



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

C-6

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October 7, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the City Council minutes for the meetings held Tuesday, September 16, 2008 and September 23, 2008.

DISCUSSION

The Legistar minutes for the City Council meetings held Tuesday, September 16, 2008 and September 23, 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



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 on the agenda, with the exception that Agenda Item No. 24 was requested for reconsideration during the Announcements.

ROLL CALL (5:00 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; 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: Dee Andrews, Councilman, Sixth District.

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

HEARINGS (5:03 PM)

1. 08-0926 Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution approving the Long Beach Tourism Business Improvement Area program and assessment for the period of October 1, 2008 through September 30, 2009; and authorize City Manager to execute an agreement with the Long Beach Area Convention and Visitors Bureau for a one-year term. (Districts 1,2,4,5)

Steve Goodling, Long Beach Convention and Visitor's Bureau, spoke.

Larry Jackson, Long Beach Transit, spoke.

Captain John Adams, Director of the UCLA Police Department, spoke.

Steve Goodling, Long Beach Convention and Visitor's Bureau, spoke.

Harvey Cochran spoke.

Sandra Kroll spoke.

Angela Reed spoke.

Elizabeth Martinez spoke.

Councilmember B. Lowenthal spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Vice Mayor Lerch spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0110. 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: RES-08-0110

2. 08-0927 Recommendation to conduct a hearing on the proposed rezoning at 1044 East 16th Street for the Ernest S. McBride Recreation Center expansion and construction of a new teen center, receive supporting documentation into the record, and conclude the hearing; and declare ordinance changing the zone from R-3-4 (Four-Family Residential District) to P (Park), read the first time and laid over to the next regular meeting of the City Council for final reading. (District 6)

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

Councilman Andrews spoke.

Councilmember S. Lowenthal spoke.

Harvey Cochran spoke.

A motion was made by Councilman Andrews, seconded by Councilmember B. 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: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

3. 08-0928

Recommendation to open the hearing on the adoption of the Proposed Amendment to the North Long Beach Redevelopment Plan and the Negative Declaration related thereto, receive supporting documentation (Exhibits A-J), receive and/or hear testimony related to the adoption of said amendment and Negative Declaration, and conclude the hearing. (Districts 1,3,5,6,7,8,9)

Heather Mahood, Chief Assistant City Attorney, indicated that Vice Mayor Lerch and Councilwoman Gabelich would abstain from discussion and retire.

Councilmember Reyes Uranga assumed the chair.

Craig Beck, Director of Development Services, spoke.

Amy Bodek, Redevelopment Bureau Manager, spoke, introducing required exhibits as a part of the official record; and distributed additional handouts.

Harvey Cochran spoke.

Zanab Williams spoke.

Loretha Fennix spoke.

Unidentified man spoke off topic.

Ron Parish spoke.

Dexter Linus spoke.

Aristi Contos spoke.

Deanna Holden spoke.

Zanab Williams spoke for James Williams.

Carlos Barahona spoke.

Richard Andrews spoke.

Sortiria Contos spoke.

Rosaura Platero spoke.

Craig Beck, Director of Development Services, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Mayor Foster assumed the chair.

Councilmember B. Lowenthal spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

A motion was made by Councilmember B. Lowenthal, seconded by Councilmember DeLong, that the hearing be closed. The motion carried by the following vote:

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

Abstentions: 2 - Gabelich and Lerch

Absent: 1 - Andrews

PUBLIC COMMENT (6:50 PM)

John Deats spoke regarding Measure I.

Harvey Cochran spoke regarding missing dog and security at Shoreline Village.

Rachel Bennish spoke regarding Urban Paradise community project and the Main Library roof top park.

Mike Ruehle, President of the Belmont Shore Residents Association, spoke regarding the parking commission.

Councilmember DeLong spoke.

Mayor Foster spoke.

CONSENT CALENDAR (7:05 PM)

Passed The Consent Calendar

A motion was made by Councilmember B. Lowenthal, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 4 - 18. The motion carried by the following vote:

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

Absent: 1 - S. Lowenthal

4. 08-0948 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 \$43,150, a separate authority to pay \$4,800, and a separate authority to pay \$3,200 for the claim of John Kirby; and \$65,662.50 for the claim of Robert Luman, in compliance with Appeals Board Orders.
- A motion was made to approve recommendation on the Consent Calendar.**
5. 08-0959 Recommendation to adopt minute order to grant an application from Lupe E. Castillo for a widow's pension.
- A motion was made to approve recommendation on the Consent Calendar.**
6. 08-0951 Recommendation to approve the City Council minutes for the meeting of Tuesday, September 2, 2008 and the Budget Workshop minutes for the meetings of Tuesdays, August 26, 2008 and September 2, 2008 and Thursday, September 4, 2008.
- A motion was made to approve recommendation on the Consent Calendar.**
7. 08-0953 Recommendation to refer to City Attorney damage claims received between August 29, 2008 and September 8, 2008.
- A motion was made to approve recommendation on the Consent Calendar.**
8. 08-0958 Recommendation to receive and approve changes for the Biennial Conflict of Interest Code Review for departments and commissions.
- A motion was made to approve recommendation on the Consent Calendar.**
9. 08-0929 Recommendation to authorize City Manager to execute the Sixth

