

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

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 were considered in the order presented, with the exception of Agenda Item No. 30, which was considered following the Presentations and prior to the Hearings; and Agenda Item Nos. 22, 19, and 20, and Public Comment, which were considered following Agenda Item No. 1 and prior to Agenda Item No. 2.

ROLL CALL (5:06 PM)

Councilmembers Garcia, Lowenthal, Schipske, Andrews, Johnson and Neal

Present:

Councilmembers DeLong, O'Donnell and Gabelich

Absent:

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

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gerrie Schipske, Councilwoman, Fifth District.

Mayor Foster announced that Councilmembers DeLong, O'Donnell, and Gabelich would not be in attendance.

Julie Pruitt, spcaLA, presented a canine.

Proclamation for National Public Works Week May 15-21, 2011.

Michael Conway, Director of Public Works, spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Certificate Recognizing May as Perinatal Depression Awareness Month.

Councilwoman Schipske spoke.

Andrea Gunn spoke.

Councilwoman Schipske spoke.

Pam Shaw, Health Dept. spoke.

Proclamation for C-17 Day.

Mayor Foster spoke.

Bob Ciesla, C-17 Program Manager, The Boeing Company, spoke.

Mayor Foster spoke.

HEARINGS (5:29 PM)

[see media](#)

1. [11-0483](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, adopt resolution making findings and approving the addendum to Los Angeles County's Final Environmental Impact Report (FEIR) dated November 16, 2010; and

Amy Bodek, Director of Development Services, spoke.

Jill Griffiths, Planning Officer, spoke.

Matthew Maddox, Rincon Consultants, Inc., spoke.

Amy Burton, Deputy City Attorney, spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Michael Mais, Assistant City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

Vice Mayor Lowenthal spoke.

Steven Joseph, Save the Plastic Bag Coalition, spoke.

Bill Hyatt spoke; and submitted correspondence.

Kathy Brown spoke.

Dale Whitney spoke.

Gabrielle Weeks spoke; and submitted correspondence on behalf of Los Cerritos Wetlands Land Trust.

Roger England spoke.

Kirsten James, Heal the Bay, spoke.

David Williams spoke.

Shameis Ien spoke.

Charles Moore spoke.

Robert Bailey spoke.

Angela Howe spoke.

Bill Hickman spoke.

Craig Cadwallader spoke; and submitted correspondence.

Dorothy Kenamy spoke.

Sheri McCarthy spoke.

Joe Wineberg spoke.

Sarah Suiket spoke.

Stephanie Barter spoke.

Andrew Berrera spoke.

Sona spoke.

Councilmember Johnson spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-11-0058. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

Enactment No: RES-11-0058

[see media](#)

[11-0484](#)

Declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.62 relating to regulating the use of plastic carryout bags and recyclable paper bags, and promoting the use of reusable bags in the City of Long Beach 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 Vice Mayor Lowenthal, seconded by Councilmember Johnson, 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: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

Enactment No: ORD-11-0009

[see media](#)

2. [11-0458](#)

Recommendation to receive supporting documents into the record, conclude the public hearing, and declare ordinance amending the Zoning Regulations of the Long Beach Municipal Code, Title 21, relating to

Wireless Telecommunications Facilities read the first time and laid over to the next regular meeting of the City Council for final reading.
(Citywide)

Amy Bodek, Director of Development Services, spoke.

Councilmember Neal spoke.

Michael Mais, Assistant City Attorney, spoke.

Amy Bodek, Director of Development Services, spoke.

Kristie James, ATT, spoke.

Michael Mais, Assistant City Attorney, spoke.

Amy Bodek, Director of Development Services, spoke.

Bridgit Pleasant, ATT consultant and Long Beach resident, spoke.

Amy Bodek, Director of Development Services, spoke.

Sonya Wilhaper, ATT, spoke; and submitted correspondence.

Mayor Foster spoke.

Charles Brown spoke.

Scott Longherst spoke.

