



# CITY OF LONG BEACH

# C-5

DEPARTMENT OF CITY CLERK

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

May 5, 2009

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Approve the City Council minutes for the meetings held Tuesday, April 14, 2009 and Tuesday, April 21, 2009.

## DISCUSSION

The Legistar minutes for the City Council meetings held Tuesday, April 14, 2009, and Tuesday, April 21, 2009, 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

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



Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, Vice Mayor, 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 for this meeting were considered in the order presented; with the exception of Agenda Item No. 3, which was pulled from the Consent Calendar and considered immediately following the ceremonial presentations.

### ROLL CALL (5:01 PM)

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

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

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; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

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

Julie Pruitt, spcaLA, presented a canine.

Mayor Foster announced that Councilmember DeLong would be absent; and that Agenda Item No. 3 was pulled from the Consent Calendar.

Proclamation for Sexual Assault Awareness Month and observing Denim Day, April 20, 2009.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilmember S. Lowenthal spoke.

Presentation to Financial Management for receiving Government Finance Officers' Association's Achievement of Excellence Award.

Lori Ann Farrell, Director of Financial Management, spoke.

Recognition of Antonio Pedro Ruiz for his contributions to Visions Voices Week.

Councilmember O'Donnell spoke.

Antonio Ruiz spoke.

#### **HEARINGS (5:32 PM)**

1. 09-0339 Recommendation to receive supporting documentation into the record, conclude the hearing, declare ordinance relating to the temporary limitation (moratorium) on smoking lounges read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and declaring this ordinance shall take effect immediately. (Citywide)

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

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

**Yes:** 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

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

**A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to declare Urgency Ordinance No. ORD-09-0009 read and 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:** 7 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - DeLong

**Enactment No:** ORD-09-0009

2. 09-0230 Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with conditions, on the application of Irene Castillo, dba Ballroom Craze, 3092 Long Beach Boulevard, for Entertainment With Dancing by Patrons at an existing dance studio. (District 7)

Councilmember Reyes Uranga spoke.

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

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

**Absent:** 1 - DeLong

#### **PUBLIC COMMENT (5:37 PM)**

- 09-0410 Ben Rockwell spoke regarding Social Security Insurance reductions and submitted written comments.

**This Handout was received and filed.**

Councilwoman Gabelich spoke.

Gordana Hager spoke regarding AQMD work at Loynes Drive.

Craig Beck, Development Services Director, spoke.

Councilmember O'Donnell spoke.

Sandee Van Horn spoke regarding the wetlands land swap.

Summer Hansen spoke regarding Children's Day.

Harvey Cochran spoke regarding a variety of issues, including the recent 1st District election.

- 09-0411 Larry Goodhue spoke regarding a variety of issues and submitted correspondence for the record.

**This Handout was received and filed.**

Pat Towner spoke regarding the wetlands at Loynes.

Pat West, City Manager, spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Craig Beck, Director of Community Development, spoke.

Councilmember Reyes Uranga spoke.

Tom Stout spoke regarding the wetlands.

Rick Berry spoke regarding the recent election and City's need to strive for transparency.

09-0412 Tom Poe spoke and submitted a flyer regarding Project Pantry  
Community Food Drive.

**This Handout was received and filed.**

**CONSENT CALENDAR (6:13 PM)**

3. 09-0365 Recommendation to adopt resolution declaring April 18, 2009 as "C-17 Day," and supporting the procurement of additional C-17 aircraft.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Harvey Cochran spoke.

Mayor Foster spoke.

**A motion was made by Councilman Andrews, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-09-0025. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0025

Passed The Consent Calendar

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve Consent Calendar Items 3-11, except for Item 3. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

