



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

C-4

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January 10, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the Minutes for the City Council Meetings Held Tuesday,
December 6, 13 and 20, 2011

DISCUSSION

The Legistar minutes for the City Council meetings held Tuesday, December 6, 13, and 20, 2011, 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

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



Gerrie Schipske, R.N.P./J.D., 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Rae Gabelich, 8th District
Steven Neal, 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 were considered in the following order: Ceremonial presentations, Public Comment, Agenda Item Nos. 19, 1, 25 and 26, Consent Calendar Item Nos. 3 - 17, Agenda Item Nos. 2, 31, 21, 22, and 27, Agenda Item Nos. 23, 28, 30, 32 considered as one motion, Agenda Item Nos. 24, 29, 32 (Reconsider), 28 (Reconsider), 18, 20, and 33 - 35.

ROLL CALL (5:05 PM)

Councilmembers Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Gabelich and
Present: Neal

Councilmembers Garcia and DeLong
Absent:

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

Mayor Foster announced that Councilmember Garcia would be absent, and indicated that the Agenda Items would be considered in a particular order.

Julie Pruitt, spcaLA, presented a canine.

Certificates of Recognition for Bret Harte Librarians Karol Seehaus and Pam Ratner.

Councilmember Johnson spoke.

Karol Seehaus spoke.

Jim Trowell, Pam Ratner's husband, spoke.

Councilmember Johnson spoke.

Proclamation recognizing the 100th Anniversary of the First Transcontinental Flight.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

11-1237 Long Beach Post Master submitted a replica of letter cancellation to celebrate First Flight Across America 100th Anniversary.

This Agenda Item was received and filed.

HEARINGS (6:21 PM)

1. 11-1000 Recommendation to receive supporting documentation into the record, conclude the public hearing, and declare the ordinance amending the Douglas Aircraft Planned Development District (PD-19), relating to the allowance of permanent uses in replacement of interim uses, read the first time and laid over to the next regular meeting of the City Council for final reading. (District 5)

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, 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: 7 - Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 2 - Garcia and DeLong

Enactment No: ORD-11-0029

SECOND ROLL CALL (7:34 PM)

Councilmembers Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson,
Present: Gabelich and Neal

Councilmembers Garcia
Absent:

Councilmember DeLong joined the meeting.

2. 11-1179 Recommendation to receive supporting documents into the record, conclude the public hearing, and declare the ordinance amending the Zoning Regulations of the Long Beach Municipal Code, Title 21, relating to regulation of billboards (off-site advertising), read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Michael Mais, Assistant City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Coby Skye spoke.

Ray Baker, Lamar Advertising, spoke.

Ted Stream, Attorney for Lamar Advertising, spoke.

Christie Moffit, Lamar Advertising, spoke and submitted correspondence.

Gary Shelton spoke.

Victor Del la Cruz spoke, and submitted correspondence.

Mike Murchison, representing Regency Outdoor Advertising, spoke.

Melinda Cotton spoke.

Brian Kennedy, Regency Outdoor Advertising, spoke.

Ryan Serrano spoke.

Amy Bodek, Director of Development Services, spoke.

Mayor Foster spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

A substitute motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to allow moratorium to expire and request that staff meet with principals of all billboard companies to resolve issue. The motion failed by the following vote:

Yes: 3 - Andrews, Gabelich and Neal

No: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Johnson

Absent: 1 - Garcia

A motion was made by Vice Mayor 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: 6 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson and Neal

No: 2 - Andrews and Gabelich

Absent: 1 - Garcia

PUBLIC COMMENT (5:32 PM)

Sandra Rendell, representing the Downtown Homeowners Unite, spoke regarding the proposed PBID.

Vice Mayor Lowenthal spoke.

Jim Witherow, representing the Downtown Homeowners Unite, spoke regarding the proposed PBID.

Scott Cooley, representing the Downtown Homeowners Unite, spoke regarding the proposed PBID.

Mansoor Sabbagh spoke regarding Occupy Long Beach.

Xiomara Cornejo spoke regarding the Occupy Long Beach movement's request for a 24/7 free speech zone.

Christopher Perkins spoke regarding Occupy Long Beach free speech zone.

Erick Fischer spoke a word of thanks to the Mayor and City Council.

Councilwoman Gabelich spoke.

Charles Parkin, Principal Deputy City Attorney, spoke.

Councilwoman Gabelich spoke.

Jason James spoke regarding a free speech zone for Occupy Long Beach and the report of costs delegated to Occupy Long Beach.

11-1238 Craig Sheets submitted correspondence regarding weapons.

This Agenda Item was received and filed.

Larry Goodhue spoke regarding roll-up metal doors and Occupy Long Beach.

CONSENT CALENDAR (7:12 PM)

Larry Goodhue spoke regarding Agenda Item No. 3.

James Noble spoke regarding Agenda Item No. 13.

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve Consent Calendar Items 3 - 17. The motion carried by the following vote:

Yes: 7 - Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 2 - Garcia and DeLong

3. 11-1206 Recommendation to receive and file report titled Terminated Employees Audit and request City Management to review the recommendations, develop strategies for implementation, and update the City Auditor as to the status of the recommendations within six months from the date of receipt and filing of this report.