Mayor Foster spoke.

Amy Bodek, Director of Development Services, spoke.

Tim Miller, T-Mobile consultant, spoke.

Mike Romberg spoke; and submitted photos.

Amy Bodek, Director of Development Services, spoke.

Paul O'Boyle spoke.

Amy Bodek, Director of Development Services, spoke.

Bridgit Pleasant, ATT consultant and Long Beach resident, spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Motion: Approve recommendation, with the following amendments to remove Sections 21.56.050.C, 21.56.100.D1A, 21.56.060.A, and 21.56.100.G; and to modify Sections 21.56.130.F3 and 21.56.060. Moved by Neal, seconded by Johnson.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Michael Mais, Assistant City Attorney, spoke.

Mayor Foster spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, that the item be laid over one week to the meeting of Tuesday, May 24, 2011. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

Mayor Foster spoke and suspended the meeting for a five minute recess.

PUBLIC COMMENT (7:49 PM)

[11-0513](#) John Cross spoke; and submitted information regarding a petition on the ICTF BNSF Railway Yard project.

This Agenda Item was received and filed.

Councilmember Johnson spoke.

[11-0521](#) Bernice Banares spoke regarding railyards; and submitted correspondence on behalf of the Teachers Association of Long Beach (TALB).

This Agenda Item was received and filed.

[11-0531](#) Charles Monson spoke; and submitted a public records request regarding medical marijuana raids.

This Agenda Item was received and filed.

Claudia Escobedo Wheeler spoke regarding disposal container for needles.

Suzanne Frick, Assistant City Manager, spoke.

Councilmember Garcia spoke.

CONSENT CALENDAR (9:10 PM)

Passed The Consent Calendar

A motion was made by Councilman Andrews, seconded by Councilmember Neal, to approve Consent Calendar Items 3 - 16. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

3. [11-0459](#) Recommendation to authorize City Attorney to pay sum of \$7,500 in full settlement of lawsuit entitled Estella T. Wimberly v. City of Long Beach, et al.
A motion was made to approve recommendation on the Consent Calendar.
4. [11-0488](#) Recommendation to authorize City Attorney to pay sum of \$15,000 in full settlement of lawsuit entitled Daly v. City of Long Beach, et al.
A motion was made to approve recommendation on the Consent Calendar.
5. [11-0460](#) Recommendation to approve the minutes for the City Council meeting held Tuesday, May 3, 2011.
A motion was made to approve recommendation on the Consent Calendar.
6. [11-0461](#) Recommendation to refer to City Attorney damage claims received between May 2, 2011 and May 9, 2011.
A motion was made to approve recommendation on the Consent Calendar.
7. [11-0462](#) Recommendation to approve the destruction of records for the Department of Development Services, Code Enforcement as shown in Exhibit A; and adopt resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-11-0059 on the Consent Calendar.
Enactment No: RES-11-0059

8. [11-0470](#) Recommendation to receive and file the Registered Lobbyist 1st Quarter Report for the period of January 1, 2011 - March 31, 2011.
A motion was made to approve recommendation on the Consent Calendar.
9. [11-0485](#) Recommendation to adopt the revisions to the Public Works, Engineering Records Retention Schedule (as shown in Attachment I), and rescind all previously applicable Records Retention Titles for Public Works, Engineering.
A motion was made to approve recommendation on the Consent Calendar.
10. [11-0463](#) Recommendation to approve Community Development Advisory Commission funding recommendations for the Neighborhood Partners Program Fiscal Year 2011 to support ten neighborhood beautification and improvement projects in the amount of \$43,144. (Districts 1,2,4,6,8)
A motion was made to approve recommendation on the Consent Calendar.
11. [11-0464](#) Recommendation to receive and file the Comprehensive Annual Financial Report (CAFR) and Separately Issued Financial Statements for the Fiscal Year Ended September 30, 2010. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
12. [11-0465](#) Recommendation to authorize City Manager to execute all necessary agreements, and any subsequent amendments, between the City of Long Beach and the Los Angeles County Proposition 10 Commission - First 5 LA in an amount not to exceed \$172,964 to augment the Long Beach Department of Health and Human Services Black Infant Health program for the period of July 1, 2011 - June 30, 2012. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
13. [11-0466](#) Recommendation to authorize City Manager to execute any and all documents necessary to amend the original "Condock I Conveyance" to relocate surface and use rights associated with oil production and injection located in the City of Los Angeles to facilitate the construction of a Port of Los Angeles rail yard project, and grant reciprocal rights-of-entry during construction between the City of Long Beach, City of Los Angeles acting by and through its Board of Harbor Commissioners and the California State Lands Commission. (Citywide)

