

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

At 5:10 PM, Robert Shannon, City Attorney, reported that the City Council voted in closed session to direct the City Manager to impose on IAM employees 7 furlough days due to the fact that there exists and continues to exist a fiscal emergency, with the following vote: Yes - Garcia, Lowenthal, DeLong, Andrews, Johnson; No - O'Donnell, Schipske, Gabelich; Absent - Neal.

Mayor Foster announced that Councilmember Neal would be absent; that Agenda Item No. 25 was withdrawn; and that Agenda Item No. 22 will be taken after Agenda Item No. 4.

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 following order: Agenda Item Nos. 1 - 4, 22, 5 - 15, 16, 17, 20, 18, 19, 30, 31, 21, 23, 24 and 26 - 29.

ROLL CALL (5:25 PM)

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

Councilmembers Neal
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Heather Mahood, Chief Assistant City Attorney; Michael 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: Councilwoman Rae Gabelich, Eighth District.

CONTINUED HEARING (5:26 PM)

[see media](#)

1. [10-1026](#) 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 LJB Bishop Enterprises, Inc., dba Shore Ultra Lounge, 6400 E. Pacific Coast Highway, for Entertainment With Dancing by Patrons at an existing bar/tavern/lounge. (District 3)

Janice Bishop, applicant, spoke.

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

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

Absent: 1 - Neal

HEARINGS (5:30 PM)

[see media](#)

2. [10-0642](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and declare ordinance amending Title 21 of the Long Beach Municipal Code as it relates to public and private landscaping read the first time and laid over to the next regular meeting of the City Council for final reading; and

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember DeLong, 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 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - Garcia and Neal

Enactment No: ORD-10-0031

[10-1025](#)

Adopt resolution forwarding the item to the California Coastal Commission for their consideration. (Citywide)

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-10-0117. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - Garcia and Neal

Enactment No: RES-10-0117

[see media](#)

3. [10-1078](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution continuing the Belmont Shore Parking and Business Improvement Area program and assessment for the period of October 1, 2010 through September 30, 2011; and authorize City Manager to execute an agreement with the Belmont Shore Business Association for a one-year term. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0118. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - Garcia and Neal

Enactment No: RES-10-0118

[see media](#)

4. [10-1079](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution approving the Long Beach Tourism Business Improvement Area program and assessment for the period of October 1, 2010 through September 30, 2011; and authorize City Manager to execute an agreement with the Long Beach Area Convention and Visitors Bureau for a one-year term. (Districts 1,2,4,5)

Steve Goodling, President and CEO of Long Beach Convention and Visitors Bureau, spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

Councilman Andrews spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-10-0119. The motion carried by the following vote:

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

Absent: 1 - Neal

Enactment No: RES-10-0119

PUBLIC COMMENT (6:02 PM)

[10-1140](#) Distributed at the meeting: Correspondence submitted by Michael Gougis.

This Handout was received and filed.

Richard Eastman spoke regarding medical marijuana.

Kim Quiggle spoke regarding medical marijuana.

Raul Anorve spoke regarding youth and safer schools.

Mauchese Franklin spoke regarding the September 27 assault upon his 16 year old daughter.

Patrick West, City Manager, spoke.

Councilwoman Gabelich spoke.

Patrick Ford spoke regarding traffic ticket and violation of constitutional rights.

Helene Weinberg spoke regarding the medical marijuana lottery.

Patrick West, City Manager, spoke.

Michael Mais, Assistant City Attorney, spoke.

Deborah Rowe spoke regarding CSULB activities.

Councilmember Johnson spoke.

Larry Young spoke regarding the medical marijuana lottery.

Jonathan Powell spoke regarding the fish tank at the Mark Twain Library.

Patrick West, City Manager, spoke.

CONSENT CALENDAR (6:38 PM)

Passed The Consent Calendar

A motion was made by Councilmember Johnson, seconded by Councilman Andrews, to approve Consent Calendar Items 5 - 15. The motion carried by the following vote:

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

Absent: 1 - Neal

5. [10-1080](#) Recommendation to authorize City Attorney to pay the sum of \$85,000 in full settlement of lawsuit entitled Shalonica Patton v. City of Long Beach, Case No. NC052262.
A motion was made to approve recommendation on the Consent Calendar.
6. [10-1101](#) Recommendation to adopt resolution in support of the Federal Dream Act.
A motion was made to approve recommendation and adopt Resolution No. RES-10-0120 on the Consent Calendar.
Enactment No: RES-10-0120
7. [10-1081](#) Recommendation to approve the minutes for the City Council meetings held September 14 and 21, 2010, and the Budget Hearing held Tuesday, September 14, 2010.
A motion was made to approve recommendation on the Consent Calendar.
8. [10-1082](#) Recommendation to refer to City Attorney damage claims received between September 13, 2010 and September 27, 2010.
A motion was made to approve recommendation on the Consent Calendar.
9. [10-1083](#) Recommendation to approve the destruction of records for the City Clerk Department as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-10-0121 on the Consent Calendar.

