



# CITY OF LONG BEACH

# C-5

DEPARTMENT OF CITY CLERK

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February 2, 2010

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Approve the Minutes for the City Council Meetings Held Tuesdays,  
January 5, 12 and 19, 2010.

## DISCUSSION

The Legistar minutes for the City Council Meetings held Tuesdays, January 5, 12 and 19, 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 P. HERRERA  
CITY CLERK

Prepared by: Nancy Muth

LGH:nem  
Attachment

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 & 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.

### ROLL CALL (5:04 PM)

**Councilmembers** Garcia, O'Donnell, Schipske, Andrews, Reyes Uranga and Lerch  
**Present:**

**Councilmembers** Lowenthal, DeLong and Gabelich  
**Absent:**

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

Mayor Foster presiding.

Invocation: Moment of Silence.

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

Mayor Foster announced that Councilmember DeLong would be absent; that Agenda Item No. 15 was pulled from the Consent Calendar for discussion; and that Agenda Item No. 21 was withdrawn.

Julie Pruitt, spcaLA, presented a canine.

### SECOND ROLL CALL (5:09 PM)

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

**Councilmembers** DeLong  
**Absent:**

Councilmembers Lowenthal and Gabelich joined the meeting.

**HEARINGS (5:09 PM)**

1. 09-1297 Recommendation to receive supporting documentation into the record, conclude the hearing, declare an urgency ordinance relating to the temporary limitation (moratorium) on truck transfer and truck terminal facilities in the IG (General Industrial) Zone; declaring the urgency thereof; and declaring this ordinance shall take effect immediately, read, adopted as read and laid over to the next regular meeting of the City Council for final reading: (Citywide)

Vice Mayor Lerch spoke.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Schipske, to declare emergency to exist. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** ORD-10-0001

- 09-1297 Recommendation to declare an urgency ordinance involving the temporary limitation (moratorium) on truck transfer and truck terminal facilities in the IG (General Industrial) Zone; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read (Ordinance No. ORD-10-0001). (Citywide)

**A motion was made by Councilmember Reyes Uranga, seconded by Vice Mayor Lerch, to receive documentation into the record, conclude the hearing and declare urgency Ordinance No. ORD-10-0001 read, adopted as read 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, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - DeLong

**Enactment No:** ORD-10-0001

2. 10-0001 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 MCK & Company LLC, dba Cat Man Blu, 51 S. Pine Avenue, for Entertainment Without Dancing by Patrons.

(District 2)

Harvey Cochran spoke.

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

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

**Absent:** 1 - DeLong

3. 10-0002 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 S.C. Fish Grill LLC., dba Khoury's Restaurant, 110 Marina Drive, for Entertainment With Dancing by Patrons at an existing restaurant. (District 3)

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

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

**Absent:** 1 - DeLong

4. 10-0003 Recommendation to receive supporting documentation into the record, conclude the public hearing, find that the area to be vacated is not needed for present or prospective public use; adopt resolution ordering the vacation of a portion of Daisy Avenue and the alleys bounded by Third Street, Broadway, and Maine and Magnolia Avenues; and authorize a quitclaim of the reserved utility easement. (District 1)

**A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0001. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-10-0001

**PUBLIC COMMENT (5:18 PM)**

Marla James spoke regarding raids on medical marijuana dispensaries.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Drew Hayes spoke regarding raids on local medical marijuana collectives.

John Deats spoke regarding morale and the selection of a new Long Beach Police Chief.

Joe Weinstein spoke regarding the rise of coastal sea levels.

Harvey Cochran spoke regarding public safety and a variety of other issues.

10-0050            Danny Kaye spoke regarding a new business in Long Beach, Totum Corp.; and submitted brochures.

**This Handout was received and filed.**

Charles Monson spoke regarding medical marijuana raids.

Councilmember Lowenthal spoke.

Billy Quach, Chief of Police, spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Mayor Foster spoke.

Robert Shannon, City Attorney, spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

**CONSENT CALENDAR (5:55 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to approve Consent Calendar Items 5 - 22, except for Items 15 and 21. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

5. 09-0833 Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee to approve revising the Long Beach Municipal Code to include single-family and duplex projects as possible impact fee exemptions.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. 09-0788 Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee to receive and approve the communications relating to naming new dog park at Pacific Avenue and Ninth Street as "K-9 Corner."  
**A motion was made to approve recommendation on the Consent Calendar.**
7. 09-1334 Recommendation to authorize City Attorney to pay sum of \$45,000 in full settlement of lawsuit entitled Williams v. Cummings, et al.  
**A motion was made to approve recommendation on the Consent Calendar.**
8. 09-1282 Recommendation to adopt resolution declaring support for *Get Connected!* and a Call to Action.  
**A motion was made to approve recommendation and adopt Resolution No. RES-10-0002 on the Consent Calendar.**  
**Enactment No:** RES-10-0002
9. 09-1313 Recommendation to approve the minutes for the City Council and City Council Special Meetings held Tuesdays, December 8 and 15, 2009.  
**A motion was made to approve recommendation on the Consent Calendar.**
10. 09-1331 Recommendation to refer to City Attorney damage claims received
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between December 7, 2009 and December 28, 2009.

