

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

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## 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 for this meeting were considered in the order presented, with the exception of Agenda Item No. 2, which was considered immediately following the Presentations, followed by Agenda Item No. 32, and then the remaining agenda items in order.

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Heather Mahood, Chief Assistant City Attorney; Michael Mais, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

### ROLL CALL (5:05 PM)

**Councilmembers** Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich  
**Present:** and Lerch

**Councilmembers** DeLong and Reyes Uranga  
**Absent:**

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Vice Mayor Lerch, Councilmember, Ninth District.

Kathy Schofield, spcaLA, presented a canine.

Mayor Foster announced that Hearing Item No. 1 was withdrawn, Hearing No. 2 would be considered immediately following the ceremonial items.

Recognition of Polytechnic High School Girls' Track Team - State Champions.

Councilman Andrews spoke.

Lorretta Irving, Polytechnic High School Girls' Track Team coach, spoke.

Presentation by Downtown Long Beach Associates on the Downtown Summer and Music (SAM) Series.

Kraig Kojian, Executive Director, Downtown Long Beach Associates, spoke.

Councilwoman Schipske introduced children who raised money for the Long Beach Rescue Mission by selling lemonade.

### **CONTINUED HEARING (5:48 PM)**

[see media](#)

**32. [09-0685](#)**

Recommendation to receive supporting documents into the record, conclude the public hearing, and declare ordinance amending the Downtown Shoreline Planned Development District (PD-6) read the first time and laid over to the next regular meeting of the City Council for final reading; and

Craig Beck, Director of Development Services, spoke.

Councilmember S. Lowenthal spoke.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

[see media](#)

**[09-0686](#)**

Adopt resolution submitting the amendment of the Local Coastal Program to the California Coastal Commission for its consideration and approval. (District 2)

**A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-09-0072. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

**Enactment No:** RES-09-0072

### HEARINGS (5:21 PM)

1. 09-0715 Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt resolution making certain findings; and authorize City Manager to execute an Owner Participation Agreement with Cowelco Properties, Inc., for the development of 1328-1340 West Canal Avenue. (District 1)

**This Resolution was withdrawn.**

[see media](#)

2. [09-0716](#) Recommendation to receive supporting documents into the record, conclude the public hearing, and adopt resolution amending the General Plan designation of the site from Open Space and Park District (LUD No.11) to Institutional and School District (LUD No.10); and

Dave Heery, Heery International, spoke.

Mayor Ellen Ward, Signal Hill, spoke and submitted written comments.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Olina Wibroe-Benson spoke.

Mayor Foster spoke.

Councilman Andrews spoke.

Councilmember S. Lowenthal spoke.

Councilmember Garcia spoke.

**A motion was made by Councilman Andrews, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-09-0071. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

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**Absent:** 2 - DeLong and Reyes Uranga

**Enactment No:** RES-09-0071

[see media](#)  
[09-0717](#)

Declare ordinance amending the zoning designation of the site from Park (P) to Institutional (I) read the first time and laid over to the next regular meeting of the City Council for final reading for the Kroc Center Project located at 1900 Walnut Avenue. (District 6)

**A motion was made by Councilman Andrews, seconded by Councilwoman Gabelich, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

#### **PUBLIC COMMENT (5:53 PM)**

There was no public comment.

#### **CONSENT CALENDAR (5:54 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve Consent Calendar Items 3 - 20, except for Items 4 and 8. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

3. [09-0718](#) Recommendation to authorize City Attorney to submit Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay 1) \$72,936.25, and 2) a separate authority to pay \$10,000 to resolve vocational rehabilitation benefits for the claim of Patrick Russell; and authority to pay 1) \$4,795, 2) a separate authority to pay \$4,795, 3) a separate authority to pay \$2,070, 4) a separate authority to pay \$15,065, and 5) a separate authority to pay \$25,932.50 for the claim of James Watson, in compliance with the Appeals Board Orders.

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

[see media](#)

4. [09-0741](#) Recommendation to adopt resolution requesting the California Department of Transportation (Caltrans) to place community signs for Bixby Knolls on the San Diego (405) Freeway pursuant to the California Streets and Highways Code. (Districts 7,8)

Councilwoman Gabelich spoke.

**A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0074. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

**Enactment No:** RES-09-0074

5. [09-0719](#) Recommendation to approve the City Council minutes for the meeting held Tuesday, July 7, 2009.

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

6. [09-0720](#) Recommendation to refer to City Attorney damage claims received between July 6, 2009 and July 13, 2009.

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

7. [09-0721](#) Recommendation to approve the destruction of records for Community Development Department Housing Authority Bureau as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-09-0073 on the Consent Calendar.**

**Enactment No:** RES-09-0073

[see media](#)

8. [09-0754](#) Recommendation to receive and forward the 2010 Elections Plan to the Elections Oversight Committee (EOC) for a report back to the City Council by October 20, 2009; and

Receive and forward the FY 2010 Proposed Budgets for the April 13, 2010 Primary Nominating Election and the June 8, 2010 General Election to the Budget Oversight Committee for review and comment.

