

STAFF COPY

EXHIBIT L

Mail body: Fwd: 4/17/16 Final update for May 5,2016 Planning Commission item:1503-04 Razing f

----- Original message -----

From: "cacrewood8@fastmail.fm" <cacrewood8@fastmail.fm>

To: cacrewood8@fastmail.fm

Cc: staples@printme.com

Subject: 4/17/16 Final update for May 5,2016 Planning Commission item:1503-04 Razing 8N

Date: Sun, 17 Apr 2016 14:11:09 -0700

Requisite number of hard copies will be hand delivered to Planning Commission Secretary Monday April 18,2016 by 10:15 AM

Comes now these 1 additional pages, so presented to provide insight into some of the inherency issues engendered by the near seismic enhanced role of the Convening Authority--as well as further insight into the genesis of Appellants involvement in said issues.

You note in the info sheet provided to help guide you through your boots on the ground tour-Appellant stated re- visiting the Mac Grath Maco-approached something like reconvening the Council of Trent.

When the MM agreement was entered into the role of the Convening Authority--was limited --driven by the fact that the then project park would but border the water ways--void on any serious intrusions.

Alas, time and two plus decades took their toll. The inherent brilliance of what became the Jack Dunster Marine Biological Reserve-commanded (by Federal Warrant) the enhanced involvement and presence of the Convening Authority-with the full Force of Federal Law-to collect an already TOLLLING unpaid medication debt from a previously completed project--ie the West Coast Sailing Center,

TAUTICATION

The USACE does not send two guys with broken noses and pointed shoes--or the likes of Black List's RAYMOND REDDINGTON -to knock on one's door collect a tolling unpaid debt particularly the large debt engendered by the dubious method used in constructing said sailing center(Concrete Bulk Heads which eviscerated protected habitat.

The Convening Authority--simply---WHITHHOLDS permits for any further projects!!!!

The above is being set forth for your honorable Commission not just for the instant case BUT BECAUSE in coming months you will face four of five other projects--involving the above paradigms--which should engender from you to press any applicant:

What is the resulting damage to any protected habitat?

What is the plan to mitigate?

Where is the permit from the Convening Authority?

Controlling Federal Law requires that any mitigation project COMMENCE at the S A M E time--as the proposed project--which drives the needed for mitigation--AND BE C O M P L E T E D concurrent with the proposed project,

The City had failed to comply with that Federal Law.(For the record the West Coast Sailing Project commenced before the return of the good Jim Hankla to Long Beach-and its proposed Mitigation site--was a closely held secret(Kept even from the good Jan Hall)..It took a phone call-reaching out to a former neighbor of mine when we were Court Yard neighbors in Boston. Though at the time of the call-he was not ~~the~~ quite then the Lion of the US Senate--the copy of the plan was in my hands within the next 36 hours.

See the attached copy of the Grunion to see the Community's reaction..FYI..One of reasons for suggested routing of your field trip..ie traversing the side walk past

10 N 8N..down to eel grass ..was to give you idea how devastating the clandestine plan would have been for the Marine Stadium/

Note also item NO 50 from a page listing a number of requirements the City included in the then pending Fieldstone 'Development (Now named Spinnaker Bay).

No.50 was the Genesis of this individual's involvement in any and all matters that even approach having impacts on Long Beach Marine Stadium. It became the first of a near dozen,City/County/State Laws/Ordinances/Measures enacted directed at

protecting the Marine Stadium..which Appelant has either authored,co authored,or been a contributing author to such...

AS HE WAS in the AMMENDING MGRATH MACO..which placed Marine Stadium under the eggis of MAGRATH MACO



# MEMORANDUM

RECEIVED  
DIRECTOR'S OFFICE

92 NOV 11 PM 4:37

date November 6, 1992

to Rosie Bouquin, Department of Parks, Recreation and Marine

from *RAA* Richard A. Alesso, Deputy City Attorney *590-2221*

subject Third Amendment to Macco-McGrath Boundary Settlement Agreement

Thank you for meeting with me yesterday regarding the proposed changes to the Marine Stadium Park to be constructed on Parcels L, M, & N as required by the Third Amendment to the Macco-McGrath Boundary Settlement Agreement.

It is my understanding that when your Department uses the term "passive park" it is used in the sense that the facility does not contain the traditional recreational amenities, such as ball fields, tennis courts, etc. The use of that term is of concern, because, as you know, the Third Amendment requires that the public trust parcel in question be developed for public recreation and boating uses "...in a manner consistent with comparable marine-oriented recreation facilities in the City of Long Beach".

The proposed changes from the original plan for development, as approved by the State in the Third Amendment, are basically as follows: —

1. The restroom has been relocated from the original site on the parcel to the rowing center, off of the parcel. This has apparently been approved the Department of Boating and Waterways, in that it is within 600 feet of the park, as required. The reason for the move is that the old site would require a pump station, at considerable expense, due to the gravity feed. —
2. The parking spaces have been moved off-site to provide more green area. The new location is in the area of the proposed restroom, on the north shore of Marine Stadium. These spaces are within the guidelines of the Department of Boating and Waterways for access to marine facilities. —
3. The boat slips were eliminated from the Parcel and are to be moved to a location nearby, in Basin 8. This is being done in that the bridge which has a height limitation, precludes certain boats from reaching the docks. Also, it is that the location, as originally proposed, too isolated.



# A Favorite Community Newspaper

## RESIDENTS SAY CITY REPRESENTATIVES LIED TO THEM

### Battle Over Sands Of Marine Stadium

By Cass Edison

Assistant Editor

Even though the "whole plan stinks," it is "the way the city went about it that really irks me," growled stadium neighbor Jack Dunster, when asked about the city's new Marine Stadium Master Plan. "We should not have been lied to."

The city and the residents near the stadium both want the dirt that lies there now, out. However, there the consensus ends. The residents would like to see a grassy stretch in its stead and the city says beaches are necessary and not an option.

Despite residential opposition to development plans for the area in and around Marine Stadium and earlier promises to rethink their plans, the city has already initiated work on their original project — even before some of the residents were informed.

