

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

### ROLL CALL (5:00 PM)

**Councilmembers** Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and  
**Present:** Lerch

**Councilmembers** Garcia, DeLong and Gabelich  
**Absent:**

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Michael Mais, Assistant City Attorney; Larry Herrera, City Clerk; Carolyn Harris, City Clerk Specialist.

Vice Mayor Lerch presiding.

Invocation: Moment of Silence.

Flag Salute: Councilmember Patrick O'Donnell, Fourth District.

Kathy Schofield, spcaLA, presented a feline.

Vice Mayor Lerch spoke.

### SECOND ROLL CALL

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

**Councilmembers** Garcia and Gabelich  
**Absent:**

Councilmember DeLong joined the meeting.

Recognition of St. Anthony's Girls' Varsity Basketball Team.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Vice Mayor Lerch spoke.

Presentation on Green Long Beach Festival.

Councilmember Lowenthal spoke.

#### **CONTINUED HEARING (5:08 PM)**

[see media](#)

1. [10-0359](#) Recommendation to continue the appeal hearing of Eyal Shlomot, Ray Sumner, and Vicki Pell resulting from a decision of the Planning Commission to approve a modification to upgrade an unmanned telecommunication facility at the Gaytonia Apartment Building, a designated historic landmark located at 212 Quincy Avenue in the R-1-N zone. (District 3)

Michael Mais, Assistant City Attorney, spoke.

Lynn Van Aken, representative for Sprint Nextel, spoke.

Vice Mayor Lerch spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, that the item be laid over to a date uncertain. The motion carried by the following vote:**

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

**Absent:** 2 - Garcia and Gabelich

#### **HEARING (5:14 PM)**

[see media](#)

2. [10-0494](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeal of Sandra Denisac and Cindy Bambam, and uphold the Planning Commission decision to approve a Modification to a Conditional Use Permit and Local Coastal Development Permit to upgrade an alcohol license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) at an existing restaurant located at 5734 East 2nd Street, and withdraw the public notice of protest approved by the City Council on January 19, 2010. (District 3)

Suzanne Frick, Assistant City Manager, spoke.

Sandy Denisac, appellant, spoke.

George Sabbagh, owner of KC Branaghans, spoke.

Sandy Denisac, appellant, spoke.

Harvey Cochran spoke.

Robert Dahlworth spoke and submitted a photo pertaining to KC Branaghans.

Randy Cook spoke.

Helga Nesbitt spoke.

Councilmember DeLong spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to deny the appeal of Sandra Denisac and Cindy Bambam; withdraw the public notice of protest; and uphold the Planning Commission decision and include the following conditions: [1] Amend condition 17 to read as follows: The operator shall install an alarm system at the rear exit doors along with lighting along the alleyway; [2] Insert condition 18 to read: The operator shall also install exterior video security cameras at the front and rear of the business with full view of the public rights-of-way and shall also install exterior security video cameras that provide full view of any areas where operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required; [3] Re-number the March 4, 2010, conditions 18 and 19 as conditions 19 and 20, respectively; and [4] Provide that the hours of operation for Sunday through Thursday shall not go beyond 11:30 p.m. The motion carried by the following vote:

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

**Absent:** 2 - Garcia and Gabelich

#### **PUBLIC COMMENT (5:44 PM)**

Harvey Cochran spoke regarding various issues.

Anthony and Cristella Lopez spoke regarding an update with the Police Department.

Vice Mayor Lerch spoke.

Robert Shannon, City Attorney, spoke.

Ben Rockwell spoke regarding 211 issues.

Larry Goodhue spoke referring to the Webster dictionary.

Kendall Rainwater spoke regarding the County property gate.

#### **CONSENT CALENDAR (6:06 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve Consent Calendar Items 3 - 6. The motion carried by the following vote:**

**Yes:** 6 - Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga and Lerch

**Absent:** 3 - Garcia, Andrews and Gabelich

3. [10-0495](#) Recommendation to refer to City Attorney damage claims received between April 26, 2010 and May 3, 2010.

