



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

# C-7

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

December 7, 2010

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Approve the Minutes for the City Council Meetings of November 9 and 16, 2010 and the City Council Special Meeting Held Tuesday, November 9, 2010

## DISCUSSION

The Legistar minutes for the City Council meetings of November 9 and 16, 2010 and the City Council Special Meeting held Tuesday, November 9, 2010, are attached for review and approval.

Should any district offices have questions regarding the minutes we submit each week, we respectfully request that you contact the City Clerk Department prior to 12:00 p.m. on the day of the City Council meeting. With notice prior to the meeting, City Clerk staff can attempt to resolve any questions that you may have before the start of the regular meeting.

In cases where questions cannot be resolved before the 5:00 p.m. meeting start time, we will request a motion and a second that the minutes be held over for approval to the following week.

## TIMING CONSIDERATIONS

None.

## FISCAL IMPACT

None.

## SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

  
LARRY G. HERRERA  
CITY CLERK

Prepared by: Nancy Muth

LGH:nem  
Attachment

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



Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
James Johnson, 7th District  
Rae Gabelich, 8th District  
Steven Neal, 9th District

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

---

## SPECIAL MEETING

### FINISHED AGENDA & DRAFT MINUTES

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

Agenda Items were considered in the order presented, with the exception of Agenda Item No. 13, which was considered as the last item, and Agenda Item No. 9, which was considered following the Consent Calendar vote.

#### ROLL CALL (6:38 PM)

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

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

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Mayor Foster announced that Agenda Item No. 13 would be taken up at the end of the meeting.

Recognition of the 40th Anniversary of BMX.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

### HEARINGS (6:47 PM)

1. 10-1197      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 Chong C. Lim, dba Max's Steiner/The Long Beach Lounge, 2500 E. Anaheim Street, for Entertainment Without Dancing at an existing Bar/Tavern/Lounge. (District 4)  
  
**A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to approve recommendation to grant a One-Year Short-Term Permit, with conditions. The motion carried by the following vote:**  
  
    **Yes:** 8 - Garcia, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal  
  
    **Absent:** 1 - Lowenthal
  
2. 10-1196      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 Michoacan Entertainment, a California corporation, dba Copa Cabana Night Club, 2688 East South Street, for Entertainment With Dancing by Patrons at an existing Restaurant. (District 8)  
  
    Distributed at the meeting: Revised Recommended Conditions of Operation.  
  
    Councilwoman Gabelich spoke.  
  
    **A motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to approve recommendation to grant a One-Year Short-Term Permit, with conditions. The motion carried by the following vote:**  
  
    **Yes:** 8 - Garcia, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal  
  
    **Absent:** 1 - Lowenthal

23. 10-1194 Recommendation to receive supporting documentation into the record, conclude the public hearing, and declare ordinance adopting and amending the 2010 Edition of the California Building Standards Codes and the 1997 Edition of the Uniform Housing Code, by amending and restating Title 18 of the Long Beach Municipal Code, and by repealing Chapter 21.62, read for the first time and laid over to the next regular meeting of the City Council for final reading; and

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

- 10-1195 Adopt resolution making findings and determinations relating to the adoption of more restrictive Code provisions, where appropriate. (Citywide)

**A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-10-0132. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**Enactment No:** RES-10-0132

**PUBLIC COMMENT (7:02 PM)**

Christa Andrula spoke regarding furloughs for IAM members.

Janet Schabow spoke regarding furloughs.

Sierra Wendt spoke regarding cyclist rights.

Ronnie Sandlin spoke regarding cyclist rights.

Jim Clemson spoke regarding cyclist rights.

Gabriel Martin spoke regarding cyclists rights.

Jerome Podgajski spoke regarding cyclists rights.

Josh Cole spoke regarding the critical mass event.

Chris Quint spoke regarding the critical mass ride.

Jim McDonnell, Chief of Police, spoke.

Mayor Foster spoke.

Jim McDonnell, Chief of Police, spoke.

Councilmember DeLong spoke.

Councilmember Garcia spoke.

Vice Mayor Lowenthal spoke.

Mayor Foster spoke.

### **CONSENT CALENDAR (7:49 PM)**

Passed The Consent Calendar

---

**A motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve Consent Calendar Items 3 - 12, except for Item 9. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

3. 10-1111 Recommendation to adopt resolution in support of overturning Proposition 8, which defined marriage as being only between one man and one woman.