Enactment No: RES-10-0121

10. [10-1084](#) Recommendation to approve the destruction of records for Community Development Department, Code Enforcement Division, as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-10-0122 on the Consent Calendar.

Enactment No: RES-10-0122

11. [10-1085](#) Recommendation to approve Community Development Advisory Commission funding recommendations for Fiscal Year 2011 (FY 11) Neighborhood Partners Program to support ten neighborhood beautification and improvement projects in the amount of \$47,484.23. (Districts 1,2,4,7,8)

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

12. [10-1086](#) Recommendation to adopt resolution authorizing City Manager to execute a contract with RCA Investments, dba Long Beach BMW Motorcycles, a Long Beach-based business (not an MBE, WBE or SBE), for the purchase of parts and service for BMW motorcycles, on the same terms and conditions afforded to the City of Santa Monica, in an annual amount not to exceed \$150,000, for a period of one year, with the option of renewing for one additional one-year period, at the discretion of the City Manager. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-10-0123 on the Consent Calendar.

Enactment No: RES-10-0123

13. [10-1087](#) Recommendation to receive and file the application of Roxsana Anwar and Mohd Hossain, dba Bixby Knoll Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 4507-09 Orange Avenue, with existing conditions. (District 8)

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

14. [10-1088](#) Recommendation to receive and file the application of Paula Phikul Hangthaisong, dba House of Fondue, for a person-to-person transfer of an Alcoholic Beverage Control License, at 3253 East South Street Unit 101-102, with existing conditions. (District 9)

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

15. [10-1089](#) Recommendation to receive and file minutes for:
Civil Service Commission - September 8 and 15, 2010.
Cultural Heritage Commission - August 9, 2010.
Parks and Recreation Commission - August 19, 2010.
Planning Commission - September 2, 2010.

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

UNFINISHED BUSINESS (6:38 PM)

[see media](#)

16. [10-1058](#) Recommendation to receive and file the application of Carlos Abelardo Cortez and Oscar Javier Ramirez, dba El Pollo Imperial, for an original Alcoholic Beverage Control License, at 5991 Atlantic Avenue, with conditions. (District 9)

A motion was made by Councilwoman Gabelich, seconded by Councilmember Johnson, that the item be laid over one week to the meeting of Tuesday, October 12, 2010. The motion carried by the following vote:

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

Absent: 1 - Neal

REGULAR AGENDA (6:39 PM)

[see media](#)

17. [10-1110](#) Recommendation to receive and select a recommended candidate that the City will support at the Gateway Cities Council of Governments (COG) election for the Region 29 seat for the Southern California Association of Governments (SCAG).

Tom Modica, Manager of Government Affairs, spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Tom Modica, Manager of Government Affairs, spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Motion: Substitute motion to nominate Councilwoman Schipske for support by the City Council for the SCAG Region 29 seat.

Moved by Gabelich, seconded by O'Donnell.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich withdrew her substitute motion.

A motion was made by Councilmember Johnson, seconded by Councilman Andrews, to nominate Councilmember Neal for support by the City Council for the SCAG Region 29 seat. The motion carried by the following vote:

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

Absent: 1 - Neal

[see media](#)

18. [10-1100](#)

Recommendation to respectfully request City Council to take a position for the approval of reauthorizing the Family Violence Prevention and Services Act (FVPSA); and City Attorney to draft a resolution expressing its support of the Family Violence Prevention and Services Act on the basis that this City Council stands to provide more services to more families and that it re-affirms our support to effectively break the cycle of violence.

Councilman Andrews spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

19. [10-1111](#) Recommendation to request City Attorney to prepare a resolution in support of overturning Proposition 8, affirming the support of the City of Long Beach for full marriage equality, and for the decision of the Governor and Attorney General not to further defend Proposition 8 in court.

Distributed at the meeting: Correspondence from William T. Garner, Judge of the Los Angeles County Superior Court, Retired.

Councilmember Garcia spoke.

Kerrie Gerot spoke on behalf of the Human Relations Commission.

Christina Rios Bennet, Vice Chair, Board of Directors, The Long Beach Center, spoke; and submitted correspondence.

Raul Anorve, Human Relations Commissioner, spoke.

Juan Montoya spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

20. [10-1113](#) Recommendation to request City Attorney to draft a resolution stating that the City of Long Beach opposes granting retroactive pension benefits and revise the City's legislative agenda to adopt this as our official position to be communicated to our representatives in Sacramento for statewide implementation.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

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

Yes: 7 - Garcia, Lowenthal, DeLong, O'Donnell, Andrews, Johnson and Gabelich

No: 1 - Schipske

Absent: 1 - Neal

[see media](#)

21. [10-1064](#)

Recommendation to concur in the recommendation of the Personnel and Civil Service Committee to receive one new appointment and one reappointment to the Citizen Police Complaint Commission; one reappointment to the Planning Commission; and one reappointment to the Water Commission.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

22. [10-1090](#) Recommendation to authorize City Manager to execute the Eighth Amendment to Agreement No. 28164 with the Long Beach Area Convention and Visitors Bureau, Inc., to provide funding in the amount of \$3,428,676 for Fiscal Year 2011. (Citywide)

Councilwoman Gabelich spoke.