Addendum to Lease No. 30545 between Worldport LLC, a Delaware limited liability company, and the City of Long Beach for City-leased office space at 1851 North Gaffey Street, Suites D-H, San Pedro, California, for the continued operation of the Harbor WorkSource Center, for a three-year term, at the initial monthly base rent of \$7,123.20. (Citywide)

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

10. 08-0930 Recommendation to authorize City Manager or designee to execute an agreement between the City of Long Beach Department of Health and Human Services and the United States Environmental Protection Agency for education and outreach services to reduce the consumption of contaminated fish in connection with the Palos Verdes Shelf Fish Contamination Project for the period of August 1, 2008 through July 31, 2011; and increase appropriations in the amount of \$98,689 in the Health Fund (SR 130) in the Department of Health and Human Services (HE). (Citywide)

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

11. 08-0931 Recommendation to authorize City Manager or designee 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 to accept funding in the amount of \$25,000 to provide Beach Water Quality Monitoring and Public Notification from October 1, 2008 through September 30, 2009. (Citywide)

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

12. 08-0932 Recommendation to authorize City Manager or designee to execute an agreement, subsequent amendments and all documents between the City of Long Beach Department of Health and Human Services and Kaiser Foundation Hospitals to implement the Latino Diabetes Prevention and Management Program in the amount of \$12,500 for a period of one year from receipt of funding; and execute any other necessary documents or subsequent amendments to extend the contract term or increase the award amount. (Citywide)

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

13. 08-0933 Recommendation to authorize City Manager to execute a second amendment to an agreement with the Los Angeles County Department of Health Services for the Capacity Building for Services Providers Program in the amount of \$100,000 for the period of March 1, 2008 to

February 28, 2009; and to execute any other necessary documents or subsequent amendments to extend the contract term or increase the reimbursable amount. (Citywide)

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

14. 08-0934 Recommendation to authorize City Manager or designee to execute an agreement between the City of Long Beach Department of Health and Human Services and The Earl B. and Lorraine H. Miller Foundation to continue to fund childhood obesity prevention health education programming at the Miller Family Health Education Center in the amount of \$79,000, for a term of one year; and to execute any other necessary documents or subsequent amendments to extend the contract term or increase the award amount. (Citywide)

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

15. 08-0935 Recommendation to adopt resolution authorizing City Manager to submit a grant application to California State Parks and Recreation through the Recreational Trails Program in the amount of \$257,813 for the replacement of two trail bridges at the El Dorado Nature Center, at a total estimated cost of \$292,970. (District 4)

A motion was made to approve recommendation and adopt Resolution No. RES-08-0111 on the Consent Calendar.

Enactment No: RES-08-0111

16. 08-0936 Recommendation to receive and file the application of Xuanlan Nguyen, dba 7 Even, for a person-to-person transfer of an Alcoholic Beverage Control License, at 810 East Anaheim Street, with existing conditions. (District 6)

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

17. 08-0937 Recommendation to request City Manager or designee to accept an easement deed for alley widening at 1476 Long Beach Boulevard. (District 1)

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

18. 08-0950 Recommendation to receive and file minutes of:
Civil Service Commission - August 20 and 27, 2008.
Planning Commission - July 17, 2008.
Water Commission - August 7 and 21, 2008.

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

REGULAR AGENDA (7:05 PM)

- 19. 08-0947** Recommendation to respectfully request Department of Public Works to investigate the feasibility of the proposed pilot program, and if appropriate, City Attorney to prepare an ordinance to initiate the news rack pilot program in Naples Island.
- A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation. The motion carried by the following vote:**
- Yes:** 8 - B. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
- Absent:** 1 - S. Lowenthal
- 20. 08-0826** Recommendation to City Council to concur in recommendation of the State Legislation Committee to support Senate Bill SB 691 (Calderon) as amended by Senator Calderon.
- Councilmember O'Donnell spoke.
- Tom Modica, Government Affairs Officers, spoke.
- Councilmember B. Lowenthal spok.
- A motion was made by Councilmember B. Lowenthal, seconded by Councilmember DeLong, to approve recommendation to request City Manager to write a letter in support of Assembly Bill 844. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
- 21. 08-0827** Recommendation to City Council to concur in recommendation of the State Legislation Committee to support Assembly Bill 1420 (Padilla) as amended by Senator Padilla.
- Councilmember O'Donnell spoke.
- Tom Modica, Government Affairs Officer, spoke.
- Councilmember B. Lowenthal spoke.
- Dr. Julie Walton spoke.