**A motion was made to approve recommendation and adopt Resolution No. RES-10-0133 on the Consent Calendar.**

**Enactment No:** RES-10-0133

4. 10-1113 Recommendation to adopt resolution in support of banning retroactive pension increases.

**A motion was made to approve recommendation and adopt Resolution No. RES-10-0134 on the Consent Calendar.**

**Enactment No:** RES-10-0134

5. 10-1166 Recommendation to adopt resolution declaring October as National Arts and Humanities Month in the City of Long Beach.  
**A motion was made to approve recommendation and adopt Resolution No. RES-10-0135 on the Consent Calendar.**  
**Enactment No:** RES-10-0135
6. 10-1198 Recommendation to refer to City Attorney damage claims received between October 25, 2010 and November 1, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. 10-1210 Recommendation to approve the destruction of records for Financial Management Department Treasury Bureau as shown in Exhibit A; and adopt resolution.  
**A motion was made to approve recommendation and adopt Resolution No. RES-10-0136 on the Consent Calendar.**  
**Enactment No:** RES-10-0136
8. 10-1199 Recommendation to authorize Department of Development Services to process a refund in the amount of \$131,190 to Meta Housing for the property located at 2355 Long Beach Boulevard. (District 6)  
**A motion was made to approve recommendation on the Consent Calendar.**
9. 10-1200 Recommendation to amend the Bylaws of The Long Beach Housing Development Company to designate the Director of Development Services, or the City Manager's designee, to serve as its President. (Citywide)  
  
Councilmember Johnson spoke.  
**A motion was made by Councilmember Johnson, seconded by Councilmember Garcia, to approve recommendation. The motion carried by the following vote:**  
**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal
10. 10-1205 Recommendation to authorize City Manager to execute a contract and any amendments thereto with Securus Technologies, of San Clemente, CA (not a MBE, WBE, SBE, or Local), at no cost to the City, for providing

inmate phone service at the Long Beach City Jail, for a period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (District 1)

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

11. 10-1201 Recommendation to receive and file the application of Jorge Gonzalez and Ramona Chacon Degonzalez, dba Anna Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1220 East Anaheim Street, with existing conditions. (District 6)

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

12. 10-1202 Recommendation to receive and file the minutes for:  
Parks and Recreation Commission - September 16, 2010.  
Planning Commission - October 7, 2010.

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

#### **REGULAR AGENDA (7:50 PM)**

13. 10-1209 Recommendation to respectfully request City Attorney to prepare an amendment to Section 5.87.040 of the Long Beach Municipal Code regarding medical marijuana collective permit approval and operating conditions.

---

Motion: Approve recommendation outlined in the Councilmembers' memorandum.

Moved by O'Donnell, seconded by Lowenthal.

Sierra Serhan spoke; and submitted photographs.

Dan Kern spoke.

Richard Brisendine spoke.

Jenna Morris spoke.

Larry King spoke.

Dr. Kevin Van Lant spoke.

Kimberly Van Lant spoke.

Carl Kemp spoke; and submitted correspondence.

Lydia Sanderval spoke.

Nichol West spoke.

Gregory Moore spoke.

Kerrie Hawk spoke.

Jonathan Shack spoke.

Edwin Schenkoff spoke.

Claudette Powers spoke.

Ellian Gonzalez spoke.

Sarah Sigmeister spoke.

Richard Eastman spoke.

Rochelle Cramer spoke.

David Zinc spoke.

Doug Cramer spoke.

Madeline Johnson spoke.

Christina Roberts spoke.

Kevin spoke.

Casey Campbell spoke.

Judy Collins spoke.

Pamela Bell spoke.

Chris Boyle spoke.

Sam Salazar spoke.

Councilmember DeLong spoke.



Michael Mais, Assistant City Attorney, spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

**A substitute motion was made by Councilmember Johnson, seconded by Councilmember Garcia, that the item be laid over one week; and that a Closed Session be scheduled November 16, 2010 to discuss potential litigation with the City Attorney. The motion carried by the following vote:**

**Yes:** 6 - Garcia, Lowenthal, Andrews, Johnson, Gabelich and Neal

**No:** 3 - DeLong, O'Donnell and Schipske

14. 10-1211

Recommendation to respectfully request City Council to receive and file the presentation of the Tony Hawk: SHRED Presents Stand Up for Skateparks event benefiting the Ernest S. McBride Sr. Skatepark and adopt a motion encouraging residents to support the community project.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

15. 10-1214 Recommendation to request City Manager to have the Purchasing Agent formulate a plan to allow residents engaged in City-financed facade improvements to have the choice to utilize vendors pre-qualified by the City.

