

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

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## FINISHED AGENDA & MINUTES

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

Agenda Items were considered in the order presented, with the exception of Agenda Item No. 33, which was considered following Agenda Item No. 22.

### ROLL CALL (5:14 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; 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: Vice Mayor Val Lerch, Councilmember, Ninth District.

Julie Pruitt, spcaLA, presented a canine.

Proclamations for Fire Department Employees of the Year 2009.

Alan Patalano, Fire Chief, spoke.

Presentation on Community Baby Shower.

Councilwoman Schipske spoke.

Recognition ceremony for Vice Mayor Val Lerch, Councilmember, Ninth District.

Assemblymember Bonnie Lowenthal, 54th District, spoke.

Connie Sziebl, Supervisor Don Knabe's representative, spoke.

Patrick West, City Manager, spoke.

Rich Brandt, President, Long Beach Firefighters Association, and Alan Patalano, Fire Chief, spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilmember Lowenthal spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Vice Mayor Val Lerch spoke.

Mayor Foster announced that Agenda Item No. 33 would be considered following Agenda Item No. 22.

## **HEARINGS (6:01 PM)**

[see media](#)

1. [10-0679](#) Recommendation to receive supporting documentation into the record, conclude the hearing, declare interim ordinance relating to the temporary limitation (moratorium) on the approval of permits for the installation of wireless telecommunications facilities in the Institutional zones of the City; 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.

Harvey Cochran spoke.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to declare interim Ordinance No. ORD-10-0020 relating to the temporary limitation (moratorium) on the approval of permits for the installation of wireless telecommunications facilities in the Institutional zones of the City, read and 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

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, 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-10-0020

[see media](#)

2. [10-0686](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution supporting boundary adjustments between the Cities of Long Beach, Seal Beach and Los Alamitos, and Los Angeles and Orange Counties. (Districts 3,5)

Harvey Cochran spoke.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-10-0067. The motion carried by the following vote:**

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

**Enactment No:** RES-10-0067

[see media](#)

3. [10-0688](#)

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 east of Temple Avenue and north of Fourteenth Street. (District 4)

**A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-10-0068. The motion carried by the following vote:**

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

**Enactment No:** RES-10-0068

**PUBLIC COMMENT (6:15 PM)**

[10-0754](#) Donald Chitlik spoke regarding conditions and behavior in the alleys in Belmont Shore; and submitted written comments.

**This Handout was received and filed.**

Ronald Webster spoke regarding fraud concerning payment of utility bill.

Harvey Cochran spoke regarding Citizens for a Better Long Beach.

Summer Hansen spoke a word of thanks to Councilmember Reyes Uranga concerning Children's Day and to Vice Mayor Lerch for his service.

**CONSENT CALENDAR (6:27 PM)**

Passed The Consent Calendar

**A motion was made by Councilwoman Gabelich, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 4 - 16. The motion carried by the following vote:**

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

4. [10-0713](#) Recommendation to receive and file report on travel to New Orleans, Louisiana for a meeting of the executive board of the United States Conference of Mayors, June 20 - 21, 2010.

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

5. [10-0689](#) Recommendation to authorize agreement between the City of Long Beach and the law firm of Nossaman LLP to assist the City Attorney in connection with project contracting, financing and procurement, including design-build and public-private partnerships.

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

6. [10-0705](#) Recommendation to authorize City Manager to execute an agreement with the firm of Ezra, Brutzkus, Gubner, LLP, pertaining to matters involving Lehman Brothers Holdings Bankruptcy.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. [10-0690](#) Recommendation to approve the minutes for the City Council Meetings and the Budget Meetings held Tuesdays, June 15, 2010 and June 22, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
8. [10-0691](#) Recommendation to refer to City Attorney damage claims received between June 14, 2010 and June 28, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
9. [10-0693](#) Recommendation to authorize City Manager to execute a right-of-entry permit for Jose Loza, mural artist, to access Seaside Park, located at 1401 Chestnut Avenue, to provide mural painting commencing July 2010. (District 1)  
**A motion was made to approve recommendation on the Consent Calendar.**
10. [10-0652](#) Recommendation to authorize City Manager to execute a permit with BAC Management, LLC, dba The Belmont Athletic Club, to use open space on City beaches and parks for group exercise classes and personal training sessions, for a term of two years, with three, one-year renewal options, at the discretion of the City Manager or his designee. (District 3)  
**A motion was made to approve recommendation on the Consent Calendar.**
11. [10-0694](#) Recommendation to authorize City Manager to execute a buildover agreement with County Sanitation District No. 2 of Los Angeles County, in conjunction with the expansion of Admiral Kidd Park. (District 7)  
**A motion was made to approve recommendation on the Consent Calendar.**
12. [10-0695](#) Recommendation to receive and file the application of Royal Ocean Dynasty Incorporated, dba Royal Buffet, for a person-to-person transfer of an Alcoholic Beverage Control License, at 530 East 33rd Street, with existing conditions. (District 7)

