

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 & MINTUES

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 for this meeting were considered in the order presented, with the exception of Agenda Item No. 10, which was considered at the end of the agenda after Agenda Item No. 20.

ROLL CALL (5:05 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.

Vice Mayor Lerch presiding.

Invocation: Moment of Silence.

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

Vice Mayor Lerch spoke regarding veterans.

Kathy Schofield, spcaLA, presented a canine.

HEARINGS (5:08 PM)

[see media](#)

1. [09-1179](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution making certain findings for an Owner Participation Agreement with McFadden Family Trust for the development of 1652-1660 West 15th Street. (District 1)

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0134. The motion carried by the following vote:

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

Enactment No: RES-09-0134

[see media](#)

2. [09-1185](#)

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 Saeed Ghiassi, dba Pizza Pi, 649 E. Broadway, for Entertainment Without Dancing by Patrons. (District 2)

Anthony Ontanaga spoke.

Councilmember Lowenthal spoke.

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

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

PUBLIC COMMENT (5:15 PM)

[09-1250](#)

Harley Rubenstein spoke regarding a variety of disability issues; and submitted a copy of the visibility Ordinance C-7807.

This Handout was received and filed.

Terry Slavin spoke regarding wetlands.

CONSENT CALENDAR (5:20 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve Consent Calendar Items 3 - 8. The motion carried by the following vote:

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

3. [09-1189](#)

Recommendation to refer to City Attorney damage claims received between October 26, 2009 and November 2, 2009.

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

4. [09-1200](#) Recommendation to adopt resolution authorizing City Manager to execute a contract with McNeilus Truck and Manufacturing Company, in an annual amount not to exceed \$275,000, including tax, for McNeilus parts for the repair and maintenance of various City vehicles for a period of one year, with an option to renew for two additional one-year periods at the discretion of the City Manager. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-09-0135 on the Consent Calendar.

Enactment No: RES-09-0135

5. [09-1186](#) Recommendation to authorize City Manager to extend until December 16, 2010, Contract No. 30963 with Mike Bubalo Construction Co., Inc., for the reconstruction of the stream at El Dorado Nature Center. (District 4)

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

6. [09-1187](#) Recommendation to authorize City Manager to complete an application and accept \$142,500 in grant funds awarded through the U.S. Department of Housing and Urban Development Appropriations Act of 2009, to be used for Ramona Park improvements; and to execute any documents necessary for the administration of the project. (District 9)

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

7. [09-1188](#) Recommendation to receive and file the application of Kathleen Marie Wilson, dba Muldoons Saloon, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5646-48 Paramount Boulevard, with existing conditions. (District 9)

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

8. [09-1208](#) Recommendation to receive and file minutes for:
Civil Service Commission - October 21, 2009.

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

REGULAR AGENDA (5:21 PM)

[see media](#)

9. [09-1201](#) Recommendation to request City Manager to report to City Council within

three weeks regarding 9-1-1 Center staffing and service levels; and request Public Safety Committee to discuss "9-1-1 Center staffing and service levels" at its upcoming Thursday, November 19, 2009 meeting.

Distributed at the meeting: Police Department report regarding 9-1-1 Center staffing and service levels.

Councilmember DeLong spoke.

Councilmember Lowenthal spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Reyes Uranga, to receive and file the 9-1-1 Center report. The motion carried by the following vote:

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

A motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to reconsider the vote on Agenda Item No. 9. The motion carried by the following vote:

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

Councilwoman Gabelich spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilmember Reyes Uranga, to receive and file the 9-1-1 Center report. The motion carried by the following vote:

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

Vice Mayor Lerch announced that Item No. 10 would be considered at the end of the agenda.

[see media](#)

10. [09-1203](#)

Recommendation to receive public input and discuss draft ordinance regarding medical marijuana.

Distributed at the meeting: Correspondence from Naomi Rainey, President, Long Beach Branch, NAACP; and correspondence submitted by James Devine, Attorney for David Zink; Diana Lejins; and Joan Greenwood.

Robert Shannon, City Attorney, spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Carl Kemp spoke.

Rick Brizendine spoke.

Sierra Sirhan spoke.

Mark Adams spoke.

Sitza Elsicott spoke.

Vernon Geiger spoke.

David Zink spoke and submitted correspondence.

Helen Bush spoke.

Ben Rockwell spoke.

William Britt spoke.

