



# CITY OF LONG BEACH

# C-5

DEPARTMENT OF CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-8101 • FAX (562) 570-6789

May 17, 2011

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Approve the minutes for the City Council meeting of Tuesday, May 3, 2011

**DISCUSSION**

The Legistar minutes for the City Council meeting of Tuesday, May 3, 2011 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,

A handwritten signature in black ink that reads "Larry Herrera".

LARRY G. HERRERA  
CITY CLERK

Prepared by: Nancy Muth

LGH:nem  
Attachment

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



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

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

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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, except for Agenda Item Nos. 3 and 10, which were considered following the Consent Calendar vote.

### ROLL CALL (5:22 PM)

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

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

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Proclamation declaring May 1 - 7, 2011, as National Municipal Clerks Week.

Proclamation honoring crossing guard Sandra Thompson.

Councilwoman Schipske spoke.

Proclamation for Asian Pacific Islander American Heritage Month.

11-0453            Crystal Valdez submitted flyers related to the Asian Pacific Islander American Heritage Month.

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

### HEARINGS (5:43 PM)

1. 11-0405 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 Ayres Grill, Inc., dba Gaucho Grill, 200 Pine Avenue No. B, for Entertainment Without Dancing by Patrons. (District 2)

Vice Mayor Lowenthal spoke.

Dan Siever spoke.

**A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation and grant a One-Year Short-Term Permit with conditions. The motion carried by the following vote:**

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

### PUBLIC COMMENT

There were no members of the public wishing to address the City Council.

### CONSENT CALENDAR (5:47 PM)

Passed The Consent Calendar

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Johnson, to approve Consent Calendar Items 2 - 15, except for Items 3 and 10. The motion carried by the following vote:**

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

2. 11-0406 Recommendation to authorize City Attorney to pay sum of \$115,000 in full settlement of lawsuit entitled Allen v. City of Long Beach, Case No. NC052425.

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

3. 11-0319 Recommendation to adopt resolution in support of Healthy School Zones in the City of Long Beach.

Councilmember Neal spoke.

Crystal Valdez spoke; and submitted a petition.

Jaqueline Hernandez spoke.

Dan Siever spoke.

**A motion was made by Councilmember Neal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0053, as amended. The motion carried by the following vote:**

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

**Enactment No:** RES-11-0053

4. 11-0408 Recommendation to approve the minutes for the City Council meetings held Tuesday, April 12 and 19, 2011.

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

5. 11-0409 Recommendation to refer to City Attorney damage claims received between April 11, 2011 and April 25, 2011.

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

6. 11-0410 Recommendation to approve the destruction of records for the Health and Human Services Department, Housing Authority as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-11-0051 on the Consent Calendar.**

**Enactment No:** RES-11-0051

7. 11-0407 Recommendation to authorize City Manager to accept \$45,716 in residual grant funds, available through the Los Angeles County Proposition A Grant Program, for the Silverado Park Community Center Improvements Project; increase appropriations in the Capital Projects Fund (CP) in the Department of Parks, Recreation and Marine (PR) by \$45,716; and execute any documents necessary for the implementation and administration of the project. (District 7)

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

8. 11-0257 Recommendation to adopt resolution authorizing City Manager to submit

an application for funding to the Los Angeles County Regional Park and Open Space District, in the amount of \$100,000, for the Sleepy Hollow Greenbelt Project; increase appropriations in the Capital Projects Fund (CP) in the Department of Parks, Recreation and Marine (PR) by \$100,000; and execute any documents necessary for implementation and administration of the project. (District 8)

**A motion was made to approve recommendation and adopt Resolution No. RES-11-0052 on the Consent Calendar.**

**Enactment No:** RES-11-0052

9. 11-0411 Recommendation to authorize City Manager to execute all necessary documents with the LA84 Foundation to accept Summer Swim 2011 grant funds in the amount of \$25,000, for summer aquatic programs for economically disadvantaged youth at Martin Luther King, Jr. pool, Silverado Pool, Millikan High School pool, Jordan High School pool, and Belmont Plaza Pool, from June 27, 2011 to August 28, 2011; and authorize City Manager to execute all necessary documents to implement and administer the grant and any amendments. (Districts 3,5,6,7,9)