4. 09-0340 Recommendation to refer to City Attorney damage claims received between March 30, 2009 and April 6, 2009.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. 09-0341 Recommendation to adopt Specifications No. PA-00909 and award contracts to Patten Energy, Inc., and General Petroleum, for the purchase of petroleum products in the total amount of \$110,000 for a period of one year, with the option to renew for one additional one-year period, at the discretion of the City Manager, with the option to add expenditures up to 10 percent (or \$11,000) above the contract amount, if necessary and if funds are available. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
6. 09-0342 Recommendation to adopt resolution authorizing City Manager to execute a contract and any amendments thereto with Zonar Systems on the same terms and conditions afforded to the Poway Unified School District for the purchase of Web-Based, Commercial Vehicle Management Program and Global Positioning System and on-going maintenance agreements in the total amount not to exceed \$150,000 including tax, at the discretion of the City Manager, with the option of adding expenditures up to 10 percent (or \$15,000) above the contract amount, if necessary and if funds are available. (Citywide)  
**A motion was made to approve recommendation and adopt Resolution No. RES-09-0026 on the Consent Calendar.**  
**Enactment No:** RES-09-0026
7. 09-0343 Recommendation to authorize City Manager to execute an Automatic/Mutual Aid Agreement with the City of Los Angeles for the exchange of fire protection, specialized rescue and emergency medical services. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**

8. 09-0344 Recommendation to receive and file the application of Long Beach Entertainment Incorporated, dba (no active dba), for a person-to-person transfer of an Alcoholic Beverage Control License, at 1811-1813 West Anaheim Street, with existing conditions. (District 1)
- A motion was made to approve recommendation on the Consent Calendar.**
9. 09-0345 Recommendation to receive and file the application of GL MEX LLC, dba Super Mex Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5660 Atlantic Avenue, with existing conditions. (District 8)
- A motion was made to approve recommendation on the Consent Calendar.**
10. 09-0346 Recommendation to authorize City Manager to execute all necessary documents allowing the Police Department to participate in the Interinsurance Exchange of the Automobile Club vehicle transfer program. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
11. 09-0347 Recommendation to receive and file minutes of:  
Civil Service Commission - March 25, 2009.
- A motion was made to approve recommendation on the Consent Calendar.**

**UNFINISHED BUSINESS (6:14 PM)**

12. 09-0278 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 21.60, relating to relocation assistance for households displaced due to demolition or condominium conversion read the first time and laid over to the next regular meeting of the City Council for final reading; and
- Mike Mais, Assistant City Attorney, spoke.
- Councilmember Reyes Uranga spoke.
- Mike Mais, Assistant City Attorney, spoke.
- Mayor Foster spoke.
- Councilmember Reyes Uranga spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilman Andrews spoke.

Councilmember S. Lowenthal spoke.

Mayor Foster spoke.

Mike Mais, Assistant City Attorney, spoke.

Richard Hernandez, Disabled Resource Center, spoke.

Francis Emily Dawson Harris spoke.

Ben Rockwell spoke.

Gary Shelton spoke.

Danny Wilson spoke.

Suzanne Brown spoke and submitted suggested language for the ordinance.

Martha Cota spoke.

Nancy Alsweet spoke.

Harvey Cochran spoke.

Councilwoman Gabelich spoke.

Nancy Alsweet spoke.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Suzanne Brown spoke.

Councilmember S. Lowenthal spoke.

**A substitute motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion failed by the following vote:**



**Yes:** 3 - O'Donnell, Andrews and Lerch

**No:** 4 - S. Lowenthal, Schipske, Reyes Uranga and Gabelich

**Absent:** 1 - DeLong

09-0278

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 21.60, Divisions I through III, relating to relocation assistance, read and adopted as read. (Citywide)

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading; with the recommended amendment of Section 21.60.330 [1] to read in its entirety as follows: [1] moved voluntarily (which shall not include the situation where the landlord/owner has served the tenant with a 30 or 60 day notice to quit or vacate). The motion carried by the following vote:**

**Yes:** 5 - S. Lowenthal, Schipske, Reyes Uranga, Gabelich and Lerch

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

**Absent:** 1 - DeLong

09-0279

Adopt resolution authorizing Director of Development Services to submit amendments to the California Coastal Commission for its consideration and approval. (Citywide)

**A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0027. The motion carried by the following vote:**

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

**No:** 1 - O'Donnell

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0027

13. 09-0306

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Jeovany Antonio Guevara, dba Willow Street Landing, for an original Alcoholic Beverage Control License, at 437 West Willow Street, with conditions. (District 6)

Councilman Andrews spoke; requested protest of the license and to be

advised when the hearing would take place.