Distributed at the meeting: Revised conditions for the ABC License from Councilmember DeLong.

Councilmember Johnson spoke.

Councilmember Neal spoke.

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

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

**Absent:** 1 - O'Donnell

16. 10-1053 Recommendation to request City Council to reconsider the action of September 21, 2010, for an original ABC license application for Me Soo Hungry Incorporated, dba Me Soo Hungry; and approve the application with conditions.

~~A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation to rescind the previous action to protest the ABC License. The motion carried by the following vote:~~

~~**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal~~

~~**Absent:** 1 - O'Donnell~~

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation to receive and file the ABC License, with conditions. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

**Absent:** 1 - O'Donnell

17. 10-1203 Recommendation to authorize City Manager to execute a contract and

all necessary amendments for state legislative representation services provided by Michael J. Arnold and Associates, Inc., for an amount not to exceed \$105,432 for a period of one year; and authorize City Manager to grant two, one-year extensions, including an adjustment to the monthly retainer not to exceed the Consumer Price Index, at the discretion of the City Manager. (Citywide)

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

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

**Absent:** 1 - O'Donnell

18. 10-1204

Recommendation to authorize the City of Long Beach to join the California Municipal Finance Authority (CMFA); 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 CMFA to benefit Abode Communities, Evergreen Apartments Multifamily Housing, in an amount not to exceed \$14,000,000. (Districts 4,9)

**A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0137. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**Enactment No:** RES-10-0137

19. 10-1206

Recommendation to receive and file the application of Hogs and Hops LLC, dba Beachwood BBQ and Brewing, for an original Alcoholic Beverage Control License, at 210 East 3rd Street. (District 2)

Distributed at the meeting: Conditions for the ABC License from Vice Mayor Suja Lowenthal.

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

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

**Absent:** 1 - Gabelich

20. 10-1207 Recommendation to approve the Magnolia Industrial Group Property and Business Improvement District Annual Report and Assessment for the period of December 1, 2010 through November 30, 2011, automatically extending the current agreement with the Magnolia Industrial Group, Inc., for a one-year period. (District 1)

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

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

**Absent:** 1 - Gabelich

21. 10-1208 Recommendation to increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$1,150,000, for construction of traffic mitigation measures and pavement rehabilitation in connection with the West County Connectors Project. (Districts 3,4,5)

**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, Schipske, Andrews, Johnson and Neal

**Absent:** 1 - Gabelich

---

**ORDINANCE (8:15 PM)**

22. 10-0549 Recommendation to declare ordinance amending Section 16.08.460 of the Long Beach Municipal Code, related to fishing restrictions on the banks of the Los Angeles River, read the first time and laid over to the next regular meeting of the City Council for final reading. (District 2)

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

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

**Absent:** 1 - Gabelich

**NEW BUSINESS (9:44 PM)**

23. 10-1233 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, November 5, 2010.

**This Agenda Item was received and filed.**

24. Affidavits of Service for the special meetings held Tuesday, November 9, 2010.

**ANNOUNCEMENTS (9:44 PM)**

Mayor Foster made community announcements.

Vice Mayor Lowenthal made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Johnson requested that the meeting be adjourned in memory of Morris T. Culp, Sr.; and made community announcements.

Councilman Andrews made community announcements.

Councilmember Neal made community announcements.

Councilmember Garcia made community announcements.

Councilmember O'Donnell made community announcements.

**ADJOURNMENT (9:50 PM)**

At 9:50 PM, Mayor Foster adjourned the meeting in memory of Morris T. Culp, Sr.

nem

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



Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
James Johnson, 7th District  
Rae Gabelich, 8th District  
Steven Neal, 9th District

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

Robert E. Shannon, City Attorney

Bob Foster, Mayor

---

## FINISHED AGENDA & DRAFT MINUTES

### ROLL CALL (3:37 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager;  
Robert Shannon, City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk;  
Nancy Muth, City Clerk Analyst.

### SPECIAL MEETING (3:37 PM)

1. 10-1212 Recommendation to receive and file a presentation on the Downtown Community Plan and timeline.

Distributed at the meeting: Correspondence from Loara Cadavona and Pedro Costa; and a PowerPoint presentation from Development Services.

