CITY OF LONG BEACH CITY COUNCIL MINUTES

TUESDAY, OCTOBER 3, 2006 COUNCIL CHAMBER, 4:00 PM

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

Gerald R. Miller, City Manager Larry G. Herrera, City Clerk



Bob Foster, Mayor

Gerrie Schipske, 5th District Laura Richardson, 6th District Tonia Reyes Uranga, 7th District Rae Gabelich, 8th District Val Lerch, 9th District

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

ROLL CALL: (4:01 PM)

Councilmembers B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, **Present:** Richardson, Reves Uranga, Gabelich and Lerch

Also Present: Gerald Miller, City Manager; Christine Shippey, Assistant City Manager; Robert Shannon, City Attorney; Larry Herrera, City Clerk; Jerryl Soriano, City Clerk Specialist.

Mayor Foster presiding.

Invocation: Moment of Silence.

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

Vice Mayor B. Lowenthal moved, seconded by Councilmember DeLong, that the minutes of the meeting of Tuesday, September 19, 2006 be approved.

Proclamation Presented for Disability Awareness Month, October 2006. (4:01 PM)

Proclamation Presented for Mental Illness Awareness Week, October 1-7, 2006. (4:06 PM)

Vice Mayor B. Lowenthal spoke.

Proclamation Presented for October Is Arts Month. (4:10 PM)

06-1049 Distributed at meeting: Arts Council for Long Beach, Guide To Arts &

Culture.

This Handout was received and filed.

Agenda Item No. 21 was considered at this time.

Agenda Item No. 20 was considered at this time.

CONTINUED HEARING: (5:00 PM)

see media

1. 06-0751

Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Lucky Luke, Inc., dba The Copacabana, 2688 South Street, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (District 8)

Councilwoman Gabelich spoke.

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

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

No: 1 - Lerch

HEARINGS: (5:03 PM)

Agenda Item No. 3 was considered at this time.

2. <u>06-0990</u>

Recommendation to conduct a hearing on the appeal by the appellants (as listed at the end of this agenda) of the Planning Commission certification of the Final Environmental Impact Report (FEIR) and approval of the Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances related to a proposed Retail-Commercial Center located at 400 Studebaker Road (0308-11) (District 3);

- 1. Receive supporting documentation into the record, conclude the hearing, deny the appeals and sustain the decision of the Planning Commission to adopt a resolution certifying Final Environmental Impact Report 10-04/SCH No. 2004031093, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program; and
- 2. Approve Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances for the Retail-Commercial Center, subject to conditions.

Distributed at meeting: A PowerPoint presentation and correspondence from Barbara Goldberg, Brian Fish of Luce Forward Law Firm, Kathie Crawford, Doug Drummond, and Jan Chatten-Brown.

Merris White, Home Depot, spoke.

Doug Otto, representing the applicant, spoke.

Dr. Joe Magadino spoke.

Jan Chapman Brown, Environmental Attorney, spoke.

George Jones spoke.

Deborah Clawson spoke.

Dave Robertson spoke.

Heather Altman spoke.

Ann Cantrell spoke.

Mary Beth Mashburn spoke.

Thomas Marchese spoke.

Ann Denison spoke.

Janice Dahl spoke. Mary Beth Mashburn spoke. Gay Keating spoke Judy Hess spoke. Mary Suttie spoke. Tim Anderson spoke. Walter Smith spoke. Unidentified woman spoke. Dean Richardson spoke. Jeff Miller spoke. Lisa Rinaldi spoke. Don Mills spoke. Reyna Akers spoke. Carmen Rosas spoke. Tony Chavez spoke. Mayor Foster, read into the record, correspondence received from former Councilmember, Doug Drummond. Doug Otto, representing the applicant, spoke. PUBLIC COMMENT: Anna Christensen spoke. Allen Hose spoke. C.J. Henson spoke. Jack Humphrey spoke.

Judy Ruphagen spoke.

Vicki Peterman spoke.

Becky Blair spoke.

Barney Michaelchuck spoke.

Hank Snapper spoke.

Michael Wagner spoke.

Jeanette Gavin spoke.

Marion Golden spoke.

Taryn Francis Olsen spoke.

Dennis Craig spoke.

Brandon Klein spoke.

Joe Weinstein spoke.

Christopher Ward spoke.

Robert Clements spoke.

Mayor Foster declared a ten minute recess.

CITY COUNCIL DELIBERATIONS:

Vice Mayor B. Lowenthal spoke.

