



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

C-2

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March 24, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the City Council minutes for the meeting held Tuesday, March 10, 2009.

DISCUSSION

The Legistar minutes for the City Council meeting held Tuesday, March 10, 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



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 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. 14, which was considered following the Consent Calendar and prior to Agenda Item No. 10.

ROLL CALL (5:07 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; 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: Rae Gabelich, Councilwoman, Eighth District.

Julie Pruitt, spcaLA, presented a canine.

Mayor Foster announced that Agenda Item No. 5 had been withdrawn; and that Agenda Item No. 14 would be considered as the first item under the Regular Agenda.

Presentation for Long Beach Reads One Book 2009.

09-0288 Distributed at the meeting: Brochure outlining the calendar of events for Long Beach Reads One Book.

This Handout was received and filed.

PUBLIC COMMENT (5:13 PM)

Bill Orton, representing Senator Roderick D. Wright, Twenty-Fifth Senate District, spoke.

Francis Emily Dawson Harris made general comments.

CONSENT CALENDAR (5:20 PM)

Passed The Consent Calendar

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 1-9, 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

1. 09-0246 Recommendation to receive and file report on travel to Washington, D.C., as Chair of the Federal Legislation Committee, February 23 – 25, 2009.
A motion was made to approve recommendation on the Consent Calendar.
2. 09-0243 Recommendation to authorize City Manager to execute an agreement with the Law Offices of Michael M. Peters to assist City departments with Civil Service disciplinary hearings.
A motion was made to approve recommendation on the Consent Calendar.
3. 09-0231 Recommendation to refer to City Attorney damage claims received between February 23, 2009 and March 2, 2009.
A motion was made to approve recommendation on the Consent Calendar.
4. 09-0252 Recommendation to receive and approve changes to the Conflict of Interest Code of the Long Beach Police Department.
A motion was made to approve recommendation on the Consent Calendar.
5. 09-0232 Recommendation to authorize City Manager to enter into an agreement with Casterline Associates, P.C. in the amount of \$99,192, for the period of April 1, 2009 through January 31, 2010. (Citywide)
This Contract was withdrawn.
6. 09-0233 Recommendation to receive and file the report, "Elevation Changes in

the City of Long Beach, May 2008 through October 2008.” (Citywide)

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

7. 09-0234 Recommendation to receive and file the application of 7 Eleven Incorporated, dba 7 Eleven Store 217434014, for a fiduciary transfer of an Alcoholic Beverage Control License, at 6598 Cherry Avenue, with existing conditions. (District 9)

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

8. 09-0235 Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Ecco’s Pizza Restaurant located at 2123 Bellflower Boulevard. (District 4)

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

9. 09-0236 Recommendation to authorize City Manager to execute a General Services Agreement with the County of Los Angeles for five years. (Citywide)

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

REGULAR AGENDA (5:20 PM)

10. 09-0257 Recommendation to receive and approve three new appointments to the Commission on Youth and Children.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

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

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

11. 09-0258 Recommendation to approve a commission reduction in concurrence with the recommendation from the Citizens' Advisory Commission on Disabilities from fifteen (15) to nine (9) members.

Vice Mayor Lerch spoke.

Francis Emily Dawson Harris spoke.

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lerch, to approve recommendation and request City Attorney to prepare an ordinance to reduce the Citizen's Advisory Commission on Disabilities from 15 to 9 members. The motion carried by the following vote:

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

12. 09-0259

Recommendation to approve a commission reduction in concurrence with the recommendation from the Long Beach Housing Development Company Board from fourteen (14) to eleven (11) members.

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

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

13. 09-0249

Recommendation to respectfully request that the City Council rescind the action taken on February 3, 2009, for Agenda Item No. R-25; and approve the Alternative Proposition C allocation scenario.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Reyes Uranga, to approve recommendation to rescind previous action of February 3, 2009 for Agenda Item No. R-25. The motion carried by the following vote:

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

Vice Mayor Lerch spoke and distributed a new proposed allocation for funds.

Lori Angle spoke.

Mike Kohl spoke.

Richard Ivy spoke.

Mark Hawkins spoke.

Jeannie Williams spoke.

Joseph Hower spoke.

Councilwoman Gabelich spoke and provided a PowerPoint presentation.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Motion: Second substitute motion that the CIP and Proposition 1B funds would be divided equally and that a future distribution formula would be determined.

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

Councilmember DeLong spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Councilmember DeLong spoke.