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

14. [11-0467](#) Recommendation to authorize City Manager to increase existing Purchase Order No. BPEN10000008 with the Los Angeles County Sanitation Districts by \$125,000, for a total amount not to exceed \$150,000, with one option to renew for three additional years for costs associated with the disposal of incinerator ash from the Southeast Resource Recovery Facility (SERRF) at the Puente Hills Landfill (Puente Hills). (Citywide)

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

15. [11-0468](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at the Beachwood BBQ and Brewing at 210 East Third Street. (District 2)

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

16. [11-0469](#) Recommendation to authorize City Manager to electronically apply for and implement the 2010/2011 CalRecycle Beverage Container Recycling City/County Payment Program grant. (Citywide)

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

REGULAR AGENDA (7:12 PM)

[see media](#)

17. [11-0486](#) Recommendation to receive and file report on travel to Silicon Valley for the Big Ten Mayors meeting, May 2, 2011.

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

18. [11-0471](#) Recommendation to approve and authorize the transfer of property terminating at the old Pacific Electric rail right-of-way on Eagle Street east of Myrtle Avenue from the City of Long Beach Public Works Department to the City of Long Beach Parks, Recreation and Marine Department.

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

19. [11-0472](#)

Recommendation to request Planning Commission to undertake a study relating to a potential zone change in PD-25 (Atlantic Avenue Planned Development District) in order to facilitate the establishment of crematoriums as a permitted, conditional, or accessory use in that Zone.

Councilman Andrews spoke.

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

20. [11-0487](#)

Recommendation to request Housing and Neighborhoods Committee, and Parks and Recreation Commission to consider naming the future park at 3rd Street and The Promenade "Harvey Milk Promenade Park," and report back to the City Council with a recommendation.

Councilmember Garcia spoke.

Vice Mayor Lowenthal spoke.

Chris Robeson spoke.

Eric Kenny spoke.

Ron Silvester spoke.

Mike Hernandez spoke.

Jim Down spoke.

Kari Jerreau spoke.

Kim Chan spoke.

Herlinda Cholico spoke.

Jean Pierce spoke.

John McGinnis spoke.

Joan Montoya spoke.

Alex Suiter spoke.

Marisol Gold spoke.

Grand spoke.

Angela Suiter spoke.

Councilmember Garcia spoke.

A motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve recommendation and refer to the Housing and Neighborhoods Committee. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

A motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve recommendation and refer to the Parks and Recreation Commission. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

21. [11-0473](#)

Recommendation to authorize City Manager to execute any and all documents necessary for the conveyance of the property described in Exhibit "A" to the City of Long Beach from the Redevelopment Agency of the City of Long Beach for the purpose of constructing roadway improvements to Cherry Avenue between 19th Street and Pacific Coast Highway. (District 4)

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

22. [11-0474](#)

Recommendation to authorize City Manager to execute a three-party Exclusive Negotiating Agreement with the Redevelopment Agency and P3 International, LLC, for the development of the southeast corner of Ocean Boulevard and South Pine Avenue. (District 2)

Gary Haytrick spoke.