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

4. 11-1207 Recommendation to refer to City Attorney damage claims received between November 7, 2011 and November 28, 2011.
A motion was made to approve recommendation on the Consent Calendar.
5. 11-1166 Recommendation to approve the minutes for the City Council meetings held Tuesday, November 8 and November 15, 2011.
A motion was made to approve recommendation on the Consent Calendar.
6. 11-1164 Recommendation to receive and approve changes to the Conflict of Interest Code of the City of Long Beach Harbor Department, Health and Human Services Department, and Development Services Department.
A motion was made to approve recommendation on the Consent Calendar.
7. 11-1165 Recommendation to adopt resolution consenting to requests from the Board of Education of the Long Beach Unified School District and the Board of Trustees of the Long Beach Community College District to consolidate Governing Board Member elections with the City of Long Beach Primary Nominating Election to be held on April 10, 2012. (Citywide)
A motion was made to approve recommendation and adopt Resolution No. RES-11-0138 on the Consent Calendar.
Enactment No: RES-11-0138
8. 11-1180 Recommendation to authorize Department of Development Services to process a refund in the amount of \$10,004 to ACE Cash Express for the property located at 2001 East South Street. (District 9)
A motion was made to approve recommendation on the Consent Calendar.
9. 11-1181 Recommendation to adopt Specifications No. PA-03611 and award contracts to West-Lite Supply Company, Inc., of Cerritos, CA (not an MBE, WBE, SBE or Local), and Vertex Electrical Wholesale, a Long Beach-based business (not an MBE, WBE, or SBE), for furnishing and delivering lamps and lighting fixtures, in a combined annual amount not to exceed \$160,000 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 to approve recommendation on the Consent Calendar.
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10. 11-1182 Recommendation to authorize City Manager to increase blanket purchase order number BPPW10000059 with JTB Supply Company, Inc. (not an MBE, WBE, SBE or Local), by \$160,000, bringing the total annual amount not to exceed \$235,000, for the purchase of LED traffic modules and related equipment, with the option to renew for another one-year period, at the discretion of the City Manager. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
11. 11-1183 Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the State of California, Department of Boating and Waterways, to receive and expend the 2012 Boating Safety and Enforcement Equipment Grant for the purchase of equipment; and increase appropriations in the Marina Fund (TF 403) in the Fire Department (FD) by \$80,000. (Districts 2,3)
- A motion was made to approve recommendation on the Consent Calendar.**
12. 11-1184 Recommendation to authorize City Manager to execute an Assignment Consent Agreement for Facility/Pipeline Permit No. P-196-97 from Jentra, LLC, dba, Toyota of Long Beach to H. T. L. Automotive, Inc., in accordance with Section 15.44.220 of the Long Beach Municipal Code. (District 4)
- A motion was made to approve recommendation on the Consent Calendar.**
13. 11-1185 Recommendation to authorize City Manager to execute any and all documents necessary for the Third Amendment to Lease No. 20064 between the City of Long Beach and Long Beach Aviation Building, a California limited partnership, for City-owned property at 4307 Donald Douglas Drive at the Long Beach Airport, for the initial monthly rental rate of \$10,504. (District 5)
- A motion was made to approve recommendation on the Consent Calendar.**
14. 11-1186 Recommendation to authorize City Manager to execute subdivision agreements for offsite improvements and find that all requirements of the final subdivision map that subdivides the northern quadrant of the Douglas Park area have been satisfied, and approve the final map for Tract No. 70937-3, located north of Cover Street and west of Worsham Avenue. (District 5)
- A motion was made to approve recommendation on the Consent Calendar.**
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15. 11-1187 Recommendation to authorize City Manager to execute subdivision agreements for offsite improvements and find that all requirements of the final subdivision map that subdivides the northern quadrant of the Douglas Park area have been satisfied, and approve the final map for Tract No. 70937-5, located south of Carson Street and west of Worsham Avenue. (District 5)

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

16. 11-1188 Recommendation to authorize City Manager to execute all documents necessary to enter into a cooperative agreement with Southern California Edison (SCE) to conduct a Light Emitting Diode (LED) street light demonstration project utilizing City-owned street lights. (Districts 2,3,5,7)

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

17. 11-1167 Recommendation to receive and file the minutes for:
Civil Service Commission - September 21, 2011.
Cultural Heritage Commission - October 10, 2011.
Parks and Recreation Commission - October 13, 2011.
Planning Commission - October 12 and 20, 2011
and November 3, 2011.

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

REGULAR AGENDA (6:05 PM)

18. 11-1202 Recommendation to request City Manager to provide a status report on the Long Beach Community Gardens in El Dorado Park that discusses the issues related to concerns of water runoff and flooding of the plots and possible contamination of the crops.

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

19. 11-1203 Recommendation to respectfully request City Council support for federal legislation restoring the Glass-Steagall Act and if necessary, repealing provisions of the Gramm-Leach-Bliley Act to restore integrity and trust in

our financial system.

Distributed at the meeting: Correspondence from Christopher Wray.

Vice Mayor Lowenthal spoke.

Councilmember Neal spoke.

Ryan Serrano spoke.

Peter Rosenwald spoke.

Larry Goodhue spoke.

Jonathan Allen spoke.

Jason James spoke.

Sharon Cantrell spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

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

Yes: 7 - Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 2 - Garcia and DeLong

20. 11-1204

Recommendation to respectfully request an update from the City Manager on recent efforts to increase recycling rates among residents and businesses through a rewards program.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Ryan Serrano spoke.

Jonathan Allen spoke.

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

21. 11-1205 Recommendation that the City Council adopt the position that it opposes the Southern California International Gateway (SCIG) facility at its currently proposed location and that there are significant and fundamental flaws in the Draft Environmental Impact Report (DEIR) which understates the major impacts of the project, and consequently, the mitigation of such impacts to the affected communities, including schools and residences in Long Beach in close proximity to the project, and direct City Manager to communicate to the Los Angeles Harbor Department the City's position prior to the close of the public comment period for the DEIR on December 22, 2011.

Distributed at the meeting: Correspondence from Ernesto Nevarez.

Councilwoman Gabelich spoke.

Motion: Approve recommendation, and in addition also communicate with the Los Angeles Mayor and the Los Angeles City Council.
Moved by Gabelich, seconded by Johnson.

Councilmember Johnson spoke.

John Cross spoke, and submitted correspondence.

Wally Baker spoke.

Dr. Elisa Nicholas spoke.

Andrew Baretta spoke.

Sandy Cajas spoke.

Lana Castro spoke.

Bret Gallo spoke.

Joann Davis spoke.

Jesse Marquez spoke, and submitted correspondence.

Brian de Andria spoke.

Evelyn Knight spoke.

Elizabeth Smidt spoke.

Ricardo Palido spoke, and submitted comments.

James Santailian spoke.

Bob La Fargeren spoke.

Rick Foss spoke.

Raymond Lopez spoke.

Mike Ford spoke.

Andrew Mayorga spoke.

Dwight Robinson spoke.

Eduardo Castillo spoke.

Ronnie Cornell spoke.

Jesus Ramiriz spoke.

Enrique Gonzalez spoke.

Ron Cheek spoke.

Gilbert Valencia spoke.

Elizabeth Horn spoke.

Joan Greenwood spoke.

John Tyleefi spoke.

Tony Cervantes spoke.

Lon Kettering spoke.

Peter Greenwald spoke.

Bruce White spoke.

Alex Lafarga spoke.

Carmen Rivera spoke.

Kobe Skye spoke.

Joslyn Rivera spoke.

Luis Cabrales spoke.

Amelia Amatolla spoke.

Joseph Lybol spoke.

Brian Ulaszewski spoke.

Georgianna Esquevez spoke.

Jane Templin spoke.

Angelo Logan spoke.

Betty Karnette spoke.