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

10. 11-0412 Recommendation to authorize City Manager to execute a lease and all necessary documents with Long Beach Organic, Inc., for the development and management of Mary Molina Community Garden, formerly known as Molina Park, as approved and recommended by the Parks and Recreation Commission and approved by the City Council's Housing and Neighborhoods Committee, for a term of three years, with two, three-year renewal options at the discretion of the City Manager. (District 1)

Councilmember Garcia spoke.

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

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

11. 11-0413 Recommendation to authorize City Manager to execute an agreement and any subsequent amendments with the County of Los Angeles Probation Department to provide a full-time Deputy Probation Officer for gang crime suppression services in an amount of \$150,000 for a 12-month term with an option for two, one-year renewals subject to fund availability. (Citywide)

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

12. 11-0051 Recommendation to authorize City Manager to terminate and rescind License Agreement No. 8103 and enter into a new license agreement with the International Tower Owners Association (ITOA), a California corporation, for use of City-owned property located at 700 E. Ocean Boulevard. (District 2)

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

13. 11-0414 Recommendation to determine that the granting of Facility/Pipeline Permit Supplement No. S-1-11, under existing Facility/Pipeline Permit No. P-239-11 to The Boeing Company, will not be contrary to the public interest; and authorize City Manager to issue said permit supplement in accordance with Section 15.44.060, Permit Issuance, of the Long Beach Municipal Code. (District 5)

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

14. 11-0415 Recommendation to authorize City Manager to execute any and all documents necessary for the Fourth Amendment to Lease No. 23828 with Behringer Harvard Downtown Plaza LP, a Delaware limited partnership, and any successors in interest, for office space at 211 East Ocean Boulevard, Suite 500, for the continued occupancy by the Long Beach Gas and Oil Department's Oil Properties, for an additional three-month term. (District 2)

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

15. 11-0416 Recommendation to receive and file the minutes for:  
Civil Service Commission - April 6 and 13, 2011.  
Cultural Heritage Commission - March 14, 2011.  
Parks and Recreation Commission - March 17, 2011.  
Planning Commission - March 17, 2011.

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

**REGULAR AGENDA (5:54 PM)**

16. 11-0429 Recommendation to request City Attorney to prepare a resolution declaring May 17, 2011 as "C-17 Day."

Mayor Foster spoke.

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

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

17. 11-0417

Recommendation to request City Manager to provide a report prior to the end of the school year that outlines:

1. The involvement of the Long Beach Unified School District (LBUSD) and the Long Beach Community College District (LBCC) in redevelopment areas in the City of Long Beach;
2. Pass through agreements (amounts and time frames of pass through) between the Redevelopment Agency (RDA) and the LBUSD and the LBCC;
3. Annual formula determined amounts that are transferred by RDA to LBUSD or LBCC; and
4. Any amounts of redevelopment funds that could be transferred to LBUSD or LBCC to prevent the massive lay-offs of teachers and the extensive cancellation of classes due to the short-fall of funds.

Finally, it would be helpful to know what percentage of property assessed in the entire City of Long Beach has been placed under redevelopment and an estimate of how much property taxes are not going into the general fund but instead going to redevelopment.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Dan Siever spoke.

Cesna Del Valle spoke.

Rena Cooks spoke.

Alan Lou Benetti spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation, with the elimination of Item No. 4 of the recommendation. The motion carried by the following vote:**

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

**No:** 1 - Andrews

18. 11-0425

Recommendation to adopt a minute order declaring a one year moratorium against the issuance of any new permits for the installation of publicly accessible exterior pay telephone phones on private property; and requesting City Attorney, together with the staff from the Development Services Department and the Police Department, to develop recommendations relating to the possible amendment of Long Beach Municipal Code Chapter 5.71 ("Publicly Accessible Exterior Pay Telephones") to better regulate the permitting and installation of such pay telephones.