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

4. [10-0496](#) Recommendation to authorize City Manager to execute all necessary agreements with the State of California to receive \$46,930 in American Recovery and Reinvestment Act (ARRA) Wagner-Peyser (WP) 10 Percent funds to support the Disability Program Navigator Initiative, and to execute any subsequent needed amendments. (Citywide)

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

5. [10-0497](#) Recommendation to authorize City Manager to execute all necessary documents with the LA84 Foundation to accept Summer Swim 2010 grant funds in the amount of \$25,000, for summer aquatic programs for economically disadvantaged youth at Martin Luther King, Jr. Pool, Silverado Pool, Millikan High School Pool, Jordan High School Pool, and Belmont Plaza Pool, from June 21, 2010 to August 27, 2010; and authorize City Manager to execute all necessary documents to implement and administer the grant and any amendments. (Districts 3,5,6,7,9)

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

6. [10-0499](#) Recommendation to receive and file minutes for: Civil Service Commission - April 7 and 14, 2010.

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

#### **UNFINISHED BUSINESS (6:07 PM)**

[see media](#)

17. [05-2662](#) Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee that a written policy be established for public use of audio/visual presentations at City Council meetings, with the authorization of a Council office or the Mayor's office;

presentations must be presented to Technology Services five (5) days prior to the meeting; and the public would be governed by the current three (3) minute rule.

Robert Shannon, City Attorney, spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Larry Herrera, City Clerk, spoke.

Councilmember Reyes Uranga spoke.

Harvey Cochran spoke.

Vice Mayor Lerch spoke.

**A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to amend and approve recommendation as follow: (1) Amend the March 9, 2010 Housing and Neighborhoods Committee recommendation regarding Council meeting audio-visual presentations by members of the public to provide that presentations must be presented to the City Clerk five (5) calendar days prior to the meeting or by Thursday 12:00 noon, and the public would be governed by the current three (3) minute rule; and (2) adopt the proposed Guidelines to be effective on June 1, 2010, and request that the City Clerk report back to the City Council in 90 days as to the operational impact of the policy Guidelines. The motion carried by the following vote:**

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

**Absent:** 2 - Garcia and Gabelich

[see media](#)

**18. [10-0479](#)**

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Target Corporation, dba Target T 0195, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 2270 North Bellflower Boulevard, with conditions. (District 4)

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

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

**Absent:** 2 - Garcia and Gabelich

**REGULAR AGENDA (6:15 PM)**

[see media](#)

7. [10-0519](#) Recommendation to respectfully request City Attorney to prepare an amendment to Section 14.14.045 of the Long Beach Municipal Code with the addition of Subsection F, relating to conditions or restrictions for sidewalk occupancy permits.

**This Agenda Item was laid over.**

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

**Absent:** 2 - Garcia and Gabelich

[see media](#)

8. [10-0520](#) Recommendation to request City Manager to work with appropriate staff to update the City Council on the effort to allow residents the opportunity to secure permits online and identify further service areas that may be conducted online.

Councilmember O'Donnell spoke.

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

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

**Absent:** 2 - Garcia and Gabelich

[see media](#)

9. [10-0506](#) Recommendation to adopt resolution designating 2010 as the Year of No Texting While Driving. (Citywide)

**A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to approve recommendation and adopt Resolution No. RES-10-0049. The motion carried by the following vote:**

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

**Absent:** 3 - Garcia, O'Donnell and Gabelich

**Enactment No:** RES-10-0049

[see media](#)

10. [10-0500](#) Recommendation to adopt resolution authorizing City Manager to submit a grant application to the State of California Strategic Growth Council through the Urban Greening for Sustainable Communities Program, in an amount totaling \$1,500,000, to implement the Long Beach Low Impact Development Academy. (District 7)

Councilmember Reyes Uranga spoke.

Patrick West, City Manager, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Vice Mayor Lerch spoke.

Kendall Rainwater spoke.

Councilmember Reyes Uranga spoke.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0050. The motion carried by the following vote:**

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

**Absent:** 2 - Garcia and Gabelich

**Enactment No:** RES-10-0050

[see media](#)

11. [10-0501](#) Recommendation to authorize City Manager to execute all documents with the County of Los Angeles and its pass-through agency, the City of Hawthorne on behalf of the South Bay Workforce Investment Board, to receive \$3,610,500 in American Recovery and Reinvestment Act (ARRA) funds to operate a Summer Youth Program that will assist approximately 1,500 youth ages 14-24; execute all documents with various partners and vendors in an amount totaling \$247,500; increase appropriations in the Community Development Grants Fund (SR 150) in the Department of Community Development (CD) by \$3,610,500; and execute any needed subsequent amendments. (Citywide)

Patrick West, City Manager, spoke.

Councilmember Reyes Uranga spoke.



Councilman Andrews spoke.

Councilmember O'Donnell spoke.