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation to transmit a letter of protest to the Department of Alcoholic Beverage Control on the grounds of over concentration and residences within 100 feet. The motion carried by the following vote:**

**Yes:** 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

**Absent:** 2 - DeLong and Lerch

### **REGULAR AGENDA (7:17 PM)**

- 14. 09-0370** Recommendation to request City Attorney to prepare an ordinance amending Chapter 2.52 of the Long Beach Municipal Code in order to suspend activities and operations of the Public Safety Advisory Commission.

Mayor Foster spoke.

Ron Nelson spoke.

Mayor Foster spoke.

John Deats spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Motion: Substitute motion to receive and file and bring back the report regarding boards and commissions.

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

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation to suspend the Commission and re-evaluate the status in one year. The motion carried by the following vote:**

**Yes:** 6 - S. Lowenthal, O'Donnell, Andrews, Reyes Uranga, Gabelich and Lerch

**No:** 1 - Schipske

**Absent:** 1 - DeLong

15. 09-0371 Recommendation that City Council proclaim today, Tuesday, April 14, 2009, as "National Library Workers' Day" and encourage all in this community to take advantage of the variety of library resources available and to thank library workers for their exceptional contributions to American life.

Councilwoman Schipske spoke.

Linda Efron spoke.

Julie Ebner spoke and submitted written comments.

Jo Rae Zuckerman spoke.

Myra Dennis spoke.

Sarah Pillet spoke.

Francis Emily Dawson Harris spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

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

**Yes:** 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

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

16. 09-0348 Recommendation to authorize City Manager to execute any and all documents necessary for the Third Amendment to Amended and Restated Lease No. WDL-96 with Kilroy Realty, L.P., a Delaware Limited Partnership, to continue negotiations for the proposed development of property owned by the City of Long Beach and the Water Department at the Long Beach Airport in the Kilroy Airport Center. (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:** 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

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

17. 09-0349 Recommendation to adopt resolution making certain findings regarding the construction of certain public improvements along Queensway Drive and surrounding areas with funds from the North Redevelopment Project Area. (District 2)

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0028. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0028

18. 09-0350 Recommendation to adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (Downtown Public Art Improvements);

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0029. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0029

09-0351 Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (West Beach Public Art Improvements);

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0030. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0030

09-0352 Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (West Long Beach Industrial Public Art Improvements);

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0031. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0031

09-0353 Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (Los Altos Public Art Improvements);

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0032. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0032

09-0354 Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (Central Public Art Improvements);

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0033. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0033

09-0355 Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (Poly High Public Art Improvements); and

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0034. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0034

09-0356 Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (North Public Art Improvements). (Districts 1,2,4,6,7,8,9)

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0035. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-09-0035

**19. 09-0357** Recommendation to authorize City Manager to execute a permit with BAH Ventures, Inc., a California corporation, dba Rubber Duck Tours, for the purpose of operating an amphibious bus tour of downtown Long Beach and Rainbow Harbor, for a term of five years with one five-year renewal option, at the discretion of the City Manager or his designee. (District 2)

Councilmember S. Lowenthal spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Vice Mayor Lerch spoke.

Harvey Cochran spoke.

Francis Emily Dawson Harris spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

Francis Emily Dawson Harris spoke.

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

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

**Absent:** 1 - DeLong

20. 09-0359 Recommendation to receive and file the application of DPC Alliance Incorporated, dba (no active dba), for an original Alcoholic Beverage Control License, at 7541 Carson Boulevard, with conditions. (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:** 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

**Absent:** 2 - DeLong and Lerch

21. 09-0360 Recommendation to approve submittal of the recommended list of grant applications to the Metropolitan Transportation Authority; and authorize City Manager to administer and execute all necessary documents to accept, and expend all Metropolitan Transportation Authority grant funds in connection therewith, and to take all other actions necessary to implement the use of such funds. (Citywide)

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

**Yes:** 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

**Absent:** 2 - DeLong and Lerch

#### **ORDINANCES (8:30 PM)**

22. 09-0362 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 2.33.020 relating to the Citizens'

Advisory Commission on Disabilities read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Francis Emily Dawson Harris spoke.