According to Ralph Cryder, the director of the Department of Parks and Recreation, the city's plans had already received approval from the California Coastal Commission, the California Fish and Game Commission and the Army Corps of Engineers, so that local public review was not required and unnecessary.

Besides, he said, community meetings were already held with

Costa Del Sol residents impacted by a proposed mini-marina and park, and Paoli Way residents who live near Marine Stadium.

Residents impacted by the phase of the plan, which included the Marine Stadium recreation area, were invited to a public meeting called by Councilwoman Jan Hall last February. At that time they were provided with details of the plan by park department staff.

The response of the approximately 75 member audience was not favorable to the city's plan. In fact, many of the residents were, in fact, over-

whelmingly opposed to several specific points of the plan. Among the more unpopular, were the proposals to create beaches along the back, or west end of Marine Stadium and near the rowing center and a boat mooring dock.

The dangers involved in accelerating boating in the already heavily trafficked waterways, concern for swimmers and the negative impact on the rowing center by sand-traveling downstream and filling up the rowing lanes, were cited by Robert Logan, president of the Rowing Center, as reasons for their opposition.

521

227

1018

134225  
COLLECTION  
THURSDAY  
OCT 19 1989  
2300



NOTE  
abutting the City park. A soil report shall be approved by the Superintendent of Building and Safety prior to issuance of building permits. Such soil report shall be noted on the final map.

48. All certified mitigation measures of ND-37-87 shall be complied with in full.
49. Separate lot numbers shall designated to each individual common usable area.

50. All prospective buyers for those units located within 300 feet from the boat house shall be informed of the noise generated from the rowing activities in the early morning.

(5:00 a.m. to 8:00 a.m.) Such disclosure shall be included in the C.C. & R's, as well as the State Department of Real Estate Subdivision Report.

51. Vacation of Marina Way and rededication of the interior street as a public street to provide vehicular and pedestrian access, as well as the revised bicycle path, shall be reviewed by the City and the State Lands Commission to determine if such alternative public access is consistent with the McGrath-Macco Agreements, or if any amendment or supplemental agreement would be required.

52. No building permit shall be issued until the final street vacation resolution is fully executed and recorded in the Official Records of Los Angeles County.

53. If the proposed vacation of Marina Way requires amendment to the McGrath-Macco Boundary Settlement, no final map may be filed or recorded until and unless an amendment to the McGrath-Macco Boundary Settlement and Exchange Agreement of 1968, as amended, ("Boundary Agreement" herein) is prepared to the satisfaction of the City of Long Beach, fully executed and recorded in the Official Records of the County of Los Angeles that, among other things:

- a. Ratifies the vacation of so-called Marina Drive southerly of the Tract site;
- b. Provides alternative public access and right-of-way as required by and for such purposes as are set forth in the Boundary Agreement for so-called Marina Drive;
- c. Provides for the dedication and improvement of such alternative access and right-of-way by the subdividers;
- d. Provides for development of public Parcels L, M and N in accordance with contemporary intention relating to the public availability and use of said parcels;
- e. Revises public access and related requirements over and around the Tract to revised development criteria for said Parcels L, M and N;
- f. Provides for appropriate public park development of a site or sites adjacent to the Tract.

ATTACH EXTENDED TO  
ALL HOMES IN DEVELOPMENT  
FILED IN CC&RS +  
WITH  
CITY OF LONG BEACH



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

4/29/90

3149



FYT. ALTERNATIVES 5A&5B ARE  
COLORADO LAGOON-PAGE 9&100E  
MARINE STADIUM PLAN1.



-1992

PROFILE OF THE PETE ARCHER NAVY

THE ROWING COMMUNITY MAINTAINS THE FLEET OF BOATS WHICH IS PUT AT THE DISPOSAL OF THE GENERAL COMMUNITY, FROM DAWN UNTIL DUSK, 365 DAYS A YEAR....ON A VOLUNTER BASIS.

THE REPLACEMENT COST OF THAT FLEET IS APPROXIMATELY \$610,000.00. THE TOTAL NUMBER OF BOATS THUS PLACED AT THE DISPOSAL OF THE COMMUNITY IS 71 WITH A CAPACITY TO PLACE 247 PEOPLE ON THE WATER AT ANY GIVEN TIME.

TO PUT THE SIZE OF THE PETE ARCHER NAVY IN PERSPECTIVE IN TERMS OF TOTAL NUMBER OF BOATS IN THE FLEET: THE NUMBER IS LARGER THAN THE SEPERATE AND COMBINED FLEETS MAINTAINED BY:

- THE CITY OF LONG BEACH LIFE GUARDS.
- THE CITY OF LONG BEACH HARBOR PATROL
- THE CITY OF LONG BEACH FIRE DEPARTMENT
- THE CITY OF LOS ANGELES, (LA HARBOR) HARBOR PATROL
- THE CITY OF LOS ANGELES, (LA HARBOR) LIFE GUARDS
- THE CITY OF LOS ANGELES, (LA HARBOR) FIRE DEPARTMENT
- THE COUNTY OF LOS ANGELES (LA HARBOR) LIFE GUARDS
- THE UNITED STATES COAST GUARD STATIONED IN THE LONG BEACH/LA HARBOR

THOUGH CERTAINLY, THERE IS NO COMPARISON IN TERMS OF COST, BETWEEN THE ABOVE AND THE PETE ARCHER NAVY.....IT SHOULD BE NOTED THAT EVEN IF THE COMBINED ARAMDA WERE JOINED BY THE FULL FLEET OF THE UNITED STATES NAVY CURRENTLY STATIONED IN LONG BEACH.....THE SIZE OF THE PETE ARCHER NAVY, WHICH HAS BEEN ACQUIRED, MAINLY THRU NOMINAL CLUB DUES, AND GRANTS, AND MAINTAINED ON A VOLUNTER BASIS....IS LARGER IN NUMBER THAN THE ABOVE COMBINED FLEET.