Ben Fisher spoke.

Tom Oxley spoke.

Robbie Hunter spoke.

Joel Thurlocker spoke.

Jonathan Allen spoke.

Saundra spoke.

Trini Jimenez spoke.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

A substitute motion was made by Councilmember Neal, seconded by Councilman Andrews, that the City Council first request additional information from the Port of Los Angeles on the following:

- 1. Further explain the EIR conclusion that zero emissions technologies are not yet feasible;**
- 2. Provide further analysis of other potential on-dock locations for the facility that are not near residential areas or in proximity to schools;**
- 3. Provide information about any job losses from relocated tenants or property owners;**
- 4. Further explain and provide data on light and noise impact analysis;**
- 5. Explain the assumptions and selection of the DEIR baseline;**

And secondly, based on information from the Port of LA, direct the City Manager to communicate to the Los Angeles Harbor Department the City of Long Beach's comments prior to the close of the public comment period for the Draft EIR on February 1, 2012, with said report provided to the City Council by January 17, 2012.

As a part of the motion, the City Clerk was directed to provide a transcript of public comment provided on the foregoing motion. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

- 22. 11-0109** Recommendation to City Council to concur in recommendation of the Elections Oversight Committee to approve Ballot Rotation and forward to City Council for further discussion and approval.

Councilmember Johnson spoke and provided a PowerPoint presentation.

Councilwoman Schipske spoke.

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

Yes: 6 - Lowenthal, DeLong, O'Donnell, Andrews, Johnson and Neal

No: 1 - Schipske

Absent: 2 - Garcia and Gabelich

- 23. 11-1161** Recommendation to City Council to concur in recommendation of the State Legislation Committee to discuss and take action on the 2012 State Legislative Agenda.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, that the item be laid over one week to the meeting of Tuesday, December 13, 2011. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

- 24. 11-1189** Recommendation to adopt Specifications No. PA-00112 and award the contract to Don Miller & Sons Plumbing Supply, of Signal Hill, CA (a WBE and SBE), for furnishing and delivering as-needed plumbing supplies, in an annual amount not to exceed \$620,000, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

25. 11-0661 Recommendation to adopt resolution adopting a City of Long Beach Healthy Snack Food and Beverage Policy. (Citywide)

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Larry Goodhue spoke.

Dr. Elisa Nicholas spoke.

Gloria Vargas spoke.

Steve Baldwin spoke.

Lindsey Garvosio spoke.

Christina Cardenas spoke.

Arianna Oliva spoke.

Chef Paul Buchanan spoke.

Ryan Serrano spoke.

Robert Weaver spoke.

A motion was made by Councilmember Neal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-1036. The motion carried by the following vote:

Yes: 7 - Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 2 - Garcia and DeLong

Enactment No: RES-11-0136

26. 11-1201 Recommendation to adopt resolution adopting the City of Long Beach Healthy Beverage Vending Policy, and defer considering adoption of such Policy until a Request for Proposal (RFP) for vending machine operations is completed to determine the fiscal impacts of the Policy's implementation. (Citywide)

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Dr. Elisa Nicholas spoke.

Lindsey Garvosio spoke

Steve Baldwin spoke.

Christina Cardenas spoke.

Arianna Oliva spoke.

Kate Saknoff spoke.

James Noble spoke.

Chef Paul Buchanan spoke.

Councilmember Johnson spoke.

A motion was made by Councilmember Neal, seconded by Councilwoman Gabelich, to approve recommendation to adopt Resolution No. RES-11-0137 adopting the City of Long Beach Healthy Beverage Vending Policy, and complete and issue a Request for Proposal (RFP) at the end of the current contract term and only accept RFP proposal responses from vendors that meet the newly adopted healthy beverage standards without delaying implementation. The motion carried by the following vote:

Yes: 6 - Lowenthal, Schipske, Andrews, Johnson, Gabelich and Neal

No: 1 - O'Donnell

Absent: 2 - Garcia and DeLong

Enactment No: RES-11-0137

27. 11-1190

Recommendation to adopt resolution approving the Amendments to the

2007-2012 Memorandum of Understanding with the Long Beach City Attorneys Association and the Long Beach City Prosecutors Association;

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0139. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

Enactment No: RES-11-0139

11-1191 Adopt resolution for paying and reporting the value of the employer paid member contributions to the California Public Employees Retirement System employees represented by the City Attorneys Association; and

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0140. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

Enactment No: RES-11-0140

11-1192 Adopt resolution for paying and reporting the value of the employer paid member contributions to the California Public Employees Retirement System for employees represented by the City Prosecutors Association. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0141. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

Enactment No: RES-11-0141

28. 11-1193 Recommendation to authorize City Manager to execute the Fourteenth Amendment to Historical Site Lease No. 24291 with Rancho Los Alamitos Foundation to provide for the annual management fee for lease year 2011-2012. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, that the item be laid over one week to the meeting of Tuesday, December 13, 2011. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, that the motion to lay item over one week be reconsidered. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

- 29. 11-1195** Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of United Sea Services, Incorporated, dba Long Beach Seamen's Club, for an original Alcoholic Beverage Control License, at 245 Pine Avenue Suite 200, with conditions. (District 2)

Distributed at the meeting: Conditions to be transmitted to ABC.

A motion was made by Vice Mayor Lowenthal, seconded by Councilman Andrews, to approve recommendation, with conditions. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

- 30. 11-1196** Recommendation to receive and file the application of Simmzys, LLC, dba Simmzys, for an original Alcoholic Beverage Control License, at 5271 East 2nd Street. (District 3)

Distributed at the meeting: Conditions to be transmitted to ABC.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, that the item be laid over one week to the meeting of Tuesday, December 13, 2011. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

- 31. 11-1197** Recommendation to authorize City Manager to execute any and all documents necessary for a lease with Art Exchange Visual Arts Center, Inc., a California nonprofit corporation, for commercial office space at 340, 352, and 356 East 3rd Street. (District 2)

Steve Elicher spoke.

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - Garcia and Neal

- 32. 11-1198** Recommendation to authorize City Manager to execute all documents necessary for a lease with Century Villages at Cabrillo, Inc., a California nonprofit corporation, for the use of excess Terminal Island Freeway right-of-way. (District 7)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, that the item be laid over one week to the meeting of Tuesday, December 13, 2011. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

Councilmember Johnson spoke.