Harvey Cochran spoke.

Kathy Bannon spoke.

Derrick Simpson spoke.

Vice Mayor Lerch spoke.

A motion was made by Councilmember B. Lowenthal, seconded by Councilwoman Schipske, to approve recommendation to request City Manager to write a letter in support of Senate Bill 1420. The motion carried by the following vote:

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

Absent: 1 - Andrews

- 22. 08-0938** Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2008 to September 30, 2009 for the Fourth Street Parking and Business Improvement Area, declaring its intention to levy the annual assessment and setting the date of hearing for Tuesday, October 7, 2008, at 5:00 p.m. (District 2)

Councilmember S. Lowenthal spoke.

Harvey Cochran spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0112. The motion carried by the following vote:

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

Absent: 1 - Andrews

Enactment No: RES-08-0112

- 23. 08-0939** Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2008 to September 30, 2009 for the Bixby Knolls Parking and Business Improvement Area, declaring its intention to levy the annual assessment and setting the date of hearing for Tuesday, October 7, 2008, at 5:00 p.m. (Districts 7,8)

Councilwoman Gabelich spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to approve recommendation and adopt Resolution No. RES-08-0113. 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: RES-08-0113

- 24. 08-0940** Recommendation to authorize City Manager to enter into a 20-year Location Agreement with General Petroleum Corporation. (Citywide)

Harvey Cochran spoke.

Councilmember Reyes Uranga spoke.

Tom Modica, Government Affairs Officer, spoke regarding Assembly Bill 697.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Patrick H. West, City Manager, spoke.

Councilwoman Gabelich spoke.

Patrick H. West, City Manager, spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

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

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

No: 1 - Schipske

A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, that the vote on Agenda Item No. 24 be reconsidered. The motion carried by the following vote:

Yes: 6 - B. Lowenthal, S. Lowenthal, Schipske, Reyes Uranga, Gabelich and Lerch

No: 3 - DeLong, O'Donnell and Andrews

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

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

No: 2 - Schipske and Reyes Uranga

- 25. 08-0941** Recommendation to authorize City Manager to execute all necessary agreements and any subsequent amendments between the City of Long Beach Department of Health and Human Services and the County of Los Angeles to accept funding in the amount of \$1,078,534, effective from August 10, 2008 through August 9, 2009 to provide for bioterrorism preparedness and public health infrastructure development. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, 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

- 26. 08-0942** Recommendation to authorize City Manager or designee to execute an agreement between the City of Long Beach Department of Health and Human Services and the California Department of Public Health for the continuation of the Network for a Healthy California Local Incentive Award Program in the amount of \$2,184,042 for a period of three years; and execute any other necessary documents or subsequent amendments to extend the contract or increase the reimbursement amount. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, 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

- 27. 08-0943** Recommendation to authorize City Manager to enter into a two-year contract with C & S Companies, in an amount not to exceed \$450,000 for Phase One of the Residential Sound Attenuation Program; and to execute amendments to extend the term for up to one additional year for Phase One, and authorize additional services, if required, within the provisions of the contracts. (District 5)

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, 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

- 28. 08-0944** Recommendation to adopt resolution authorizing City Manager to implement Gas Rate Schedules 1 through 5, 7 and 9, and special conditions and incentives in Exhibits A and B. (Citywide)

Harvey Cochran spoke.

Councilmember B. Lowenthal.

A motion was made by Councilmember B. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-08-0114. 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: RES-08-0114

- 29. 08-0945** REQUEST:

The City Clerk requests that Agenda Item No. 37, laid over from the City Council meeting of September 16, 2008, be added to the Agenda for the City Council meeting of September 23, 2008. The recommended action remains the same.

Recommendation to authorize City Manager to execute an International Swap and Derivatives Association (ISDA) Master Agreement with Merrill Lynch Commodities, Inc. (MLCI) to authorize various natural gas financial transaction programs, as the City Manager may deem appropriate. (Citywide)

Motion: Approve recommendation.

Moved by B. Lowenthal, seconded by O'Donnell.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Schipske spoke.

