

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

FINISHED AGENDA & 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. 12, which was considered after Agenda Item No. 13.

ROLL CALL (5:10 PM)

Councilmembers Lowenthal, Schipske, Andrews, Reyes Uranga, Gabelich and
Present: Lerch

Councilmembers Garcia, DeLong and O'Donnell
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Larry Herrera, City Clerk; Carolyn Harris, City Clerk Specialist.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Birney Elementary School.

Presentation to Police Department from CHP and AAA for recovery of stolen vehicles.
(5:22 PM)

Mayor Foster spoke.

SECOND ROLL CALL

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

Councilmembers DeLong
Absent:

Councilmembers Garcia and O'Donnell joined the meeting.

Representative for CHP spoke.

Representative for AAA spoke.

James McDonnell, Chief of Police, spoke.

Representative for AAA presented awards for recovery of stolen vehicles.

Representative for CHP spoke.

Councilmember Reyes Uranga spoke.

Presentation honoring the Rancho Cerritos Foundation. (5:25 PM)

Mayor Foster spoke.

Patrick West, City Manager, spoke.

Phil Hester, Director of Parks, Recreation and Marine, spoke.

Mayor Foster spoke.

Ellen Calamari, Executive Director of Rancho Los Cerritos Foundation, spoke.

THIRD ROLL CALL

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

Councilmember DeLong joined the meeting.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

HEARING (5:31 PM)

[see media](#)

1. [10-0268](#) 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 Panama Joe's Inc., dba Panama Joe's Cafe, 5100 E. 2nd Street, for Entertainment Without Dancing by Patrons. (District 3)

Distributed at or prior to the meeting: Correspondence from Belmont Shore Residents Association.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, that the item be laid over and the existing conditions be extended to the meeting of Tuesday, April 6, 2010. The motion carried by the following vote:

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

Absent: 3 - Lowenthal, Andrews and Reyes Uranga

PUBLIC COMMENT (5: 32PM)

Michael Lesner spoke regarding marina management.

Patrick West, City Manager, spoke.

Larry Goodhue spoke regarding process.

Mayor Foster spoke.

Diana Lejins spoke regarding process and prejudice.

Greggory Moore spoke regarding due process at a recent City Council meeting.

Mayor Foster spoke.

Robert Shannon, City Attorney, spoke.

David Zink spoke regarding corrupt war on drugs.

Harvey Cochran spoke regarding various issues.

Councilman Andrews spoke.

CONSENT CALENDAR (5:54 PM)

Passed The Consent Calendar

A motion was made by Vice Mayor Lerch, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 2 - 11. The motion carried by the following vote:

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

2. [10-0272](#) Recommendation to authorize City Attorney to pay the sum of \$7,500 in full settlement of lawsuit entitled, Castro v. City of Long Beach, et al.
A motion was made to approve recommendation on the Consent Calendar.
3. [10-0273](#) Recommendation to authorize City Manager to execute an agreement with the Law Offices of Russell G. Petti, in the matter entitled, City of Long Beach v. Insurance Company of the State of Pennsylvania and Lexington Insurance Company, Case No. CV 07-4572 DDP (FMOx); and Insurance Co. of the State of Pennsylvania, et al. v. City of Long Beach, et al., Case No. CV04-8650 ER (RZx).
A motion was made to approve recommendation on the Consent Calendar.
4. [10-0286](#) Recommendation to adopt minute order to grant an application from Betty Brown Wishon for a widow's pension.
A motion was made to approve recommendation on the Consent Calendar.
5. [10-0274](#) Recommendation to approve the City Council minutes for the meeting of Tuesday, March 2, 2010.
A motion was made to approve recommendation on the Consent Calendar.
6. [10-0275](#) Recommendation to refer to City Attorney damage claims received between March 1, 2010 and March 8, 2010.
A motion was made to approve recommendation on the Consent Calendar.
7. [10-0276](#) 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-10-0028 on the Consent Calendar.
Enactment No: RES-10-0028
8. [10-0269](#) Recommendation to authorize City Manager to execute a permit with Pacific Sailing, LLC, for the use of docks, slips, and end ties for the operation of a sailboat charter service, a sailing/boating/scuba diving club, and the sale and brokering of marine vessels in Rainbow Marina for a three-year term, with one, two-year renewal option at the discretion of the City Manager or his designee. (District 2)

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

9. [10-0270](#) Recommendation to receive and file the application of La Mexicana Grocers Incorporated, dba La Mexicana Meat Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1318 Pine Avenue, with existing conditions. (District 1)

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

10. [10-0271](#) Recommendation to receive and file the application of Three 1 Six Incorporated, dba Big Johns Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 949 Daisy Avenue, with existing conditions. (District 1)

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

11. [10-0277](#) Recommendation to receive and file the minutes for:
Civil Service Commission - February 10 and 24, 2010.

