

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



Patrick H. West, City Manager
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Gerrie Schipske, 5th District
Dee Andrews, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, Vice Mayor, 9th District

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

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

Agenda items were considered in Agenda order, with the exception of Agenda Item No. 19, which was considered following Agenda Item No. 13.

ROLL CALL (5:01 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; 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: Gary DeLong, Councilmember, Third District.

Mayor Foster announced that Agenda Item Nos. 13 and 19 would be considered together; that Agenda Item 27 would be continued; and that Agenda Item 10 was withdrawn.

Kathy Schofield, spcaLA, presented a canine.

Presentation from the U.S. Census Bureau, Long Beach Office.

Presentation on Red Bull New Year's Eve Event.

Councilmember Lowenthal spoke.

Councilmember Garcia spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke regarding the recent flooding.

Mayor Foster spoke.

CONTINUED HEARING (5:31 PM)

[see media](#)

1. [10-0051](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeal, and uphold the Planning Commission decision to approve a Conditional Use Permit for a check cashing use located at 4200 Atlantic Avenue. (District 8)

Joy Tuzzolino, appellant, spoke.

John Deats, appellant, spoke.

Doug Otto, Attorney representing the applicant Payday Advance, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Fernando Pena, Cash Advance America, spoke.

Eleanore Reyes, Cash Advance America, spoke.

Doug Otto, Attorney representing the applicant Payday Advance, spoke.

Councilman Andrews spoke.

Harvey Cochran spoke.

Sandy Cajas spoke.

Linda Sloban spoke.

Rick Ivy spoke.

Linda Strong spoke.

Mike Kowal spoke.

Cheryl Jacobs spoke.

Councilwoman Gabelich spoke.

Doug Otto, Attorney representing the applicant Payday Advance, spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to receive the supporting documentation into the record; conclude the public hearing; grant the appeal and approve a Conditional Use Permit for check cashing use located at 4200 Atlantic Avenue with the following amendments to the conditions:

- 1. Condition No. 12 shall be amended to include: The "Payday Advance" signage shall be removed from the canopy, the wall-mounted neon signage shall be removed, and signage in the windows shall be compliant with City codes at all times. New signage on the building shall be to the satisfaction of the Director of Development Services, in consultation with the community and in conformity with the Bixby Knolls Design Guidelines.**
- 2. Add an additional condition that the applicant will work with the City to inspect the canopy to determine its structural integrity and work with the City and the property owner to make all necessary repairs and improvements.**
- 3. Also, move to direct staff to bring back a report in one year to detail the operations of the check cashing facility. If that report reveals a violation or violations of the CUP (or any other significant violation of the Zoning Code), the Zoning Administrator would schedule a hearing before the Planning Commission in accordance with Section 21.21.601 of the Code to determine whether or not the CUP should be revoked.**
- 4. The business hours shall be Monday through Saturday, 8 a.m. to 7:30 p.m.**

The motion carried by the following vote:

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

HEARING (6:27 PM)

[see media](#)

2. [10-0105](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeal, and adopt resolution recertifying Final Environmental Impact Report (SCH No. 2008041028); readopt a Mitigation Monitoring and Reporting Program; approve a Statement of Overriding Considerations; and approve a Site Plan Review and Local Coastal Development Permit for rehabilitation of the Alamitos Bay Marina basins 1-7 located on the Peninsula, Naples Island, Marina Pacifica and Marina Drive. (District 3)

Larry Goodhue, appellant, spoke and submitted a packet of information.

Councilmember O'Donnell spoke.

Harvey Cochran spoke.

Harry Hutton, Chairman of the Marine Advisory Commission, spoke.

Ron Wood spoke.

Carl Kernbauer spoke.

Alfredo Fernandez spoke.

Roger Wright, Director, Long Beach Yacht Club, spoke.

Jim Litzinger spoke.

John O'Connor spoke.

Bill Motinger spoke.

Don Beaugart spoke.

Drew Satarino spoke

Willard May spoke.

Larry Goodhue, appellant, spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0013. The motion carried by the following vote:

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

Enactment No: RES-10-0013

PUBLIC COMMENT (7:26 PM)

Charlene Palmer spoke regarding flooding at 1500 E. Ocean Boulevard.

Michael Marshall spoke regarding flood incident at 1500 E. Ocean Boulevard condominiums.

Ted Brady spoke regarding flooding at 1500 E. Ocean Boulevard.