A substitute motion was made by Councilwoman Schipske, seconded by Councilmember Reyes Uranga, that the item be laid over one week until the meeting of September 23, 2008. The motion carried by the following vote:

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

No: 2 - S. Lowenthal and DeLong

- 30. 08-0946** Recommendation to decrease appropriations in the Transportation Fund (SR 182) in the Department of Public Works (PW) by \$3 million; and increase appropriations in the Capital Projects Fund (CP 201) in the Department of Public Works (PW) by \$3 million. (Districts 4,5,6,7,8,9)

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, 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

ORDINANCES (7:58 PM)

- 31. 08-0924** Recommendation to declare ordinance involving the temporary limitation (moratorium) on interior alterations to create additional bedrooms (bedroom splitting) in the designated parking impacted area; declaring the urgency thereof; and declaring this ordinance shall take effect immediately, read and adopted as read. (Ordinance No. ORD-08-0021) (Districts 1,2,3,4,6,7)

Councilwoman Schipske spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember B. Lowenthal, to declare Emergency Ordinance No. ORD-08-0021 read and adopted as read. 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-08-0021

- 32. 08-0906** Recommendation to declare ordinance approving Resolution No. WD-1245, a resolution of the Board of Water Commissioners of the City

establishing the rates and charges to be charged for water and sewer service and declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 A.M. on October 1, 2008, read and adopted as read. (Ordinance No. ORD-08-0023) (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to declare Emergency Ordinance No. ORD-08-0023 read and adopted as read. 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-08-0023

- 33. 08-0908** Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 15.20.060 relating to maintenance of sewers, read and adopted as read. (Citywide)

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

Mimi Fox spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilmember S. Lowenthal spoke.

Heather Mahood, Chief Assistant City Attorney, spoke regarding scheduling a closed session to discuss policy regarding approval of claims.

A substitute motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Schipske, that the item be laid over for two weeks, or until the meeting of Tuesday, October 7, 2008; and that a closed session be scheduled to discuss the policy regarding claims approval prior to the item returning to City Council. The motion carried by the following vote:

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

- 34. 08-0920** Recommendation to declare ordinance approving and adopting the Official Budget of the City of Long Beach for the fiscal year 2008-09, creating and establishing the funds of the municipal government of the

City of Long Beach and appropriating money to and authorizing expenditures from said funds and for said fiscal year; declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 A.M. on October 1, 2008, read and adopted as read. (Ordinance No. ORD-08-0024) (Citywide)

A motion was made by Councilmember B. Lowenthal, seconded by Councilman Andrews, to declare Emergency Ordinance No. ORD-08-0024 read and adopted as read. 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-08-0024

NEW BUSINESS (8:16 PM)

35. Affidavit of Service for the special meeting held Tuesday, September 16, 2008.

ANNOUNCEMENTS (8:16 PM)

Mayor Foster requested that the meeting be adjourned in memory of Jacob Alan Hefter.

Councilmember Reyes Uranga spoke concerning reconsidering the vote on Agenda Item No. 24.

AT THIS TIME CITY COUNCIL RETURNED TO AGENDA ITEM NO. 24 FOR RECONSIDERATION.

Vice Mayor Lerch wished a happy birthday to his niece.

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember S. Lowenthal requested that the meeting be adjourned in memory of Gary Morris; and made community announcements.

Councilmember Reyes Uranga made community announcements.

ADJOURNMENT (8:35 PM)

At 8:35 PM, Mayor Foster adjourned the meeting in memory of Jacob Alan Hefter and Gary Morris.

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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

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 following order: Presentations, 1-3, Public Comment, Consent Calendar 4-11, 20, 12 and 16 were considered together, 13-14, 36, 29, 15, 17-19, 21-28, 30-35, and 37.

ROLL CALL (5:13 PM)

Councilmembers S. Lowenthal, DeLong, O'Donnell, Reyes Uranga and Lerch
Present:

Councilmembers B. Lowenthal, Schipske, Andrews and Gabelich
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.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Tonia Reyes Uranga, Councilmember, Seventh District.

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

SECOND ROLL CALL (5:16 PM)

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

B. Lowenthal joined the meeting. Schipske joined the meeting. Andrews joined the meeting. Gabelich joined the meeting.

Mayor Foster announced that Agenda Item No. 20 would be considered at the beginning of the Regular agenda; that Agenda Item No. 29 would be considered at 7:00 p.m.; and that Agenda Item Nos. 12 and 16 would be considered together.

Presentation of a proclamation to the Aids Food Store.

Councilmember Reyes Uranga spoke.

Recognition of Hispanic Heritage Month.

08-1005 Distributed at the meeting: A Long Beach *Press Telegram* article entitled, A passion for helping homeless children.

This Handout was received and filed.

Councilmember B. Lowenthal spoke.

Councilmember Reyes Uranga spoke.