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

23. [11-0475](#)

Recommendation to authorize City Manager to execute a First Amendment to the Agreement to Negotiate Exclusively with City Ventures, LLC, for the development of the 3rd Street and Pacific Avenue project. (District 1)

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

24. [11-0476](#)

Recommendation to authorize City Manager to execute a three-party Exclusive Negotiation Agreement with the Redevelopment Agency and Wilmac Enterprises, Inc., for the northwest corner of Pacific Coast Highway and Martin Luther King Jr. Boulevard. (District 6)

Councilman Andrews spoke.

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

25. [11-0477](#) Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the California Emergency Management Agency for the Gang Reduction, Intervention and Prevention Program in the amount of \$369,309 for two years; authorize a required in-kind match of \$369,309; and increase appropriations in the Community Development Grants Fund (SR 150) in the Department of Development Services (DV) by \$369,309. (Districts 1,6,7,9)

Councilman Andrews spoke.

Councilmember Johnson spoke.

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

26. [11-0478](#) Recommendation to authorize City Manager to execute all documents necessary for the Fourth Amendment to Design-Build Contract No. 28388 between the City of Long Beach and ARB Structures, Inc., for the completion of construction of the Phase I parking structure at the Long Beach Airport. (District 5)

Patrick West, City Manager, spoke.

Councilmember Johnson spoke.

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

27. [11-0479](#) Recommendation to authorize City Manager to execute all necessary documents to amend Contract No. 31822 with EFS West for design and construction of the Phase II portion of the Shoreline Marina Fuel Dock and Underground Storage Tank (UST) Improvement Project, increase the contract price by an estimated amount of \$1,606,407, and execute all documents necessary for the implementation and administration of the Project; and

Increase appropriations in the Marina Fund (TF 403) in the Department of Parks, Recreation and Marine (PRM), by \$1,839,815 for construction and construction support costs related to this Project. (District 2)

Councilmember Johnson spoke.

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

28. [11-0480](#)

Recommendation to authorize City Manager to execute agreements with SIGMAnet and PAETEC, and related financing documents with Banc of America Public Capital Corporation, for telecommunications equipment and licenses in an approximate amount of \$852,000, including interest, payable over a four-year period, or \$213,000 annually. (Citywide)

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

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

NEW BUSINESS (5:27 PM)

[see media](#)

29. [11-0491](#)

Recommendation to refer to the Parks and Recreation Commission, and the Housing and Neighborhood Committee a request to name the dog park to be opened at 3401 Golden Avenue in the Wrigley Heights community the "Wrigley Heights Dog Park."

Councilmember Johnson spoke.

A motion was made by Councilmember Johnson, seconded by Councilmember Garcia, to approve recommendation and refer to the Housing and Neighborhoods Committee. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

A motion was made by Councilmember Johnson, seconded by Councilmember Garcia, to approve recommendation and refer to the Parks and Recreation Commission. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, Andrews, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Schipske and Gabelich

[see media](#)

30. [11-0429](#)

Recommendation to adopt resolution declaring May 17, 2011 "C-17 Day," and supporting the procurement of additional C-17 Aircraft.

A motion was made by Councilwoman Schipske, seconded by Councilmember Johnson, to approve recommendation and adopt Resolution No. RES-11-0057. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, Schipske, Johnson and Neal

Absent: 4 - DeLong, O'Donnell, Andrews and Gabelich

Enactment No: RES-11-0057

31. [11-0503](#)

Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, May 13, 2011.

This Agenda Item was received and filed.

32. [11-0514](#)

e-Comments received for the City Council meeting of Tuesday, May 17, 2011.

This Agenda Item was received and filed.

ANNOUNCEMENTS (9:21 PM)

Councilmember Johnson made community announcements.

Councilman Andrews made community announcements.

Councilmember Garcia made community announcements.

Councilmember Neal requested that the meeting be adjourned in memory of Bill Baker; and made community announcements.

Vice Mayor Lowenthal requested that the meeting be adjourned in memory of Bill Baker; and made community announcements.

ADJOURNMENT (9:28 PM)

At 9:28 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Bill Baker.

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