Mike Conway, Director of Public Works, spoke and indicated that a further report would be provided to City Council next week concerning the flooding incident at 1500 E. Ocean Boulevard.

Larry Boland spoke regarding West Coast Choppers Place.

Charles Monson spoke regarding collective raids.

Randi Martinez regarding raids on collectives.

Katherine Hamel spoke regarding raids on collectives.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

Mayor Foster spoke.

Councilmember Garcia spoke.

[10-0164](#) Jackie Nutting spoke regarding the project labor agreement for the airport, and submitted information.

This Handout was received and filed.

Denise Davis spoke regarding flooding at 1500 E. Ocean Boulevard condominiums.

CONSENT CALENDAR (8:03 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilmember Reyes Uranga, to approve Consent Calendar Items 3 - 12, except for Item 10. The motion carried by the following vote:

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

Absent: 1 - Gabelich

3. [09-1163](#) Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee to receive and approve the communications regarding renaming Joe Rodger's Field to Joe Rodger's Stadium and the softball diamond to Irvin "Red" Meairs Field.
A motion was made to approve recommendation on the Consent Calendar.
4. [10-0102](#) Recommendation to adopt minute order to grant an application from Shirley J. Hoffman for a widow's pension.
A motion was made to approve recommendation on the Consent Calendar.
5. [10-0103](#) Recommendation to approve the minutes for the City Council meetings held Tuesdays, January 5, 12 and 19, 2010.
A motion was made to approve recommendation on the Consent Calendar.
6. [10-0132](#) Recommendation to refer to City Attorney damage claims received between January 11, 2010 and January 25, 2010.
A motion was made to approve recommendation on the Consent Calendar.
7. [10-0106](#) Recommendation to approve Community Development Advisory Commission funding recommendations for the Fiscal Year 2010 (FY 10) Nonprofit Assistance Program; and authorize City Manager to execute and amend, as necessary, loan documents with various nonprofit organizations approved for FY 10 Nonprofit Assistance Program in an estimated total amount of \$132,942. (Districts 1,2,4,8)
A motion was made to approve recommendation on the Consent Calendar.
8. [10-0107](#) 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 2010 Boating Safety and Enforcement Equipment Grant for the purchase of boating safety equipment; and increase appropriations in the Tidelands Operating Fund (TF 403) and in the Fire Department (FD)

by \$59,000. (Districts 2,3)

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

9. [10-0108](#) Recommendation to increase appropriations for the California Emergency Management Agency Paul Coverdell Forensic Sciences Improvement Program Grant in the General Grants Fund (SR 120) in the Police Department (PD) by \$20,543. (Citywide)

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

10. [10-0109](#) Recommendation to find that all requirements of the final subdivision map for construction of a 104 residential unit mixed-use development have been satisfied and approve the final map for Tract No. 64636 located south of Third Street and west of Long Beach Boulevard. (District 2)

This Agenda Item was withdrawn.

11. [10-0110](#) Recommendation to authorize City Manager to execute a lease agreement with the City of Los Angeles to use space at the City's radio transmitter facilities for a term of four years, with the option to renew for an additional five years, subject to the approval of the City Manager. (Citywide)

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

12. [10-0104](#) Recommendation to receive and file minutes for:
Civil Service Commission - December 16, 2009 and January 13, 2010.
Cultural Heritage Commission - December 14, 2009.

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

REGULAR AGENDA (8:04 PM)

[see media](#)

13. [10-0121](#) Recommendation to request City Manager to begin the application process for a Police Academy this year and report back to the City Council within 15 days identifying the funding for the academy and lateral hiring.

Distributed at the meeting: Police Academy Options and Long Beach Fire Department Staffing Update PowerPoints.

Vice Mayor Lerch spoke.

Deputy Chief J.J. Craig, LBPD, provided a PowerPoint presentation.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilmember DeLong spoke.

Vice Mayor Lerch spoke.

Mayor Foster spoke.

Councilmember Garcia spoke.

Councilmember Reyes Uranga spoke.

Councilmember Lowenthal spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Harvey Cochran spoke.

Diana Lejins spoke.

Kim Clagill spoke.

Mataleen Johnson spoke.

Larry Boland spoke.

Jack Smith spoke.

Irene Saldona spoke.

Steve James, Long Beach Police Officers Association, spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

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

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

[see media](#)

14. [10-0127](#)

Recommendation to ratify the decision made at the Gateway Cities Council (COG) of Governments Board Meeting for the COG to accept delegation of the preparation of the Sustainable Communities Strategy as required by SB 375; and authorize City Manager to identify funding for this activity.