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

11. 10-0004 Recommendation to approve the destruction of records for the Community Development Department as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-10-0003 on the Consent Calendar.**

**Enactment No:** RES-10-0003

12. 10-0005 Recommendation to approve the destruction of records for the Parks, Recreation and Marine Department as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-10-0004 on the Consent Calendar.**

**Enactment No:** RES-10-0004

13. 10-0006 Recommendation to authorize City Manager to execute all documents with the Long Beach Community College District to receive a contract in the amount of \$110,000 for the period of November 1, 2009 through October 31, 2011 for the Workforce Investment Network to deliver energy-sector employment services, and to execute any needed subsequent amendments. (Citywide)

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

14. 10-0007 Recommendation to authorize City Manager to execute all documents with Wells Fargo to receive \$25,000 in grant funds to support the Workforce Investment Network's Hire-A-Youth program, and to execute any needed subsequent amendments. (Citywide)

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

15. 10-0008 Recommendation to adopt Specifications No. PA-02709 and award a contract to Tuttle Cameras, Inc., a local Long Beach-based business, for furnishing and delivering cameras, equipment and supplies, in the amount of \$100,000 plus tax with the option to add expenditures up to 20 percent (or \$20,000) above the contract amount, if necessary and if funds are available. (Citywide)

Mayor Foster spoke.

Eric Bitmar, Tuttle Camera, spoke.

Councilwoman Gabelich 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, O'Donnell, Schipske, Andrews, Reyes  
Uranga, Gabelich and Lerch

**Absent:** 1 - DeLong

16. 10-0009 Recommendation to authorize City Manager to execute a contract with Wittman Enterprises, LLC, in the amount of \$200,000 annually for providing billing and collection services for the Basic Life Support Transportation Program for a 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 to approve recommendation on the Consent Calendar.**

17. 10-0011 Recommendation to authorize City Manager to execute Schedule A, Intrastate Transmission Service, which is an attachment to the current long-term Master Services Contract No. 26729 between the City and the Southern California Gas Company for the transmission of natural gas. (Citywide)

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

18. 10-0012 Recommendation to receive and file the application of Shara Hussain, dba Convenient Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 3808-3810 East 10th Street, with existing conditions. (District 3)

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

19. 10-0013 Recommendation to receive and file the application of Choura Venue Services, dba The Grand Long Beach Event Center, for a person-to-person transfer of an Alcoholic Beverage Control License, at 4101 East Willow Street, with existing conditions. (District 5)

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



20. 10-0014 Recommendation to receive and file the application of Dicks Palm Tree Liquor Incorporated, dba Dicks Palm Tree Liquor & Food Mart, for a person-to-person transfer of an Alcoholic Beverage Control License, at 3014 North Studebaker Road, with existing conditions. (District 5)

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

21. 10-0015 Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Utopia Good Food and Fine Arts restaurant located at 445 East First Street. (District 2)

**This Agenda Item was withdrawn.**

22. 10-0016 Recommendation to receive and file minutes for:  
Civil Service Commission - November 18, 2009 and  
December 2 and 9, 2009.  
Cultural Heritage Commission - November 9, 2009.  
Planning Commission - November 5 and 19, 2009 and  
December 3, 2009.

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

#### **REGULAR AGENDA (5:57 PM)**

23. 10-0017 Recommendation to request City Attorney to prepare a resolution of support for Religious Freedom Day 2010.

Councilwoman Schipske spoke and submitted proclamation language.

Pastor Donald Shoemaker spoke.

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

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

**Absent:** 1 - DeLong

24. 10-0018 Recommendation to request City Attorney to assess on a case-by-case basis whether or not removal of a City-owned tree is warranted because of the damage to public and/or private property and the continuing liability to the City.

Distributed at or prior to the meeting: Correspondence from Founders of Wrigley is Going Green! - Lisa Wibroe, Mauna Eichner and Lee Fukui.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Councilmember Garcia spoke.

Councilmember O'Donnell spoke.

Harvey Cochran spoke.

Lee Fukui spoke.

Joe Weinstein spoke.

Bill Barnes spoke.

Ana Wagner spoke.

Sebastian Gall spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to request the City Attorney to prepare a report regarding the City tree removal process; and refer discussion of the process to the Transportation and Infrastructure Committee. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**25. 10-0031**

Recommendation to request City Manager to take appropriate steps to evaluate a Project Labor Agreement for the Long Beach Airport Terminal Improvement Project and report back to the City Council in sixty (60) days.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Harvey Cochran spoke.

James Kerr spoke.

Jackie Nutting spoke and submitted information.

Laurie Lofstrom spoke.

Tony Rivera spoke.

Tom Moxley spoke.

Jane Kellerher spoke.

Jack Smith spoke.

Eric Christen spoke and submitted a brochure.

Terry Martin spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

**A substitute motion was made by Councilmember Gabelich, seconded by Vice Mayor Lerch, that a study session be held prior to the issue returning to the City Council (within approximately 30 days). The motion failed by the following vote:**

**Yes:** 2 - Gabelich and Lerch

**No:** 6 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews and Reyes  
Uranga

**Absent:** 1 - DeLong

**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, O'Donnell, Schipske, Andrews, Reyes  
Uranga and Lerch

**No:** 1 - Gabelich

**Absent:** 1 - DeLong

26. 09-1354

Recommendation to City Council to concur in recommendation of the State Legislation Committee to discuss and take action on the 2010 State Legislation Agenda.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Councilmember O'Donnell spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Garcia, to approve recommendation, with the addition of a request for the State to clarify laws regarding medical marijuana. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