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

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

**Absent:** 2 - Garcia and Gabelich

[see media](#)

12. [10-0502](#)

Recommendation to adopt resolution declaring that a fiscal hardship will exist within the City of Long Beach as result of the State's borrowing of Highway Users Tax Account (HUTA) Funds. (Citywide)

Larry Goodhue spoke.

Vice Mayor Lerch spoke.

Patrick West, City Manager, spoke.

Councilmember Reyes Uranga spoke.

Lori Ann Farrell, Director of Financial Management, spoke.

Councilwoman Schipske spoke.

Patrick West, City Manager, spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0051. The motion carried by the following vote:**

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

**Absent:** 2 - Garcia and Gabelich

**Enactment No:** RES-10-0051

[see media](#)

13. [10-0503](#)

Recommendation to authorize City Manager to execute the second amendment to the Prepaid Natural Gas Purchase and Sale Agreement dated September 13, 2007, by and between Long Beach Bond Finance Authority and the City of Long Beach, to allow for alternative natural gas delivery points, balancing of prepaid gas delivered into the Long Beach

Gas and Oil system from additional gas suppliers, and to stipulate that any failure to deliver prepaid gas as a result of non-performance under certain Physical Natural Gas Transaction Confirmations or Base Contract for Sale and Purchase of Natural Gas Agreement, shall not constitute an authority delivery default. (Citywide)

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

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

**Absent:** 2 - Garcia and Gabelich

[see media](#)

14. [10-0504](#)

Recommendation to receive and file the application of Congregation Long Beach Chapter LLC, dba Congregation Alehouse, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 201 East Broadway, with conditions. (District 2)

Distributed at the meeting: Correspondence from Insurance Exchange Building Homeowners Association Board.

Councilmember Lowenthal spoke.

Neysa Colizzi spoke.

Ian Asano spoke.

Councilmember Lowenthal spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to approve recommendation with conditions as follow:**

**C16 - The Quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department of Alcoholic Beverage Control on demand.**

**C20 - The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation.**

**C28 - There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performances or fashion shows.**

**C36A - Trash shall not be emptied between the hours of 10:00 pm and 7:00 am.**

**C34 - The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises which they share with residents. The motion carried by the following vote:**

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

**Absent:** 2 - Garcia and Gabelich

[see media](#)

**15. [10-0505](#)**

Recommendation to receive and file the application of DJS Pizzeria Incorporated, dba DJS Pizza, for an original Alcoholic Beverage Control License, at 8185 East Wardlow Road, with conditions. (District 5)

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

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

**Absent:** 2 - Garcia and Gabelich

**ORDINANCE (6:48 PM)**

[see media](#)

**16. [10-0398](#)**

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 1.25.020, 2.02.020, 2.87.130,

3.44.030, 5.12.170, 5.20.040, 5.24.100, Subsections 5.28.050.A.12, 5.28.071.B, 5.28.080.D, 5.28.080.E, 6.24.020.B, Sections 8.04.010, 8.12.020, Subsection 8.60.089.C, Subsection 8.60.091.A, Subsection 8.60.093.B, Sections 10.50.040, 10.50.060, 14.12.040, Subsections 14.16.050.A.4, 16.08.720.A, and Sections 16.24.050, 16.36.040, 16.44.110, and 16.48.050, all related to transferring various fees from the Municipal Code to the Master Fee and Charges Resolution; and amending Subsection 5.12.120.A related to false alarm charges, read and adopted as read. (Citywide)

**A motion was made by Councilman Andrews, seconded by Councilmember Lowenthal, to approve recommendation and adopt Ordinance No. ORD-10-0014. The motion carried by the following vote:**

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

**Absent:** 2 - Garcia and Gabelich

**Enactment No:** ORD-10-0014

#### **NEW BUSINESS (6:49 PM)**

17. Agenda Item No. 17 is listed under Unfinished Business.
18. Agenda Item No. 18 is listed under Unfinished Business.
19. Affidavit of Service for special meeting held Tuesday, May 11, 2010.

#### **ANNOUNCEMENTS (6:49 PM)**

Councilmember O'Donnell made community announcements.

Councilmember Reyes Uranga made community announcements.

Councilman Andrews made community announcements.

Councilmember Lowenthal asked that the meeting be adjourned in memory of Kenya Casareal.

Vice Mayor Lerch asked that the meeting be adjourned in memory of Rick Borgus.

#### **ADJOURNMENT (6:52 PM)**

At 6:52 PM, Vice Mayor Lerch adjourned the meeting in memory of Kenya Casareal and

Rick Borgus.

cah

[see media](#)