Councilmember O'Donnell spoke.

Pat West, City Manager, spoke.

Tom Modica, Manager of Governmental Affairs, spoke.

Councilmember O'Donnell spoke.

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

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

Absent: 2 - Gabelich and Lerch

[see media](#)

15. [10-0128](#)

Recommendation to request City Council to receive and file this memorandum, and request City Manager to engage with our utility partners to develop a streamlined process of removing hanging shoes from utility lines within 72 hours, and report back to City Council in 90 days.

Councilman Andrews spoke.

Councilmember O'Donnell spoke.

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, Reyes Uranga and Lerch

Absent: 1 - Gabelich

[see media](#)

16. [10-0129](#)

Recommendation to request City Council to receive and file the Agenda Item Memorandum, and request City Manager to report back to City Council within 60 days, on the effectiveness of streamlining existing departmental procedures, and implementing additional penalties resulting from the illegal posting of signs in the public right-of-way.

Councilman Andrews spoke.

Harvey Cochran spoke.

Mataleen Johnson spoke.

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

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

Absent: 1 - Gabelich

[see media](#)

17. [10-0130](#)

Recommendation to approve the nomination of Councilmember Tonia Reyes Uranga as the City's candidate to represent the Western Los Angeles County Cities region on the South Coast Air Quality Management District (SCAQMD) Governing Board.

Councilmember Reyes Uranga spoke.

Tom Modica, Manager of Governmental Affairs, spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

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

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

[see media](#)

18. [10-0131](#)

Recommendation to request City Traffic Engineer be given authorization to determine if a neighborhood is impacted by traffic increased directly due to use of a public park by permitted teams sports without charge for such study, and if such study indicates a neighborhood is parking impacted because of park use, then after a petition is circulated and affirmed by 60% of the residents, preferential parking shall be implemented. The residents shall not be charged for the signage but will have to pay for annual permits.

Councilwoman Schipske spoke.

Harvey Cochran spoke.

Diana Lejins spoke.

Gary Shelton spoke.

Cindy Wechsung spoke.

John Miller spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Mike Conway, Director of Public Works, spoke.

Pat West, City Manager, spoke.

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember Reyes Uranga, to request City Manager to return to City Council within 30 days with a report regarding the issues addressed during discussion and in the recommended action. The motion carried by the following vote:

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

[see media](#)

19. [10-0133](#)

Recommendation to request City Manager to report back to the City Council with a recommendation for both Police and Fire staffing levels, and associated funding for both academy and on-going personnel costs.

Distributed at the meeting: Police Academy Options and Long Beach Fire Department Staffing Update PowerPoints.

Councilmember DeLong spoke.

Diana Lejins spoke.

Harvey Cochran spoke.

Tom Stout spoke.

Larry Boland spoke.

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

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

Absent: 1 - Gabelich

[see media](#)

20. [08-0496](#)

Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee to receive and approve the Community Partnership to Prevent and End Homelessness, Long Beach 10-Year Plan, Five (5) Key Community Strategies:

1. Finding a home - HOUSING GOAL
2. Enough to pay the bills - ECONOMIC STABILITY GOAL
3. Enhancing the safety net - SUPPORTIVE SERVICES GOAL
4. Addressing homelessness together as a community - COMMUNITY INVOLVEMENT GOAL

5. Do what works - OUTCOMES AND EVALUATION GOAL

Councilman Andrews spoke.

Joel Roberts spoke.

Gary Shelton spoke.

Mike Murray spoke.

Kate Carp and Judith Crumpton spoke.

Jack Smith spoke.

Harvey Cochran spoke.

Councilmember Garcia spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilman Andrews, seconded by Councilmember Lowenthal, to approve recommendation, with a request for yearly updates to City Council on program outcomes. The motion carried by the following vote:

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

[see media](#)

21. [10-0122](#)

Recommendation to receive and file the Audit Report on the Internal Controls Over Stimulus Funds.

Laura L. Doud, City Auditor, spoke.

Councilmember Reyes Uranga spoke.