A motion was made by Councilmember Johnson, seconded by Councilmember DeLong, that motion to lay item over one week be reconsidered. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

ORDINANCES (11:29 PM)

- 33. 11-1200** Recommendation to declare ordinance expanding the uses of the Belmont Shore Parking Meter Revenue Fund 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 Councilman Andrews, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 2 - Garcia and O'Donnell

Enactment No: ORD-11-0028

- 34. 11-1199** Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.37 establishing "Mobile Food Preparation Vehicles" requiring businesses, as defined, to obtain permits to provide this service read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Kevin Barrett spoke.

Councilmember O'Donnell spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember Neal, 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: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

Enactment No: ORD-11-0030

NEW BUSINESS (11:38 PM)

- 35. 11-1219** Recommendation to respectfully request City Council to adopt resolution recognizing in-home care providers' "National Family Caregivers Month."

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Pastor Rob Robins spoke.

A motion was made by Councilmember Neal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0142. The motion carried by the following vote:

Yes: 7 - Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 2 - Garcia and DeLong

Enactment No: RES-11-0142

- 36. 11-1218** Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 2, 2011.

This Agenda Item was received and filed.

- 37. 11-1233** eComments received for the City Council meeting of Tuesday, December 6, 2011.

This Agenda Item was received and filed.

ANNOUNCEMENTS (11:44 PM)

Vice Mayor Lowenthal requested that the meeting be adjourned in memory of Shaun Lumachi; and made community announcements.

Councilman Andrews made community announcements.

Councilmember Johnson made community announcements.

Councilwoman Gabelich made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Neal made community announcements.

Patrick West introduced Rich Archibald.

PUBLIC (11:53 PM)

Jonathan Allen spoke regarding Occupy Long Beach being placed on the agenda.

11-1234 Parker Cook spoke a word of thanks to Councilwoman Gabelich and spoke regarding Occupy Long Beach.

This Agenda Item was received and filed.

Jay spoke regarding Occupy Long Beach.

Sarah Rice spoke regarding Occupy Long Beach.

Councilwoman Gabelich spoke.

Ben Fischer spoke regarding Occupy Long Beach.

11-1235 Erin Foley spoke regarding Occupy Long Beach and submitted a flyer.

This Agenda Item was received and filed.

Ryan Serrano spoke regarding Occupy Long Beach.

Jason James spoke regarding Occupy Long Beach.

Lee Stone spoke regarding Occupy Long Beach.

Jonathan Allen spoke again.

Darlene Fernandez spoke regarding Occupy Long Beach.

11-1236 Zack Lovegrove submitted correspondence via e-mail.

This Agenda Item was received and filed.

ADJOURNMENT (12:21 AM)

At 12:21 AM, Vice Mayor Lowenthal adjourned the meeting in memory of Shaun Lumachi.

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



Gerrie Schipske, R.N.P./J.D., 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Rae Gabelich, 8th District
Steven Neal, 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 were considered in the following order: Agenda Item No. 1, Public Comment, Agenda Item Nos. 2 - 6, 22, 19, 20, 7, 14, and 8 - 21.

ROLL CALL (5:00 PM)

Councilmembers Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson,
Present: Gabelich and Neal

Councilmembers Garcia
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, 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: Participants from St. Anthanasius and St. Lucy's New Citizens Program.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

Mayor Foster announced that Councilmember Garcia would be absent; that Agenda Item No. 14 would be considered at approximately 7:00 PM; and that Agenda Item No. 22 would be considered after the Consent Calendar.

Presentation by Southern California Edison of a 125th Anniversary Plaque to the Mayor and City Council.

Councilmember O'Donnell spoke.

HEARING (5:08 PM)

1. 11-1208 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Permit with conditions on the application of The Molly Brown, LLC, dba The Paradise Bar and Restaurant, 1800 E. Broadway, for Entertainment Without Dancing by Patrons. (District 2)

Vice Mayor Lowenthal spoke.

Michael Barber, applicant, spoke.

Randy Britt spoke.

Jack Hoar spoke.

Chase Fargeson, Paradise bar manager, spoke.

Eric Davis, Paradise general manager, spoke.

Larry Goodhue spoke.

Peter Kavoyian spoke.

Mrs. Kavoyian spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilman Andrews, to approve recommendation to grant a One-Year Short-Term Permit with conditions. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

PUBLIC COMMENT (5:28PM)

Gary Shelton spoke regarding the Ralph M. Brown Act.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

George Rendell spoke regarding the DLBA Administrative Plan.

Larry Goodhue spoke regarding various issues.

Diana Lejins spoke regarding Christmas and ADA issues.

Madeleine Johnson indicated that she would address her comments to Agenda Item No. 14.

David Zink spoke regarding patients rights.

Ryan Smith spoke regarding the Spirit of Christmas at the Reef.

Joe Ganem spoke regarding the PBID for Downtown.

CONSENT CALENDAR (5:50 PM)

Passed The Consent Calendar

A motion was made by Councilwoman Schipske, seconded by Councilmember Johnson, to approve Consent Calendar Items 2 - 6. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

2. 11-1209 Recommendation to refer to City Attorney damage claims received between November 28, 2011 and December 5, 2011.

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

3. 11-1210 Recommendation to receive and file annual reports on Community Facilities District No. 2007-1 - Douglas Park Commercial Area (CFD No. 2007-1); Community Facilities District No. 2007-2 - Belmont Shore (CFD No. 2007-2); Community Facilities District No. 5 - Long Beach Towne Center (CFD No. 5); and Community Facilities District No. 6 - Pike Public Improvements (CFD No. 6); to comply with the Local Agency Special Tax Bond and Accountability Act. (Districts 2,3,5)

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

4. 11-1211 Recommendation to authorize City Manager to amend the interim blanket purchase order (BPO), BPLB12000008, with Waxie Enterprises, Inc., dba Waxie Sanitary Supply, of Santa Ana, CA (not an MBE, WBE, SBE or Local), by \$145,000, bringing the total amount not to exceed to \$240,000 to furnish and deliver custodial supplies. (Citywide)

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

5. 11-1227 Recommendation to approve receipt of grant funds in the total amount of \$50,000, from the National Fish and Wildlife Foundation (NFWF) to be earmarked for use by the Long Beach City Prosecutor's office to review and prosecute cases presented by the California Department of Fish and Game.

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

6. 11-1213 Recommendation to receive and file the minutes for:
Civil Service Commission - October 19, 2011 and November 2, 2011.

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

UNFINISHED BUSINESS (6:18 PM)

19. 11-1161 Recommendation to City Council to concur in recommendation of the State Legislation Committee to discuss and take action on the 2012 State Legislative Agenda.

