1,792,934 for a total grant amount of \$8,159,974; extend the term of the Contract to March 31, 2009; and increase appropriations in the General Grants Fund (SR 120) in the Fire Department (FD) by \$1,792,934. (Citywide)

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

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

Absent: 2 - S. Lowenthal and O'Donnell

[see media](#)

22. [09-0067](#)

Recommendation to authorize City Manager, or designee, to execute all necessary documents and subsequent amendments between the City of Long Beach Department of Health and Human Services and the State of California Department of Health Services to provide funding for the Women, Infants and Children Nutrition Supplement Program, in the amount of \$15,845,000 for a period of three years, from October 1, 2008 to September 30, 2011. (Citywide)

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

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

Absent: 2 - S. Lowenthal and O'Donnell

[see media](#)

23. [09-0068](#)

Recommendation to authorize City Manager to execute all necessary documents between the City of Long Beach Department of Health and

Human Services and the State of California Department of Health Services for funding of up to \$900,000 to enable the City to provide services for Viral Load Testing, for a three-year period; and execute any other necessary documents or subsequent amendments to extend contract term or increase reimbursement amount. (Citywide)

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

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

Absent: 2 - S. Lowenthal and O'Donnell

[see media](#)

24. [09-0069](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Fresh & Easy Neighborhood Market Incorporated, dba Fresh & Easy Neighborhood Market Store 1372, for an original Alcoholic Beverage Control License, at 1340 East 7th Street, with conditions. (District 2)

Harvey Cochran spoke.

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

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

Absent: 1 - S. Lowenthal

ORDINANCE (6:55 PM)

25. [09-0077](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 8.68.020.R, Section 8.68.060, and Subsection 8.68.110.A; and by adding Subsection 8.68.020.S, and Section 8.68.210, all relating to smoking in public places read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

This Ordinance was withdrawn.

NEW BUSINESS (6:55 PM)

26. Affidavit of Service for the special meeting held Tuesday, January 20, 2009.

ANNOUNCEMENTS (6:55 PM)

Councilwoman Schipske made community announcements.

Councilwoman Gabelich made community announcements.

Councilman Andrews made community announcements.

Councilmember Reyes Uranga made community announcements.

Councilmember DeLong requested that the meeting be adjourned in memory of Dr. Robert Gumbiner and Diane Brown.

ADJOURNMENT (6:58 PM)

At 6:58 P.M., Vice Mayor Lerch adjourned the meeting in memory of Dr. Robert Gumbiner and Diane Brown.

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