Patrick West, City Manager, spoke.

Amy Bodek, Director of Development Services, provided a PowerPoint presentation.

Cindy Soto spoke.

John Seigmeister spoke.

Jim Eaton spoke.

Richard Black spoke.

Elizabeth Verdugo spoke.

Gary Shelton spoke.

Jim Anderson spoke.

Ted Slott spoke.

Mike Murchison spoke.

Paul DeJong spoke.

Adam Baseck spoke.

Simon Funds spoke.

Nicole Kebada spoke.

Susanne Browne spoke.

Nora Brown spoke.

Ben Besley spoke.

Ben Rockwell spoke.

Sandy Olwein spoke.

Arron Von spoke.

Phyllis McDaniels spoke.

Keri Jeroe spoke.

Andres spoke.

Ester Del Valle spoke; and submitted post cards.

Kraig Kojian spoke; and submitted correspondence.

Ms. Cervantes spoke.

Francis Emily Dawson Harris spoke.

America Cevas spoke.

Gary Hytrek spoke.

Melanie Smith spoke.

Nancy Alsweet spoke.

Rene Castro spoke.

Don Donauer spoke.

Marisol Cervantes spoke; and submitted a flyer.

Richard Hernandez spoke.

Leonard Berry spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Motion: Approve recommendation and extend the EIR comment period to 90 days (March 1, 2011) to allow study to occur.  
Moved by Lowenthal, seconded by Garcia.

Councilmember Johnson spoke.

Councilman Andrews spoke.

Councilmember Neal spoke.

Motion: Substitute motion to delay release of EIR to February 15, 2011 to allow for study.  
Moved by Neal, seconded by Andrews.

Councilwoman Schipske spoke.

Councilmember Garcia spoke.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Vice Mayor Lowenthal spoke.

Councilmember Neal spoke.



Suzanne Brown spoke.

**A second substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve recommendation to receive and file; and extend the EIR comment period to 115 days (March 26, 2011) to allow the release of the plan and inclusion of comments from Legal Aid and Housing Long Beach into the Downtown development plan. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**ADJOURNMENT (6:18 PM)**

At 6:18 PM, Mayor Foster adjourned the meeting.

nem

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



Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
James Johnson, 7th District  
Rae Gabelich, 8th District  
Steven Neal, 9th District

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

---

## FINISHED AGENDA & DRAFT MINUTES

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

Agenda Items were considered in the following order: Agenda Item Nos. 1 - 3, 23, 31, 21 and 4, Consent Calendar Item Nos. 5 - 15, Public Comment, and Agenda Item Nos. 30 and 16 - 29 minus 18 and 19.

### ROLL CALL (5:46 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Mike Mais, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Allison Bunma, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

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

Mayor Foster announced that Agenda Item Nos. 18 and 19 have been withdrawn; Agenda Item No. 31 will be taken after the Consent Calendar; and Agenda Item No. 30 will be taken after Agenda Item 31.

Presentation of National Hunger and Homeless Awareness Week.

Mayor Foster spoke.

### HEARINGS (5:50 PM)

1. 10-1218 Recommendation to receive supporting documentation into the record, conclude the hearing, adopt resolution for a street name change for the

4400 block of Cerritos Drive between San Antonio Drive and Orange Avenue to Le Park Drive; and authorize City Manager to direct the Public Works Director to change maps and street signs as necessary. (District 8)

Councilwoman Gabelich spoke.

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to approve recommendation and adopt Resolution No. RES-10-0138. The motion carried by the following vote:**

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

**Absent:** 2 - DeLong and Schipske

**Enactment No:** RES-10-0138

2. 10-1219

Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal of Kerrie Aley, Peggy McCabe, Monte Cofell, Allen Songer, Gregory Warren, Barrie Laffoon Huff, Carla Johnson, Craig Wallace, Ginny Kortz, Matt Kirk and Eric Peterson; and uphold the Planning Commission decision to approve an Addendum to a previously certified Final Environmental Impact Report (EIR 30-07) for the Colorado Lagoon Restoration Project;

Adopt resolution together with Findings and approve the revised Phase 1 project; and

Approve the Phase 2 project and select Alternative 4a as the preferred alternative. (District 3)

Mayor Foster announced that Councilwoman Gabelich would recuse herself from the item.

Suzanne Frick, Assistant City Manager, spoke.

Jill Griffiths, Development Services, provided a PowerPoint presentation.