Councilmember O'Donnell spoke.

Tom Modica, Director of Government Affairs, spoke.

Councilmember Johnson spoke.

Ryan Serrano spoke.

Glen Tidwell spoke.

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews,
Johnson, Gabelich and Neal

Absent: 1 - Garcia

- 20. 11-1196** Recommendation to receive and file the application of Simmzys, LLC,
dba Simmzys, for an original Alcoholic Beverage Control License, at
5271 East 2nd Street. (District 3)

Councilmember DeLong spoke.

Mike Simmz, owner, spoke.

Councilmember DeLong spoke.

Anne Connors spoke.

Steven Downing spoke.

Caroline Rhodes spoke.

Cynthia Bannen spoke.

Lindsey Mitchell spoke.

Melinda Cotton spoke.

Jeff Miller spoke.

Neal Jenkins spoke.

Latitia Pepper spoke.

Mary Silverstein spoke.

Michael Montgomery spoke.

Larry Goodhue spoke.

Jonathan Allen spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation, with conditions as submitted, with the following amended and additional conditions.

That permittee shall:

- a) not allow employees to discard trash or bottles into the outside dumpsters between the hours of 10:00 p.m. and 8:00 a.m.;
- b) only serve alcohol between the hours of 10:00 a.m. to 11:00 p.m. Sunday through Thursday; and between the hours of 10:00 a.m. to midnight Friday and Saturday;
- c) close the side doors on La Vern Avenue at 9:00 p.m. Sunday through Thursday; and at 10:00 p.m. on Friday and Saturday;
- d) conspicuously post signage on La Vern Avenue reminding patrons of the need to quietly approach and leave the premises so as not to disturb adjacent residences;
- e) install and operate no more than four (4) television screens on premises; and
- f) not accept deliveries to the restaurant between 10:00 p.m. and 8:00 a.m. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

REGULAR AGENDA (7:07 PM)

7. 11-1214 Recommendation to authorize City Manager to amend and modify the Sales Tax Sharing Agreement between the City of Long Beach and Circle Automotive Group. (District 4)

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, Johnson and Neal

Absent: 2 - Garcia and Gabelich

8. 11-1220 Recommendation to refer to Hearing Officer the appeal of business license revocation by Donaciano Nunez and Nicanor Nunez, dba El Sonora Bar, located at 1862 Santa Fe Avenue; or revoke business license number BU04048840 issued to Donaciano Nunez and Nicanor Nunez, dba El Sonora Bar, located at 1862 Santa Fe Avenue, due to abandonment of appeal. (District 1)

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember DeLong, that the item be laid over one week to the meeting of Tuesday, December 20, 2011. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

9. 11-1228 Recommendation to authorize City Manager to amend the interim blanket purchase order (BPO), BPLB11000073, with Galls, an Aramark Company, LLC, a Long Beach-based business (not an MBE, WBE, SBE), by \$300,000, bringing the total amount not to exceed to \$395,000, to furnish and deliver uniforms, accessories, and miscellaneous equipment for uniformed officers. (Citywide)

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

10. 11-1215 Recommendation to adopt Specifications No. PA-00312 and award contracts to Ferguson Enterprises, Inc., a Long Beach-based business (Local), and Phillips Steel Company, a Long Beach-based business (Local), for furnishing and delivering fusion-bonded-epoxy (FBE) coated steel pipe, as needed, in an annual amount not to exceed \$500,000, for an initial term 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 Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

11. 11-1217 Recommendation to authorize City Manager to execute all documents necessary for an agreement with the HNTB Corporation for planning and engineering consulting services for an Airfield Geometry Study and Airport Strategic Plan at the Long Beach Airport, for an initial 24-month term in an amount not to exceed \$1,100,000, execute any amendments to extend the term for up to one additional year, authorize additional

services within the provisions of the contract; increase appropriations in the Airport Enterprise Fund (EF 320) in the Airport Department (AP) by \$1,113,315; and

Authorize City Manager to execute all documents necessary for an agreement with the HNTB Corporation for planning and financial consulting services for a Business Plan for the Long Beach Airport, for an initial 24-month term in an amount not to exceed \$350,000, execute any amendments to extend the term for up to one additional year, and authorize additional services within the provisions of the contract. (District 5)

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember Johnson, to approve recommendation, with the stipulation that it be stated very clearly to the consultant that the City noise ordinance, which limits the number of flights, will be protected and preserved in any business or strategy plan or any other activities that the consultant may be focusing upon. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

12. 11-1212

Recommendation to authorize City Manager to execute contracts and any amendments thereto with Five Point Partners, in the amount of \$153,670, for quality assurance services in support of the implementation of a new utility customer information system. (Citywide)

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

13. 11-1194

Recommendation to authorize City Manager to add Anchor Environmental CA, L.P., to the current list of firms under contract with the

City of Long Beach for as-needed engineering services; execute all documents necessary to enter into a three-year contract with Anchor Environmental CA, L.P., and execute amendments to renew for up to one additional three-year term; authorize additional services, if required, within the provisions of the contract, and if extended for one additional three-year term, adjust the fee schedules for allowable CPI increases; and

Authorize City Manager to increase the aggregate total of the contract authority for Anchor Environmental CA, L.P., together with the four existing firms currently under contract: AECOM Technology Services, Inc.; KFM Engineering, a Tetra Tech Company; Winzler & Kelly; HDR Engineering, Inc.; Moffatt & Nichol; and URS Corporation (dba URS Corporation America) for as-needed engineering consulting services from \$8,700,000 to \$10,500,000 over the three-year contract period. (Citywide)

Larry Goodhue spoke.

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

ORDINANCES (7:12 PM)

- 14. 11-1156** Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.89 prohibiting the establishment and operation of medical marijuana dispensaries within the City of Long Beach and by repealing Chapter 5.87 relating to medical marijuana collectives, read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately. (Citywide)

Robert Shannon, City Attorney, spoke and provided a PowerPoint presentation.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Robert Shannon, City Attorney, spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Glen Tidwell spoke.

Larry Goodhue spoke.

Jeff Abrams spoke.

Mark Lee spoke.

Gary Hull spoke.

Arthur Tisdale, III spoke.

Parker Cook spoke.

Jonathan Allen spoke.

Stephanie Lambda spoke.

Pat Maisa spoke.

David Zink spoke.

Gregory Leffin spoke.

Valerie Criss spoke.

Gina Nam spoke.

Rick Brisendine spoke.

Paul Veolus spoke.