Gregory Moore spoke.

Nicholas Scadelios spoke.

Katherine Aldridge spoke.

Mary Elizabeth Smith spoke.

Diana Lejins spoke and submitted written comments.

Joan Greenwood spoke and submitted written comments.

John Willard spoke.

Dennis Dunn spoke.

Larry King spoke.

Shawn Tom Kezabe spoke.

Claudette Powers spoke.

Councilmember Garcia spoke.

Tom Reeves, City Prosecutor, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Councilmember DeLong spoke.

Motion: To bring back for first reading an ordinance based on the City Attorney's draft discussion ordinance, subject to the following clarifications and suggested revisions:

1. That the application and permitting of marijuana collectives be administered as are applications for conditional use permits;
2. That the City Attorney prepare an ordinance that:
 - a) Deletes proposed language pertaining to abutting neighborhoods, and provisions regarding the proximity of collectives to parks and libraries;
 - b) Provides revised language to allow collectives to:
 - i) Locate in mixed use corridors;
 - ii) Offer on-site consumption of edibles, provided that appropriate Health Department kitchen inspections are passed;
 - iii) Cultivation of marijuana on-site and off-site at member homes (only if cultivated by collective members); and
 - iv) Provide soil and nutrients to members so they can grow plants off-site at home;
 - c) Prohibits the permitting of marijuana collectives within 1,500 feet of any high school;
 - d) Establishes a citywide limit so that there are no more than eighteen marijuana collective permits at anytime;
 - e) Suggests possible ordinance provisions related to:
 - i) Amounts of marijuana that a collective can keep on-site;
 - ii) Mitigation measures that will prevent the escape of smoke within buildings occupied with multiple tenancies; and
 - iii) Appropriate measures that promote patient privacy to a higher level;
 - f) Provides for a transition period (after the effective date of the ordinance), so that marijuana collectives can continue operations for 30 days upon the filing initial permit application documents, and up to 90 days pending submittal of final permit application documents and final approval.

Moved by DeLong, seconded by Lowenthal.

Councilmember Lowenthal spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Motion: Second Substitute motion to refer to the Economic Development and Finance Committee and to hold a joint meeting with the Housing and Neighborhoods Committee; with discussion restricted to the issues brought up by Councilmembers during the November 10, 2009 Council meeting.

Moved by Gabelich, seconded by Reyes Uranga.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke and withdrew her second substitute motion.

Councilwoman Schipske spoke.

Councilmember Garcia spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Reyes Uranga spoke.

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lerch, to bring back for a revised working draft ordinance (not as a first reading), subject to the following: 1. That the application and permitting of marijuana collectives be administered as are applications for conditional use permits; 2. That the City Attorney prepare an ordinance that: a.) Deletes proposed language pertaining to abutting neighborhoods, and provisions regarding the proximity of collectives to parks and libraries; b.) Provides revised language to allow collectives to: i.) Locate in mixed use corridors; ii.) Offer on-site consumption of edibles, provided that appropriate Health Department kitchen inspections are passed; iii.) Cultivation of marijuana on-site and off-site at member homes (only if cultivated by collective members); and iv.) Provide soil and nutrients to members so they can grow plants off-site at home; c.) Prohibits the permitting of marijuana collectives within 1,500 feet of any high school; d.) Establishes an appropriate citywide limit on the number of medical marijuana collectives at anytime; e.) Suggests possible ordinance provisions related to: i.) Amounts of marijuana that a collective can keep on-site; ii.) Mitigation measures that will prevent the escape of smoke within buildings occupied with multiple tenancies; and iii.) Appropriate measures that promote patient privacy to a higher level; f.) Provides for a transition period (after the effective date of the ordinance), so that marijuana collectives can continue operations for 30 days upon the filing initial permit application documents, and up to 90 days pending submittal of final permit application documents and final approval; g.) Provides for an appropriate process, including by subpoena, by which the Police Department may request that the marijuana collective allow inspection of records or video tapes; h.) Provides for the payment of appropriate fees when marijuana collective relocates to another location within the City. The motion carried by the following vote:

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

[see media](#)

11. [09-1190](#)

Recommendation to authorize City Manager to execute a contract with Southern California Edison Company (SCE) for the implementation of the 2010-2012 Energy Efficiency Partnership Program. (Citywide)

A motion was made by Councilmember DeLong, 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

Councilwoman Gabelich requested that Agenda Item No. 9 be reconsidered at this time.