Suzanne Frick, Assistant City Manager, spoke.

Eric Lopez, Public Works, continued the PowerPoint presentation.

Suzanne Frick, Assistant City Manager, spoke.

Kerrie Aley, appellant, spoke; and submitted written comments.

Matt Kirk, appellant, spoke; and submitted written comments.

Suzanne Frick, Assistant City Manager, spoke.

Jeff Bennett, geologist, spoke.

Suzanne Frick, Assistant City Manager, spoke.

Kerrie Aley, appellant, spoke.

Larry Goodhue spoke.

Erik Zane spoke.

Bill Thomas spoke.

Taylor Parker spoke.

Ginny Kortz, appellant, spoke.

Allen Songer, appellant, spoke.

Bill Heck spoke; and submitted a petition.

Ken Hamilton spoke.

Craig Wallace, appellant, spoke.

Diane Songstrom spoke.

Ray Thorton spoke.

John Whitmaker spoke.

Dave Perazzi spoke.

Carla Conrad Peterson spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to deny the appeal and uphold the Planning Commission decision to approve an Addendum to a previously certified EIR; and adopt Resolution No. RES-10-0139 with Findings and approve the revised Phase 1 project. The motion carried by the following vote:**

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

**Abstentions:** 1 - Gabelich

Councilmember O'Donnell spoke.

Suzanne Frick, Assistant City Manager, spoke.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to approve the Phase 2 project and select Alternative 4a as the preferred alternative. The motion carried by the following vote:**

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

**Abstentions:** 1 - Gabelich

**Enactment No:** RES-10-0139

**3. 10-1236**

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution to create an amnesty program for existing automobile sales businesses and to waive fees for a period of 60 days for Conditional Use Permit and Site Plan Review applications in subareas 1, 3 and 4 between Willow Street and Anaheim Street within the Long Beach Boulevard Planned Development District (PD-29). (Districts 1,6,7)

**A motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0140. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-10-0140

4. 10-1235 Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the recommendation to revoke Entertainment Permit No. BU20656240 for CNR Holdings, LLC, dba Evo Lounge, located at 5300 East 2nd Street. (District 3)

Erik Sund, Business Relations Manager, spoke.

Robert Shannon, City Attorney, spoke.

Gary Roth spoke.

Ilene Colonne spoke.

Larry Herrera, City Clerk, read statement from Brendan Kyle.

Brian Jones spoke.

Katie Jones spoke.

John Forsom spoke; and submitted written comments from residence.

Frank Carey spoke.

Paul Cabeany spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Councilman Andrews spoke.

Councilmember Johnson spoke.

Erik Sund, Business Relations Manager, spoke.

Vice Mayor Lowenthal spoke

**A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to revoke the Entertainment Permit. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**PUBLIC COMMENT (8:42 PM)**

Steve Baker spoke relating to "Just Say No" campaign.

**CONSENT CALENDER (8:42 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember Garcia, seconded by Councilwoman Schipske, to approve Consent Calendar Items 5 - 15. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

5. 10-1238 Recommendation to adopt minute order to grant an application from Elenor Dolores Marshall for a widow's pension.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. 10-1245 Recommendation to receive and file the quarterly report of Cash and Investments for the quarter ending March 31, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. 10-1246 Recommendation to authorize City Manager to execute a contract with Edward White and Company, LLP to perform an Article 9 review for three one-year terms from December 1, 2010 through November 30, 2013 in amounts not to exceed \$185,000 in Fiscal Year (FY) 2011, \$190,000 in FY 2012 and \$195,000 in FY 2013; with two one-year options for renewal not to exceed \$200,000 for each of those years.  
**A motion was made to approve recommendation on the Consent Calendar.**