Carl Kemp spoke.

Crystal Leyva spoke.

Daniell Williams spoke.

Melissa Ballin spoke.

Jimmy Johnson spoke.

Madeline Johnson spoke.

Doug Denisaur spoke.

Brian Livingston spoke.

Robert McCabe spoke.

Douglas MacAfee spoke.

Sean Wilzac spoke.

Darrell Krause spoke.

Shiela Clinton spoke.

Craig Absher spoke.

Matthew Dulin spoke.

James Noble spoke.

Letitia Pepper spoke.

Justine Dorsey spoke.

Bill Napier spoke.

Katherine Aldrich spoke.

Cheryl Shuman spoke.

Matt Walick spoke.

Steven Downing spoke.

Charles Schmidt spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Motion: Second Substitute motion that the item be laid over to the meeting of Tuesday, January 24, 2012, including tonight's testimony. -- Withdrawn

Moved by Neal, seconded by Gabelich.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember Neal withdrew his second substitute motion.

Councilmember Johnson spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve the emergency ordinance as recommended, with the ordinance taking effect after 30 days. The motion failed by the following vote:

Yes: 4 - DeLong, O'Donnell, Schipske and Johnson

No: 4 - Lowenthal, Andrews, Gabelich and Neal

Absent: 1 - Garcia

Councilmember DeLong spoke requesting that the main motion be changed to January 10th rather than December 17th.

A motion was made by Vice Mayor Lowenthal, seconded by Councilwoman Gabelich, that the item be laid over to the meeting of Tuesday, January 10, 2012. The motion carried by the following vote:

Yes: 6 - Lowenthal, DeLong, Andrews, Johnson, Gabelich and Neal

No: 2 - O'Donnell and Schipske

Absent: 1 - Garcia

- 15. 11-1200** Recommendation to declare ordinance expanding the uses of the Belmont Shore Parking Meter Revenue Fund, read and adopted as read. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Ordinance No. ORD-11-0028. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

Enactment No: ORD-11-0028

- 16. 11-1000** Recommendation to declare ordinance amending and restating the Douglas Aircraft Planned Development District (PD-19), read and adopted as read. (District 5)

A motion was made by Councilwoman Schipske, seconded by Councilmember Neal, to approve recommendation and adopt Ordinance No. ORD-11-0029. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

Enactment No: ORD-11-0029

- 17. 11-1179** Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 21.15.370, 21.15.2980, Table 32-1 of Chapter 21.32, Table 33-2 of Chapter 21.33, and Chapter 21.54; and by adding Sections 21.15.372, 21.15.374, and 21.15.1835, all related to billboards, read and adopted as read. (Citywide)

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

Patrick West, City Manager, spoke.

Amy Bodek, Director of Development Services, spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Scott Jackson spoke.

Tommy Favre spoke.

Allen Matthews spoke.

Nick Lopez spoke.

Don Geer spoke.

Jonathan Allen spoke.

Ray Baker, Lamar Advertising, spoke and submitted correspondence.

Councilwoman Gabelich spoke.

A substitute motion was made by Councilmember Neal, seconded by Councilwoman Gabelich, to amend the proposed ordinance with the following changes: [a] removal of cap and trade system provisions; [b] banning of the conversion of electronic billboards; and request that the City Manager return in 90 days with a report for additional City Council deliberations regarding the cap and trade system and further discussion of the definition of a "conforming billboard," with the understanding that the City Attorney would provided a revised ordinance for a first reading. The motion carried by the following vote:

Yes: 5 - Schipske, Andrews, Johnson, Gabelich and Neal

No: 3 - Lowenthal, DeLong and O'Donnell

Absent: 1 - Garcia

18. 11-1199 Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.37 relating to Mobile Food Preparation Vehicles, read and adopted as read. (Citywide)

A motion was made by Councilwoman Gabelich, seconded by Councilmember Johnson, to approve recommendation and adopt Ordinance No. ORD-11-0030. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

Enactment No: ORD-11-0030

NEW BUSINESS (11:32 PM)

19. Agenda Item No. 19 is listed under Unfinished Business.

20. Agenda Item No. 20 is listed under Unfinished Business.

21. 11-1249 Recommendation to receive and file the Long Beach Hometown Heroes Banner Program presentation.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Jonathan Allen spoke.

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

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Garcia

22. 11-1250

Recommendation that the City Council approve the following:

a) Direct City Manager and City Treasurer to return to the City Council within 30 days with a report about:

- The soundness of short and long-term investments in Bank of America, Freddie Mac (Federal Home Loan Mortgage Corporation) and Fannie Mae (Federal National Mortgage Association);
- The status of all state and federal legal actions against these entities;
- Alternative investments available;
- The number of mortgages currently held on Long Beach properties by Bank of America, Freddie Mac and Fannie Mae;
- The number of foreclosures processed on Long Beach properties by Bank of America, Freddie Mac and Fannie Mae in the past five years; and
- The number of business loans made by Bank of America to Long Beach businesses in the past three years.

b) Direct City Manager to send a letter to these financial entities expressing the sense of the Mayor and the City Council that because of our large investments we are demanding that every effort be taken to prevent the foreclosures of residential properties in Long Beach, including but not limited to loan modification and extension of the foreclosure process; and that we further demand that business loans be made available to businesses on a reasonable basis to enable these small businesses to create additional jobs.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Gary Shelton spoke.

Jonathan Allen spoke.

Ryan Serrano spoke.

Larry Goodhue spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Councilwoman Schipske, seconded by Councilwoman Gabelich, to approve recommendation, with the City Manager to report back to City Council via memorandum in 60 days. The motion carried by the following vote:

Yes: 7 - Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

No: 1 - DeLong

Absent: 1 - Garcia

- 23. 11-1252** Recommendation to request the amending of the Long Beach Municipal Code related to Billboards as follows:

A) Request City staff to prepare an Environmental Impact Report to study the aesthetics, land use, energy usage, and traffic safety impacts of digital billboards, with a particular emphasis on understanding how light trespass could impact residents' homes and sleep should this ordinance take effect; and

B) Department of Development Services to report back on every possible monetization tool available to the City from billboards.

This Agenda Item was withdrawn.

- 24. 11-1251** Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 9, 2011.

This Agenda Item was received and filed.

25. 11-1257 eComments received for the City Council meeting of Tuesday, December 13, 2011.

This Agenda Item was received and filed.

ANNOUNCEMENTS (11:41 PM)

Councilmember Johnson made community announcements.

Councilwoman Schipske made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Neal made community announcements.