HEARINGS (5:23 PM)

1. 08-0966 Recommendation to receive supporting documentation into the record, approve resolution confirming the Belmont Shore Parking and Business Improvement Area annual report and continuing the assessment for the period of October 1, 2008 through September 30, 2009, conclude the hearing, authorize City Manager to execute an agreement with the Belmont Shore Business Association for a one-year term; and

Donald Sims spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation and adopt Resolution No. RES-08-0115. 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: RES-08-0115

- 08-0967 Declare ordinance approving a change in the Belmont Shore Parking and Business Improvement Area boundary read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember B. 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: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

2. 08-0968 Recommendation to conduct a hearing on the proposed re-zoning of a parcel located at 1740 Pacific Avenue for the purpose of allowing the development of a new two-story medical office building, receive supporting documentation into the record, conclude the hearing; and declare ordinance changing the zone from R-4-R (Moderate Density Residential) to the CCA (Community Automobile-Oriented District) zone, read the first time and laid over to the next regular meeting of the City Council for final reading. (District 1)

A motion was made by Councilmember B. Lowenthal, 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: 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

3. 08-0969 Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions; grant a One-Year Short-Term Permit, with or without conditions; or deny the Permit on the application of The Gaslamp LLC, dba The Gaslamp Restaurant & Bar, 6251 E. Pacific Coast Highway, for Entertainment With Dancing by Patrons at an existing restaurant. (District 3)

Distributed at the meeting: Correspondence from Alix Traver.

Alicia Shelton, applicant and co-owner of The Gaslamp, spoke.

Harvey Cochran spoke.

Ralph Chamberlain spoke.

Alicia Shelton, applicant and co-owner of The Gaslamp, spoke.

Councilmember DeLong spoke.

Councilwoman Gaelich spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation to grant the Permit with existing conditions. 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 (5:45 PM)

Antonio Ruiz spoke regarding ArtPEACE kick-off event.

Larry Goodhue spoke regarding the education system and the City budget.

Terry Slavin spoke regarding Proposition 8.

08-1006 Harvey Cochran submitted a flyer and spoke regarding the R.O.A.D.S. Program.

This Handout was received and filed.

Dytanna Bailey spoke regarding homeless services.

CONSENT CALENDAR (5:57 PM)

Passed The Consent Calendar

Theresa Jocks spoke regarding Agenda Item No. 10.

Allan Hose spoke regarding Agenda Item No. 10.

Councilmember Reyes Uranga spoke.

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

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

Absent: 2 - DeLong and Andrews

4. 08-0989 Recommendation to approve the City Council and Budget Workshop minutes for the meetings of Tuesday, September 9, 2008.

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

5. 08-0993 Recommendation to refer to City Attorney damage claims received between September 8, 2008 and September 15, 2008.
A motion was made to approve recommendation on the Consent Calendar.
6. 08-0970 Recommendation to authorize City Manager to execute all documents with the South Bay Center for Counseling to receive a \$41,000 Hire-A-Youth grant and a \$30,000 Youth Prevention Initiative grant; and authorize any subsequent amendments that change the terms or increase grant amounts. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
7. 08-0971 Recommendation to authorize City Manager to execute the First Amendment to Contract No. 30421 between the City of Long Beach and Creation World Safety to increase the amount of the contract by \$50,000 for a total contract amount of \$150,000 to provide additional training for residents in hazardous waste removal and related job skills. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
8. 08-0972 Recommendation to receive and file the application of Artesia 5220 Incorporated, dba Artesia 5220 Incorporated, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1785 North Bellflower Boulevard, with existing conditions. (District 4)
A motion was made to approve recommendation on the Consent Calendar.
9. 08-0973 Recommendation to receive and file the application of Kyung Hwa Lee, dba Morgans Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 106 West Artesia Boulevard, with existing conditions. (District 9)
A motion was made to approve recommendation on the Consent Calendar.
10. 08-0974 Recommendation to find that all requirements of the final subdivision map for mobile home park conversion have been satisfied and approve the final map for Tract No. 62384 located west of Santa Fe Avenue between West 32nd Street and West Arlington Street. (District 7)
A motion was made to approve recommendation on the Consent Calendar.

11. 08-0990 Recommendation to receive and file minutes of:
Civil Service Commission - September 3, 2008.

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

UNFINISHED BUSINESS (6:33 PM)

Without objection, Mayor Foster indicated that since Agenda Item Nos. 12 and 16 were the same subject matter, the Items would be considered together.

Robert Shannon, City Attorney, spoke.

12. 08-0949 Recommendation to approve nomination of Councilmember Tonia Reyes Uranga as the City's candidate to represent the Southeast/Long Beach Sector Subcommittee to the Metropolitan Transportation Authority Board.

Since Agenda Item Nos. 12 and 16 were discussed and considered together, the original motion is contained in Agenda Item No. 12, with the Substitute and Second Substitute motions as part of Agenda Item No. 16.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to approve recommendation for Agenda Item No. 12 for the nomination of Councilmember Tonia Reyes Uranga, deferring to Mayor Foster should he wish to serve. The motion carried by the following vote:

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

No: 1 - Lerch

Councilmember Reyes Uranga assumed the chair, when Mayor Foster and Vice Mayor Lerch retired.