## Collegiate Scorecard: The Olympian Makers

The United States Olympic Committee recently released a listing of the collegiate affiliations of Olympians since 1900. Rowing's 434 Olympians who listed their *alma maters* represent 72 colleges. Here are the top ten and the number of Olympians from each school:

1. Harvard	46
University of Washington	46
3. University of Pennsylvania	43
4. Cal-Berkeley	41
5. Yale	36
6. U.S. Naval Academy	33
7. University of Wisconsin	15
8. Stanford	13
9. Cornell	12
10. Cal-Long Beach	10
Princeton	10



## Ira Brown

---

**From:** Amy Bodek  
**Sent:** Tuesday, April 19, 2016 4:31 PM  
**To:** Ira Brown; Heidi Eidson  
**Subject:** FW: 4/17/16 Final update for May 5,2016 Planning Commission item:1503-04 Razing 8N

**From:** cacrewood8@fastmail.fm [mailto:cacrewood8@fastmail.fm]  
**Sent:** Sunday, April 17, 2016 4:44 PM  
**To:** Amy Bodek <Amy.Bodek@longbeach.gov>  
**Subject:** Fwd: 4/17/16 Final update for May 5,2016 Planning Commission item:1503-04 Razing 8N

----- Original message -----

**From:** "cacrewood8@fastmail.fm" <cacrewood8@fastmail.fm>  
**To:** cacrewood8@fastmail.fm  
**Cc:** staples@printme.com  
**Subject:** 4/17/16 Final update for May 5,2016 Planning Commission item:1503-04 Razing 8N  
**Date:** Sun, 17 Apr 2016 14:11:09 -0700

Requisite number of hard copies will be hand delivered to Planning Commission Secretary Monday April 18,2016 by 10:15 AM

Comes now these \_\_\_\_\_ additional pages, so presented to provide insight into some of the inherency issues engendered by the near seismic enhanced role of the Convening Authority--as well as further insight into the genesis of Appellants involvement in said issues.

You note in the info sheet provided to help guide you through your boots on the ground tour-Appellant stated re- visiting the Mac Grath Maco-approached something like reconvening the Council of Trent.

When the MM agreement was entered into the role of the Convening Authority--was limited --driven by the fact that the then project park would but border the water ways---void on any serious intrusions.

Alas, time and two plus decades took their toll. The inherent brilliance of what became the Jack Dunster Marine Biological Reserve-commanded (by Federal Warrant) the enhanced involvement and presence of the Convening Authority-with the full Force of Federal Law-to collect an already TOLLLING unpaid medication debt-from a previously completed project--ie the West Coast Sailing Center,



The USACE does not send two guys with broken noses and pointed shoes--or the likes of Black List's RAYMOND

REDDINGTON -to knock on one's door collect a tolling unpaid debt particularly the large debt engendered by the dubious method used in constructing said sailing center(Concrete Bulk Heads which eviscerated protected habitat.

The Convening Authority--simply---WHITHHOLDS permits for any further projects!!!!

The above is being set forth for your honorable Commission not just for the instant case BUT BECAUSE in coming months you will face four of five other projects--involving the above paradigms--which should engender from you to

press any applicant:

What is the resulting damage to any protected habitat?

What is the plan to mitigate?

Where is the permit from the Convening Authority?

Controlling Federal Law requires that any mitigation project COMMENCE at the S A M E time--as the proposed project--which drives the needed for mitigation---AND BE C O M P L E T E D concurrent with the proposed project,

The City had failed to comply with that Federal Law.(For the record the West Coast Sailing Project commenced before the return of the good Jim Hankla to Long Beach-and its proposed Mitigation site--was a closely held secret(Kept even from the good Jan Hall)..It took a phone call-reaching out to a former neighbor of mine when we were Court Yard neighbors in Boston. Though at the time of the call-he was not thee quite then the Lion of the US Senate--the copy of the plan was in my hands within the next 36 hours.

See the attached copy of the Grunion to see the Community's reaction..FYI..One of reasons for suggested routing of your field trip..ie traversing the side walk past 10 N 8N..down to eel grass ..was to give you idea how devastating the clandestine plan would have been for the Marine Stadium/  
Note also item NO 50 from a page listing a number of requirements the City included in the then pending Fieldstone 'Development (Now named Spinnaker Bay).

No.50 was the Genesis of this individual's involvement in any and all matters that even approach having impacts on Long Beach Marine Stadium. It became the first of a near dozen,City/County/State Laws/Ordiances/Measures enacted directed at protecting the Marine Stadium..which Appellant has either authored,co authored,or been a contributing author to such...

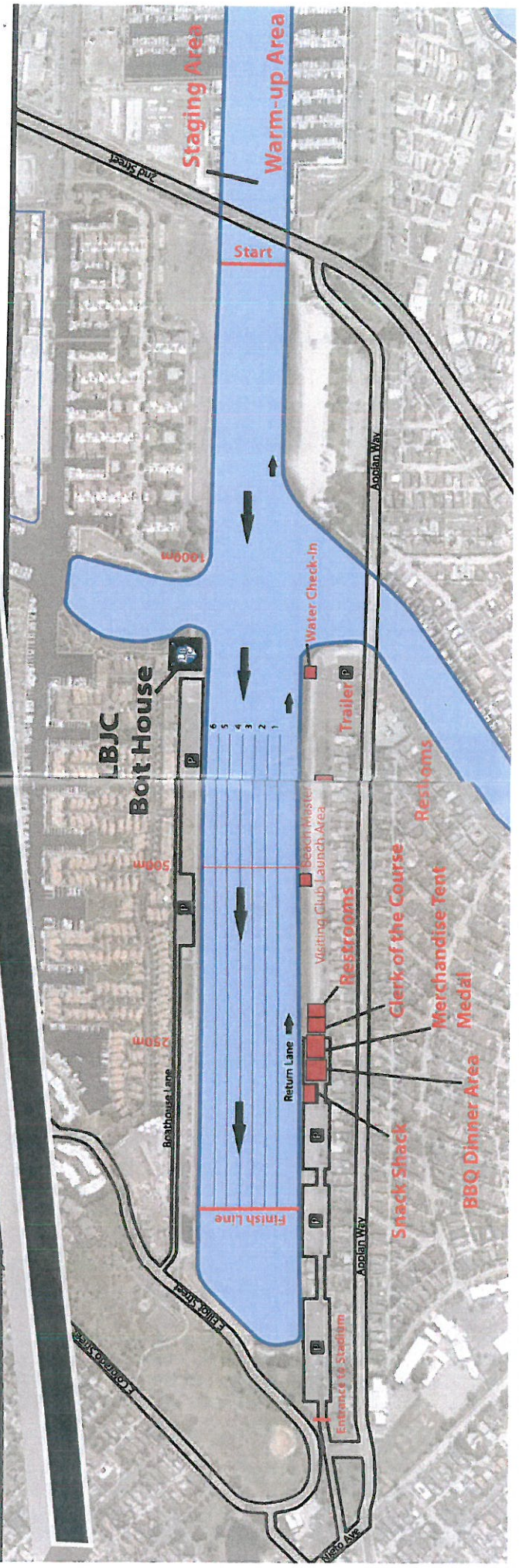
AS HE WAS in the AMMENDING MGRATH MACO..which placed Marine Stadium under the eggis of MAGRATH MACO