27. 10-0019 Recommendation to authorize City Manager to execute contracts with various service providers in support of the Workforce Investment Network's strategies for Layoff Aversion and Industry Cluster Analysis to support local businesses in an amount totaling \$490,000; to receive \$80,000 in funds from the City of Los Angeles to partially fund the strategies; and to execute any needed subsequent amendments. (Citywide)

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

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

**Absent:** 2 - DeLong and Lerch

28. 10-0020 Recommendation to authorize City Manager to execute contracts and amendments totaling \$894,000 with various training and other service providers outlined in Attachment A in support of the Workforce Investment Network's One-Stop Career Centers that provide employment services to adult and dislocated worker residents. (Citywide)

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

**Yes:** 5 - Garcia, Lowenthal, Schipske, Andrews and Reyes Uranga

**Absent:** 4 - DeLong, O'Donnell, Gabelich and Lerch

29. 10-0021 Recommendation to authorize City Manager to execute all documents necessary for an agreement with Overland, Pacific and Cutler, Inc., a California corporation, for acquisition, relocation, property management and site clearance services for a three-year term in an amount not to exceed \$300,000 per year. (Citywide)

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

**Yes:** 6 - Garcia, Lowenthal, Schipske, Andrews, Reyes Uranga and Lerch

**Absent:** 3 - DeLong, O'Donnell and Gabelich

**30. 09-1315**

Recommendation to receive and file the Fiscal Year 2009 Year-End Budget Performance Report. (Citywide)

Mayor Foster spoke.

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

**Yes:** 6 - Garcia, Lowenthal, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 3 - DeLong, O'Donnell and Andrews

**31. 10-0022**

Recommendation to adopt resolution authorizing City Manager to execute all documents necessary to enter into an agreement with the County of Los Angeles to provide jail food services, in an amount not to exceed \$350,000 annually, for the period commencing January 6, 2010, for an initial term of two years with the option to renew for up to three additional one-year periods. (District 2)

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0005. The motion carried by the following vote:**

**Yes:** 6 - Garcia, Lowenthal, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 3 - DeLong, O'Donnell and Andrews

**Enactment No:** RES-10-0005

**32. 10-0023**

Recommendation to authorize City Manager to execute an amendment to Contract No. 31166 with American Eurocopter LLC (AEC) to increase the contract amount by \$200,963 for a total contract amount of \$441,362 for additional work for service repairs to the Police Department's helicopter, with the option to add expenditures up to 5 percent (or \$22,068) above the contract amount, if necessary and if reimbursable under the insurance claim, and if funds are available. (Citywide)

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

**Yes:** 6 - Garcia, Lowenthal, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 3 - DeLong, O'Donnell and Andrews

**33. 10-0024**

Recommendation to receive and file the application of Forbidden City Resort & Casino LLC, dba Forbidden City, for an original Alcoholic Beverage Control License, at 6380 East Pacific Coast Highway Suite A, with conditions. (District 3)

Distributed at or prior to the meeting: ABC License conditions submitted by Councilmember DeLong.

Harvey Cochran spoke.

Michael Brausen, owner, spoke.

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

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

**Absent:** 1 - DeLong

**34. 10-0025**

Recommendation to adopt Plans and Specifications No. R-6717 for the reconstruction of the Belmont Shore alleys, and authorize City Manager to award and execute the contract with Sully Miller Contracting, in an estimated amount of \$586,891, plus a 20 percent contingency amount of \$117,378 if necessary, for a total of \$704,269, and any amendments thereto except for an increase in the contract price;

Adopt resolution ordering the vacation of alley portions south of Second Street and east of Argonne Avenue; and

Increase appropriations in the Special Assessment District Capital Projects Fund (CP 202) in the Department of Public Works (PW) in the amount of \$1,047,630. (District 3)

Joe Weinstein spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0006. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-10-0006

**35. 10-0026**

Recommendation to adopt Plans and Specifications No. R-6760 for the rehabilitation of Long Beach Boulevard between Ocean Boulevard and 10th Street; and

Award project to and authorize City Manager to sign all documents necessary to execute a contract with Sully Miller Contracting, the lowest responsible bidder, and any necessary amendments thereto relative to the scope of work, in an estimated amount of \$998,896, with a 15 percent contingency in the amount of \$149,834, if necessary and if funds are available, for a total of \$1,148,730. (Districts 1,2)

Councilwoman Gabelich spoke.

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

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

**Absent:** 1 - DeLong

**36. 10-0027**

Recommendation to find that excavations are immediately required for the general health, safety, and welfare of the City and cannot be delayed; that alternatives to excavating, such as alternative routing, or construction methods, such as boring or excavation of the parkway, are not possible; approve a discretionary permit to excavate areas on Willow Street and Cherry Avenue, which have been reconstructed within the previous 60 months, in accordance with Section 14.08.060 of the Long Beach Municipal Code. (Districts 5,7)

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

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



**Absent:** 1 - DeLong

37. 10-0028

Recommendation to adopt resolution committing to provide the local match for a Bicycle Transportation Account (BTA) Grant to complete gaps in the Long Beach bicycle network if the City's application is selected for funding; and

Authorize City Manager to administer and execute all necessary contracts and documents to accept and expend all BTA grant funds in connection therewith, and to take all other actions necessary to implement the use of such funds. (Districts 3,4,8)

**A motion was made by Councilmember Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0007. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-10-0007

38. 10-0029

Recommendation to authorize City Manager to enter into agreements with the South Coast Air Quality Management District to accept grant funds to replace or retrofit on-road and off-road vehicles. (Citywide)

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

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

**Absent:** 1 - DeLong

#### **ORDINANCES (7:43 PM)**

39. 09-1012

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.22.025 relating to parking in front of private driveways read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Distributed at or prior to meeting: Communication from Chair Frances Emily Dawson Harris, Citizen's Advisory Commission on Disabilities.