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

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

Absent: 1 - Neal

[see media](#)

23. [10-1091](#) Recommendation to authorize City Manager to execute an Agreement with Public Corporation for the Arts of the City of Long Beach, Inc., a California Nonprofit Corporation, dba Arts Council of Long Beach, in the amount of \$354,300 to fund arts and cultural activities for a period of one year. (Citywide)

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

24. [10-1092](#) Recommendation to adopt resolution authorizing City of Long Beach to issue 2010 Refunding bonds in an amount not to exceed \$35,000,000, to refund the outstanding 2002 Bonds, finance additional improvements to the Carnival Corporation's leasehold interest, and installation of a shorepower facility. (District 2)

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0124. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

Enactment No: RES-10-0124

25. [10-1093](#)

Recommendation to adopt Specifications No. PA-03010 and award contracts to Trimming Land Co., Inc., of South Gate, California (MBE), and United Pacific Services, of La Habra, California (not an MBE, WBE, SBE or Local), for the Department of Parks, Recreation and Marine for as needed tree trimming services in the amount of \$420,000, for a period of one year with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

This Contract was withdrawn.

[see media](#)

26. [10-1094](#)

Recommendation to adopt Specifications No. PA-01710 and award contracts to Mozena Medical Supplies & Equipment, Inc., a Long Beach-based business (not an MBE, WBE, or SBE), Life-Assist, Inc., of Rancho Cordova, CA (not an MBE, WBE, or SBE or Local), and Bound Tree Medical, LLC, of Dublin, OH (not an MBE, WBE, SBE or Local), for furnishing and delivering emergency medical supplies in a combined estimated annual amount of \$250,000, for a period of one year, with the option of renewal for one additional one-year period, at the discretion of the City Manager. (Citywide)

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

27. [10-1095](#)

Recommendation to adopt Plans and Specifications No. R-6817 for the Construction of Improvements to Taxiway G East of Runway 12-30 at the Long Beach Airport; authorize City Manager to execute a contract with All American Asphalt, the lowest responsible bidder, in an estimated amount of \$1,196,000, plus a 25 percent contingency amount of \$299,000, if necessary; and increase appropriations in the Airport Enterprise Fund in the Airport Department (AP) by \$1,850,000. (District 5)

Councilmember O'Donnell spoke.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

28. [10-1096](#)

Recommendation to increase appropriations in the Airport Enterprise Fund (EF 320) in the Airport Department (AP) by \$17,938,251 for grants received from the Federal Aviation Administration (FAA) and Passenger Facility Charges approved by the FAA in fiscal year 2010 for various capital improvement projects. (District 5)

Councilwoman Gabelich spoke.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

29. [10-1097](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of 7 Eleven Incorporated, dba 7 Eleven, for an original Alcoholic Beverage Control License, at 2001 East South Street, with conditions. (District 9)

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, that the item be laid over one week to the meeting of Tuesday, October 12, 2010. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

30. [10-1098](#)

Recommendation to receive and file Annual Report of the Downtown Long Beach Parking and Business Improvement Area, approve the proposed budget for Fiscal Year 2011 (FY 11); and authorize City Manager to execute a contract with the Downtown Long Beach Associates for the period of October 1, 2010 through September 30, 2011. (Districts 1,2)

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

[see media](#)

31. [10-1099](#)

Recommendation to approve the Downtown Long Beach Property and Business Improvement District Annual Report for the period of January 1, 2011 through December 31, 2011, automatically extending the Agreement for Funding with the Downtown Long Beach Associates for one year; and authorize payment of \$409,051 in City property assessments from the Civic Center Fund (IS 380) in the Department of Public Works (PW). (Districts 1,2)

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

Yes: 6 - Garcia, Lowenthal, Schipske, Andrews, Johnson and Gabelich

Absent: 3 - DeLong, O'Donnell and Neal

NEW BUSINESS (7:35 PM)

[see media](#)

32. [10-1115](#)

Recommendation that City Council receive and approve changes to department and commission Conflict of Interest Codes filed, in compliance with State law, as of October 1, 2010; and direct that non-compliant filing departments and commissions complete their Biennial Code Review and submit Code revisions to the City Clerk Department no later than November 15, 2010 for report back to the City Council December 7, 2010.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson and Gabelich

Absent: 2 - DeLong and Neal

33. Affidavit of Service for special meeting held Tuesday, October 5, 2010.

34. [10-1132](#)

Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, October 1, 2010,

This Agenda Item was received and filed.

ANNOUNCEMENTS (7:36 PM)

Councilman Andrews made community announcements.

Vice Mayor Lowenthal made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Johnson made community announcements; and requested that the meeting be adjourned in memory of Joseph McNicholl.

Councilmember O'Donnell requested that the meeting be adjourned in memory of Edward James Rowe; and made community announcements.

ADJOURNMENT (7:45 PM)

At 7:45 PM, Mayor Foster adourned the meeting in memory of Joseph McNicholl and Edward James Rowe. nem