**A motion was made by Councilwoman Schipske, seconded by Councilwoman Gabelich, to approve recommendation to forward the 2010 Elections Plan to the Elections Oversight Committee for a report back to the City Council by Tuesday, October 20, 2009. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

9. [09-0723](#) Recommendation to authorize City Manager to execute any and all documents necessary for the Fourth Amendment to Lease No. 28948 with Patricia Ann Waters, an individual, for office space located at 910 Daisy Avenue for the continued operation of the Department of Community Development, Neighborhood Services Bureau's Willmore Community Police Center, for an additional one-year term at the monthly rental rate of \$1,003. (District 1)
- A motion was made to approve recommendation on the Consent Calendar.**
10. [09-0724](#) Recommendation to receive and file the application of Anthony Renard Bell, dba Cha Chas Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License at 762 Pacific Avenue, with existing conditions. (District 1)
- A motion was made to approve recommendation on the Consent Calendar.**
11. [09-0725](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba CVS Pharmacy 9566, for a person-to-person transfer of an Alcoholic Beverage Control License at 596 Long Beach Boulevard, with existing conditions. (District 1)
- A motion was made to approve recommendation on the Consent Calendar.**
12. [09-0726](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba CVS Pharmacy 8838, for a person-to-person transfer of an Alcoholic Beverage Control License at 2130 North Bellflower Boulevard, with existing conditions. (District 4)
- A motion was made to approve recommendation on the Consent Calendar.**
13. [09-0727](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba CVS Pharmacy 9505, for a person-to-person transfer of an Alcoholic Beverage Control License at 1928 North Lakewood Boulevard, with existing conditions. (District 4)
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**A motion was made to approve recommendation on the Consent Calendar.**

14. [09-0728](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba CVS Pharmacy 8876, for a person-to-person transfer of an Alcoholic Beverage Control License at 233 East Willow Street, with existing conditions. (District 6)

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

15. [09-0729](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba CVS Pharmacy 9557, for a person-to-person transfer of an Alcoholic Beverage Control License at 1250 East Pacific Coast Highway, with existing conditions. (District 6)

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

16. [09-0730](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba CVS Pharmacy 8864, for a person-to-person transfer of an Alcoholic Beverage Control License at 3575 Atlantic Avenue, with existing conditions. (District 7)

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

17. [09-0731](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba CVS Pharmacy 9579, for a person-to-person transfer of an Alcoholic Beverage Control License at 4570 Atlantic Avenue, with existing conditions. (District 8)

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

18. [09-0732](#) Recommendation to receive and file the application of Garfield Beach CVS LLC, dba CVS Pharmacy 9590, for a person-to-person transfer of an Alcoholic Beverage Control License at 6000 Atlantic Avenue, with existing conditions. (District 9)

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

19. [09-0733](#) Recommendation to authorize City Manager to execute a waiver of federal receipt of the City of Long Beach's eleventh year allocation of \$16,566 in Juvenile Accountability Block Grant program funds to the County of Los Angeles, for the Juvenile Offender Intervention Network Program, to divert first-time serious juvenile offenders from the court system through an intensive, one-year program. (Citywide)

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

20. [09-0722](#) Recommendation to receive and file the minutes for:  
Civil Service Commission - June 24, 2009.

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

**REGULAR AGENDA (5:59 PM)**

[see media](#)

21. [09-0752](#) Recommendation to adopt resolution declaring a fiscal emergency.

Councilwoman Gabelich spoke.

Tom Modica, Manager of Government Affairs, spoke.

Kristin Drill spoke.

Tom Modica, Manager of Government Affairs, spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Schipske spoke.

Pat West, City Manager, spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0075. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

**Enactment No:** RES-09-0075

[see media](#)

22. [09-0734](#) Recommendation to adopt Specifications No. RFP GO 09-036 authorizing City Manager to execute a contract and any amendments thereto with Geodetics, Inc., to purchase Global Positioning System Real-Time Network Software, provide installation, support and training for a period of three years, at a cost of \$178,480 with an option to renew for two one-year periods in an amount not to exceed \$29,700 annually. (Citywide)



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

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

[see media](#)

**23. [09-0735](#)**

Recommendation to adopt Specifications No. PA-01309 and award a contract to Tom's Truck Center, Inc., for four line construction crew trucks in the contract amount of \$613,170 including tax, with the option of adding expenditures up to 10 percent (or \$61,317) above the annual contract amount, if necessary and if funds are available. (Citywide)

Councilwoman Gabelich spoke.