Councilmember Garcia spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilman Andrews spoke.

Robert Shannon, City Attorney, spoke.

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

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

19. 11-0426

Recommendation to request City Manager, subsequent to the adoption of the Capital Improvement Program on an annual basis, to present Councilmembers with recommendations for residential street work allocating 50 percent of each District's residential street repair funding to preventative street maintenance and 50 percent to street repaving or



rebuilding.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Vice Mayor Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Dan Siever spoke.

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

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

20. 11-0418

Recommendation to request City Attorney to amend the Long Beach Municipal Code to permanently establish the Small Business Enterprise (SBE) program and make further changes as directed by the City Council. (Citywide)

Mayor Foster spoke.

Rena Cooks spoke.

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

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

21. 11-0419

Recommendation to authorize City Manager to execute all necessary documents with FIS to provide credit card processing services for City services for a period of three years with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

Councilman Andrews spoke.

Councilman Andrews moved, second by Councilmember Gabelich, that the item be laid over for one week to the meeting of Tuesday, May 10, 2011. Following discussion, Councilman Andrews withdrew his motion.

Councilmember Neal spoke.

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

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

**No:** 1 - Neal

- 22. 11-0420** Recommendation to adopt Specifications No. PA-00911 and award a contract to ARB, Inc., of Lake Forest, CA (not an MBE, WBE, SBE, or Local), for providing G-281 gas pipeline remediation and relocation, in an amount not to exceed \$1,667,958, with the option to add expenditures up to 15 percent (or \$250,194) above the contract amount, if necessary and if funds are available, at the discretion of the City Manager. (Citywide)

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

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

- 23. 11-0421** Recommendation to adopt Plans and Specifications No. R-6880 for Cape Seal - 1st Street from Junipero Avenue to Orizaba Avenue; Josie Avenue from Rendina Street to De Leon Street; and Anaheim Road from Clark Avenue to El Prado Avenue; and award the project to, and authorize City Manager to execute the contract with Intermountain Slurry Seal, Inc., in an estimated amount of \$219,924, plus a 15 percent contingency amount of \$32,989, if necessary, for a total of \$252,913, and any amendments thereto except for an increase in the contract price. (District 3)

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

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

**Absent:** 1 - Garcia

- 24. 11-0422** 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; and authorize City Manager to enter into an agreement

with the Long Beach Community Foundation for a period of two years and commit PEG funds reserved for Public Access television as a match to secure operational funding, up to \$225,000 a year, from the Knight Foundation's *Community Information Challenge Grant*. (Citywide)

Patricia Zade spoke.

Karen Ashikeh LaMantia spoke; and submitted written correspondence.

Councilmember O'Donnell spoke.

Liza Mitchell spoke.

Matt Kaplan spoke.

Jim Wershim spoke.

Mark Taylor spoke.

Paula McCowen spoke.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

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

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

**Absent:** 1 - Garcia

#### **NEW BUSINESS (7:01 PM)**

25. Affidavit of Service for the special meeting held Tuesday, May 3, 2011.

26. 11-0452 eComments received for the City Council meeting of May 3, 2011.

#### **ANNOUNCEMENTS (7:01 PM)**

Mayor Foster requested that the meeting be adjourned in memory of Theresa Munoz.

Councilmember Johnson made community announcements.

Councilwoman Schipske made community announcements.

Vice Mayor Lowenthal made community announcements.

Councilmember O'Donnell made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Neal made community announcements.

Councilwoman Gabelich made further announcements.

**PUBLIC (7:10 PM)**

Alan Lou Benetti spoke regarding plans for bicycle-to-work day.

Vice Mayor Lowenthal spoke.

**ADJOURNMENT (7:14 PM)**

At 7:14 PM, Mayor Foster adjourned the meeting in memory of Theresa Munoz.

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