Councilwoman Schipske spoke.

Councilmember Garcia spoke.

Councilmember Lowenthal spoke.

**A motion was made by Councilmember O'Donnell, 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, as amended on page two: "6. A Driveway Parking Permit will not be issued for driveways located with twenty-five feet (25')...", rather than 35 feet. The motion carried by the following vote:**

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

**No:** 1 - Garcia

**Absent:** 1 - DeLong

**40. 09-1275**

Recommendation to declare an urgency ordinance relating to the temporary limitation (moratorium) on smoking lounges; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Ordinance No. ORD-09-0037) (Citywide)

Harvey Cochran spoke.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to declare urgency Ordinance No. ORD-09-0037, read and adopted as read. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** ORD-09-0037

**NEW BUSINESS (7:51 PM)**

41. Affidavit of Service for special meeting held Tuesday, January 5, 2010.

**ANNOUNCEMENTS (7:51 PM)**

Mayor Foster requested that the meeting be adjourned in memory of Candy Saenz.

Councilwoman Schipske made community announcements.

Councilman Andrews made community announcements and requested that the meeting be adjourned in memory of Aron Carmichael.

Councilmember Lowenthal made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Reyes Uranga expressed condolences to the Saenz, Dempsey and Miramontes families; and made community announcements.

Councilmember O'Donnell requested that the meeting be adjourned in memory of Wheeling Willie; and made community announcements.

Councilmember Garcia made community announcements.

**PUBLIC (8:03 PM)**

Ken Anderson spoke regarding the ordinance that prohibits smoking within 20 feet of bus stops and public noticing at bus stops.

Councilmember Garcia spoke.

**ADJOURNMENT (8:05 PM)**

At 8:05 PM, Mayor Foster adjourned the meeting in memory of Candy Saenz, Aron Carmichael, Wheeling Willie, and the Dempsey and Miramontes family members.

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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 & DRAFT MINUTES

### SPECIAL MEETING

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.

#### ROLL CALL

**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; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Robert Garcia, Councilmember, First District.

Mayor Foster announced that the State of the City is later this evening at the Terrace Theater.

Presentation recognizing Dr. Martin Luther King Jr. Day.

Councilman Andrews presented a video concerning Dr. Martin Luther King Jr.

Poly High School Grace Choir performed.

Councilman Andrews spoke and the Peace Makers Awards were presented.

#### PUBLIC COMMENT (4:21 PM)

Mary Beth Stephens, Muscular Dystrophy Association, spoke and presented plaques.

Rich Brandt, Long Beach Firefighters Association, spoke and awarded plaques to Councilmembers O'Donnell and DeLong, and to Mayor Foster for the Fill the Boot program.

Harvey Cochran spoke regarding projects in the First District and trees.

Sam Hall spoke regarding the Port of Long Beach's "Let's Talk" series.

### **CONSENT CALENDAR (4:30 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember Lowenthal, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 1 - 13, except for Item 2. The motion carried by the following vote:**

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

**Absent:** 1 - Lerch

1. 10-0045 Recommendation to receive and file report on travel to San Francisco for the International Gay and Lesbian Leadership Conference, December 4, 2009.

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

2. 09-1289 Recommendation to City Council to concur in recommendation of the Federal Legislation Committee to approve the 2010 Federal Legislative Agenda.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation, as amended on the floor relative to federal legislation regarding medical marijuana dispensaries, alternative transportation funding, and revision of age and veteran points requirements for admission to Gold Star Manor. The motion carried by the following vote:**

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

3. 10-0047 Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending March 31, 2009.  
**A motion was made to approve recommendation on the Consent Calendar.**
4. 10-0046 Recommendation to refer to City Attorney damage claims received between December 28, 2009 and January 4, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. 10-0048 Recommendation to adopt resolution certifying the results of the Special Election held in the City of Long Beach, California, on Tuesday, December 29, 2009, for the purpose of electing a Trustee for Long Beach Unified School District, Area 3.  
**A motion was made to approve recommendation and adopt Resolution No. RES-10-0008 on the Consent Calendar.**  
**Enactment No:** RES-10-0008
6. 10-0010 Recommendation to authorize City Manager to execute all necessary documents and all necessary amendments, including term extensions, with the United States Department of Homeland Security to receive and expend grant funding for the American Recovery and Reinvestment Act Port Security Grant Program; and increase appropriations in the General Grants Fund (SR 120) in the Fire Department (FD) by \$100,000. (Districts 1,2)  
**A motion was made to approve recommendation on the Consent Calendar.**
7. 10-0035 Recommendation to adopt resolution authorizing City Manager to execute documents necessary to accept and expend funds from the State of California, Department of Boating and Waterways, to reimburse the City for costs incurred to remove and dispose of abandoned watercraft. (Districts 2,3)  
**A motion was made to approve recommendation and adopt Resolution No. RES-10-0009 on the Consent Calendar.**  
**Enactment No:** RES-10-0009
8. 10-0036 Recommendation to receive and file the application of Massoum Azadi, dba Huffs Restaurant, for a fiduciary transfer of an Alcoholic Beverage Control License, at 8105 East Wardlow Road, with existing conditions. (District 5)
-