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

13. [10-0697](#) Recommendation to authorize City Manager to execute an agreement with the State of California, regarding the maintenance of streetscape improvements within state highway right-of-way along Pacific Coast Highway, between the Terminal Island Freeway and the Long Beach Freeway I-710. (Districts 1,7)

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

14. [10-0696](#) Recommendation to authorize City Manager to execute an agreement with Toyota Motor Sales, U.S.A. Inc., (Toyota) to assign the City of Long Beach a Plug-In Prius (Prius) for demonstration and evaluation purposes for a six-week period starting in July 2010. (Citywide)

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

15. [10-0698](#) Recommendation to adopt continuous resolution authorizing City Manager to apply for the First Cycle Used Oil Payment Program (OPP) and to execute all necessary documents related thereto. (Citywide)

**A motion was made to approve recommendation and adopt Resolution No. RES-10-0069 on the Consent Calendar.**

**Enactment No:** RES-10-0069

16. [10-0692](#) Recommendation to receive and file minutes of:  
Cultural Heritage Commission - May 10, 2010.  
Parks and Recreation Commission - May 20, 2010.

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

#### **REGULAR AGENDA (6:28 PM)**

[see media](#)

17. [10-0715](#) Recommendation to receive and approve the Commission/Board/Committee reappointments and new appointments to Non-Charter Commissions.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Harvey Cochran spoke.

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

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

[see media](#)

18. [10-0716](#)

Recommendation to receive and approve Mayoral appointments to the Blue Ribbon Commission on Funding Arts and Culture in accordance with Agenda Item 10-0223, as approved by the City Council on March 2, 2010.

Mayor Foster spoke.

Councilmember Garcia spoke.

Harvey Cochran spoke.

Councilwoman Gabelich spoke.

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

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

[see media](#)

19. [10-0712](#)

Recommendation to receive and file report on the actions taken at the Metropolitan Water District Board meeting held on June 8, 2010.

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

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

[see media](#)

20. [10-0711](#)

Recommendation to respectfully request City Manager to work with the Parks and Recreation Commission to develop a recommendation for prohibiting smoking in parks of a particular size and smaller, and provide the recommendation to the City Attorney for drafting of an ordinance no later than 60 days.

Councilmember Lowenthal spoke.

Bobby Gezira spoke.

Claudette Powers spoke.

Pat Eatum spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Ronald Arias, Director of Health and Human Services, spoke.

Councilman Andrews spoke.

Vice Mayor Lerch spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Councilmember Lowenthal spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Councilwoman Gabelich spoke.

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

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

**No:** 1 - Lerch

[see media](#)

**21. [10-0714](#)**

Recommendation to direct City Manager to develop a long-term plan to establish a baseline for police staffing and to develop a strategic plan to bring police staffing to properly budgeted levels within three years.

Councilmember Reyes Uranga spoke.



Patrick West, City Manager, spoke.

Jim McDonnell, Police Chief, spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Patrick West, City Manager, spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Garcia, to approve recommendation to direct City Manager to develop a long-term plan to establish a baseline for police staffing and to develop a strategic plan to bring police staffing to properly budgeted levels by the end of calendar year 2010 and return to City Council with the report for discussion. The motion carried by the following vote:**

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

[see media](#)

**22. [10-0670](#)**

Recommendation to City Council to concur in recommendation of the Personnel and Civil Service Committee to receive and confirm the following appointments and reappointments: Citizen Police Complaint Commission (1 appointment) (1 reappointment) (1 at-large reappointment); Civil Service Commission (2 appointments); Parks and Recreation Commission (1 appointment) (2 reappointments); and Redevelopment Advisory Board (1 at-large appointment).

Councilwoman Schipske spoke.

Mayor Foster spoke.

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

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

[see media](#)

23. [10-0699](#)

Recommendation to amend Contract No. 29997 with Ocean Blue Environmental Services, Inc., a Long Beach-based business (a MBE, WBE, DBE and LSBE), to extend current emergency and non-emergency hazardous waste removal services, by an additional \$615,000 for nine months. (Citywide)

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

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

[see media](#)

24. [10-0700](#)

Recommendation to adopt Specifications No. PA-01010 and award contracts to Maxum, dba General Petroleum, a Long Beach-based business (not a MBE, WBE or SBE), and to A. P. Fischer, Inc., a Long Beach-based business (Local SBE), in a total amount of \$200,000 for furnishing and delivering petroleum products for a period of one year, with the option of renewing for one additional one-year period, at the discretion of the City Manager. (Citywide)

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

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

[see media](#)

25. [10-0706](#)

Recommendation to adopt resolution authorizing City Manager to execute documents for the renewal of the Letter of Credit enhancement for the City of Long Beach Gas and Oil (LBGO) Department's Subordinate Revenue Commercial Paper Notes Series A and Series B (Taxable) at an annual cost not to exceed \$125,000. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0070. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

**Enactment No:** RES-10-0070

[see media](#)

26. [10-0701](#)