# Race Course Map for Long Beach

Home of the 1932  
Olympic Rowing Event

## MARINE STADIUM





**Ira Brown**

---

**From:** cacrewood8@fastmail.fm  
**Sent:** Wednesday, April 27, 2016 11:24 AM  
**To:** Ira Brown  
**Subject:** Overarching final note re what neither Staff or the few residents clamoring for evisceration of 8N .. is that..

.Boat House Lane..its twin on other side of Stadium..and all access roads to any LB coastal areas will REMAIN OPEN UNTIL MIDNIGHT...by order of US 9th Circuit which since 2010 has issued such orders.

Our only chance of avoiding such..is City Attorney,recognizing the good faith error made when they approved the defacto Arts and Crap weekly Market.followrd by Dog Shows Auto Shows,el al none of which are boating centric.....which reduces Marine Stadium to level of ordinary park...such ordinary parks 9th Circuits must Remain open until midnight,,,,,,!!!!

LBG

--

cacrewood8@fastmail.fm

**Ira Brown**

---

**From:** cacrewood8@fastmail.fm  
**Sent:** Wednesday, April 27, 2016 10:57 AM  
**To:** CityAttorney  
**Cc:** Ira Brown  
**Subject:** Fwd: Re: Pending arrival--should be able to drop off tommorw--to City Attorney and Councilwoam Price--about 9 pages:

April 27,2016

NOTE to CITY Attorney:

Would you be so kind and provide a copy of that which the Jim Fisk,( at my request had carried to your office..)to

IRA Brown...

----- Original message -----

From: "cacrewood8@fastmail.fm" <cacrewood8@fastmail.fm>

To: [cityattorney@longbeach.gov](mailto:cityattorney@longbeach.gov), [district3@longbeach.gov](mailto:district3@longbeach.gov)

Subject: Re: Pending arrival--should be able to drop off tommorw--to City Attorney and Councilwoam Price--about 9 pages:

Date: Fri, 22 Apr 2016 07:19:07 -0700

FRIDAY AM FOLLOW UP RE ARRIVAL of the above.

Alas,last evening @ Community meeting dealing with parking..attended by the multi talented Mr. Jim Fisk...he graciously agreed to demonstrate his " courier" skills " and would drop the envelope containing the above to Office of City Attorney.

It was not until later in the evening,that it dawned upon me.that copies for Councilwoman Price were in same but not seperate envelope...so will this am call City Atty Secretary...and ask her to parse out copies for the Councilwoman...marking such confidential....given notes this individual had set forth on back of a very good letter from then Mayor Kell.

LBG

On Thu, Apr 21, 2016, at 06:35 PM, cacrewood8@fastmail.fm wrote:

- >
- > Yielding seminal data relative to Grant Deed--ie copies of salient
- > sections--still awaiting complete hard copy which would
- > certainly be needed by 9th Circuit.
- >
- > The data provided to you-should however allow to grasp the sense of
- > thrust=and recognize the good faith error made
- > when the wrong section of the Grant Deed was read--ie that portion which
- > referred NOT TO WHAT was Marine Stadium-
- > but area which became knows as Recreation Park.
- >



> Both are you will be able to stop in and view the original colored  
> engineering drawing by the City Engineer who designed  
> the course per USOC Standards  
>  
> Included in your envelope will be copy of the City Council Resolution  
> enacting the warrants of the Grant Deed,  
>  
> Enclosed also=are some additional sheets of information which should  
> prove helpful -all of which are a matter of  
> public record===including a letter from Ernie Kell---which deals with  
> MAGrath Maco Boundary settlement....  
>  
> WHAT IS NOT A MATTER OF PUBLIC RECORD--though it is possible...the  
> Office of the Governor might have a  
> copy----is WHAT THIS INDIVIDUAL TRANSMIOTED TO THE GOVERNOR AT THAT  
> TIME.....which brings into very  
> frank focus....an issue-which--hopefully never presents itself  
> again--and has no presented it self for the past  
> 15 years----  
>  
> LBG  
>  
>  
> --  
>  
> cacrewood8@fastmail.fm

--

cacrewood8@fastmail.fm

--

cacrewood8@fastmail.fm

RESOLUTION NO. C-2795

A RESOLUTION ACCEPTING THE CONVEYANCE  
OF CERTAIN REAL PROPERTY TO THE CITY OF  
BEACH.

The City Council of the city of Long Beach resolves  
as follows:

Section 1. The city of Long Beach hereby accepts  
from San Gabriel River Improvement Company, a corporation  
duly organized and existing under the laws of the state of  
California, that certain real property conveyed to said city  
by deed dated the 18th day of June, 1923; said real property  
situated in the city of Long Beach, county of Los Angeles,  
state of California, and is particularly described as follows:

All that portion of Tract 1779 as shown  
on a map recorded in Map Book 22, Pages 26 and 27,  
Records of Los Angeles County, described as  
follows:

All of Lot 1 of said Tract No. 1779, also  
all of Lot 2 of said Tract No. 1779;

All that portion of Lot 3 of said Tract  
No. 1779 lying southwesterly of a line drawn  
parallel with and eight hundred (800) feet  
northeasterly of the northeasterly line of the  
Pacific Electric Railway Company's private  
right-of-way as shown on said map of said Tract  
No. 1779;

All that portion of Lot 4 of said Tract  
No. 1779 lying southwesterly of a line drawn  
parallel with and eight hundred (800) feet  
northeasterly of the northeasterly line of  
Pacific Electric Railway Company's private  
right-of-way as shown on said map of said  
Tract No. 1779; and

All that portion of Lot 1, Tract No. 1077  
as shown on a map recorded in Map Book 18, Page  
195, Records of said County, lying southwesterly  
of a line drawn parallel with and seven hundred  
(700) feet northeasterly of said northeasterly



1  
2 line of said Pacific Electric Railway  
Company's private right-of-way as shown on  
said map of said Tract No. 1077.

