



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

# C-1

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January 15, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Approve the City Council minutes for the meeting of Tuesday, January 8, 2008.

## DISCUSSION

The Legistar minutes of the City Council meeting held on Tuesday, January 8, 2008 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

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



Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, 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

### ROLL CALL (5:03 PM)

**Councilmembers** DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Lerch  
**Present:**

**Councilmembers** B. Lowenthal, S. Lowenthal and Gabelich  
**Absent:**

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

Mayor Foster presiding.

Mayor Foster announced that Agenda Item No. 25 would be taken early and that Agenda Item No. 24 was withdrawn.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Pet Adoption: Kathy Schofield, spcaLA, presented a canine.

### SECOND ROLL CALL (5:06 pm)

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

**Councilmembers** B. Lowenthal and S. Lowenthal  
**Absent:**

Gabelich joined the meeting.

Proclamation presented to American Red Cross declaring January 2008 as National Blood Donor Month.

### THIRD ROLL CALL (5:07 PM)

**Councilmembers** B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske,  
**Present:** Andrews, Reyes Uranga, Gabelich and Lerch

B. Lowenthal joined the meeting. S. Lowenthal joined the meeting.

Proclamation presented to Gregg Young and the 2nd Street Band.

**CONTINUED HEARING (5:11 PM)**

1. 07-1436 Recommendation to receive supporting documentation into the record, conclude the public hearing dealing with Negative Declaration (ND 23-08), a Site Plan Review, a Conditional Use Permit and a Standards Variance to allow the construction of a 233-space parking garage with a setback of 10'-0" from Locust Avenue (instead of not less than 20'-0") at 3711 Long Beach Boulevard and either:

- 1) Overrule the appeal by Century Quality Management, and sustain the decision of the City Planning Commission to not certify the Negative Declaration and deny the proposed project; or
- 2) Uphold the appeal, support the initial staff position, overrule the decision of the City Planning Commission, certify Negative Declaration (ND 23-08) and approve the proposed project (Case No. 0606-08). (District 8)

Distributed at the meeting: PowerPoint presentation entitled, Case No. 0606-08 Appeal of a Planning Commission decision denying a 233 space parking garage; and correspondence to Locust Avenue residents from Councilwoman Gabelich.

Michael Stock spoke on behalf of the applicant.

Harvey Cochran spoke.

Gwen White spoke.

Nathaniel Richardson spoke.

Bruce Aldren spoke.

Richard Ivey spoke and submitted a packet of correspondence from area residents.

Steve Murphy spoke.

Tom Shower spoke.

Jocelyn Grass spoke.

Paul Forkeos spoke.

Carl Curtin spoke.

Councilwoman Gabelich spoke and discussed a list of conditions as follows. That the applicant be required to: 1) Correct the existing internal problems to the building relative to elevators, security cameras, broken glass at the frontage of the building, and repair to the stepping stones located at the entrance of the building; 2) Provide a secure gate at the "back of the lot" prior to the start of the construction; 3) Provide a fully developed landscape plan for the area relative to Locust Street and the north side of the property; 4) Agree not to stage construction materials and equipment on Locust Street during construction of the project; 5) Agree to provide parking for Locust residents during the landscaping period, with parking to be provided at the "Meadows"; 6) Increase the setback requirement to 16 - 20 feet from zero (0) feet on the north side of the project; and 7) Agree to work with the Planning and Building Department to discuss boxing and relocation of mature trees, as determined by a licensed arborist (and to the extent feasible), for dedication to another area of the City prior to issuance of a building permit.

Michael Stock spoke.

Councilmember Lerch spoke.

Councilwoman Gabelich spoke.

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to approve recommendation to uphold the appeal, support the initial staff position, overrule the decision of the City Planning Commission, certify Negative Declaration (ND 23-08) and approve the proposed project (Case No. 0606-08) with the additional conditions outlined by Councilwoman Gabelich. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**PUBLIC COMMENT (6:13 PM)**

Eugene Whomes spoke regarding the need for funding for experimental research concerning plant science.

Karl Sutton Miller spoke regarding a lost bird.

Harvey Cochran spoke regarding a variety of issues.

Paul de Jung spoke regarding the threat from the north - Los Angeles.

Ralph Vix spoke regarding an incident with Long Beach Police.

Juan Rivera spoke regarding the death of his brother Florentino Rivera.

Jerlene Tatum spoke regarding the death of Florentino Rivera.

Councilmember Reyes Uranga spoke.

Mayor Foster requested that Chief Batts provide an update to the City Council regarding the recent violent incidents during the first week of 2008.

Claudette Powers spoke regarding the Early Care Education Symposium; and issued an invitation to the Councilmembers to attend the Gang Violence Prevention Task Force meeting.

Joe Sopo spoke on behalf of Neighborhoods First regarding a proposed park project.

Mario Cordero announced the Port of Long Beach public forums throughout the City.