Councilman Andrews made community announcements.

Vice Mayor Lowenthal made community announcements.

PUBLIC (11:47 PM)

Jonathan Allen spoke regarding a family whose home was foreclosed.

Latitia Salzberry spoke regarding foreclosure of home.

Sylvia Malconi spoke regarding the foreclosure and fraudulent loans.

Parker Cook spoke regarding the Long Beach Police Department and the Port demonstration.

Letitia Pepper spoke regarding police assistance and medical marijuana.

ADJOURNMENT (11:58 PM)

At 11:58 PM, Mayor Foster adjourned the meeting.

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



Gerrie Schipske, R.N.P./J.D., 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Rae Gabelich, 8th District
Steven Neal, 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 were considered in the following order: Public Comment, Consent Calendar Item Nos. 2 - 9, Agenda Item Nos. 12, 1, 10, 11 and 13.

ROLL CALL (5:06 PM)

Councilmembers Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews,
Present: Gabelich and Neal

Councilmembers Johnson
Absent:

Also present: Suzanne Frick, Assistant City Manager; 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: Gerrie Schipske, Councilwoman, Fifth District.

Mayor Foster read a thank you note from Anitra Dempsey regarding the passing of her son; announced that Councilmember Johnson would be absent; and indicated that the order of business would be Public Comment, Consent Calendar, Unfinished Business, Hearing, and the remainder of the agenda.

Lacey from the Animal Shelter presented a canine.

HEARING (5:44 PM)

1. 11-1240 Recommendation to receive supporting documentation into the record,

conclude the public hearing, deny the appeals by David Robertson and Mary Suttie; Los Cerritos Wetlands Land Trust; Heather Altman; "Our Town-Long Beach" (ten people); and Kerrie Aley, and uphold the decision of the Planning Commission certifying the Final EIR and approving the Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local Coastal Development Permit requests;

Adopt resolution recertifying the Final EIR 04-09 for the Second + PCH project (State Clearinghouse No. 2009101014);

Michael Mais, Assistant City Attorney, spoke.

Amy Bodek, Director of Development Services, and Derek Burnham, Planning Administrator, spoke and provided a PowerPoint presentation.

David Malmuth of Seaport Marina LLC/David Malmuth Development LLC, applicant, spoke.

Raymond Linn, applicant, spoke.

Allan Pullman, Studio One Eleven, and Mark Rios spoke.

Tim McMann, CBRE Commercial Real Estate, spoke.

Freda Hinsche Otto, community outreach spokesperson, spoke.

Elizabeth Lambe, Los Cerritos Wetland Land Trust, appellant, spoke.

Michelle Black, Chatten-Brown & Carstens, spoke.

Mel Nutter, Los Cerritos Wetland Land Trust, appellant, spoke.

Mary Suttie, appellant, spoke.

David Robertson, appellant, spoke; and submitted written comments.

Heather Altman, appellant, spoke.

Mary Parcell, Our Town-Long Beach, appellant group, spoke.

Jeff Miller, Our Town-Long Beach, appellant group, spoke.

Allan Songer, Our Town-Long Beach, appellant group, spoke.

Melinda Cotton, Our Town-Long Beach, appellant group, spoke.

Kerrie Aley, appellant, spoke.

Mel Nutter, Los Cerritos Wetland Land Trust, appellant, spoke.

David Malmuth of Seaport Marina LLC/David Malmuth Development LLC, applicant, spoke in rebuttal.

Bill Thomas spoke.

Phil Jones spoke.

Susan Phillips spoke and submitted photographs.

Gabrielle Weeks, representing the Sierra Club, spoke.

Larry Goodhue spoke.

C.J. Hansen spoke.

Tom Mays spoke.

Diane Jacobus spoke on behalf of Beverly O'Neill.

Mike Vebie spoke.

Blake Christian spoke.

Ryan Serrano spoke.

John Hancock spoke.

Dina Deck spoke.

Nata Tushnet spoke.

Raymond Torres Santos spoke.

Guillermo Parma spoke.

Joanne Gordon spoke.

Anne Desmero spoke.

Gary Shelton spoke.

Doug Shea spoke.

Anne Dennison spoke.

Gordana Caiger spoke.

Joe Dever spoke.

Eric Brownstein spoke.

Kala Crown spoke.

Jerry Olivera, City of Seal Beach planner, spoke.

Lorraine Favre spoke.

Todd Becker spoke.

Sarah Gilbert spoke.

Marvin Eidermann spoke.

Peter Zak, Lyon Communities, spoke.

Tim Paone, attorney for Lyon Communities, spoke.

Pete Pirzade spoke.

Mike Murchison, lobbyist for Lyon Communities, spoke.

Greg Magneson spoke.

Tom Haisely spoke.

Richard Roth spoke.

Maureen Poe spoke.

Ben Leonen spoke.

Joseph Murphy spoke.

Laurie Picket-Smith spoke.

Ken Croft spoke.

Dan Halbertson spoke.

Chris Gesko spoke.

Andy MacAffey spoke.

Marty Cox spoke.

Pat Gibson, Gibson Engineering, traffic impact study consultant, spoke.

Ziggie Rothman spoke.

Karen Reaside spoke.

Jessica England spoke.

Heather Vider spoke.

Barbara Shuller spoke.

Vince Pellatzi spoke.

Steve Connolly spoke.

Eugene Williams spoke.

Bill Lorbeer spoke.

Steven Geller spoke.

Curtis Kaiser spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Mayor Foster spoke.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Mel Nutter, Los Cerritos Wetland Land Trust, appellant, spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Tim Paone spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to deny the appeals, with the following conditions:

- 1. Developer agrees to fund their fair share of the SEADIP update;**
- 2. Provide and complete landscaping improvements to the following areas: [a] center medians on 2nd Street between Marina Drive and Studebaker Road; [b] Studebaker Road between Loynes Drive and 2nd Street; [c] 2nd Street and Bellflower Boulevard along the Pacific Coast Highway corridor intersections at the "iron triangle"; and [d] 22 Freeway to 7th Street exit;**
- 3. Install two (2) "Welcome to Long Beach" signs to entrances at the 22 Freeway to 7th Street and the Seal Beach Pacific Coast Highway entrance;**
- 4. Agree to pay cost of extending the west bound left hand turn pockets on 2nd Street and Pacific Coast Highway and add 100 feet to the waiting line que; and**
- 5. That a theater be included as part of master development. The motion failed by the following vote:**

Yes: 3 - Garcia, DeLong and Gabelich

No: 5 - Lowenthal, O'Donnell, Schipske, Andrews and Neal

Absent: 1 - Johnson

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation and adopt resolution recertifying the Final EIR 04-09 for the Second + PCH project. The motion failed by the following vote:

Yes: 4 - Garcia, Lowenthal, DeLong and O'Donnell

No: 4 - Schipske, Andrews, Gabelich and Neal

Absent: 1 - Johnson

A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, that the City Manager return to City Council in 60 days with recommendations for funding and starting a comprehensive update of the SEADIP plan. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 1 - Johnson

11-1239 Adopt resolution amending the Local Coastal Program (LCP) of the General Plan and forward supporting materials to the California Coastal Commission for approval and certification; and

This Resolution was received and filed.