13. 08-0872 Recommendation to adopt resolutions related to the undergrounding of utilities between 5430 and 5544 The Toledo: 1) Resolution of Intention to order improvements and to form Assessment District No. 08-01; and

Distributed at the meeting: Wall Street Journal article submitted by unidentified man.

Harvey Cochran spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation and adopt Resolution No. RES-08-0116. The motion carried by the following vote:

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

Absent: 1 - Lerch

Enactment No: RES-08-0116

08-0873 2) Resolution of preliminary approval of engineer's report, calling for a public hearing and election on November 11, 2008. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation and adopt Resolution No. RES-08-0117. The motion carried by the following vote:

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

Absent: 1 - Lerch

Enactment No: RES-08-0117

36. 08-0945 Recommendation to authorize City Manager to execute an International Swap and Derivatives Association (ISDA) Master Agreement with Merrill Lynch Commodities, Inc. (MLCI) to authorize various natural gas financial transaction programs, as the City Manager may deem appropriate. (Citywide)

Agenda Item No. 14 was considered while Robert Shannon, City Attorney, conferred with his staff.

Robert Shannon, City Attorney, 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 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Absent: 1 - Lerch

REGULAR AGENDA (6:50 PM)

14. 08-0995 Recommendation to receive and approve new appointments and reappointments to non-charter Citywide Boards, Committees and

Commissions.

Councilwoman Schipske spoke.

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

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

Absent: 1 - Lerch

- 15. 08-0996** Recommendation to reduce the appropriation in the Administration budget for the Legislative Department (LD) in the General Fund (GP) by \$138,000 and reserve the savings for action by the City Council in Fiscal Year 2009.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember B. Lowenthal spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Mayor Pro Tem Reyes Uranga spoke.

Councilmember DeLong 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: 5 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell and Andrews

Absent: 1 - Lerch

Agenda Item No. 16 was considered with Agenda Item No. 12.

16. 08-0997 Recommendation to approve the nomination of Mayor Bob Foster, Councilmember Suja Lowenthal, Councilmember Gary DeLong and Councilmember Tonia Reyes Uranga as the City's candidates to represent the Southeast/Long Beach Sector Subcommittee.

Since Agenda Item Nos. 12 and 16 were discussed and considered together, the original motion is contained in Agenda Item No. 12, with the Substitute and Second Substitute motions as part of Agenda Item No. 16.

Councilmember S. Lowenthal spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Larry Goodhue spoke.

Harvey Cochran spoke.

A substitute motion was made by Councilmember S. Lowenthal, seconded by Councilmember DeLong, to approve Agenda Item No. 16 as stated. The motion failed by the following vote:

Yes: 3 - S. Lowenthal, DeLong and Andrews

No: 6 - B. Lowenthal, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

A second substitute motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, to approve the nomination of Councilmember Suja Lowenthal, Councilmember Gary DeLong and Councilmember Tonia Reyes Uranga as the City's candidates to represent the Southeast/Long Beach Sector Subcommittee. The motion failed by the following vote:

Yes: 3 - S. Lowenthal, DeLong and Andrews

No: 6 - B. Lowenthal, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

17. 08-0975 Recommendation to receive and file the oral update concerning the status of the City's application with the Federal government to reuse the surplus Army property, Schroeder Hall, as the Eastside Police Station, including the status of efforts to locate an alternate site for the Mental Health of America (MHA) of Los Angeles program. (District 5)

Councilwoman Schipske spoke.

Patrick H. West, City Manager, spoke.

Dennis Thys, Director of Community Development, provided a PowerPoint presentation.

Harvey Cochran spoke.

Sue Patterson spoke.

Linda Sopo spoke and submitted correspondence.

Jerry Jensen spoke.

Patrick H. West, City Manager, spoke.

Dennis Thys, Director of Community Development, spoke regarding alternate sites considered.

Joe Masterson spoke.

Jennifer Robertson spoke.

Joe Sopo spoke.

Lee Gibbons spoke.

John Cross spoke.

Steve Klause spoke.

Barbara Obriedo spoke.

Fred Mackenheimer spoke.

Paul Collins spoke.

Jack Smith spoke.

Antonio Rivera spoke.

Jane Kellerher spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

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

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

Absent: 1 - Lerch

18. 08-0976

Recommendation to receive and file Annual Report of the Downtown Long Beach Parking and Business Improvement Area; approve the proposed budget for Fiscal Year 2009 (FY 09); and authorize City Manager to execute a contract with the Downtown Long Beach Associates for the period of October 1, 2008 through September 30, 2009 in the amount of \$620,000. (Districts 1,2)

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

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

Absent: 1 - Lerch

19. 08-0977

Recommendation to approve the Downtown Long Beach Property and Business Improvement District Annual Report for the period of January 1, 2009 through December 31, 2010, automatically extending the Agreement for Funding with the Downtown Long Beach Associates for one year. (Districts 1,2)

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

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

Absent: 1 - Lerch

20. 08-0862

Recommendation to request City Attorney to prepare and authorize City Manager to execute all documents necessary for the sale of 100 Long Beach Boulevard (City Hall East) in an amount of \$5,100,000 as specified. (District 2)

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

Harvey Cochran spoke.