#### **CONSENT CALENDAR (6:44 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember S. Lowenthal, to approve Consent Calendar Items 2 - 9, except for items 5 and 6. The motion carried by the following vote:**

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

**Absent:** 2 - B. Lowenthal and O'Donnell

2. 08-0016 Recommendation to authorize City Attorney to submit Stipulations with Request for Award, and Compromise and Release for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay (1) \$73,200 for Stipulations with Request for Award; (2) \$9,000 for a Compromise and Release; and (3) \$1,000 to resolve rights to a supplemental job displacement voucher for claim of Louis Covos, in compliance with the Appeals Board Order.

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

3. 08-0018 Recommendation to approve the City Council and Study Session minutes for the meetings of Tuesday, December 18, 2007.  
**A motion was made to approve recommendation on the Consent Calendar.**
4. 08-0017 Recommendation to refer to City Attorney damage claims received between December 13, 2007 and January 3, 2008.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. 08-0001 Recommendation to authorize City Manager to execute an agreement and any subsequent amendments with the Archstone Foundation to continue the management of the Long Beach Comprehensive Multidisciplinary Elder Abuse Prevention Team, in an amount not to exceed \$75,000 from January 1, 2008 through December 31, 2010. (Citywide)  
  
Councilmember Reyes Uranga spoke regarding Agenda Item Nos. 5 and 6.  
**A motion was made by Councilmember Reyes Uranga, seconded by Vice Mayor B. Lowenthal, to approve recommendation. The motion carried by the following vote:**  
**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
6. 08-0002 Recommendation to authorize City Manager to execute all documents, and any amendments, with the County of Los Angeles for an operational agreement to provide mental health services for older adults at the Long Beach Senior Center. (Citywide)  
**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:**  
**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
7. 08-0003 Recommendation to receive and file the application of Hak Heang Restaurant Incorporated, dba Hak Heang Restaurant, for a stock transfer of an Alcoholic Beverage Control license, at 2041 East Anaheim Street, with existing conditions. (District 4)  
**A motion was made to approve recommendation on the Consent Calendar.**

8. 08-0004 Recommendation to authorize City Manager to execute subdivision agreements and find that all requirements of the final subdivision map have been satisfied and approve the map for Tract No. 52702 located north of 20th Street and east of Obispo Avenue. (District 4)

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

9. 08-0013 Recommendation to receive and file minutes of:  
Civil Service Commission - December 12, 2007.  
Parks and Recreation Commission - November 15, 2007.  
Water Commission - November 29 and December 6, 2007.

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

#### **REGULAR AGENDA (6:46 PM)**

10. 08-0014 Recommendation to authorize City Manager to execute a contract with Edward White and Company, LLP to perform an Article 9 review for three one-year terms from December 1, 2007 through November 30, 2010 in amounts not to exceed \$195,000 in Fiscal Year (FY) 2008, \$205,000 in FY 2009 and \$215,000 in FY 2010.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

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

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

**Absent:** 1 - B. Lowenthal

Agenda Item Nos. 16 and 25, in that order, were considered at this time.

11. 08-0005 Recommendation to authorize City Manager to adopt Specifications No. PA-00708 and award contract to Great Western Leasing & Sales Inc. to furnish and deliver two (2) heavy-duty trailers, in the total amount of \$117,510 including tax, plus a ten percent contingency if necessary and if funds are available. (Citywide)

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

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

12. 08-0006

Recommendation to adopt resolution declaring a shelter crisis; suspending applicable provisions of local law, including those contained in the City's zoning ordinances and regulations; and authorizing the operation of a winter shelter between the dates of January 1, 2008 and March 31, 2008; and

Authorize City Manager to execute any and all documents necessary for a Lease between the Roman Family Trust (Lessor) and the City (Lessee) and a Sublease between the City (Sublessor) and the Long Beach Rescue Mission (Sublessee) and any amendments at the discretion of the City Manager for approximately 6,900 rental square feet of industrial space at 2235 Lemon Avenue at the monthly base rent of \$5,175 for use as a winter shelter. (District 6)

Harvey Cochran spoke.

Richard Hernandez spoke.

Jim Lewis spoke.

Brenda and Linda Wilson spoke.

James Brown spoke.

Maria Giese spoke.

Margaret Mateus spoke.

Patrise Martel spoke.

Frank Ganna spoke.

Raymond Leehy spoke.

Councilmember S. Lowenthal spoke.

Vice Mayor B. Lowenthal spoke.

Councilman Andrews spoke.

**A motion was made by Councilman Andrews, seconded by Vice Mayor B. Lowenthal, to approve recommendation and adopt Resolution No. RES-08-0001. The motion carried by the following vote:**



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

**Absent:** 1 - Reyes Uranga

**Enactment No:** RES-08-0001

13. 08-0007

Recommendation to adopt resolution authorizing City Manager to execute an agreement with Tri-Pacific Supply, Inc., to provide various parts and equipment for the City's gas supply system in an amount up to \$150,000. The term of the contract will be for one year with the option for two additional one-year extension periods, which will be executed at the discretion of the City Manager. (Citywide)

**A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0002. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

**Enactment No:** RES-08-0002

14. 08-0008

Recommendation to adopt resolution authorizing City Manager to execute an agreement with Actaris Metering Systems to provide heavy-duty residential meters, regulators and various parts and equipment for the City's gas supply system in an amount up to \$200,000. The term of the contract will be for one year with the option for two additional one-year extension periods, which will be executed at the discretion of the City Manager. (Citywide)

**A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0003. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

**Enactment No:** RES-08-0003

15. 08-0009

Recommendation to adopt resolution authorizing City Manager to execute an agreement with Elster American Meter to provide residential and light industrial meter equipment and various parts in an amount up to \$500,000. The term of the contract will be for one year with the option for two additional one-year extension periods, which will be executed at

the discretion of the City Manager. (Citywide)

**A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-08-0004. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

**Enactment No:** RES-08-0004

Agenda Item No. 16 was considered following Agenda Item No. 10 and prior to Agenda Item No. 25.