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

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

[see media](#)

22. [10-0111](#)

Recommendation to adopt Initiatives, Goals and Actions of the Sustainable City Action Plan; and direct City Manager to prepare the final

document for public distribution.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

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

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

[see media](#)

23. [10-0113](#)

Recommendation to authorize City Manager to execute a lease with Beach Ventures Enterprises, Inc., a California corporation, for the purpose of providing food, beverage, and equipment rental concessions for a five-year term, with two, five-year renewal options, at the discretion of the City Manager or his designee. (Districts 2,3)

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

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

[see media](#)

24. [10-0064](#)

Recommendation to authorize City Manager to execute a five-year extension of the contract, commencing January 1, 2011, with Sea Festival Association of Long Beach, Inc.; clarify language in the agreement as recommended in the Fiscal Year 2008 City Auditor's report; and make adjustments to the revenue sharing agreement with the City. (Citywide)

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilman Andrews spoke.

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

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

No: 1 - Schipske

[see media](#)

25. [10-0114](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Fresh & Easy Neighborhood Market Incorporated, dba Fresh & Easy Neighborhood Market No. 1417, for an original Alcoholic Beverage Control License, at 450 The Promenade North, with conditions. (District 1)

Councilmember Garcia spoke.

Councilmember Reyes Uranga spoke.

Councilmember Garcia spoke.

Councilmember Lowenthal spoke.

Harvey Cochran spoke.

Diana Lejins spoke.

Councilmember Reyes Uranga spoke.

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

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

[see media](#)

26. [10-0115](#)

Recommendation to receive and file the application of 212 Bistro LLC, dba 212 Bistro, for an original Alcoholic Beverage Control License, at 2708 East 4th Street, with conditions. (District 2)

A motion was made by Councilmember Lowenthal, seconded by Councilman Andrews, that the item be laid over for one week to the meeting of Tuesday, February 9, 2010. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

[see media](#)

27. [10-0117](#)

Recommendation to adopt Specifications No. R-6832 for both

anticipated and unanticipated (emergency) construction of various City infrastructure repairs and improvements to be done under the method of Job Order Contracting (JOC);

Authorize City Manager to execute agreements for one year terms in amounts not to exceed \$1,000,000 for the following JOC Contracts: JOC Contract No. 10 for Angeles Contractor with an adjustment factor of .5940, JOC Contract No. 11 for New Creation Builders with an adjustment factor of .6000, JOC Contract No. 12 for MacKone Development, Inc. with an adjustment factor of .5980, JOC Contract No. 13 for Worldwide Construction with an adjustment factor of .6900, and JOC No. 14 for MTM Thomasville with an adjustment factor of .8000;

Authorize City Manager to execute a contract with the Gordian Group for the proprietary Pro-Gen software and administrative services to manage the JOC program in an amount not to exceed \$225,000 for a term of three years under the same terms and conditions as their current contract with California State University of Long Beach; and

Authorize City Manager to execute amendments for each JOC contract to extend the term for two separate periods of one year each and up to \$1,000,000 per extended term, and to execute amendments to the Gordian Group agreement relative to the extension of the term, to authorize additional services, if required, within the provisions of the agreement, and to adjust the Gordian fee for inflation. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, that the item be laid over for one week to the meeting of Tuesday, February 9, 2010. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: RES-10-0015

ORDINANCES (10:50 PM)

[see media](#)

28. [10-0118](#) Recommendation to declare ordinance amending Sections 10.30.010, 10.30.040, and 10.30.050 of the Long Beach Municipal Code, all related to beach area parking lots, to include definitions of all beach area parking lots, and update periods applicable to the collection of fees in said lots read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 2,3)

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, 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 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Lerch

Absent: 1 - Gabelich

Enactment No: ORD-10-0004

[see media](#)

29. [10-0126](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.20.120 relating to maximum amount of prizes read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

A motion was made by Councilmember DeLong, 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: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Lerch

Absent: 1 - Gabelich

Enactment No: ORD-10-0003

[see media](#)

30. [09-1203](#)

Recommendation to declare ordinance adding Title 5, Chapter 5.87 of the Long Beach Municipal Code to implement the State Compassionate Use Act and State Medical Marijuana Program Act, relating to the regulation of medical marijuana establishments read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Motion: Approve recommendation, with the conditions as follows recommended by the City Attorney:

1. Every Medical Marijuana Collective shall maintain, on-site at the Property, cultivation records, signed under penalty of perjury by each Management Member, identifying the location within the City of Long Beach at which the Medical Marijuana was cultivated, and the total number of said plants cultivated at each location;

2. Samples of Medical Marijuana cultivated by the Collective at each location within the City of Long Beach shall be analyzed by an

independent laboratory to ensure it is free of pesticides and other contaminants regulated by local, state or federal regulatory or statutory standards;

3. Any Medical Marijuana from which the representative sample tested positive for a pesticide or other contaminant at a level which exceeds the local, state, or federal regulatory or statutory standards shall be destroyed forthwith; and

4. Any Medical Marijuana provided to Collective members shall be properly labeled in strict compliance with state and local laws.
Moved by O'Donnell, seconded by Schipske.