Jack Smith spoke.

Councilwoman Schipske spoke.

Mayor Pro Tem Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember S. Lowenthal 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: 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga, Gabelich and Lerch

No: 1 - Schipske

21. 08-0978

Recommendation to approve the Fiscal Year 2008 fourth quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)

Councilwoman Schipske spoke.

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

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

Absent: 1 - Lerch

22. 08-0979

Recommendation to amend Contract No. 28522 with Bell Building Maintenance Co., Contract No. 28552 with Goodwill Industries and Contract No. 28599 with Grace Building Maintenance Co. to extend the current custodial services contracts through April 30, 2009 by an amount not to exceed \$440,000, pending completion of a competitive bid process. (Citywide)

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

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

Absent: 2 - B. Lowenthal and Lerch

- 23. 08-0980** Recommendation to amend Contracts No. 28892 and 29207 with Azteca Landscape and Contracts No. 28893 and 29208 with Midori Gardens to extend current landscaping services for parks and street median maintenance services through December 31, 2008; and increase the contracts by an amount not to exceed \$855,500, plus a 15 percent contingency if necessary and if funds are available and the option to renew up to an additional three months if necessary and if funds are available on a pro rata basis. (Citywide)

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

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

Absent: 2 - B. Lowenthal and Lerch

- 24. 08-0981** Recommendation to adopt resolution authorizing City Manager to execute a contract with Merrimac Energy Group for the purchase of unleaded, diesel, bio-diesel and Jet A fuel, on the same terms and conditions afforded to Saddleback Valley Unified School District, Foothill Transit Agency, City of Anaheim and County of Los Angeles, in an amount not to exceed \$5,000,000 including tax, for one year with the option of renewing for two additional one-year periods, plus a 25 percent contingency if necessary and if funds are available. (Citywide)

A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-08-0118. The motion carried by the following vote:

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

Absent: 2 - B. Lowenthal and Lerch

Enactment No: RES-08-0118

- 25. 08-0994** Recommendation to authorize City Manager, or designee, to execute an agreement between the City of Long Beach Department of Health and Human Services, acting as lead agency, and the Department of Justice, Office of Justice Program (DOJ) to provide continued Weed and Seed Community Services in Police Beats 4 and 5; and execute all necessary

documents, subgrants and any amendments changing the amount of the award or extending the grant term upon receipt of DOJ funding. The grant award amount will be between \$750,000 and \$950,000, pending federal budget approval, for the period of October 1, 2007 through September 30, 2012. (Districts 1,6,7)

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

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

Absent: 2 - B. Lowenthal and Lerch

- 26. 08-0982** Recommendation to authorize City Manager to execute the renewal of contracts with Great-West Life/CIGNA, the City's Third Party Administrator for the Preferred Provider Organization (PPO), Point of Service (POS) group health plans; PacifiCare for the Health Maintenance Organization (HMO) group health plan and closed-panel dental plan; Medco as the Prescription Benefit Manager (PBM) for the Prescription Drug Plan; Elite as the Stop-Loss Re-insurer; Delta Dental for the fee-for-service dental plan; Medical Eye Services (MES) for the vision plan; Standard Insurance Company for the Life Insurance and Long- and Short-Term Disability; and Union Mutual Life Insurance Company (UNUM) through Larry Lambert & Associates Insurance Services for the long-term care benefits; and to continue the City's self-funded, in-hospital indemnity program administered by Great-West Life/CIGNA; and

Authorize City Manager to execute any subsequent amendments necessary to maintain current benefit levels and remain in compliance with State and Federal laws on all plans. (Citywide)

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

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

Absent: 2 - B. Lowenthal and Lerch

- 27. 08-0983** Recommendation to authorize City Manager to execute the Third Amendment to Lease No. 16419 with Catalina Flying Boats, Inc. for City-owned property at 3215 East Spring Street to extend the term of the lease through May 31, 2048, at the initial monthly rental rate of \$3,870. (District 5)

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

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

Absent: 2 - B. Lowenthal and Lerch

- 28. 08-0984** Recommendation to receive and file the application of Yuelan He and Ha Johnny Lam Truong, dba Lotus Cafe, for an original Alcoholic Beverage Control License, at 245 Pine Avenue Suite 200, with conditions. (District 2)

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

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

Absent: 2 - B. Lowenthal and Lerch

- 29. 08-0985** Recommendation to receive and file the application of Aroma Di Roma Incorporated, dba Aroma Di Roma, for an original Alcoholic Beverage Control License, at 5327 East 2nd Street, with conditions. (District 3)

Greg Tracy spoke.