- 16. 08-0010** Recommendation to receive and file the application of Laugh Factory Long Beach, dba Laugh Factory Long Beach, for an original Alcoholic Beverage Control License, at 151 South Pine Avenue, with conditions. (District 2)
- A motion was made by Councilmember S. Lowenthal, seconded by Vice Mayor B. Lowenthal, to approve recommendation. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
- 17. 08-0011** Recommendation to determine that the granting of Facility/Pipeline Permit Supplement No. S-4-08, under existing Facility/Pipeline Permit No. P-11-50, to the County of Los Angeles Department of Public Works, 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, for the installation of an electrical cabinet and conduits for power and data transmission for the Los Angeles County Alamitos Seawater Barrier Project Telemetry System. (District 3)
- A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**
- Yes:** 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch
- Absent:** 1 - Reyes Uranga
- 18. 08-0012** Recommendation to adopt resolution authorizing City Manager to execute a contract with Suncal Precision Concrete, Inc., without advertising for bids, for sidewalk trip hazard repair; and

Adopt Plans and Specifications No. R-6744 and authorize City Manager to enter into a one-year contract with Suncal Precision Concrete, Inc. for sidewalk trip hazard removal by zero-clearance concrete cutting in an amount not to exceed \$200,000. (Citywide)

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-08-0005. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Enactment No:** RES-08-0005

#### **ORDINANCES (7:17 PM)**

**19. 08-0015** Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsections 39B, 39C, 50B, 54A, 54B, 58A and 70A of Section 10.12.010 all relating to speed limits on City streets read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 3,4,5,9)

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, 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:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**20. 07-1471** Recommendation to declare ordinance amending and restating the Douglas Aircraft Planned Development District (PD-19), read and adopted as read. (District 5)

**A motion was made by Councilwoman Schipske, seconded by Vice Mayor B. Lowenthal, to approve recommendation and adopt Ordinance No. ORD-08-0001. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Enactment No:** ORD-08-0001

**NEW BUSINESS (7:18 PM)**

- 21. 08-0024** Recommendation to confirm three new appointments to the Citizen Police Complaint Commission pursuant to Section 1151 of the Long Beach City Charter.
- Councilwoman Schipske spoke.
- Harvey Cochran spoke.
- A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
- 22. 08-0022** Recommendation to refer the designation of matches and lighters as tobacco-related paraphernalia for youth under the age of 18 to the State Legislation Committee for further discussion and review.
- Vice Mayor B. Lowenthal spoke.
- Claudette Powers spoke.
- Councilmember Lerch spoke.
- Councilmember Reyes Uranga spoke.
- A motion was made by Vice Mayor B. Lowenthal, seconded by Councilmember S. Lowenthal, to approve recommendation and refer to the State Legislation Committee. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch
- 23. 08-0025** Recommendation to direct City Manager to identify potential funding sources to continue Senior Congregate Meals Program for City Council consideration.
- Councilmember Reyes Uranga spoke, indicating that the Agenda Item 23 would be laid over to the Council meeting of January 15, 2008.

**This Agenda Item was laid over.**

24. 08-0026 Recommendation to request that City Manager not increase management salaries beyond the "cost of living" or Consumer Price Index (CPI) whenever the City Council passes a resolution indicating the finances of the City preclude the raises.

**This Agenda Item was withdrawn.**

Agenda Item No. 25 was considered following Agenda Item No. 16 and prior to Agenda Item No. 11.

25. 08-0023 Recommendation to receive and file the quarterly reports of cash and investments for the quarters ending March 31, 2006, June 30, 2006 and September 30, 2006.

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

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

#### **ANNOUNCEMENTS (7:25 PM)**

Mayor Foster requested that the meeting be adjourned in memory of Zayid Hassan and Anne Licht.

Vice Mayor B. Lowenthal requested that the meeting be adjourned in memory of Anne Louise Licht.

Councilmember S. Lowenthal made community announcements.

Councilwoman Gabelich made community announcements.

Vice Mayor B. Lowenthal made community announcements.

Councilman Andrews made community announcements.

Councilwoman Gabelich requested that the meeting be adjourned in memory of Mason Kight and Melvin Wick.

Councilmember O'Donnell made community announcements.

#### **ADJOURNMENT (7:36 PM)**

At 7:36 P.M., Mayor Foster adjourned the meeting in memory of Zayid Hassan, Anne

Licht, Mason Kight, and Melvin Wick.

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