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember Lerch, to approve recommendation 1. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, S. Lowenthal, DeLong, Richardson, Reyes Uranga, Gabelich and Lerch

No: 2 - O'Donnell and Schipske

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember Lerch, to approve recommendation 2., with conditions to demonstrate to the satisfaction of the Director of Planning and Building, that all best efforts have been undertaken to achieve LEED certification, that Home Depot provide a fair share contribution to the restoration of the Los Cerritos Wetlands within one year of the opening of the store, provided that a special improvement district or other legal mechanisms are established or dedicated to the restoration of the Los Cerritos Wetlands, and with a friendly amendment that store hours be reduced to 6:00 A.M. thru 10:00 P.M., and that tractor-trailers be restricted from Loynes Drive. The motion carried by the following vote:

Yes: 7 - B. Lowenthal, S. Lowenthal, DeLong, Richardson, Reyes Uranga, Gabelich and Lerch

No: 2 - O'Donnell and Schipske

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilwoman Richardson spoke.

Vice Mayor B. Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilmember S. Lowenthal spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Vice Mayor B. Lowenthal spoke.

Vice Mayor B. Lowenthal spoke.

Councilwoman Gabelich requested a friendly amendment that LEED certification and formation of a special improvement district be required.

Vice Mayor B. Lowenthal did not accept the friendly amendment.

Councilwoman Gabelich spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to reconsider motion to approve recommendation 1. The motion failed by the following vote:

Yes: 5 - O'Donnell, Schipske, Richardson, Gabelich and Lerch

No: 4 - B. Lowenthal, S. Lowenthal, DeLong and Reyes Uranga

Councilmember Delong spoke.

Vice Mayor B. Lowenthal accepted a friendly amendment to add conditions regarding the reduction in hours of operation, and the restriction of tractor-trailers on Loynes Drive.

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember Lerch, to approve recommendation 1 and adopt Resolution No. RES-06-0114. The motion carried by the following vote:

Yes: 6 - B. Lowenthal, S. Lowenthal, DeLong, Richardson, Reyes Uranga and Lerch

No: 3 - O'Donnell, Schipske and Gabelich

Enactment No: RES-06-0114

Agenda Item No. 3 was considered following Agenda Item No. 1 and prior to Agenda Item No. 2.

see media

3. 06-0991

Receive supporting documentation into the record, conclude the hearing on the proposed Amendments to the General Plan, Amendments to the Atlantic Avenue Planned Development District (PD-25), Rezoning of 560, 561, 566, 567, 572, 575 and 580 East Vernon Street, 500, 504, 508, 520, 530 and 552 East Willow Street (Case No. 0412-06) (District 6);

1. Adopt resolution amending the General Plan from Land Use Districts LUD No. 1 (Single-Family) and No. 8A (Traditional Retail Strip) to LUD No. 7, (Mixed Uses);

Distributed at meeting: Correspondence received from Willow Partners.

Councilwoman Richardson spoke.

A motion was made by Councilwoman Richardson, seconded by Councilmember Reyes Uranga, that the item be continued to November 14, 2006. The motion carried by the following vote:

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

06-0992

2. Declare ordinance amending the Atlantic Avenue Planned Development District (PD-25), read the first time and laid over to the next regular meeting of the City Council for final reading; and

A motion was made by Councilwoman Richardson, seconded by Councilmember Reyes Uranga, that the item be continued to November 14, 2006. The motion carried by the following vote:

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

see media

<u>06-0993</u>

3. Declare ordinance changing zones from single-family residential (R-1-N) and Community Automobile-Oriented (CCA) to the Atlantic Avenue Planned Development District (PD-25), read the first time and laid over to the next regular meeting of the City Council for final reading.

A motion was made by Councilwoman Richardson, seconded by Councilmember Reyes Uranga, that the item be continued to November 14, 2006. The motion carried by the following vote:

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

PUBLIC COMMENT: (11:34 PM)

Bernave Delgadillo spoke regarding housing rent control.

CONSENT CALENDAR: (11:37 PM)

Passed The Consent Calendar

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 4-19. The motion carried by the following vote:

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

4. 06-0985

Recommendation to receive and file report on attendance at the League of California Cities 2006 Annual Conference and Exposition in San Diego, CA.

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

Recommendation to receive and file report on the 2006 National League **5**. 06-1009 of Cities Human Development Steering Committee Meeting in Vancouver, WA. A motion was made to approve recommendation on the Consent Calendar. Recommendation to receive and file report on the National Organization **6.** 06-1010 to Insure a Sound-Controlled Environment (NOISE) Conference and Aviation Noise Symposium on September 20 - 22, 2006. A motion was made to approve recommendation on the Consent Calendar. **7.** 06-1011 Recommendation to receive and file report on attendance at the NOISE Conference and Aviation Noise Symposium. A motion was made to approve recommendation on the Consent Calendar. Recommendation to authorize City Attorney to submit Compromise and **8.** 06-1004 Release for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$50,000 in compliance with the Appeals Board Order for Anthony Houston. A motion was made to approve recommendation on the Consent Calendar. Recommendation to authorize City Attorney to submit Stipulations with **9**. 06-1005 Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$38,080 for the claim of Jim Canales; and \$9,320 for the claim of Reginald Vega, in compliance with the Appeals Board Orders. A motion was made to approve recommendation on the Consent Calendar.