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

9. 10-0037 Recommendation to receive and file the application of Dae Ho Kim and Hye Yeong Kim, dba Cherry Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 3601 Cherry Avenue, with existing conditions. (District 7)

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

10. 10-0038 Recommendation to receive and file the application of Chiseled Entertainment Incorporated, dba Pistons Bar, for a person-to-person transfer of an Alcoholic Beverage Control License, at 2020 East Artesia Boulevard, with existing conditions. (District 9)

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

11. 10-0039 Recommendation to request City Manager, or designee, to accept an easement deed for sidewalk widening at 1328 Canal Avenue. (District 1)

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

12. 10-0040 Recommendation to request City Manager, or designee, to accept two easement deeds for sidewalk widening at 1495 Judson Avenue. (District 1)

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

13. 10-0041 Recommendation to authorize City Manager, or designee, to accept a permanent grant of easement and a temporary easement agreement for storm drain purposes at 5950 Long Beach Boulevard. (District 9)

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

**REGULAR AGENDA (4:36 PM)**

14. 10-0042 Recommendation to receive and file the application of Beachside Blue Cafe Incorporated, dba Mariposa On Pine, for a premise-to-premise transfer of an Alcoholic Beverage Control License, at 217-23 Pine Avenue, with conditions. (District 2)

Councilmember Lowenthal spoke

Councilmember Reyes Uranga spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Garcia, to approve recommendation, with an additional condition that amplified music be allowed as long as it is not heard outside the structure. 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 Councilmember Lowenthal, seconded by Councilmember DeLong, that the vote for Agenda Item No. 14 be reconsidered. The motion carried by the following vote:**

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

**Absent:** 1 - Andrews

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

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

**Absent:** 1 - Andrews

15. 10-0043

Recommendation to adopt Plans and Specifications No. R-6828 for the improvement of Mothers Beach Playground, on Appian Way at Marine Stadium; and authorize City Manager to award and execute a contract with CST Construction Company, in an estimated amount of \$272,282 plus a 10 percent contingency amount of \$27,228, if necessary, for a total of \$299,510, and any amendments thereto. (District 3)

Councilwoman Gabelich spoke.

Councilmember O'Donnell 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

Councilmember Lowenthal requested that the vote on Agenda Item No. 14 be reconsidered at this time.



16. 10-0044 Recommendation to authorize City Manager to enter into a Stipulated Agreement and any related documents with the State Water Resources Control Board for the settlement of penalties related to prior non-compliance of the City's Underground Storage Tank (UST) systems; and

Increase appropriations by \$1,700,000 in the General Fund (GP 100) in the Citywide Department (XC) for the negotiated UST settlement costs. (Citywide)

Mayor Foster spoke.

Councilwoman Gabelich spoke.

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

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

**Absent:** 1 - Andrews

#### **ORDINANCES (4:47 PM)**

17. 09-1297 Recommendation to declare an urgency ordinance involving the temporary limitation (moratorium) on truck transfer and truck terminal facilities in the IG (General Industrial) Zone; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read (Ordinance No. ORD-10-0001). (Citywide)

Vice Mayor Lerch spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

**A motion was made by Vice Mayor Lerch, seconded by Councilmember DeLong, to declare urgency Ordinance No. ORD-10-0001, read and adopted as read. The motion carried by the following vote:**

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

**Enactment No:** ORD-10-0001

18. 09-1012 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.22.025 relating to parking in front of private driveways, read and adopted as read. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Ordinance No. ORD-10-0002. The motion carried by the following vote:**

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

**No:** 1 - Garcia

**Enactment No:** ORD-10-0002

**ANNOUNCEMENTS (4:50 PM)**

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements; and requested that the meeting be adjourned in memory of Gustavo Ramirez.

Councilmember Lowenthal made community announcements.

Mayor Foster spoke a congratulatory work to Mr. McGinnis, the newly elected School Board member.

Councilmember Garcia made community announcements.

Mayor Foster spoke regarding the State of the City Address.

**ADJOURNMENT (4:57 PM)**

At 4:57 PM, Mayor Foster adjourned the meeting in memory of Gustavo Ramirez.

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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 & 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 Agenda order, with the exception of Agenda Item No. 16, which was considered following Agenda Item No. 28.

### ROLL CALL (5:07 PM)

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

**Councilmembers** DeLong and Andrews  
**Absent:**

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.

Vice Mayor Lerch presiding.

Invocation: Moment of Silence.

Flag Salute: Suja Lowenthal, Councilmember, Second District.

Vice Mayor Lerch announced that Agenda Item Nos. 24 and 29 were withdrawn; that Agenda Item No. 16 will be heard prior to Agenda Item No. 30, but following the remaining agenda items.

Sister Cities presentation from Mombasa, Kenya -- no presentation was made.

Presentation from Long Beach Historical Society and Rosie the Riveter Foundation on Smithsonian Exhibit, "Produce for Victory."

Councilwoman Schipske spoke and provided a video.

Evan Braude spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, reported concerning a lawsuit settlement in which the City won a net settlement of \$7 million.

Patrick West, City Manager, and public safety department provided a report regarding the winter storm and tornado warning.

Councilwoman Gabelich spoke.

#### **SECOND ROLL CALL (5:33 PM)**

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

**Councilmembers** Andrews  
**Absent:**

Councilmember DeLong joined the meeting.

#### **HEARINGS (5:34 PM)**

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)

Councilwoman Gabelich spoke.