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

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

[see media](#)

**24. [09-0736](#)**

Recommendation to adopt Specifications No. RFP PW 09-007 authorizing City Manager to execute contracts and any amendments thereto with Waste Management, Inc., and Consolidated Disposal Service for transfer station operations for receiving, processing, transferring and disposal of waste collected by the City of Long Beach for the term April 1, 2009 to April 1, 2014, in an estimated annual contract amount of \$1,097,000 with the option of adding expenditures up to 10 percent (or \$109,700) above the annual contract amount, if necessary and if funds are available. (Citywide)

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

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

[see media](#)

**25. [09-0737](#)**

Recommendation to authorize City Manager to execute an amendment to the Crude Oil Marketing Agreement with Tidelands Oil Production

Company to allow for automatic contract renewal annually until cancelled by either party upon 180 days notice. (Districts 1,2)

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

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

[see media](#)

**26. [09-0738](#)**

Recommendation to adopt Plans and Specifications No. R-6739 for the Atherton Storm Drain between McNab Avenue and Hackett Avenue; and authorize City Manager to award the contract to Sully-Miller Contracting Co., in an estimated amount of \$1,173,477, plus a 25 percent contingency amount of \$293,369. (District 4)

Councilwoman Schipske spoke.

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

**Yes:** 6 - Garcia, S. Lowenthal, Schipske, Andrews, Gabelich and Lerch

**Abstentions:** 1 - O'Donnell

**Absent:** 2 - DeLong and Reyes Uranga

**ORDINANCES (6:20 PM)**

[see media](#)

**27. [09-0739](#)**

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 2.57.020, relating to the Senior Citizen Advisory Commission members, 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 Councilman Andrews, seconded by Councilmember S. 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:** 6 - Garcia, S. Lowenthal, Schipske, Andrews, Gabelich and Lerch

**Absent:** 3 - DeLong, O'Donnell and Reyes Uranga

[see media](#)

28. [09-0740](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.02.040, Section 10.04.010, Section 10.040.020, Section 10.08.010, Section 10.08.040, Section 10.08.050, Section 10.08.060, Section 10.08.070, Section 10.08.080, Subsection 10.08.090.A, Subsection 10.08.110.A, Section 10.08.120, Subsection 10.10.010.A, Section 10.10.020, Section 10.10.040, Section 10.10.050, Section 10.14.010, Section 10.20.030, Section 10.22.060, Section 10.22.090, Section 10.24.075, Section 10.24.079, Section 10.24.090, Subsection 10.24.140.B, Section 10.26.010, Section 10.26.020, Subsection 10.26.030.B, Section 10.26.040, Section 10.34.025 and Section 10.58.060; and by adding Section 10.18.050, Subsection 10.24.130.D, and Section 10.58.015 all relating to traffic and parking controls read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Heather Mahood, Assistant City Attorney, spoke.

Dave Roseman, City Traffic Engineer, spoke.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember S. 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:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

[see media](#)

29. [09-0753](#) Recommendation to declare ordinance amending Subsection 1.32.010(E) and Chapters 6.04, 6.08, 6.12, 6.16 and 9.65 of the Long Beach Municipal Code, related to Animal Care Services Bureau, Code Enforcement, and Development Services use of administrative citations, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Councilmember S. Lowenthal spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilmember S. 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:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

**30. [09-0685](#)**

Recommendation to declare ordinance amending and restating the Downtown Shoreline Planned Development District (PD-6), read and adopted as read. (District 2)

**This Ordinance was withdrawn.**

[see media](#)

**31. [09-0687](#)**

Recommendation to declare ordinance amending and restating the Rancho Estates Planned Development District (PD-11), read and adopted as read; and

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0018. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

**Enactment No:** ORD-09-0018

[see media](#)

[09-0688](#)

Declare ordinance amending the use district map of the City of Long Beach as said map has been established and amended by amending portions of Part 19 of said map from Rancho Estates Planned Development District (PD-11) to Single Family Residential (R-1-N), read and adopted as read. (District 5)

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0019. The motion carried by the following vote:**

**Yes:** 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - DeLong and Reyes Uranga

**Enactment No:** ORD-09-0019

**NEW BUSINESS (6:31 PM)**

32. Agenda Item No. 32 is listed under Continued Hearing (page 1).

**ANNOUNCEMENTS (6:31 PM)**

Mayor Foster requested that the meeting be adjourned in memory of Byrna "Bertie" Lowenthal, mother of State Senator Alan Lowenthal; Valoria Tate; and Patricia Kempster.

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

Councilwoman Schipske made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilmember Garcia made community announcements.

**PUBLIC (6:40 PM)**

Tehran Boldon spoke regarding the proposed LBUSD parcel tax.

Thomas Marchese spoke regarding the Wetlands and expressed condolences to the Lowenthal family.

Ben Rockwell spoke regarding the state budget.

**ADJOURNMENT (6:50 PM)**

At 6:50 PM, Mayor Foster adjourned the meeting in memory of Byrna Lowenthal, Valoria Tate and Patricia Kempster.

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