[see media](#)

12. [09-1191](#) Recommendation to authorize City Manager to execute contract amendments totaling \$380,000 with various One-Stop Career Center Service Providers in support of the Workforce Investment Network's employment services strategies for dislocated workers and other residents; and to execute any needed subsequent amendments. (Citywide)

A motion was made by Councilmember DeLong, 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](#)

13. [09-1192](#) Recommendation to authorize City Manager to execute all necessary agreements with the State of California to receive \$400,000 in Assembly Bill 118 funds and \$100,000 in American Recovery and Reinvestment Act funds, for a total of \$500,000, to implement a local Clean Energy Workforce Training Program; to execute a contract with Long Beach Community College District in the amount of \$390,000 to provide training services; and to execute any subsequent needed amendments. (Citywide)

A motion was made by Councilmember DeLong, 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](#)

14. [09-1193](#) Recommendation to authorize City Manager to execute contracts with various institutions of higher education in an amount totaling \$1,215,000 to provide classroom and skills upgrade training under the American Recovery and Reinvestment Act (ARRA) in industry-driven demand occupations relevant to Southern California; and to execute any needed subsequent amendments. (Citywide)

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

A motion was made by Councilmember DeLong, 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](#)

15. [09-1194](#)

Recommendation to adopt resolution for a street name change from Oregon Avenue to West Coast Choppers Place for the street section between Anaheim Street and 12th Street; and authorize City Manager to direct the Public Works Director to change maps and street signs as necessary. (District 1)

Councilmember Garcia spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0136. The motion carried by the following vote:

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

Enactment No: RES-09-0136

[see media](#)

16. [09-1195](#)

Recommendation to authorize City Manager to execute all documents necessary for a lease between the Redevelopment Agency of the City of Long Beach and the City of Long Beach and any amendments, at the discretion of the City Manager, for office space located at 5641 Atlantic Avenue, to provide office space for the City's 8th Council District field office. (District 8)

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

Yes: 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - O'Donnell

[see media](#)

17. [09-1196](#)

Recommendation to adopt resolution making certain findings regarding the construction of certain public improvements with Central Long Beach Redevelopment Project Area Funds;

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0137. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Reyes
Uranga, Gabelich and Lerch

Absent: 1 - O'Donnell

Enactment No: RES-09-0137

[see media](#)

[09-1197](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with Downtown Long Beach Redevelopment Project Area Funds; and

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0138. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Reyes
Uranga, Gabelich and Lerch

Absent: 1 - O'Donnell

Enactment No: RES-09-0138

[see media](#)

[09-1198](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with North Long Beach Redevelopment Project Area Funds. (Districts 1,2,4,6,8)

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0139. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Reyes
Uranga, Gabelich and Lerch

Absent: 1 - O'Donnell

Enactment No: RES-09-0139

[see media](#)

18. [09-1199](#)

Recommendation to receive supporting documentation into the record regarding the Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing; and adopt resolution approving the issuance of revenue bonds by the California Statewide Community Development Authority (CSCDA) to benefit New Hope Home, L.P. in an amount not to exceed \$9,000,000. (District 6)

Councilman Andrews spoke.

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-09-0140. The motion carried by the following vote:

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

Enactment No: RES-09-0140

[see media](#)

19. [09-1204](#)

Recommendation to authorize City Manager to execute all necessary documents pertaining to the widening of Pacific Coast Highway at Second Street, including an easement for street purposes to be granted to CALTRANS and a Release and Indemnification Agreement with CALTRANS. (District 3)

A motion was made by Councilmember DeLong, 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

ORDINANCE (5:42 PM)

[see media](#)

20. [09-1207](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 21.42.060, relating to landscaping standards for public right-of-way, 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 Lowenthal, seconded by Councilmember Reyes Uranga, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:

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

Enactment No: ORD-09-0034

ANNOUNCEMENTS (9:02 PM)

Councilwoman Gabelich made community announcements.

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Reyes Uranga made community announcements.

Councilmember Garcia made community announcements.

Vice Mayor Lerch made community announcements; and spoke regarding Veteran's Day.

PUBLIC (9:09 PM)

Richard Iverson spoke regarding the need for an epileptic support group in Long Beach.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

ADJOURNMENT (9:16 PM)

At 9:16 P.M., Vice Mayor Lerch adjourned the meeting.

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