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

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

**Absent:** 1 - DeLong

23. 09-0363

Recommendation to declare ordinance amending Long Beach Municipal Code by amending Section 15.40.130; and by repealing Section 15.40.140 and Section 15.40.150, all relating to natural gas pipeline regulations read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

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

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

**Absent:** 1 - DeLong

#### **NEW BUSINESS (8:34 PM)**

24. Affidavit of Service for the special meeting held Tuesday, April 14, 2009.

#### **ANNOUNCEMENTS (8:34 PM)**

Mayor Foster made community announcements; and requested that the meeting be adjourned in memory of Chris Daclan.

Councilwoman Gabelich made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilman Andrews made community announcements.

Councilmember Reyes Uranga made community announcements; and expressed condolences to the family of Chris Daclan.



Vice Mayor Lerch made community announcements.

Councilwoman Gabelich announced the Grand Prix this weekend.

**PUBLIC (8:44 PM)**

Joe Povicek spoke regarding National Public Works Week.

**ADJOURNMENT (8:45 PM)**

At 8:45 PM, Mayor Foster adjourned the meeting in memory of Chris Daclan.

nem

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



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

Bob Foster, Mayor

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

Robert E. Shannon, City Attorney

---

## FINISHED AGENDA & DRAFT MINTUES

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

Agenda Items for this meeting were considered in the order presented, with the exception of Agenda Item No. 5, which was pulled from the Consent Calendar for discussion and considered immediately following the Consent Calendar items.

### ROLL CALL (5:25 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Heather Mahood, Chief Assistant City Attorney; Mike 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: Patrick O'Donnell, Councilmember, Fourth District.

Kathy Schofield, spcaLA, presented a canine.

Mayor Foster announced that Agenda Item Nos. 20 and 26 were withdrawn.

Presentation on Week of the Child.

Councilman Andrews spoke.

Proclamation for Childrens' Day.

Proclamation for Earth Day.

### HEARINGS (5:45 PM)

1. 09-0378 Recommendation to conduct a public hearing on proposed amendments to the Zoning Regulations regarding Green Building requirements; and receive supporting documentation into the record, conclude the hearing and declare ordinance amending the Zoning Regulations read the first time and laid over to the next regular meeting of the City Council for final reading; and
- Councilmember O'Donnell spoke.
- Ann Cantrell spoke.
- Francis Emily Dawson Harris spoke.
- Mayor Foster spoke.
- Councilmember S. Lowenthal spoke.
- Mayor Foster spoke.
- A motion was made by Councilmember O'Donnell, seconded by Councilmember S. Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**
- Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
- 09-0379 Receive supporting documentation into the record, conclude the hearing and adopt resolution authorizing City Manager to submit amendments to the Long Beach Zoning Regulations to the California Coastal Commission for its review and approval as an implementing ordinance of the Local Coastal Program. (Citywide)
- A motion was made by Councilmember O'Donnell, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0036. The motion carried by the following vote:**
- Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
- Enactment No:** RES-09-0036
2. 09-0380 Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with conditions, on the application of Club Investment LP, dba Ice Bar, 49 South Pine Avenue, for Entertainment With Dancing by Patrons at an existing restaurant.

(District 2)

**A motion was made by Councilmember S. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation to grant Permit, with conditions, for a one year period. The motion carried by the following vote:**

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

3. 09-0381

Recommendation to receive supporting documentation into the record, conclude the 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.  
(Citywide)

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Havey Cochran spoke.

Ryan Smith spoke.

Francis Emily Dawson Harris spoke.

**A motion was made by Councilman Andrews, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-09-0037. The motion carried by the following vote:**

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

**Enactment No:** RES-09-0037

**PUBLIC COMMENT (6:26 PM)**

09-0427

Randy Gordon, Long Beach Chamber, spoke regarding Jet Blue and modernization of the airport and submitted correspondence in support.

**This Handout was received and filed.**

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Suzanne Frick, Assistant City Manager, spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

09-0428 Heloise Torquato spoke regarding damage claim and submitted correspondence.

**This Handout was received and filed.**

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

09-0429 Mary Suttie spoke regarding destruction at the wetland site and submitted photographs.

**This Handout was received and filed.**

Tom Stout spoke regarding police lawsuit and the wetlands.

Beau Wilkins spoke regarding open land that was not being used.

John Deats spoke regarding airport issues.

Vice Mayor Lerch spoke.

Councilwoman Gabelich spoke.

09-0430 Margaux Kohut spoke regarding targeting homeless and submitted correspondence.