3 Sec. 2. The City Clerk shall cause a certified  
deed.

4 cause said deed and said certified copy to be recorded  
5  
6 required by law.

7 Sec. 3. The City Clerk shall certify to the passage  
8 of this resolution by the City Council of the city of Long  
9 Beach, and shall cause the same to be published once in The  
10 Long Beach Morning Sun and to be posted in three conspicuous  
11 places in the city of Long Beach, and it shall thereupon take  
12 effect.

13 I hereby certify that the foregoing resolution  
14 was adopted by the City Council of the city of Long Beach  
15 at its meeting of September 28th, 1923, by the  
16 vote:

17 Ayes: Councilmen: Arnold, Callahan, Evans, Lewis,  
18 Thomas, Beck, Condit.

19 Noes: Councilmen: None.

20 Absent: Councilmen: Tucker.

21  
22 (SEAL)

23 H. C. Naughton  
City Clerk.

24 BM:ES  
91726



MAGNA  
CHARTA

property shall face said northeast driveway and shall be of an attractive design and well and substantially built.

2. The party of the second part agrees to commence forthwith and to prosecute diligently the necessary application to the ~~War Department of the United States of America~~ to close or alter certain channels now existing on and over a portion of the above described property so as to substitute therefor the channel to be constructed, as hereinafter provided, and further agrees within ninety days from the date of receiving such permit from the War Department of the United States of America to actually begin the dredging and filling hereinafter referred to and to prosecute the same with due diligence until completed and to complete the same within two and one-half years from the date of this agreement; provided that the time of all delays in issuing such permit, not caused by the party of the second part, shall be added ~~to the time of two and one-half years within which to complete the same.~~

3. The party of the second part agrees to improve said parcel of land as a public park and, as a part of said improvement, to provide a lake in said park for boating purposes by dredging a canal near the southwesterly boundary of the strip or parcel of land above described running for at least three-fourths of the length of said strip and of sufficient depth and width to provide material to fill the park land not embraced in said channel so as to render the same usable for ordinary park purposes and to provide material for the improvements ~~herein provided for in Paragraph 4.~~

~~The party of the second part agrees to provide material~~ and to fill an adjoining parcel of land belonging to the party of the first part described in Exhibit B, hereto attached, to a level as high as the retaining wall of the Rivo Alto Canal in Tract No.



## **Provenance and Import of Long Beach Marine Stadium Fencing**

In 1933, pursuant to the unanimous vote of the Long Beach City Council, the city designed, acquired and installed a chain link fence to encompass the Long Beach Marine Stadium/Rowing Venue for the rowing events of the Xth Olympiad and 1968, 1976 & 1984 United States Olympic trials. The legislative intent of said action, which reflected the intent of the community, was well chronicled in local, regional, state, national and world press by one of the preeminent sportscasters of the day, Damon Runyon. Attached is a color photograph of the original copy of drawing No. B-236; City Engineers Office – Chain link fence surrounding the Marine Stadium, November 1933. The original framed copy, hangs in a home overlooking the stadium. The desire and intent of the city to protect this unique recreational boating venue, is further memorialized in the official Xth Olympiad game program, on file with the Long Beach Public Library and the Library of Congress, a copy of which is attached.

The dictum of the intent is welded into a series of actions which span over seventy-five years and include the determinations and judgments of nearly three hundred council and commission board members, supervisors, attorneys general and six governors.

The Magna Carta for the venue in chief is found within Deed #753: Deed of Trust (June 12, 1923) between San Gabriel River Improvement Company and the City of Long Beach, which grants lands to the city AND REQUIRES THE CITY to create a boating venue; Council Resolution #C2795 - accepting the gift subsequent to council action directing the city manager to enter into agreements with the Secretary of War for purposes of dredging.

The history of this unique boating venue is near overwhelming. This executive summary, with attached copies of documents and photographs, is transmitted to the new mayor and council person, both fine people, but relatively new to our fair hamlet. It is being thus transmitted with the suggestion that, when time permits, they make arrangements with the Director of Library Services to review the secured collection of articles, documents and photographs relative to this city and state landmark, which their office warrants them to protect and preserve.

Under separate cover, will come in a few days, the manifest evidence of the costly consequences of failing to protect one of the city's most cherished and valuable assets, vis-à-vis the removal of critical sections of fencing by the errant and obtuse, who on little more than a whim dejure, thumbed their nose at three quarters of a century's dictum, the combined judgment of the above referenced three hundred reasoned minds, as well as the LBPD who advise against its removal.



LONG BEACH, CALIFORNIA  
90802

OFFICE OF  
MAYOR ERNIE KELL  
CIVIC CENTER PLAZA  
333 WEST OCEAN BOULEVARD

(310) 590-6801  
FAX (310) 590-6538

April 13, 1993

Thank you for coming to City Hall recently to let me know of your concerns regarding the sexual misuse occurring in the Marine Stadium area in particular and the surrounding area in general.

It was extremely beneficial for the representatives of the Marine Division and the Long Beach Police Department to hear your eyewitness accounts. We will immediately be working with those agencies and Councilman Doug Drummond to correct the current situation. Additionally, I will work with the City Attorney to draft a letter to the California Coastal Commission stating our opposition to the conversion of the women's rowing locker room to a public restroom. Councilman Doug Drummond has offered to hand carry this letter to headquarters of the California Coastal Commission if that becomes necessary.

We will keep each of you apprised of the steps taken to remediate this problem. Once again thank you for taking time from your busy schedules to meet with me, Steve Eliakedis from Councilman Drummond's office and city staff.