John Deats spoke.

Harvey Cochran spoke.

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, that the item be laid over to the meeting of Tuesday, February 2, 2010. The motion carried by the following vote:**

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

**Absent:** 2 - Garcia and Andrews

2. 10-0052 Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt resolution amending the Master Fee and Charges Schedule for specified City services for the following departments: City Clerk, City Prosecutor, Community Development, Development Services, Financial Management, Gas and Oil, Fire, Health and Human Services, Library Services, Long Beach Airport, Parks, Recreation and Marine, Police, and Public Works Departments and non-departmental Citywide Fees and Charges. (Citywide)

Harvey Cochran spoke.

Councilwoman Gabelich spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-10-0010. The motion carried by the following vote:**

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

**Absent:** 1 - Andrews

**Enactment No:** RES-10-0010

**PUBLIC COMMENT (5:47 PM)**

Harvey Cochran spoke regarding the condition of roads and bridges.

- 10-0095 Nick Dibs spoke regarding a war resolution and submitted correspondence.

**This Handout was received and filed.**

- 10-0096 Joan Greenwood spoke regarding storage of Christmas Tree Lane displays and submitted correspondence.

**This Handout was received and filed.**

Councilmember Reyes Uranga spoke.

Andrew Dupas presented painting to Councilwoman Schipske.

Councilwoman Schipske spoke.

**CONSENT CALENDAR (6:04 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to approve Consent Calendar Items 3 - 12, except for Item 5. The motion carried by the following vote:**

**Yes:** 6 - Garcia, Lowenthal, DeLong, Schipske, Reyes Uranga and Lerch

**Absent:** 3 - O'Donnell, Andrews and Gabelich

3. 10-0076 Recommendation to authorize City Attorney to submit Stipulations with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay a lifetime benefit at the weekly rate of \$958 in compliance with the Appeals Board Order for Roy Wade.

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

4. 10-0084 Recommendation to adopt resolution in support of Religious Freedom Day 2010. (Citywide)

**A motion was made to approve recommendation and adopt Resolution No. RES-10-0011 on the Consent Calendar.**

**Enactment No:** RES-10-0011

5. 10-0088 Recommendation to authorize City Manager to execute a Fourth Amendment to Agreement No. 30635 with the firm of Meyers, Nave, Riback, Silver & Wilson, in the matter entitled Michael Kenneth Paul Edwards vs. City of Long Beach, Case No. SACV07-954 JVS (ANx).

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Marcia Salazar spoke.

David Zinc 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, Reyes  
Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

6. 10-0069 Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending June 30, 2009.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. 10-0089 Recommendation to refer to City Attorney damage claims received between January 4, 2010 and January 11, 2010.  
**A motion was made to approve recommendation on the Consent Calendar.**
8. 10-0053 Recommendation to authorize City Manager, or designee, to execute an agreement and subsequent amendments between the City of Long Beach and Kaiser Foundation Hospital to implement the Childhood Obesity Prevention and Advocacy Program's local partnership project with Starr King Elementary School Healthy Eating, Active Living Parent Group in the amount of \$60,000 for the period from January 1, 2010 through January 1, 2012. (District 9)  
**A motion was made to approve recommendation on the Consent Calendar.**
9. 10-0054 Recommendation to authorize City Manager to execute all necessary documents with the State of California Environmental Protection Agency in association with a \$5,312 amendment to the Aboveground Petroleum Storage Act Grant Agreement with the Department of Health and Human Services Certified Unified Program Agency (CUPA). This amendment results in a new total grant allocation of \$82,574 and extends the term by fourteen months to May 1, 2011. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
10. 10-0055 Recommendation to authorize City Manager to execute any and all documents necessary for a Memorandum of Understanding between the City of Long Beach and the Board of Water Commissioners of the City of Long Beach for certain improvements necessary for the construction of a new parking structure at Long Beach Airport.  
(District 5)  
**A motion was made to approve recommendation on the Consent Calendar.**
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11. 10-0056 Recommendation to receive and file the application of Kenneth Edward Bayer, dba Nanas, for a person-to-person transfer of an Alcoholic Beverage Control License, at 329 West Willow Street, with existing conditions. (District 6)

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

12. 10-0015 Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Utopia Good Food and Fine Arts restaurant located at 445 East First Street. (District 2)

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

**REGULAR AGENDA (6:05 PM)**

13. 10-0077 Recommendation to request City Manager to facilitate the creation of a Long Beach City Smartphone Application, and report back to City Council in 60 days on the progress and costs of implementation.

Councilmember Garcia spoke.

Suzanne Frick, Assistant City Manager, spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Suzanne Frick, Assistant City Manager, spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Suzanne Frick, Assistant City Manager, spoke.

Councilmember Garcia spoke.

Harvey Cochran spoke.



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

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

**Absent:** 1 - Andrews

- 14. 10-0086** Recommendation to respectfully request City Attorney to revise the Long Beach Municipal Code to align the maximum Bingo prize amount with the State level of \$500.

Councilmember DeLong spoke.

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

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

**Absent:** 1 - Andrews

- 15. 10-0087** Recommendation to designate the new skate park at Pacific Avenue and 14th Street as "Michael K. Green Skate Park"; and refer this item to the Parks and Recreation Commission and to the Housing and Neighborhoods Committee.

Councilmember Garcia spoke.

Gretta King spoke.

Mike Donelon 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:** 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

- 16. 09-1203** Recommendation to receive public input and discuss draft ordinance regarding medical marijuana establishments.