8. 10-1230 Recommendation to approve the minutes for the City Council meeting held Tuesday, November 2, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
9. 10-1231 Recommendation to refer to City Attorney damage claims received between November 1, 2010 and November 8, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
10. 10-1224 Recommendation to adopt resolution authorizing City Manager to execute a contract with Consolidated Fabricators Corporation of Vernon, CA (not an MBE, WBE, SBE or Local), for the purchase of commercial trash containers on the same terms and conditions afforded to the Los Angeles Community College District, in the estimated annual amount of \$95,000 for the period of one year, with the option of renewing for two additional one-year periods, at the discretion of the City Manager, if necessary and if funds are available. (Citywide)  
**A motion was made to approve recommendation and adopt Resolution No. RES-10-0142 on the Consent Calendar.**  
**Enactment No: RES-10-0142**
11. 10-1220 Recommendation to receive and file the application of Harish Pravin Brahmhatt, dba The Pepper Corner, for a person-to-person transfer of an Alcoholic Beverage Control License, at 601 East Broadway, with existing conditions. (District 2)  
**A motion was made to approve recommendation on the Consent Calendar.**
12. 10-1221 Recommendation to receive and file the application of Brandon Tan, dba PCH Liquor & Mart, for a person-to-person transfer of an Alcoholic Beverage Control License, at 729 West Pacific Coast Highway, with existing conditions. (District 6)  
**A motion was made to approve recommendation on the Consent Calendar.**
13. 10-1222 Recommendation to receive and file the application of 7 11 21 Incorporated, dba Joes Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1710 East Artesia Boulevard, with existing conditions. (District 9)  
**A motion was made to approve recommendation on the Consent Calendar.**
-



14. 10-1223 Recommendation to authorize City Manager to execute any and all documents necessary for a license agreement between the City of Long Beach and Long Beach Yacht Club, a non-profit public benefit corporation, to construct and maintain a trash bin enclosure in the City-owned parking lot across from the clubhouse, located at 6201 Appian Way. (District 3)

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

15. 10-1232 Recommendation to receive and file minutes for:  
Civil Service Commission - October 27, 2010.

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

**UNFINISHED BUSINESS (8:45 PM)**

30. 10-1209 Recommendation to respectfully request City Attorney to prepare an amendment to Section 5.87.040 of the Long Beach Municipal Code regarding medical marijuana collective permit approval and operating conditions.

Motion: Approve recommendation.  
Moved by O'Donnell, seconded by Schipske.

Councilmember Johnson spoke.

Motion: Substitute motion to approve proposed ordinance modifications absent provisions relating to proximity buffers and the concentration of cultivation sites in industrial areas, as well as the creation of an additional requirement that collective applicants sign an acknowledgement expressing their understanding that the City Council may amend the ordinance to provide for further restriction and other revisions.

Moved by Johnson, motion failed due to lack of second.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Pat West, City Manager, spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

**A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve recommended ordinance modifications concerning the following: [1] a requirement for filing of annual financial statements; [2] the restriction of business hours from 9 a.m. to 7 p.m.; [3] establishment of a 45-day public comment period for submittal of comments to the Financial Management Department followed by a City Council hearing on the issuance of a collective permit; [4] creation of a one-year moratorium on the issuance of additional permits; [5] a requirement for the placement of outdoor security cameras; and [6] creation of a 1,000 foot buffer from parks. Industrial zone concentration would not be required. The motion carried by the following vote:**

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

**No:** 2 - O'Donnell and Johnson

#### **REGULAR AGENDA (7:51 PM)**

- 16. 10-1247** Recommendation to suspend Council rule contained in Long Beach Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of November 23, 2010.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

- 17. 10-1250** Recommendation to receive and file the Small Business Enterprise pilot and Local Preference report; and direct City Manager to return to the City Council within 30 days with a citywide Small Business Enterprise program that would include local outreach and parameters for all City Departments.

Mayor Foster spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

18. 10-1234 ~~Recommendation to respectfully request City Council to adopt a policy for officially designating neighborhoods, Business Improvement Districts (BIDs) and Neighborhood Improvement Districts, including the establishing of a procedure for setting boundaries, a formal application process and appropriate fees for processing applications and installing signage.~~

**This Agenda Item was withdrawn.**

19. 10-1237 ~~Recommendation to receive and file the TEDx (Technology, Entertainment & Design) So Cal conference update.~~

**This Agenda Item was withdrawn.**

20. 10-1248 Recommendation to request that City Management schedule a study session for the Council to consider a long-term financial plan within 60 days.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

21. 10-1249 Recommendation to request City Manager to work with L.A. SHARES staff to develop a business and residential reusable goods and materials donation program for the benefit of Long Beach schools, community non-profits and City departments; and

Request City Manager to return to City Council within 60 days with the proposed program, potential partners and cost to implement.

Vice Mayor Lowenthal spoke.