11-1241 Declare ordinance amending Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP, also known as PD-1) read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

This Ordinance was received and filed.

PUBLIC COMMENT (5:13 PM)

Sandra Rendell spoke for the Downtown Homeowners Unite regarding the DLBA and the PBID.

Mark Bertrand spoke regarding the DLBA and the PBID.

Nicolaus Chomenko spoke regarding a crime at 7th Street and Rose Avenue and medical marijuana.

Larry Goodhue spoke regarding a variety of issues concerning medical marijuana, the marina, and Occupy Long Beach.

Sarah Rice of Occupy Long Beach spoke regarding police brutality.

Councilmember O'Donnell spoke.

Jay Matthews spoke about incidents with the police and Occupy Long Beach.

Christopher Perkins of Occupy Long Beach spoke regarding police harassment.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Suzanne Frick, Assistant City Manager, spoke.

Jonathan Vazquez and Lydia Deaton, local high school students, spoke a word of thanks.

CONSENT CALENDAR (5:41 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 2 - 9. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 1 - Johnson

2. 11-1245 Recommendation to authorize City Attorney to pay the sum of \$200,000 in full settlement of lawsuits entitled Tavaron Mitchell v. City of Long Beach, et al., and Marcus Toles v. City of Long Beach, et al.
A motion was made to approve recommendation on the Consent Calendar.
3. 11-1242 Recommendation to approve the minutes for the City Council meeting of Tuesday, December 6, 2011.
A motion was made to approve recommendation on the Consent Calendar.
4. 11-1243 Recommendation to refer to City Attorney damage claims received between December 5, 2011 and December 12, 2011.
A motion was made to approve recommendation on the Consent Calendar.

5. 11-1255 Recommendation to authorize City Manager to execute an agreement, any subsequent amendments thereto, and any related necessary documents to provide parking processing services to Long Beach City College District (LBCCD) for a period of two years with an option to extend this agreement for three additional one-year terms. (Districts 5,6)
- A motion was made to approve recommendation on the Consent Calendar.**
6. 11-1247 Recommendation to authorize City Manager to execute new contracts and any other documents necessary for the completion of the Rancho Los Cerritos Visitors Center and McBride Teen Center grant projects from the California Department of Parks and Recreation Proposition 40 Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. (Districts 6,8)
- A motion was made to approve recommendation on the Consent Calendar.**
7. 11-1244 Recommendation to authorize City Manager to execute subdivision agreements and find that all requirements of the final subdivision map for a 10-unit condominium development located south of Ocean Boulevard and west of Fourth Place have been satisfied and approve the final map for Tract No. 53485. (District 2)
- A motion was made to approve recommendation on the Consent Calendar.**
8. 11-1246 Recommendation to authorize City Manager to execute an amendment to the agreement with Compulink Management Center, Inc., dba Laserfiche Solutions Group (LSG), to increase the amount by \$296,715 for software licenses, software support and implementation services and extend the term for three years to maintain annual payments at the existing level (\$72,750). (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
9. 11-1256 Recommendation to receive and file minutes for:
Parks and Recreation Commission - November 10, 2011.
- A motion was made to approve recommendation on the Consent Calendar.**

UNFINISHED BUSINESS (5:42 PM)

12. 11-1220 Recommendation to refer to Hearing Officer the appeal of business license revocation by Donaciano Nunez and Nicanor Nunez, dba El Sonora Bar, located at 1862 Santa Fe Avenue; or revoke business license number BU04048840 issued to Donaciano Nunez and Nicanor Nunez, dba El Sonora Bar, located at 1862 Santa Fe Avenue, due to abandonment of appeal. (District 1)

A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, that the City Council accept the abandonment of the appeal of the business license. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 1 - Johnson

REGULAR AGENDA (10:56 PM)

10. 11-1253 Recommendation to suspend Council rule contained in Long Beach Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of January 3, 2012.

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

Yes: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 1 - Johnson

11. 11-1222 Recommendation to authorize City Manager to execute individual contracts with the following consulting firms for on-call environmental consultant services: CSC Targhee, Inc., LSA Associates, Inc., Matrix Environmental, LLC, RBF Consulting, Rincon Consultants, Inc. and Terry A. Hayes Associates Inc., for a one-year period each in an amount not to exceed \$500,000 each, with two annual renewal options at the option of the City; and increase appropriations in the Development Services Fund (EF 337) in the Department of Development Services (DV) by \$350,000. (Citywide)

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

Yes: 7 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Gabelich and Neal

Absent: 2 - Andrews and Johnson

NEW BUSINESS (10:57 PM)

12. Agenda Item No. 12 is listed under Unfinished Business (Page 4).

13. 11-1259 Recommendation to receive and approve the following New Commission/Board/Committee appointments to Non-Charter Commissions.

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

Yes: 6 - Garcia, Lowenthal, O'Donnell, Schipske, Gabelich and Neal

Absent: 3 - DeLong, Andrews and Johnson

14. 11-1258 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 16, 2011.

This Agenda Item was received and filed.

15. 11-1260 eComments received for the City Council meeting of Tuesday, December 20, 2011.

This Agenda Item was received and filed.

ANNOUNCEMENTS (10:58 PM)

Mayor Foster made community announcements; and requested that the meeting be adjourned in memory of Byron Schweigert and Michael Brief.

Vice Mayor Lowenthal made community announcements.

Councilmember Garcia made community announcements.

Councilmember Neal made community announcements.

PUBLIC (11:03 PM)

Ryan Serrano spoke regarding the outcome of the hearing.

Dan Halverson spoke a word of thanks.

Robert Fisk spoke regarding perspective.

ADJOURNMENT (11:09 PM)

At 11:09 PM, Mayor Foster adjourned the meeting in memory of Byron Schweigert and Michael Brief.

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