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

REGULAR AGENDA (5:55 PM)

[see media](#)

12. [10-0278](#) Recommendation to request City Manager to work with the Police Department and other relevant departments to create a plan to reduce recidivism that includes the following; and report back to City Council within 60 days:
- Immediate engaging upon release of individual.
 - Make early released prisoners aware of free reentry services such as programs for anger management/domestic violence, workforce development, drug rehabilitation, parenting and life skills, GED/adult education programs.
 - To plan for the low risk offenders early release.
 - Notifying potential victims of early released prisoners.

Councilman Andrews spoke.

Vice Mayor Lerch spoke.

James McDonnell, Chief of Police, spoke.

Theresa Marino, Health and Human Services Department, spoke.

Steve Chesser spoke and submitted correspondence.

Ben Rockwell spoke.

David Zink spoke.

Anita Givens spoke.

Mitchell Fortsen spoke.

Dr. Lydia Hollie spoke.

Marque Fisher spoke.

Mary Weaver spoke.

Harvey Cochran spoke.

Charles Brown spoke.

George Seibel spoke.

Jessica Quintana spoke.

Diana Lejins spoke.

Theresa Smalls Smith spoke.

John Callos spoke.

Councilwoman Gabelich spoke.

James McDonnell, Chief of Police, spoke.

Councilmember Reyes Uranga spoke.

Councilmember Garcia spoke.

James McDonnell, Chief of Police, spoke.

A motion was made by Councilman Andrews, seconded by Councilmember Garcia, to approve recommendation and authorize sending a letter to the Governor and the State Legislature urging that there be a full review of criminal histories and records of persons being considered for release prior to their release back to the community. The motion carried by the following vote:

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

Absent: 1 - Schipske

[see media](#)

13. [10-0279](#)

Recommendation to adopt resolution authorizing City Manager to execute and submit an application to Caltrans for a Community-Based Transportation Planning Grant. (Districts 1,6,7)

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0029. The motion carried by the following vote:

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

Enactment No: RES-10-0029

[see media](#)

14. [10-0280](#)

Recommendation to authorize City Manager to execute any and all facility space agreements with the United States Department of Commerce, U.S. Census Bureau to provide assistance to residents with the 2010 Census. (Citywide)

Reginald Harrison, Deputy City Manager, spoke.

Harvey Cochran spoke.

Councilmember O'Donnell spoke.

Tony Muhammad spoke.

Mayor Foster spoke.

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, Reyes Uranga, Gabelich and Lerch

[see media](#)

15. [10-0281](#)

Recommendation to receive and file the Fire Facilities Impact Fee Report for Fiscal Year 2009. (Citywide)

Councilmember DeLong 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 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Andrews

[see media](#)

16. [10-0282](#)

Recommendation to receive and file the Police Facilities Impact Fee Report for Fiscal Year 2009. (Citywide)

A motion was made by Councilmember Garcia, seconded by Councilmember Reyes Uranga, 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

[see media](#)

17. [10-0283](#)

Recommendation to authorize City Manager to execute Schedule I, Transaction Based Storage Service Agreement, which is an attachment to the long-term Master Services Contract between the City and the Southern California Gas Company for natural gas storage capacity rights. (Citywide)

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

[see media](#)

18. [10-0284](#)

Recommendation to authorize City Manager to execute the 2010 Long Beach Tidelands Dry Gas Agreement with the California State Lands Commission for pricing of tidelands gas that the City can economically use including amendments, which do no change the pricing or otherwise material terms. (Citywide)

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

[see media](#)

19. [10-0285](#)

Recommendation to authorize City Manager to accept a non-monetary donation of planning, labor, and materials, equivalent to approximately \$448,000, for the expansion of the Whaley Park parking lot, located at 5620 East Atherton Street; and to execute a new Joint Use Agreement and any related documents with the YMCA of Greater Long Beach for a period of 15 years, expiring on February 28, 2025, with two consecutive renewal periods of five years each, at the discretion of the City Manager or his designee. (District 4)

Councilmember O'Donnell spoke.

Phil Hester, Director of Parks, Recreation and Marine, spoke.

Larry Goodhue spoke.

Ann Dennison spoke.

Ann Cantrell spoke.

Kurt Forsting spoke.

Councilwoman Gabelich spoke.

Phil Hester, Director of Parks, Recreation and Marine, spoke.