Rebecca Buckley spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**22. 10-1226**

Recommendation to adopt Specifications No. PA-03110 and award a contract to American Rotary Broom Company, Inc., of Escondido, CA (SBE), in the amount of \$220,000, to furnish and deliver street sweeper brooms for the period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

**A motion was made 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, Johnson, Gabelich and Neal

**23. 10-1227**

Recommendation to adopt resolution declaring a shelter crisis; suspending applicable provisions of local law, including those contained in the City's zoning ordinances and regulations; and authorizing the operation of a winter shelter between the dates of December 1, 2010 and March 31, 2011; and

Authorize City Manager to execute any and all documents necessary for a lease between Long Beach Rescue Mission Foundation (Lessor) and the City (Lessee) and a sublease between the City (Sublessor) and the Long Beach Rescue Mission (Sublessee) and any amendments at the discretion of the City Manager for approximately 12,000 rentable square feet of industrial space at 6845 Atlantic Avenue at the monthly base rent of \$6,000 for use as a winter shelter. (District 9)

Jim Lewis spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-10-0141. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

**Absent:** 1 - O'Donnell

**Enactment No:** RES-10-0141

24. 10-1228

Recommendation to authorize City Manager to execute the Thirteenth Amendment to Historical Site Lease No. 24291 with Rancho Los Alamitos Foundation to provide for the annual management fee for lease year 2010-2011. (District 3)

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

25. 10-1229

Recommendation to adopt Plans and Specifications No. R-6779 for the improvements of Stearns Street between Studebaker Road and Stevely Avenue, and authorize City Manager to award and execute the contract with All American Asphalt, in an estimated amount of \$199,199, plus a 10 percent contingency amount of \$19,919, if necessary, for a total of \$219,118, and any amendments thereto except for an increase in the contract price. (District 5)

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

26. 10-1128

Recommendation to authorize City Manager to amend Contract No. 31470 with Mark Sauer Construction for the construction of a visitor's education center, to add construction of a new entryway for Rancho Los Cerritos in an estimated amount of \$254,666, plus a 10 percent contingency amount of \$25,467, for a total of \$280,133, and execute any documents necessary for the implementation and administration of the project; and

Authorize City Manager to submit an application to the Rancho Los

Cerritos Foundation (Foundation) and receive a gift of grant funds totaling \$336,160 from the Foundation; and increase appropriations in the Capital Projects Fund (CP 201) in the Department of Public Works (PW) in the amount of \$336,160. (District 8)

**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, Johnson, Gabelich and Neal

27. 10-1251 Recommendation to adopt Plans and Specifications No. R-6871 for the Ocean Boulevard Bluff Erosion and Enhancement Project, and award the contract to and authorize City Manager to execute the contract with Y&M Construction, Inc., in an estimated amount of \$1,482,095, plus a 15 percent contingency amount of \$222,314, if necessary, for a total of \$1,704,409, and any amendments thereto. (District 3)

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

#### **ORDINANCES (9:15 PM)**

28. 10-1194 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending and restating Title 18 in its entirety; and by repealing Chapter 21.62, all relating to the adoption and amendments to the 2010 Edition of the California Building Standards Codes and the 1997 Edition of the Uniform Housing Code to be known as the Long Beach Building Standards Code, read and adopted as read. (Citywide)

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-10-0035. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**Enactment No:** ORD-10-0035

29. 10-0549 Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Subsection 16.08.460.K relating to fishing restrictions, read and adopted as read. (District 2)

**A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-10-0036. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**Enactment No:** ORD-10-0036

**NEW BUSINESS (7:56 PM)**

31. 10-1253 Recommendation to request that the Housing and Neighborhoods Committee, and the Parks and Recreation Commission approve renaming 1640 W. 20th Street "Mary Molina Community Garden."

Councilmember Garcia spoke.

Dr. Martha Molina Bernadette spoke.

**A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, to approve recommendation and refer to the Housing and Neighborhoods Committee The motion carried by the following vote:**

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

**Absent:** 1 - Neal

**A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, to approve recommendation and refer to the Parks and Recreation Commission The motion carried by the following vote:**

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

**Absent:** 1 - Neal

32. 10-1254 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, November 12, 2010.

**This Agenda Item was received and filed.**

33. Affidavit of Service for the special meeting held Tuesday, November 16, 2010.

**ANNOUNCEMENTS (9:17 PM)**

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Garcia made community announcements.

Councilmember Neal made community announcements.

Councilmember Johnson made community announcements.

Councilmember O'Donnell made community announcements.

**ADJOURNMENT (9:21 PM)**

At 9:21 PM, Mayor Foster adjourned the meeting.

adb