Cordially,

Ernie Kell  
MAYOR

FEB 1997 REFERENCE NOTE BY LARRY GOODHUE: ...matters not if it is a regulation of the coastal commission(which it is not).....or an agreement with the State Lands Commission.....with good leadership either can be addressed.....our 1997 problem.....we do not have the good leadership we enjoyed in 1993:those occupying leadership positions-now are cut from a different cloth....





1 RESOLUTION NO. C-2795

2  
3 A RESOLUTION ACCEPTING THE CONVEYANCE  
4 OF CERTAIN REAL PROPERTY TO THE CITY OF LONG  
5 BEACH.  
6

7 The City Council of the city of Long Beach resolves  
8 as follows:

9 Section 1. The city of Long Beach hereby accepts  
10 from San Gabriel River Improvement Company, a corporation  
11 duly organized and existing under the laws of the state of  
12 California, that certain real property conveyed to said city  
13 by deed dated the 12th day of June, 1923; said real property  
14 is situated in the city of Long Beach, county of Los Angeles,  
15 state of California, and is particularly described as follows:

16 All that portion of Tract 1779 as shown on  
17 a map recorded in Map Book 22, Pages 26 and 27,  
18 Records of Los Angeles County, described as  
19 follows:

20 All of Lot 1 of said Tract No. 1779, also  
21 all of Lot 2 of said Tract No. 1779;

22 All that portion of Lot 3 of said Tract  
23 No. 1779 lying southwesterly of a line drawn  
24 parallel with and eight hundred (800) feet  
25 northeasterly of the northeasterly line of the  
26 Pacific Electric Railway Company's private  
27 right-of-way as shown on said map of said Tract  
28 No. 1779;

29 All that portion of Lot 4 of said Tract  
30 No. 1779 lying southwesterly of a line drawn  
parallel with and eight hundred (800) feet  
northeasterly of the northeasterly line of the  
Pacific Electric Railway Company's private  
right-of-way as shown on said map of said Tract  
No. 1779; and

All that portion of Lot 1, Tract No. 1077  
as shown on a map recorded in Map Book 18, Page  
195, Records of said County, lying southwesterly  
of a line drawn parallel with and seven hundred  
(700) feet northeasterly of said northeasterly



1 line of said Pacific Electric Railway  
2 Company's private right-of-way as shown on  
said map of said Tract No. 1077.

3 Sec. 2. The City Clerk shall cause a certified  
4 copy of this resolution to be attached to said deed, and shall  
5 cause said deed and said certified copy to be recorded as  
6 required by law.

7 Sec. 3. The City Clerk shall certify to the passage  
8 of this resolution by the City Council of the city of Long  
9 Beach, and shall cause the same to be published once in The  
10 Long Beach Morning Sun and to be posted in three conspicuous  
11 places in the city of Long Beach, and it shall thereupon take  
12 effect.


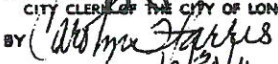
13 I hereby certify that the foregoing resolution  
14 was adopted by the City Council of the city of Long Beach,  
15 at its meeting of September 28th, 1926, by the following  
16 vote:

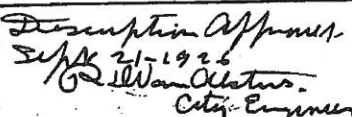
17 Ayes: Councilmen: Arnold, Callahan, Evans, Lewis.  
18 Thomas, Beck, Condit.  
19 Noes: Councilmen: None.  
20 Absent: Councilmen: Tucker.

21  
22   
City Clerk.

23 BM:ES  
24 91726

25 CERTIFIED AS A TRUE AND CORRECT COPY

26   
CITY CLERK OF THE CITY OF LONG BEACH  
27 BY   
28 DATE: 10/30/11  
29  
30

  
City Engineer

[illegible]



## Long Beach mayor endorses Kamala Harris for U.S. Senate

By Eric Bradley, Press-Telegram

PressTelegram.com

State Attorney General Kamala Harris has secured the endorsement of Long Beach Mayor Robert Garcia for her U.S. Senate bid.

Harris, a Democrat, announced the news on Friday.

Harris said in a joint statement by the two officials that she is honored to have Garcia's support.

"As the first Latino and first openly-gay mayor of his great city, he has demonstrated his commitment to representing all of his city's constituencies after his historic election," Harris said. "I am grateful to have Mayor Garcia by my side."

The endorsement is not a surprise, considering Harris was Garcia's pick to swear him in when he took office in July.

The mayor called Harris a "great supporter" of Long Beach.

"As attorney general, she has consistently fought for all Californians – including homeowners, children, consumers, and same-sex couples," Garcia said. "I look forward to campaigning side-by-side with Kamala Harris and continuing our partnership when she is representing California in the Senate."

Harris is the most prominent candidate to replace retiring Sen. Barbara Boxer in 2016.

Contact Eric Bradley at 562-499-1254.

Advertisement



Eric Bradley

Eric Bradley covers Long Beach City Hall and politics. He joined the Press-Telegram in August 2011 and previously reported for the Daily Breeze and the Cincinnati Enquirer. Reach the author at [eric.bradley@langnews.com](mailto:eric.bradley@langnews.com) or follow Eric on Twitter: EricBradleyPT.

- Full bio and more articles by Eric Bradley
- Back to top



## SUNDAY

## An 'epidemic' of misconduct

IT SHOULD GO without saying that cheating criminal prosecutors who lie or hide evidence to bolster their cases, and cowardly state judges who cover for them, should be identified and punished. It should go without saying — but we say it in light of last month's extraordinary remarks from a panel of U.S. 9th Circuit Court of Appeals judges at a hearing for convicted murderer Johnny Baca. A lower court had determined that a Riverside County prosecutor lied on the witness stand to back up the lies of a jailhouse informant, but the conviction was repeatedly upheld anyway until it got to the federal appeals panel on a habeas corpus petition.

Judges Alex Kozinski, Kim Wardlaw and William Fletcher lit into the state deputy attorney general who was in front of them to defend the convictions, and a video of the exchange went viral. It sparked news stories and spirited exchanges on legal blogs about what Kozinski had previously called an "epidemic" of prosecutorial misconduct and assertions that too many California state trial judges are unwilling to do anything about it. It is tempting to see prosecutorial misconduct as a less urgent problem than the front end of the justice system — the encounters between suspects and police that have become the subject of nationwide soul searching and reexamination in the wake of high-profile police killings in Ferguson, Mo.; New York; and Los Angeles, among other places.