10. <u>06-1007</u> Recommendation to adopt resolution recognizing Hispanic Heritage Month.

A motion was made to approve recommendation and adopt Resolution No. RES-06-0115 on the Consent Calendar.

Enactment No: RES-06-0115

11. <u>06-1003</u> Recommendation to refer to City Attorney damage claims received between September 14, 2006 and September 28, 2006.

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

12. 06-0994

Recommendation to authorize City Manager to execute an agreement with the Public Corporation for the Arts in the amount of \$600,000 to fund arts and cultural activities for a period of one year. (Citywide)

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

13. 06-0995

Recommendation to authorize City Manager to execute a contract for state legislative representation services provided by Michael J. Arnold and Associates for an amount not to exceed \$102,261 for a period of one year. (Citywide)

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

14. 06-0996

Recommendation to authorize City Manager to execute an amendment to Contract No. 28598 extending the term an additional 90 days for federal legislative representation services provided by E. Del Smith and Company, Inc., for an amount not to exceed \$29,580. (Citywide)

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

15. 06-0997

Recommendation to adopt Specifications No. PA-00107 and award a contract to Allstar Fire Equipment for furnishing and delivering turnout coats and trousers, in the total estimated annual amount of \$125,000 for the 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 to approve recommendation on the Consent Calendar.

16. 06-0998

Recommendation to adopt Specifications No. PA-03105 and award contracts to Excelsior Elevator Corporation and Schindler Corporation, in the total estimated annual amount of \$170,000 for the period of one year, with the option to renew for three additional one-year periods, at the discretion of the City Manager. (Citywide)

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

17. 06-0999

Recommendation to receive and file the application of Eva Aguilar Ceballos, dba The Nugget Bar, for a person-to-person transfer of an Alcoholic Beverage Control License, at 468-72 W. Anaheim Street, with existing conditions. (District 1)

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

18. <u>06-0988</u> Recommendation to receive and file minutes of:

Parks and Recreation Commission - August 17, 2006.

Water Commission - August 17, 2006.

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

19. 06-1008

Recommendation to approve Proclamations presented for Disability Awareness Month, October 2006; for Mental Illness Awareness Week, October 1-7, 2006; and for October Is Arts Month; and Certificates of Recognition presented to Dr. Gwen Mathews, U.S. Sailing Center Foundation, Long Beach Yacht Club, Frances Rains, Long Beach Midnight Basketball Program, Olen M. Scott, U.S. Sailing Center, Community Hospital of Long Beach, Ted Caruthers, Mike and Arlene Walter, Pastor Joe Chaney, Jr., Chief Anthony Batts, Rachel Eva Plotkin, Verizon, Sharon Diggs-Jackson, Long Beach Yacht Club Foundation, Hung Thi Nguyen, and Community Hospital of Long Beach Foundation for the Long Beach Branch National Association for the Advancement of Colored People (NAACP) - 27th Freedom Fund Banquet.

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

REGULAR AGENDA: (11:38 PM)

Agenda Item No. 20 was considered following Agenda Item No. 21 and prior to Agenda Item No. 1.

see media

20. <u>06-</u>0987

Recommendation to request City Attorney to prepare an amendment to Section 10.22.080 of the Long Beach Municipal Code (Parking Vehicles for Sale), adding the prohibition of parking "for sale" vehicles on Cherry Avenue from South Street to Artesia Boulevard.

Councilmember Lerch spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Mayor Foster declared a ten-minute recess.

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

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

Absent: 1 - DeLong

Agenda Item No. 21 was considered prior to Agenda Item No. 20.

see media

21. 06-1000

Recommendation to authorize City Manager to execute the Fourth Amendment to Agreement No. 28164 with the Long Beach Area Convention and Visitors Bureau to provide funding in the amount of \$3,930,366 for Fiscal Year 2007. (Citywide)

Steve Goodwin, Long Beach Convention and Visitors Bureau President, spoke.

Jane Netherton spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Councilmember S. Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Thomas Murphy spoke.