Robert Shannon, City Attorney, spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Councilmember O'Donnell spoke.

Councilmember Garcia spoke.

Deputy Chief Bill Blair spoke.

Councilmember Garcia spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Richard Eastman spoke and submitted correspondence.

Charles Monson spoke.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Madeline Johnson spoke.

Marsha Salazar spoke.

Kim Cleggle spoke.

Ken Rainwater spoke.

Debra Sealy spoke.

Harvey Cochran spoke.

Louis Anthis spoke and submitted information from the State Board of Equalization.

Gregory Moore spoke.

Diana Lejins spoke and submitted correspondence.

Candice Haas spoke.

Ashley Stucca spoke.

Al Pacino Nunez spoke.

William Brit spoke.

Nichole West spoke.

David Zinc spoke.

Karl Kemp spoke and submitted ordinance recommendations.

Richard Brizendine spoke.

Councilmember Lowenthal spoke.

Vice Mayor Lerch spoke.

Councilmember Garcia spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilmember Lowenthal spoke.

Councilmember Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

**A substitute motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to remove the clause requirement that cultivation only be on-site, but require that cultivation take place within Long Beach; require review of the on-site cultivation requirement in one year; and allow a 90-day transition period so that establishments could grown necessary stock. The motion failed by the following vote:**

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

**No:** 4 - Garcia, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

**A motion was made by Councilmember Garcia, seconded by Councilwoman Gabelich, to remove the clause requirement that cultivation only be on-site, which also includes edibles. The motion failed by the following vote:**

**Yes:** 4 - Garcia, Reyes Uranga, Gabelich and Lerch

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

**Absent:** 1 - Andrews

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, that a special meeting be held to discuss and vote on issues concerning the medical marijuana ordinance, with this being the only item on the agenda. The motion failed by the following vote:**

**Yes:** 2 - Reyes Uranga and Gabelich

**No:** 6 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske and Lerch

**Absent:** 1 - Andrews

Councilmember O'Donnell spoke.

Motion: That the distance requirement be a consistent 1,500 feet from all schools.  
Moved by O'Donnell, seconded by DeLong.

Councilmember Reyes Uranga spoke.

Vice Mayor Lerch spoke.

Councilmember DeLong spoke.

Councilmember Lowenthal spoke.

Motion: Substitute motion that the distance requirement be 1,500 feet from high schools and 1,000 feet from all other schools.

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

Councilwoman Gabelich spoke.

Vice Mayor Lerch declared a ten-minute recess.

### **THIRD ROLL CALL (10:18 PM)**

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

**Councilmembers** Andrews

**Absent:**

09-1203            Recommendation to receive public input and discuss draft ordinance regarding medical marijuana establishments.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Motion: To cap the number of collectives at 3 per district.

Moved by Gabelich, seconded by DeLong.

Councilwoman Gabelich withdrew her motion.

Councilmember Garcia spoke.

Robert Shannon, City Attorney, summarized the changes requested during discussion and voting.

**A substitute motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, that the distance requirement be 1,500 feet from high schools and 500 feet from all other schools. The motion carried by the following vote:**

**Yes:** 5 - Garcia, Lowenthal, DeLong, Reyes Uranga and Gabelich

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

**Absent:** 1 - Andrews

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

**A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to request City Attorney to prepare an ordinance for first reading, with the changes as outlined and discussed, with the removal of on-site consumption. The motion carried by the following vote:**

**Yes:** 7 - Garcia, Lowenthal, DeLong, O'Donnell, Reyes Uranga, Gabelich and Lerch

**No:** 1 - Schipske

**Absent:** 1 - Andrews

**17. 10-0080** Recommendation to receive and file a report on the Recovery Zone and support efforts by the Redevelopment Agency to explore the use of Recovery Zone Economic Development Bonds for public bond financing related to various public improvement projects in all Redevelopment Project Areas. (Citywide)

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

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

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

**Absent:** 1 - Andrews

**18. 10-0057** Recommendation to authorize City Manager to notify the Los Angeles County Auditor-Controller that the City of Long Beach and its Redevelopment Agency (Agency) intends to fund the payment required by Section 33690(d) of the California Health and Safety Code using the Agency's tax increment revenue and housing set-aside in the amount of

\$29,516,137. (Citywide)

**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, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

19. 10-0058 Recommendation to adopt resolution making certain findings regarding the construction of certain public improvement projects with North Long Beach Redevelopment Project Area Funds. (District 9)

Councilwoman Gabelich spoke.

**A motion was made by Vice Mayor Lerch, seconded by Councilmember Reyes Uranga, to approve recommendation and adopt Resolution No. RES-10-0012. The motion carried by the following vote:**

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

**Absent:** 1 - Andrews

**Enactment No:** RES-10-0012

20. 10-0059 Recommendation to authorize City Manager to execute an agreement with MRS Associates for providing collection services of delinquent towing fees for a period of one year with the option to renew for two additional one-year periods at the discretion of the City Manager. (Citywide)

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell 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, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