But lives are also at stake in the criminal courtroom. A sentence of 10 years or 20 years or even more — or of death — should not be rendered without absolute assurance that the trials were fair and that the prosecutors were honest. An argument could be made that prosecutorial misconduct is far more egregious and unforgivable than a police officer's deadly error, because police officers must react in an instant to a potentially deadly threat to themselves or the public. A prosecutor's misdeed comes with ample time to reflect.

In Baca's case, Kozinski in effect directed the state's lawyer to get his boss, Atty. Gen. Kamala Harris, to drop the case. She did. It remains to be seen whether Riverside County will retry Baca. But Kozinski also made it clear that he wanted to see disciplinary action against the prosecutor who took the stand and the prosecutor who put him there.

Keep in mind that criminal prosecutors have duties that defense lawyers don't. The prosecutor's goal is not, or rather should not be, merely to win, but to ensure that proceedings are fair and verdicts are just. Prosecutors must disclose any evidence that could tend to undermine their own cases. They may not — again, it should go without saying — lie, encourage others to lie, or

California trial judges and appellate justices who encounter such misconduct have to determine whether it was so egregious — and so material to the conviction — that the verdict must be reversed. But then what?

Cheating prosecutors should be reported to their superiors for discipline, including possible firing; to the State Bar of California for further discipline, including loss of their license to practice law; and perhaps to other prosecutors, to face criminal charges for perjury. But that rarely happens, even though studies of prosecutorial misconduct or coldings from the federal bench come far too frequently. Several studies show that judges rarely report lawyers to the state bar in the event of prejudicial misconduct. The judge ought to report the lawyer even when the misconduct doesn't result in the case being overturned. If that ever happens, the public almost never finds out.

In the hearing on Baca's case, Kozinski complained that state prosecutors will keep committing misconduct "because they have state judges who are willing to look the other way." Wardlaw noted that California state judges "are elected judges. They are not going to be reversing these things."

The legal community has latched on to those comments and is involved in a debate over whether the essential enabling factor of prosecutorial misconduct is the fact that, unlike their federal counterparts, who are appointed for life, California judges must face the electorate. The argument goes that no judge wants to overturn a conviction or nail a prosecutor for fear of being branded soft on crime at election time.

But before becoming comfortable with the assertion that the problem is state judges and elections, let's recall that Kozinski's remark about an "epidemic" of misconduct or error came not in the Baca case but in a 2013 dissent — in a federal case.

In January, environmental activist Eric McDavid left prison after serving nine years following an admission by the prosecutors' office — a U.S. attorney's office in California — that it withheld exculpatory evidence in the 2007 trial.

If violations of the prosecutor's duty to turn over potentially exculpatory evidence, as required under the 1963 case of Brady vs. Maryland, are indeed "epidemic," it appears to be a disease that can spring up in any courtroom in which prosecutors believe they will be rewarded for convictions and judges, whether elected or with lifetime appointments, believe there is little point in reporting cheaters.

The 9th Circuit panel's outrage at the Riverside County prosecutors serves as a reminder of this serious problem. It is incumbent upon state and federal judges and prosecutors to

LATIMES.COM



see an 'epidemic' of misconduct by prosecutors in California.

BY MAURA DOLAN

The hearing seemed largely routine until a state prosecutor approached the

Deputy Atty. Gen. Kevin R. Vienna was there to urge three judges on the U.S. 9th Circuit Court of Appeals to uphold murder conviction against Johnny Baca for two 1995 killings in Riverside County. Other courts had already determined that prosecutors had presented false evidence in Baca's trial but upheld the verdicts anyway.

Vienna had barely started his argument when the dummeling began.

Judge Alex Kozinski asked Vienna if his boss Atty. Gen. Kamala D. Harris wanted to defend a conviction "obtained by lying prosecutors." If Harris did not back off the case, Kozinski warned, the court would name names "in a full hat would not be 'very pretty.'"

Judge Kim Wardle wanted to know why Riverside County prosecutor had arranged the killing. "It looks terrible," said Judge William Fletcher.

The January hearing asadena, posted on the 9th Circuit pe es, provided a rare a tical examination of murder case in which prosecutors presented false evidence but were never investigated or disciplined. The low-profile case noticed if not for the vobably would have gotten other attorneys and in a series of sear [See Misconduct, B1]

# PANEL CALLS OUT

## Epidemic of prosecutorial misconduct

**Misconduct**, from B1] questions, the three judges expressed frustration and anger that California state judges were not cracking down on prosecutorial misconduct. By law, federal judges are supposed to defer to the decisions of state court judges.

Prosecutors "got caught this time but they are going to keep doing it because they have state judges who are willing to look the other way," Kozinski said.

Santa Clara University law professor Gerald Uelman said the judges' questions and tone showed they had lost patience with California courts. State judges are supposed to refer errant lawyers, including prosecutors, to the state bar for discipline, but they rarely do, Uelman said.

"It is a cumulative type thing," Uelman said. "The 9th Circuit keeps seeing this misconduct over and over again. This is one way they can really call attention to it."

A 2010 report by the Northern California Innocence Project cited 707 cases in which state courts found prosecutorial misconduct over 11 years. Only six of the prosecutors were disciplined, and the courts upheld 80% of the convictions in spite of the improprieties, the study found.

The case that sparked



GINA FERRAZZI/Los Angeles Times

**JUDGE ALEX KOZINSKI** warned that the federal court would take action if California's attorney general defended a ruling "obtained by lying prosecutors."

adopted son, was working as a houseboy for the couple.

A jailhouse informant testified that Baca had confided the son planned the killing. The two were going to split Adair's inheritance, the informant said. Other witnesses testified that Adair was planning to disinherit his son, who was never charged in the case. Baca was tried twice and found guilty both times. A state appeals court overturned the first verdict. The second withstood an appeal, even though the state court

testified he had asked for and received no favors. The prosecutor falsely corroborated that on the stand, according to court records. Baca was sentenced to 70 years to life.