Mike Ruehle spoke.

Councilmember DeLong spoke.

John Stegmiester spoke.

Gianluigi Protano spoke.

Lee Sloan spoke.

Tim Terrell, applicant, spoke.

Councilmember DeLong 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 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Absent: 1 - Lerch

- 30. 08-0986** Recommendation to authorize City Manager to execute all documents necessary for lease of excess Terminal Island Freeway right-of-way to Wilmington-Lomita Blvd., LLC, a California limited liability company, for a period of 30 years, with options to extend, for an initial monthly rent of \$6,900. (District 7)

Councilwoman Gabelich spoke.

Mayor Pro Tem Reyes Uranga 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, Andrews, Reyes Uranga and Gabelich

Absent: 2 - B. Lowenthal and Lerch

- 31. 08-0987** Recommendation to adopt resolution approving the Traffic Mitigation Program Sixteenth Annual Report (Fiscal Year 2006-07) and making findings relative thereto, and amend the Traffic Mitigation Program to add the following projects:

1. ATCS expansion and safety upgrades on Clark Avenue from Willow Avenue to Del Amo Boulevard.
2. Safety and communication upgrades and expansion of the ATCS on Artesia Boulevard from Downey Avenue to Long Beach Boulevard.
3. Traffic flow, communication and safety improvements on Wardlow Road from west City limits to Cherry Avenue.
4. Pilot projects that expand or upgrade existing bicycle and pedestrian facilities that encourage mode shift to reduce traffic congestion.

Further, as related to the Airport Area Assessment District (AAAD), due to recent roadway and signal improvements made by Boeing on Wardlow Road east of Cherry Avenue, the improvements originally proposed for the intersection of Cherry Avenue and Wardlow Road are no longer needed at this time. Therefore, the Cherry/Wardlow intersection improvement will be deleted and the Spring Street Improvement, which will include resurfacing and re-striping of Spring Street from Lakewood Boulevard to Cherry Avenue to add additional capacity within the AAAD area will be added. (Citywide)

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-08-0119. The motion carried by the following vote:

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

Absent: 1 - Lerch

Enactment No: RES-08-0119

Mayor Foster assumed the chair.

- 32. 08-0534** Recommendation to authorize City Manager to amend the Nine-Year Operating Agreement between the City of Long Beach and the Long Beach Public Transportation Company for public transportation services from July 1, 2005 through June 30, 2014. (Citywide)

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

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

Absent: 1 - Lerch

- 33. 08-0988** Recommendation to authorize City Manager or designee to execute a three-year agreement between the City of Long Beach and the Long Beach Public Transportation Company for the disbursement of transportation funds for the Fiscal Years 2008-09 through 2010-11. (Citywide)

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

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

Absent: 1 - Lerch

- 34. 08-0992** Recommendation to receive and file presentation by Water Department regarding Declaration of Imminent Water Supply Shortage update. (Citywide)

Distributed at the meeting: PowerPoint presentation entitled, Drought Update - September 23, 2008.

Kevin Wattier, Director of Water Department, presented a PowerPoint presentation.

Councilwoman Schipske spoke.

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

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

Absent: 2 - DeLong and Lerch

ORDINANCE (9:17 PM)

- 35. 08-0927** 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 10 of said map from Four-Family Residential (R-3-4) to P (Park), read and adopted as read. (District 6)

A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to approve recommendation and adopt Ordinance No. ORD-08-0025. The motion carried by the following vote:

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

Absent: 2 - DeLong and Lerch

Enactment No: ORD-08-0025

NEW BUSINESS (9:17 PM)

- 36.** Agenda Item No. 36 is listed under Unfinished Business (page 5 of the agenda).

- 37. 08-1004** Recommendation to adopt resolution authorizing the issuance of Tax and Revenue Anticipation Notes (TRAN) in an amount not to exceed \$55 million under a negotiated or competitively bid structure; and authorize City Manager to execute all necessary documents. (Citywide)

A motion was made by Councilmember B. Lowenthal, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-08-0120. The motion carried by the following vote:

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

Absent: 2 - DeLong and Lerch

Enactment No: RES-08-0120

38. Affidavit of Service for the special meeting held Tuesday, September 23, 2008.

ANNOUNCEMENTS (9:18 PM)

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

Councilwoman Gabelich made community announcements.

Councilmember Reyes Uranga made community announcements.

Councilmember B. Lowenthal congratulated Pat Paris as the new Kiwanis Club President; and made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilmember O'Donnell requested that the meeting be adjourned in memory of Robert Woodall; and made community announcements.

ADJOURNMENT (9:25 PM)

At 9:25 P.M., Mayor Foster adjourned the meeting in memory of Tom Witherspoon and Robert Woodall.

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