**This Handout was received and filed.**

Harvey Cochran spoke regarding La Rizza pizza and mental illness facility.

Sharon Lank and Patricia Viramontes spoke regarding homeless facilities.

Mike Ruehle spoke regarding the parking commission and Brown Act violations.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

### **CONSENT CALENDAR (7:06 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to approve Consent Calendar Items 4 - 17, except for Item 5. The motion carried by the following vote:**

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

4. 09-0383 Recommendation to receive and file 3rd and 4th Quarters of Cash and Investments for the quarters ending June 30, 2008, and September 30, 2008.

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

5. 09-0406 Recommendation to receive and file the Purchasing Card Audit.

Distributed at the meeting: Memorandum from Lori Ann Farrell, Director of Financial Management, entitled, Purchasing Card Audit - Item #5 on the April 21, 2009 City Council Agenda.

Laura L. Doud, City Auditor, spoke.

Lori Ann Farrell, Director of Financial Management, spoke.

Councilwoman Gabelich spoke.

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

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

6. 09-0384 Recommendation to approve the City Council minutes and the Budget

Meeting minutes for the meetings of Tuesday, April 7, 2009.

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

7. 09-0385

Recommendation to refer to City Attorney damage claims received between April 6, 2009 and April 13, 2009.

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

8. 09-0386

Recommendation to approve the destruction of records for the Human Resources Department as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-09-0038 on the Consent Calendar.**

**Enactment No:** RES-09-0038

9. 09-0382

Recommendation to authorize City Manager, or designee, to execute a second amendment to the agreement between the City of Long Beach and the County of Los Angeles to provide HIV/AIDS Health Education/Risk Reduction services in the amount of \$104,478 for the period of January 1, 2009 through June 30, 2009. (Citywide)

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

10. 09-0387

Recommendation to authorize City Manager, or designee, to execute a First Amendment to Contract No. 31000 with Gen-Probe Sales and Service, Inc., to increase the annual contract amount to purchase diagnostic test kits for an amount not to exceed \$225,000, plus a ten percent contingency for additional test kits if necessary, with the option to extend the contract for two additional years at the discretion of the City Manager. (Citywide)

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

11. 09-0388

Recommendation to adopt resolution to temporarily close and remove from public use a portion of Shoreline Drive in connection with the 2009 Long Beach Lesbian and Gay Pride Parade and Festival. (District 2)

**A motion was made to approve recommendation and adopt Resolution No. RES-09-0039 on the Consent Calendar.**

**Enactment No:** RES-09-0039

12. 09-0326

Recommendation to authorize City Manager to execute a First Amendment to Lease No. 29143 between the City of Long Beach and Malibu Ceramic Works, a California corporation, for City-owned property

located at 903 Fairbanks Avenue, in order to re-define in-kind programming. (District 1)

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

13. 09-0389 Recommendation to adopt resolution ordering the summary vacation of those certain alleys west of Atlantic Avenue and north of 15th Street adjacent to the Roosevelt Elementary School. (District 1)

**A motion was made to approve recommendation and adopt Resolution No. RES-09-0040 on the Consent Calendar.**

**Enactment No: RES-09-0040**

14. 09-0390 Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at George's Greek Cafe located at 100 West Broadway Street, Suite 1200. (District 2)

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

15. 09-0391 Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Pasta Al Dente located at 5856 Naples Plaza. (District 3)

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

16. 09-0392 Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Starbucks located at 3900 East Ocean Boulevard. (District 3)

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

17. 09-0393 Recommendation to receive and file minutes for:  
Civil Service Commission - April 1, 2009.

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

#### **REGULAR AGENDA (7:11 PM)**

18. 09-0395 Recommendation to respectfully request that City Council discuss in closed session the progress of the Real Estate Exchange agreement involving the 12.1 acres of City-owned land for surface rights to approximately 33.77 acres of privately owned wetlands before authorizing the City Manager to execute the agreement.



Councilwoman Schipske spoke.

Mayor Foster spoke.

Mike Ruehle spoke.

Elizabeth Lamb spoke.

Councilmember DeLong spoke.

Pat West, City Manager, spoke.

Ann Cantrell spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Pat Towner spoke.

Alan Songer spoke.