Patrick J. Hennessey Jr., who has represented Baca on appeal for nearly two decades, said he had never seen such an "egregious" case of prosecutorial misconduct.

"That is what bothered me," Hennessey said. "There was never a fair discussion of how serious the issue was." A U.S. magistrate who

court nevertheless was supposed to defer to the state courts.

"Sadly, this informant's lies were bolstered by a Deputy District Attorney, who also lied," wrote Magistrate Judge Patrick J. Walsh.

"What is obvious ... is that the Riverside County District Attorney's Office turned a blind eye to fundamental principles of justice to obtain a conviction."

Armed with the magistrate's report, the three judges on the 9th Circuit panel appeared incredulous

misconduct by upholding verdicts, a rare public criticism of fellow judges. She suggested that state judges, who must be approved by voters, fear inciting the public's wrath. Federal judges are appointed for life.

"I understand why they do that," Wardlaw said. "They are elected judges. They are not going to be reversing these things."

Fletcher, another Clinton appointee, observed that the state's attorney general had fought "tooth and nail" more than a decade ago to prevent a court from seeing a transcript that revealed the false evidence.

"It would look terrible in an opinion when we write it up and name names," Kozinski, a Reagan appointee, told the government lawyer. "Would your name be on?"

Vienna said he was not involved in the case at the time, but named others in the office.

Kozinski demanded to know why the informant and the testifying prosecutor were not charged with perjury. He suggested the state bar should pull the law license of the prosecutor who presented the evidence.

Retired Deputy District Atty. Paul Vinegrad, who prosecuted Baca in both trials, said in an interview that he did not suspect deceit. He said he has since learned that his colleague

no longer practices law could not be reached for comment.

Vinegrad also said he believed in the murder-for-hire case he presented, but that there was not enough evidence to charge the son. The informant's testimony against the son would not have been admissible under legal rules at the time, Vinegrad said.

Kozinski, who in the past has spoken out about an "epidemic" of prosecutorial misconduct, asked Vienna whether Harris was aware of the case. Vienna indicated she probably was not. Kozinski told him to get her attention within 48 hours. Harris would need to take action, her office wanted to avoid an embarrassing ruling, Kozinski said.

"Make sure she understands the gravity of the situation," Kozinski said, adding that the case "speaks very poorly for the attorney general's office."

Harris, a candidate for U.S. Senate, changed course. Her office decided last week not to oppose Baca's challenge.

Mike Hestrin, Riverside County's newly elected district attorney, did not concede that the prosecutors' "misconduct" was intentional, but said his office would investigate the prosecutors' actions and retry



2 S

FBI + USDO  
EVIDENCE FILE





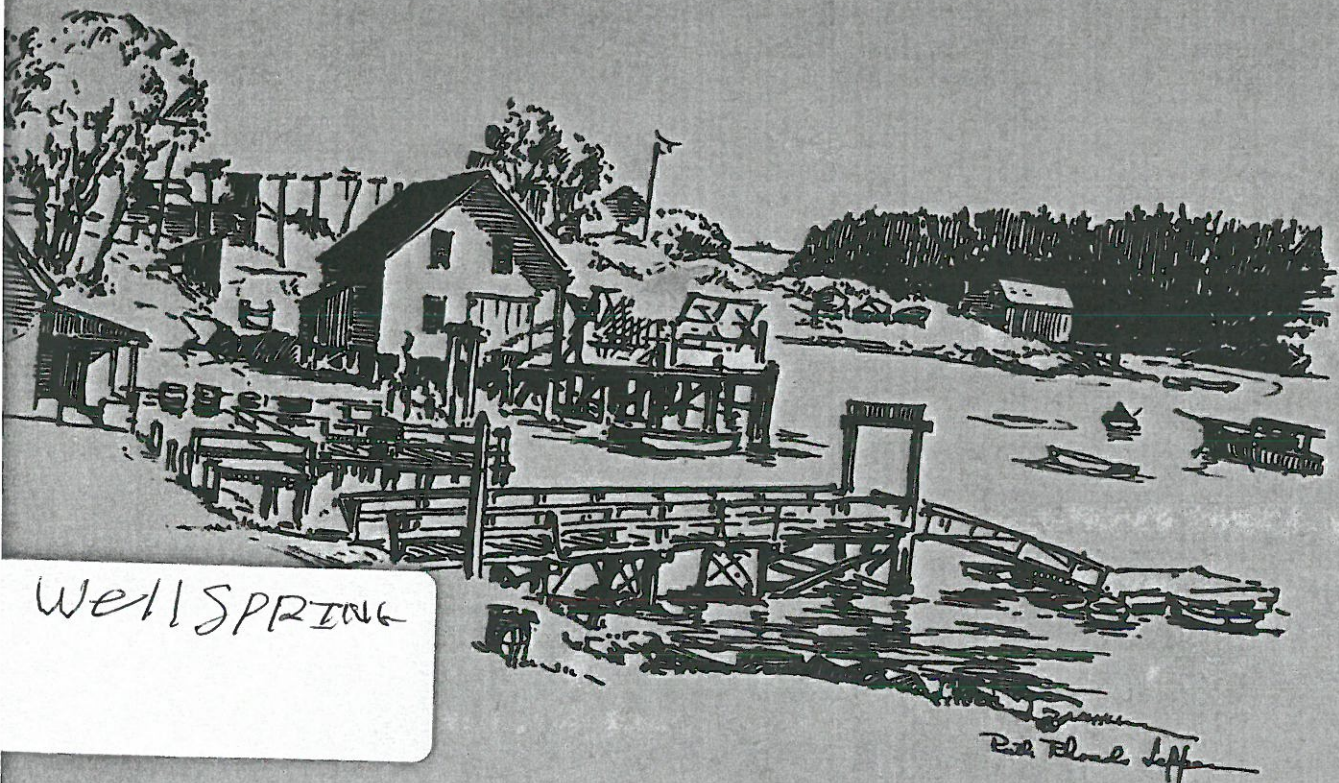
# 25 IRON GATES



FBI + USDOJ EVIDENCE FILE







Well Spring





70\*