Recommendation to adopt Specifications No. PA-02510 and award a

contract to Sport Supply Group, dba BSN Sports, of Corona, CA (not a MBE, WBE, SBE or Local), in an annual amount not to exceed \$170,000 for furnishing and delivering sports and athletic equipment for a period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, 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

[see media](#)

27. [10-0702](#)

Recommendation to adopt resolution authorizing City Manager to execute a contract with RCA Investments, dba Long Beach BMW Motorcycles, a Long Beach-based business (not a MBE, WBE or SBE), for the purchase of four BMW police-certified motorcycles per quote dated March 31, 2010, on the same terms and conditions afforded to the State of California, in an amount not to exceed \$101,100 including tax. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0071. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

**Enactment No:** RES-10-0071

[see media](#)

28. [10-0498](#)

Recommendation to authorize City Manager to execute a three-year agreement, and two one-year amendments, with WomenShelter of Long Beach (WSLB) to accommodate an advocate at the Long Beach Police Department (LBPD) Public Safety Building (PSB) to provide comprehensive services to victims of domestic violence. (Citywide)

Tulynn Smile spoke.

Councilman Andrews spoke.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Lowenthal, 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

[see media](#)

29. [10-0703](#)

Recommendation to adopt Resolution of Intention to vacate a pedestrian walk between Janice Drive and Harding Street, east of Atlantic Avenue, and set a date for a public hearing for Tuesday, August 3, 2010 at 5:00 p.m. (District 9)

Vice Mayor Lerch spoke.

Juan Yguerra spoke.

**A motion was made by Vice Mayor Lerch, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-10-0072. The motion carried by the following vote:**

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

**Enactment No:** RES-10-0072

[see media](#)

30. [10-0704](#)

Recommendation to find that excavations are immediately required for the general health, safety, and welfare of the City and cannot be delayed; that alternatives to excavating, such as alternative routing, or construction methods, such as boring or excavation of the parkway, are not possible; approve a discretionary permit to excavate certain areas on Harbor Avenue, 20th Street, 25th Street, and Easy Avenue, which have been reconstructed within the previous 60 months, in accordance with Section 14.08.060 of the Long Beach Municipal Code. (Districts 1,7)

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

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

**ORDINANCE (8:38 PM)**

[see media](#)

31. [10-0667](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding District AA to Section 10.32.110 creating a new Preferential Parking District, read and adopted as read. (District 5)

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation and adopt Ordinance ORD-10-0021. The motion carried by the following vote:**

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

**Enactment No:** ORD-10-0021

### **NEW BUSINESS (8:39 PM)**

[see media](#)

**32. [10-0749](#)**

Recommendation to receive information and consider a proposal for a business license tax on medical marijuana collectives and other marijuana businesses; and set a date for a public hearing for Tuesday, August 3, 2010 at 5:00 p.m., to approve the placement of a ballot measure on the November 2010 General Election. (Citywide)

Jamie Green spoke.

Madeline Johnson spoke.

Babaji Geiger spoke.

Lori Ann Farrell, Director of Financial Management, spoke.

Diana Lejins spoke.

Steve Baker spoke.

Charles Warner spoke.

Tom Hutchings spoke.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Garcia spoke.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Councilmember Lowenthal spoke.

Councilmember Garcia spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation, with direction to staff to draft an ordinance that will impose a 10% gross receipts tax on non-medical marijuana businesses. The motion carried by the following vote:**

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

**No:** 1 - Schipske

[see media](#)

**33. [10-0752](#)**

Recommendation to respectfully request City Manager to work with appropriate staff to begin the process of developing a Project Labor Agreement (PLA) for the Long Beach Airport Terminal Project.

Distributed at the meeting: Information from Councilmember Reyes Uranga.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Jim Eaton spoke.

Laurie Angel spoke.

Tommy Falve spoke.

Dale Phelps spoke.

Dennis Rockway spoke.

Tom Oxley spoke.

Bryan Mehgino spoke.

Electrician (unidentified man) spoke.

Ron Yates spoke.

Ruben Begonia spoke.

Steve Neal spoke.

Mike Peido spoke.

Richard Slawson spoke.

Toa Tollo spoke.

Jackie Nutting spoke and submitted correspondence.

Charles Stringfellow spoke.

Joel Therwaulter spoke.

Mayor Foster spoke.

Councilmember Garcia spoke.

Mayor Foster spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

Councilmember DeLong spoke.

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

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

**No:** 2 - DeLong and Lerch

34. Affidavit of Service for the Special Meeting held Tuesday, July 6, 2010.

35. [10-0751](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, July 6, 2010.

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

**ANNOUNCEMENTS (9:21 PM)**

Councilwoman Gabelich made community announcements.

Councilmember Reyes Uranga made community announcements.

**PUBLIC (9:23 PM)**

Diana Lejins spoke regarding a movie concerning the war on drugs.

**ADJOURNMENT (9:26 PM)**

At 9:26 PM, Vice Mayor Lerch adjourned the meeting.

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