Carie Alley spoke.

Joel Wienstein spoke.

Mary Parcell spoke.

Joan Holly McGrath spoke.

Sandy Van Horn spoke.

Thomas Marchese spoke and submitted correspondence.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

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

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

19. 09-0404

Recommendation to respectfully request Mayor and City Council to declare May as "Bicycle Month" in Long Beach to promote alternative mobility options and healthier lifestyles for our residents; and

Request City Manager to work with local and regional organizations to support the following bicycle events occurring in Long Beach:

- Changing Gears - May 2nd
- Bike To Work Day - May 14th
- Car Free Fridays - May 22nd, then every First Friday through summer
- Tour de Cure - May 31st
- Los Angeles River Ride - June 7th
- Long Beach Children & Families Ride - June 7th

Councilmember S. Lowenthal spoke.

Councilmember O'Donnell spoke.

Tony Cruz, Bicycle Ambassador for Long Beach, spoke.

Vice Mayor Lerch spoke.

Councilmember DeLong spoke.

Joe Weinstein spoke.

Councilwoman Gabelich spoke.

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

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

20. 09-0405

WITHDRAWN

~~Recommendation to receive and file report on the actions taken at the Metropolitan Water District Board meeting held on April 14, 2009.~~

**This Agenda Item was withdrawn.**

21. 09-0403 Recommendation to approve an amendment to Civil Service Rules and Regulations, Section 115 – Exceptions to Rules May Be Authorized.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Mario Beas, Executive Director Civil Service, spoke.

Councilmember DeLong spoke.

Mario Beas, Executive Director Civil Service, spoke.

Vice Mayor Lerch spoke.

Mario Beas, Executive Director Civil Service, spoke.

Councilmember Reyes Uranga spoke.

**A substitute motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Schipske, to remand to Civil Service to look at and use Section 27 as an avenue to retain full-time City employees, as a six month to one year option. The motion failed by the following vote:**

**Yes:** 3 - O'Donnell, Schipske and Reyes Uranga

**No:** 5 - S. Lowenthal, DeLong, Andrews, Gabelich and Lerch

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

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

**No:** 1 - Reyes Uranga

22. 09-0396 Recommendation to authorize City Manager to execute any and all documents necessary for reciprocal Grant of Easements and a Right of Entry Agreement with the Long Beach Unified School District; and

Authorize City Manager to accept the conveyance of Redevelopment Agency-owned property located at 1790 Atlantic Avenue as part of the public sidewalk and street improvement project. (District 6)

Councilman Andrews spoke.

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

**Yes:** 6 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Lerch

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

23. 09-0397

Recommendation to adopt Specifications No. PA-00608 and award contract to Scher Tire, Inc., for the purchase of vehicle tires in the amount of \$480,000 for a period of one year, with the option of renewing for one additional one-year period, and adding expenditures up to 10 percent (or \$48,000) above the annual contract amount, if necessary and if funds are available, at the discretion of the City Manager; plus an additional \$153,000 to cover expenditures made during the procurement process, for a total of \$633,000 in the first year. (Citywide)

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

**Yes:** 6 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Lerch

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

24. 09-0398

Recommendation to authorize City Manager, or designee, to execute all necessary documents, and any subsequent amendments, between the City of Long Beach and the United States Department of Housing and Urban Development (HUD) to accept American Recovery and Reinvestment Act funding in the amount of \$3,874,939 for the Healthy Homes Initiative (\$874,992) and the Lead-Based Paint Hazard Control Program (\$2,999,947) for a period of three years from April 1, 2009 through March 31, 2012; and increase appropriations in the Health Fund (SR 130) and in the Department of Health and Human Services (HE) by their respective amounts for a total of \$3,874,939. (Citywide)

Distributed at the meeting: A PowerPoint presentation entitled, Lead Base Paint Hazard Control and Healthy Homes Demonstration Grant Agreements.

Councilwoman Schipske spoke.

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

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

**Absent:** 1 - Gabelich

**25. 09-0401** Recommendation to receive and file the application of CLE All Stars Cafe Incorporated, dba La Lune Restaurant, for an original Alcoholic Beverage Control License, at 1458 Atlantic Avenue, with conditions. (District 6)

Distributed at the meeting: Conditions requested by Councilman Andrews for the ABC License.