Vice Mayor Lerch spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilmember DeLong spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

A second substitute motion was made by Vice Mayor Lerch, seconded by Councilmember DeLong, to adopt original motion as outlined by Vice Mayor Lerch (see handout), with the inclusion of a needs-based allocation formula for future funding received from March 10, 2009 forward. The motion failed by the following vote:

Yes: 4 - S. Lowenthal, DeLong, Andrews and Lerch

No: 4 - O'Donnell, Schipske, Reyes Uranga and Gabelich

A substitute motion was made by Councilwoman Schipske, seconded by Councilmember Reyes Uranga, to adopt a base funding level and needs-based funding allocation formula as proposed by Councilwoman Gabelich (see handout page 8) for current the current FY 2009 and FY 2010. The motion failed by the following vote:

Yes: 4 - O'Donnell, Schipske, Reyes Uranga and Gabelich

No: 4 - S. Lowenthal, DeLong, Andrews and Lerch

A motion was made by Vice Mayor Lerch, seconded by Councilmember DeLong, to approve recommendation as outlined by Vice Mayor Lerch (see handout). The motion carried by the following vote:

Yes: 5 - S. Lowenthal, DeLong, O'Donnell, Andrews and Lerch

No: 3 - Schipske, Reyes Uranga and Gabelich

14. 09-0260

Recommendation to request City Council to adopt guiding principles and priorities for projects submitted for the stimulus funding; and direct City Manager to return as soon as possible with a list of potential "shovel ready" projects.

Tom Modica, Governmental Affairs Officer, provided a PowerPoint presentation.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilmember S. Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

Mayor Foster spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Pat West, City Manager, spoke.

Mayor Foster spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation to request that the City Manager return in 30 days with a listing of guiding principles and projects that may be eligible for federal stimulus funding. The motion carried by the following vote:

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

15. 09-0237

Recommendation to receive and file a report on the Douglas Park Development Agreement and provide staff direction on the proposed terms of renegotiation. (District 5)

Distributed at the meeting: PowerPoint presentation entitled, Douglas Park 2009 Rezone.

Councilmember DeLong spoke.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Stephane M. Wandel, Enterprise Leader, Real Property Dispositions, Site Services, Corporate Real Estate, The Boeing Company, spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Richard Hernandez spoke.

Suzanne Brown spoke.

Janine Pierce spoke.

Chas Belnap spoke

Connie McPhal spoke.

Petricia Benoit spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve recommendation and direct staff to negotiate the issues raised during the meeting and report back to City Council at a future date. The motion carried by the following vote:

Yes: 7 - S. Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - O'Donnell

16. 09-0238

Recommendation to authorize City Manager to execute a Joint Powers Agreement to allow the City of Long Beach to join the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority for the development of a regional, shared communications system for public safety first responders. (Citywide)

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

Yes: 7 - S. Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - O'Donnell

17. 09-0239

Recommendation to approve and adopt Long Beach Unit Annual Plan and Budget (July 1, 2009 - June 30, 2010) and the Program Plan (July 1, 2009 - June 30, 2014). Approval of the Program Plan and Annual Plan and Budget is required by State law for the continued operation of the Wilmington Oil Field. (Citywide)

Councilwoman Gabelich spoke.

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

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

Absent: 2 - DeLong and O'Donnell

18. 09-0240 Recommendation to receive and file communication from the Director of Long Beach Gas and Oil (LBGO) regarding final negotiated terms of International Swap and Derivatives Association (ISDA) Master Agreement with Shell Energy North America (SENA). (Citywide)

Chris Garner, Director of Long Beach Gas and Oil, provided a PowerPoint presentation.

Mayor Foster spoke.

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

Yes: 7 - S. Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - O'Donnell

19. 09-0217 Recommendation to authorize City Manager to execute all necessary documents to receive, accept, and expend grant funding from the State of California Citizens Option for Public Safety Program funding from the County of Los Angeles Supplemental Law Enforcement Services Fund; and increase appropriations in the General Grants Fund (SR) and in the Police Department (PD) by \$392,759. (Citywide)

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

Yes: 7 - S. Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - O'Donnell

20. 09-0241 Recommendation to adopt Plans and Specifications No. R-6776 for the Queen Mary Fire Alarm Upgrade, located at 1126 Queens Highway, and authorize City Manager to sign all documents necessary to execute a contract with Minako America Corp., and any amendments thereto in an estimated amount of \$1,452,700, plus a fifteen percent contingency amount of \$217,905, if necessary. (District 2)

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

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

Absent: 2 - O'Donnell and Reyes Uranga

21. 09-0242

Recommendation to adopt Plans and Specifications No. R-6767 and award an as-needed contract to All American Asphalt, for the annual contract for street improvements in an amount not to exceed \$12,000,000; and authorize City Manager to execute any amendments thereto with All American Asphalt. (Citywide)

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

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

Absent: 2 - O'Donnell and Reyes Uranga

ORDINANCE (8:16 PM)

22. 09-0197

Recommendation to declare ordinance amending the Long Beach Municipal Code Section 21.27.065 relating to bedroom splitting, read and adopted as read. (Citywide)

A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0004. The motion carried by the following vote:

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

Absent: 2 - O'Donnell and Reyes Uranga

Enactment No: ORD-09-0004

ANNOUNCEMENTS (8:16 PM)

Mayor Foster made community announcements for the First District; and requested that the meeting be adjourned in memory of Sally Ghan.

Councilwoman Schipske requested that the meeting be adjourned in memory of Graham Kilsby; and made community announcements.

Councilwoman Gabelich requested that the meeting be adjourned in memory of Monsignor Christopher Kennedy; and made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilman Andrews made community announcements.

ADJOURNMENT (8:26 PM)

At 8:26 P.M., Mayor Foster adjourned the meeting in memory of Sally Ghan, Graham Kilsby and Monsignor Christopher Kennedy.

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