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

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

see media

22. <u>06-1001</u>

Recommendation to adopt resolution authorizing City Manager to submit a grant application, through the California River Parkways Grant Program to the California Resources Agency, in the amount of \$3 million for Phase I of the DeForest Wetlands Project, and to execute any necessary documents for the implementation and administration of the project at a total cost of \$3 million. (Districts 8,9)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-06-0116. The motion carried by the following vote:

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

Enactment No: RES-06-0116

ORDINANCES: (11:40 PM)

see media

23. 06-1002

Recommendation to declare ordinance amending the Long Beach Municipal Code Subsection 14.20.210, relating to the downtown newsrack pilot program, read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 1,2)

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember DeLong, 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, Richardson, Reyes Uranga, Gabelich and Lerch

Enactment No: ORD-06-0047

see media

24. <u>06-0959</u>

Recommendation to declare ordinance prohibiting stores greater than 100,000 square feet in size that have greater than 10 percent of floor area dedicated to non-taxable merchandise, with exemptions for merchandise clubs that sell primarily bulk merchandise, read and adopted as read (Case No. 0601-10). (Citywide)

Distributed at meeting: Correspondence

Substitute motion was made by Councilmember Lerch, seconded by Councilmember S. Lowenthal, to lay over to the October 10, 2006 meeting. The motion carried by the following vote:

Yes: 3 - S. Lowenthal, DeLong and Lerch

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

A motion was made by Councilmember Reyes Uranga, seconded by Vice Mayor B. Lowenthal, to approve recommendation and adopt Ordinance No. ORD-06-0040. The motion carried by the following vote:

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

No: 2 - DeLong and Lerch

Enactment No: ORD-06-0040

25. <u>06-0980</u>

Recommendation to declare ordinance amending PD-25, read and adopted as read. (District 6)

A motion was made by Councilmember DeLong, seconded by Councilwoman Richardson, to approve recommendation and adopt Ordinance No. ORD-06-0041. The motion carried by the following vote:

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

Enactment No: ORD-06-0041

see media

26. <u>06-0981</u>

Recommendation to declare ordinance amending PD-29, read and adopted as read. (Districts 1,6,7)

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation and adopt Ordinance No. ORD-06-0042. The motion carried by the following vote:

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

Enactment No: ORD-06-0042

see media

27. <u>06-0982</u>

Recommendation to declare ordinance amending PD-30, read and adopted as read. (Districts 1,2)

A motion was made by Councilmember DeLong, seconded by Vice Mayor B. Lowenthal, to approve recommendation and adopt Ordinance No. ORD-06-0043. The motion carried by the following vote:

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

Enactment No: ORD-06-0043

28. <u>06-0961</u>

Recommendation to declare ordinance reclassifying painting contractors from a prohibited use to a permitted use relative to home occupation uses, read and adopted as read (Case No. 0601-13). (Citywide)

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-06-0044. The motion carried by the following vote:

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

No: 1 - Schipske

Enactment No: ORD-06-0044

see media

29. <u>06-0962</u>

Recommendation to declare ordinance amending the City's residential density bonus standards to conform with the State of California residential regulations, read and adopted as read (Case No. 0601-14). (Citywide)

A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-06-0045.. The motion carried by the following vote:

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

Enactment No: ORD-06-0045

see media

30. 06-0964

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 10.32.110 relating to preferential residential parking, modifying Preferential Parking District "R", read and adopted as read. (District 4)

A motion was made by Councilmember O'Donnell, seconded by Vice Mayor B. Lowenthal, to approve recommendation and adopt Ordinance No. ORD-06-0046. The motion carried by the following vote:

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

Enactment No: ORD-06-0046

PUBLIC: (11:55 PM)

Sid McSubian spoke regarding marina operations.

Dan Hubbard spoke regarding the Noah's Ark Animal Rescue.

<u>06-1050</u> Scott Hicks spoke regarding the Noah's Ark Animal Rescue and

distributed a petition.

This Handout was received and filed.

Scott Hicks spoke regarding the Noah's Ark Animal Rescue.

Alex Kirkland spoke regarding the Noah's Ark Animal Rescue.

Mayor Foster spoke.

Councilmember DeLong spoke.

Robert Shannon, City Attorney, spoke.

Linda Stone spoke regarding the Noah's Ark Animal Rescue.

Donna Lenski spoke spoke regarding the Noah's Ark Animal Rescue.

Lisa Wulcum spoke regarding the Noah's Ark Animal Rescue.

Cindy Ross spoke regarding the Noah's Ark Animal Rescue.

Mayor Foster spoke.

Gerald Miller, City Manager, spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Richardson spoke.

NEW BUSINESS: (12:24 AM)

Councilmember O'Donnell made community announcements.

Councilwoman Richardson made community announcements and requested that the meeting adjourn in memory of Zelma Lipskin.

Vice Mayor B. Lowenthal made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember S. Lowenthal made community announcements.

Mayor Foster spoke.

ADJOURNMENT: (12:35 AM)

At 12:35 P.M., Mayor Foster adjourned the meeting in memory of Zelma Lipskin.

adb