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

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

**26. 09-0394** Recommendation to increase the contingency percentage for Contract No. 30696 with Brian Mendoza, dba Freeway Electric, for the installation of streetlights at California State University at Long Beach on Bellflower Boulevard and Palo Verde Avenue, from 15 percent to 25 percent due to extra work required relating to SCE meter locations. (District 3)

**This Contract was withdrawn.**

**27. 09-0361** Recommendation to authorize City Manager to allocate Public, Education and Government (PEG) fee revenue equally among the three categories of cable access providers, each receiving one-third of the total available. (Citywide)

Distributed at the meeting: Correspondence from F. King Alexander, President, CSULB; and Paula McColm.

Councilmember O'Donnell spoke and submitted comments regarding Long Beach Media and Arts Center.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Ray Sharp spoke.

Harvey Cochran spoke.

Whimsical Wendy spoke and submitted written comments.

Francis Emily Dawson Harris spoke.

Julianna Rodriguez spoke.

Rachel Garcia spoke.

Denise Penn spoke.

Minister Reginald Jackson spoke and submitted written comments.

Steve Long spoke and submitted written comments.

Judy Baker spoke and submitted written comments.

Antonio Ruiz spoke.

Douglas Wood spoke.

Summer Hansen spoke.

Matt Kaplan spoke.

Melanie Parhan spoke.

Jim Oberst spoke.

Unidentified woman spoke.

Jack Smith spoke.

Diane McNinch spoke.

Thomas Marchese spoke.

Karen La Mantia spoke and submitted written comments.

Mo Power spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Motion: Substitute motion to add that public access receive 80% first year and 10% to each of the others two groups.

Moved by Gabelich, seconded by S. Lowenthal.

Councilwoman Gabelich withdrew her substitute motion.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Reyes Uranga, to approve recommendation that staff: 1) move ahead with the RFP process and set firm dates for its release and return to the City Council for final approval; 2) create accountability standards for any entity receiving any of the PEG funds; 3) re-adjust the allocation to reflect 80% of funding to public access for the first year and the remaining 20% split evenly between education and government, with following year's annual allocation at 50% of funding to public access; and 4) allow for further Council and public input into the RFP process. The motion carried by the following vote:**

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

**No:** 1 - DeLong

## **ORDINANCES (10:06 PM)**

- 28. 09-0339** Recommendation to declare ordinance involving 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-09-0009) (Citywide)

**A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to declare urgency Ordinance No. ORD-09-0009, read and adopted as read. The motion carried by the following vote:**

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

**Enactment No:** ORD-09-0009

- 29. 09-0278** Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 21.60, Divisions I through III,

relating to relocation assistance, read and adopted as read. (Citywide)

Francis Emily Dawson Harris spoke.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilmember Reyes Uranga, to approve recommendation and adopt Ordinance No. ORD-09-0010. The motion carried by the following vote:**

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

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

**Enactment No:** ORD-09-0010

30. 09-0362

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 2.33.020 relating to the Citizens' Advisory Commission on Disabilities, read and adopted as read. (Citywide)

Francis Emily Dawson Harris spoke.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0011. The motion carried by the following vote:**

**Yes:** 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

**Absent:** 2 - DeLong and Lerch

**Enactment No:** ORD-09-0011

31. 09-0363

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 15.40.130; and by repealing Section 15.40.140 and Section 15.40.150, all relating to natural gas pipeline regulations, read and adopted as read. (Citywide)

**A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to approve recommendation and adopt Ordinance No. ORD-09-0012. The motion carried by the following vote:**

**Yes:** 5 - S. Lowenthal, Schipske, Andrews, Reyes Uranga and Gabelich

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

**Enactment No:** ORD-09-0012



**NEW BUSINESS (10:10 PM)**

32. Affidavit of Service for the special meeting held Tuesday, April 21, 2009.

**ANNOUNCEMENTS (10:10 PM)**

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

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Reyes Uranga made community announcement.

**PUBLIC (10:18 PM)**

Terry Barton spoke regarding creating jobs.

Mayor Foster made a community announcement.

**ADJOURNMENT (10:21 PM)**

At 10:21 P.M., Mayor Foster adjourned the meeting in memory of Mike Adams.

nem