21. 10-0060 Recommendation to adopt Specifications PA-03009 and award a contract to P&R Paper Supply Company, to provide custodial paper products, in the amount of \$450,000 for the period of one year, with the option to renew for one additional year, at the discretion of the City Manager. (Citywide)
- 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, Reyes Uranga, Gabelich and Lerch
- Absent:** 1 - Andrews
22. 10-0062 Recommendation to authorize City Manager, or designee, to execute three separate contract amendments, and any subsequent amendments, to agreements with Los Angeles County for a total amount of \$721,906 to provide Human Immunodeficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) case management, outpatient medical, and treatment advocacy programs. (Citywide)
- A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to approve recommendation. The motion carried by the following vote:**
- Yes:** 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch
- Absent:** 1 - Andrews
23. 10-0063 Recommendation to authorize City Manager to execute all documents necessary for the Third Amendment to Fixed Base Operation Lease No. 23972 between the City of Long Beach and Million Air North, Inc., a California corporation, for City-owned property at 4225 Donald Douglas Drive at the Long Beach Airport; and
- Authorize City Manager to execute all documents necessary for the Second Amendment to Sublease No. 23972 between the City of Long Beach and Million Air North, Inc., a California corporation, for City-leased office space at 4135 Donald Douglas Drive at the Long Beach Airport. (District 5)
- A motion was made by Councilwoman Schipske, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:**
- Yes:** 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch
-



**Absent:** 1 - Andrews

24. 10-0061

WITHDRAWN

~~Recommendation to adopt resolution authorizing City Manager to execute a contract and any amendments thereto with Williams Scotsman International, Inc., for the purchase and installation of a modular building on the same terms and conditions afforded the National Joint Powers Alliance (NJPA), in the total amount not to exceed \$2,244,000 including tax, plus a 15 percent contingency (or \$336,600), if necessary and if funds are available. (District 5)~~

**This Resolution was withdrawn.**

25. 10-0065

Recommendation to receive and file the application of MCK & Company LLC, dba Cat Man Blu, for a premise-to-premise and a stock transfer of an Alcoholic Beverage Control License, at 51-53 South Pine Avenue, with conditions. (District 2)

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

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

**Absent:** 1 - Andrews

26. 10-0066

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of District Wine Incorporated, dba District Wine Incorporated, for an original Alcoholic Beverage Control License, at 144 Linden Avenue, with conditions. (District 2)

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

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

**Absent:** 1 - Andrews

27. 10-0067

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Sean Eugene McIntyre and Tina Lynn McIntyre, dba Naples Gourmet Grocer, for an original Alcoholic Beverage Control License, at 5650 East 2nd Street, with conditions. (District 3)

**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, Reyes  
Uranga, Gabelich and Lerch

**Absent:** 1 - Andrews

**28. 10-0085**

Recommendation to receive and file the application of K C Branaghans LLC, dba K C Branaghans, for an original Alcoholic Beverage Control License, at 5734 East 2nd Street, and submit a Public Notice of Protest. (District 3)

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Sandra Dennisac spoke in opposition.

Councilmember DeLong spoke.

Cindy Banban spoke in opposition.

Helga Nesbit spoke in opposition.

Robert Goforth spoke in opposition and submitted a petition.

Tim Morrissey spoke in opposition.

Elisa Thomas spoke in support.

Alex Harmon spoke in support.

Greg Girard spoke in opposition.

Patrick Goff spoke in support.

David Telling spoke in support.

Sherrie Olson, consultant for applicant, spoke.

Joann Goforth spoke in opposition.

Loren Real spoke in opposition.

Richard Goul spoke.

George Sabbagh, K C Branaghans owner, spoke and submitted a packet of information.

Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to submit a public notice of protest. The motion carried by the following vote:**

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

**Absent:** 1 - Andrews

29. 10-0068

WITHDRAWN

~~Recommendation to authorize the acceptance of a conservation easement in lieu of fee for four acres of property north of Second Street owned by LCW Partners, LLC, as part of the real estate exchange approved by City Council on August 4, 2009. (Districts 1,3)~~

**This Contract was withdrawn.**

30. 10-0030

Recommendation to receive and file strategy to restore Public Access television in Long Beach. (Citywide)

Distributed at the meeting: PowerPoint presentation entitled, Strategy to Restore Public Access Television in Long Beach.

Patrick West, City Manager, spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilmember Lowenthal spoke.

Harvey Cochran spoke.

Mark Taylor, Long Beach City College, spoke and submitted correspondence.

Matt Kaplan, California State University, Long Beach, spoke.

Chris Chavez spoke.

Samatta Khan spoke.

Judy Baker, Long Beach Public Access coordinator, spoke.

Charles Brown spoke.

Liza Mitchell spoke.

Patricia Zade spoke.

Antonio Ruiz spoke.

Karen Neilsen spoke.

Alexander Tong spoke.

Rene McClellan spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilmember Garcia spoke.

Vice Mayor Lerch spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to allocate PEG funds at 33% to public access, 33% to education, and 33% to government access for one year. The motion carried by the following vote:**

**Yes:** 6 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske and Lerch

**No:** 2 - Reyes Uranga and Gabelich

**Absent:** 1 - Andrews

**NEW BUSINESS (11:42 PM)**

31. Affidavit of Service for the special meeting held Tuesday, January 19, 2010.

**ANNOUNCEMENTS (11:42 PM)**

Councilwoman Schipske made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember Reyes Uranga made community announcements.

Councilwoman Gabelich made community announcements.

Vice Mayor Lerch requested that the meeting be adjourned in memory of Retired Rear Admiral John Higginsen and John Kashiwabara.

**ADJOURNMENT (11:51 PM)**

At 11:51 PM, Vice Mayor Lerch adjourned the meeting in memory of Retired Rear Admiral John Higginsen and John Kashiwabara.

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