Robert Shannon, City Attorney, spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Richard Eastman spoke.

Mayor Foster spoke.

Carl Kemp spoke.

David Zinc spoke.

Tom Reeves, City Prosecutor, spoke.

Diana Lejins spoke and submitted correspondence.

Mark Adams spoke and submitted a chart of laboratory test results.

Robert Fidore spoke.

Bill Thomas spoke.

Glen Howard spoke and submitted correspondence.

Gregory Moore spoke.

Larry Boland spoke and submitted information concerning U.S. Pharmacopeia.

Jamie Green spoke.

Gary Ferris spoke.

Christian Rodriguez spoke.

Bill Child spoke.

Roger Hodge spoke.

Sierra Serhan spoke.

Rick Brizendine spoke.

John Donahue spoke.

Paul Violus, Attorney, spoke.

Michael Smith spoke.

Richard Eastman spoke.

Kim Clagill spoke.

David Zamora spoke.

Deputy Chief Bill Blair, LBPD, spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Garcia spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Robert Shannon, City Attorney, spoke.

Councilman Andrews spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

A second substitute motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation, with the conditions as follows recommended by the City Attorney:

- 1. Every Medical Marijuana Collective shall maintain, on-site at the Property, cultivation records, signed under penalty of perjury by each Management Member, identifying the location within the City of Long Beach at which the Medical Marijuana was cultivated, and the total number of said plants cultivated at each location;**
- 2. Samples of Medical Marijuana cultivated by the Collective at each location within the City of Long Beach shall be analyzed by an independent laboratory to ensure it is free of pesticides and other contaminants regulated by local, state or federal regulatory or statutory standards;**
- 3. Any Medical Marijuana from which the representative sample tested positive for a pesticide or other contaminant at a level which exceeds the local, state, or federal regulatory or statutory standards shall be destroyed forthwith;**
- 4. Any Medical Marijuana provided to Collective members shall be properly labeled in strict compliance with state and local laws;**
- 5. Permits collective to conduct off-site cultivation and preparation of edibles provided that such activities take place in the City of Long Beach;**
- 6. Requires identification of members with a photo ID; and**

**to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading, as amended
The motion failed by the following vote:**

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

No: 5 - Garcia, Andrews, Reyes Uranga, Gabelich and Lerch

A substitute motion was made by Vice Mayor Lerch, seconded by Councilman Andrews, to approve recommendation, with the conditions as follows recommended by the City Attorney:

- 1. Every Medical Marijuana Collective shall maintain, on-site at the Property, cultivation records, signed under penalty of perjury by each Management Member, identifying the location within the City of Long Beach at which the Medical Marijuana was cultivated, and the total number of said plants cultivated at each location;**
- 2. Samples of Medical Marijuana cultivated by the Collective at each location within the City of Long Beach shall be analyzed by an independent laboratory to ensure it is free of pesticides and other contaminants regulated by local, state or federal regulatory or statutory standards;**
- 3. Any Medical Marijuana from which the representative sample tested positive for a pesticide or other contaminant at a level which exceeds the local, state, or federal regulatory or statutory standards shall be destroyed forthwith;**
- 4. Any Medical Marijuana provided to Collective members shall be properly labeled in strict compliance with state and local laws;**
- 5. With the removal of the restriction requiring that the Medical Marijuana be cultivated within the City of Long Beach; and**

to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading, as amended. The motion carried by the following vote:

Yes: 5 - Garcia, Andrews, Reyes Uranga, Gabelich and Lerch

No: 4 - Lowenthal, DeLong, O'Donnell and Schipske

NEW BUSINESS (12:23 AM)

31. Affidavit of Service for the special meeting held Tuesday, February 2, 2010.

ANNOUNCEMENTS (12:23 AM)

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Reyes Uranga made community announcements.

PUBLIC (12:27 PM)

Larry Boland spoke about the motion that was passed regarding Medical Marijuana.

ADJOURNMENT (12:28 AM)

At 12:28 PM, Mayor Foster adjourned the meeting.

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