Councilwoman Schipske spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Michael Mais, Assistant City Attorney, 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 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Andrews

ORDINANCE (7:53 PM)

[see media](#)

20. [09-1203](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.87 to implement the State Compassionate Use Act and State Medical Marijuana Program Act, read and adopted as read. (Citywide)

Distributed at or prior to the meeting: Correspondence from Diana Lejins.

Robert Shannon, City Attorney, spoke.

Carl Kemp spoke and submitted correspondence.

Ben Rockwell spoke.

Robert Gilman spoke.

Rick Risendine spoke.

Larry Goodhue spoke.

Ciara Cerhand spoke.

Madeline Johnson spoke.

Greggory Moore spoke.

George Segal spoke.

William Britt spoke.

Diana Lejins spoke and submitted correspondence.

John Donohue spoke.

John Goldberg spoke.

Glen Howard spoke.

Gary Ferrish spoke.

Steve Baker spoke.

Nicole Est spoke.

Sasha Laine spoke.

Ryan Hunt spoke.

Matthew Stephens spoke.

David Zink spoke.

Mark Adams spoke.

Robert Blanch spoke.

Councilwoman Gabelich spoke.

Cristyl Meyers, Deputy City Attorney spoke.

Mark Adams spoke.

Councilwoman Gabelich spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Erik Sund, Business Relations Manager, spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Councilmember Reyes Uranga spoke.

James McDonnell, Chief of Police, spoke.

Councilmember Reyes Uranga spoke.

Councilmember Garcia spoke.

Cristyl Meyers, Deputy City Manager, spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Mayor Foster spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Cristyl Meyers, Deputy City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Rick Risendine spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

A second substitute motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to introduce the ordinance, as proposed, with an amendment to extend the operative date of the ordinance by an additional 6 months. The motion failed by the following vote:

Yes: 4 - Lowenthal, DeLong, Schipske and Andrews

No: 5 - Garcia, O'Donnell, Reyes Uranga, Gabelich and Lerch

A substitute motion was made by Councilwoman Gabelich, seconded by Councilmember DeLong, to introduce the ordinance, as proposed, with amendments to: (1) limit the size of cultivation facilities, in CNP zoned areas, to 2,000 square feet; and (2) provide that medical marijuana collective membership for any member shall be limited to three collectives. The motion failed by the following vote:

Yes: 3 - Reyes Uranga, Gabelich and Lerch

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

A motion was made by Councilmember Lowenthal, 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 failed by the following vote:

Yes: 4 - Lowenthal, O'Donnell, Schipske and Andrews

No: 5 - Garcia, DeLong, Reyes Uranga, Gabelich and Lerch

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve recommendation to introduce the ordinance, as proposed, with amendments to: (1) extend the operative date of the ordinance by an additional 4 months; and (2) limit the size of cultivation facilities, in CNP zoned areas, to 2,000 square feet. The motion failed by the following vote:

Yes: 4 - DeLong, O'Donnell, Schipske and Andrews

No: 5 - Garcia, Lowenthal, Reyes Uranga, Gabelich and Lerch

A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to reconsider previous failed motion to introduce the ordinance, as proposed, with amendments to: (1) extend the operative date of the ordinance by an additional 4 months; and (2) limit the size of cultivation facilities, in CNP zoned areas, to 2,000 square feet. The motion carried by the following vote:

Yes: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

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

Councilmember Lowenthal spoke.

A substitute motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, that the ordinance be laid over to the meeting of Tuesday, March 23, 2010. The motion failed by the following vote:

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

No: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to introduce the ordinance, as proposed, with an amendment to extend the operative date of the ordinance by an additional 4 months; and 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: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

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

Enactment No: ORD-10-0007

NEW BUSINESS (9:38 PM)

[see media](#)

21. [10-0333](#)

Recommendation to request City Attorney to prepare an amendment to Section 10.22.080 of the Long Beach Municipal Code adding the prohibition of parking "For Sale" vehicles on the following streets :

- 25th Way, between De Forest Avenue and Golden Avenue
- 26th Way, between De Forest Avenue and Golden Avenue
- Golden Avenue, between 27th Street and 25th Street

Councilmember Reyes Uranga spoke.

Harvey Cochran spoke.

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

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

22. Affidavit of Service for the special meeting of Tuesday, March 16, 2010.

ANNOUNCEMENTS (9:47 pm)

Mayor Foster requested that the meeting be adjourned in memory of John Costell.

Councilmember O'Donnell made community announcements.

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

Councilwoman Gabelich made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember Reyes Uranga made community announcements.

ADJOURNMENT (9:55 PM)

At 9:55 PM, Mayor Foster adjourned the meeting in memory of John Costell and Glen Randall.

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