

Robert Garcia, 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, Vice Mayor, 9th District

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

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 for this meeting were considered in the order presented, except for Agenda Item No. 14, which was considered prior to Agenda Item No. 7 as the first item under the Regular Agenda.

ROLL CALL (6:16 PM)

Councilmembers Garcia, DeLong, Schipske, Andrews and Lerch

Present:

Councilmembers S. Lowenthal, O'Donnell, Reyes Uranga and Gabelich

Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Heather Mahood, Chief 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: Gary DeLong, Councilmember, Third District.

Mayor Foster announced that Agenda Item No. 14 would be considered as the first item under the Regular Agenda.

Presentation to the Wilson High Amateur Emergency Response Team.

Councilwoman Schipske spoke.

Proclamation declaring June 15, 2009 as Leadership Long Beach Day.

SECOND ROLL CALL (6:29 PM)

Councilmembers Garcia, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews,
Present: Gabelich and Lerch

Councilmembers Reyes Uranga
Absent:

S. Lowenthal joined the meeting.

O'Donnell joined the meeting.

Gablich joined the meeting.

HEARINGS (6:30 PM)

[see media](#)

1. [09-0572](#) Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Frisco's Food Services, Inc., dba Frisco's Carhops Bar & Grill Restaurant, 4750 Los Coyotes Diagonal, for Entertainment With Dancing by Patrons at an existing restaurant. (District 4)

Christopher Frisco, applicant, spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Councilmember O'Donnell spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve recommendation to grant the Permit, with conditions. The motion carried by the following vote:

Yes: 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - DeLong and Reyes Uranga

[see media](#)

2. [09-0573](#) Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the

application of Sam Sengchan, dba Dragon Sea, at 1223 E. Anaheim Street, for Entertainment With Dancing by Patrons at an existing restaurant. (District 6)

Councilman Andrews spoke.

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

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

Absent: 1 - Reyes Uranga

PUBLIC COMMENT (6:44 PM)

Bill Orton spoke regarding an open house of Senator's Field Office in Long Beach.

Vice Mayor Lerch spoke.

Councilwoman Gabelich spoke.

Ben Rockwell spoke regarding revitalization of Pine Avenue.

Anna Wooten spoke regarding how the City is helping seniors.

Kathy Ryan spoke regarding the City budget process.

Mike Ruehle spoke regarding concerns about conflicts of interest.

Steven Tuinei spoke regarding aviation museums.

Lily Bibby spoke regarding encroachment of street trees inside her property line.

Claudette Powers spoke regarding smoking in public and the 6th District budget workshop.

CONSENT CALENDAR (7:08 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve Consent Calendar Items 3 - 6. The motion carried by the following vote:

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

Absent: 1 - Reyes Uranga

3. [09-0583](#) Recommendation to refer to City Attorney damage claims received between May 22, 2009 and June 1, 2009.
A motion was made to approve recommendation on the Consent Calendar.
4. [09-0574](#) Recommendation to authorize Department of Development Services to process a refund in the amount of \$137,474 to Target Corporation for the property located at 6750 Cherry Avenue. (District 9)
A motion was made to approve recommendation on the Consent Calendar.
5. [09-0575](#) Recommendation to adopt Specifications No. PA-01409 and award contract to Ferguson Enterprises, Inc., for the purchase of polyethylene (PE) pipe and fittings in the annual contract amount of \$105,000 for a period of one year, with the option of renewing for two additional one-year periods, at the discretion of the City Manager, with the option to add expenditures up to 10 percent (or \$10,500) above the annual contract amount, if necessary and if funds are available. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
6. [09-0584](#) Recommendation to receive and file minutes for:
Civil Service Commission - May 13, 2009.
Parks and Recreation Commission - April 16, 2009.
A motion was made to approve recommendation on the Consent Calendar.

REGULAR AGENDA (7:08 PM)

[see media](#)

7. [09-0585](#) Recommendation to request City Attorney to prepare an ordinance within 45 days amending the Long Beach Municipal Code to prohibit smoking at Farmers' Markets and within 20 feet of all entrances and exits.

Agenda Item No. 7 was considered and voted on together with Agenda Item No. 8.

A motion was made by Councilmember Garcia, seconded by Councilmember S. Lowenthal, to approve recommendation for Agenda Item Nos. 7 and 8.

[see media](#)

8. [09-0586](#) Recommendation to request City Attorney, in collaboration with the Long Beach Health Department, to prepare an ordinance within 45 days amending the Long Beach Municipal Code to prohibit smoking at and within 20 feet of all bus stops.

Councilmember Garcia spoke.

Councilmember S. Lowenthal spoke.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Vice Mayor Lerch spoke.

Ben Rockwell spoke.

Ms. Castetta spoke.

Ruth Onofre spoke.

Joan Wadell spoke.

Ken Anderson spoke.

Lilliana Castillo spoke.

Anna Wooten spoke.

Cicilia Sandoval spoke.

Leonard Banker spoke.

Jajaida Sorenia spoke.

Mr. Sormeno spoke.

Andres Valdaremos spoke.

Rosa Kelson spoke.

Sister Delvalle spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember Garcia, seconded by Councilmember S. Lowenthal, to approve recommendation for Agenda Item Nos. 7 and 8. The motion carried by the following vote:

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

Absent: 1 - Reyes Uranga

[see media](#)

9. [09-0576](#) Recommendation to request City Manager to work with appropriate staff to develop a residential green building program for the City of Long Beach.

Councilmember O'Donnell spoke.

Vice Mayor Lerch spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

Councilmember S. Lowenthal spoke.

Anna Wooten spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Garcia, to approve recommendation, with the inclusion of measures to: promote water conservation techniques, promote a reduction of impervious surface area, and promote the creation of state and federal incentives for residential green building programs. The motion carried by the following vote:

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

Absent: 1 - Reyes Uranga

[see media](#)

10. [09-0592](#) Recommendation to request City Manager take steps necessary to schedule a Study Session of the full City Council at which time the City Council can review a presentation from the City's Health and Human Services Department regarding the current restaurant rating system, how it operates and why it does not conform with the Los Angeles County rating system. Additionally, owners and operators of Long Beach food establishments should also be invited to provide their perspectives.

Councilwoman Schipske spoke.

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

Yes: 7 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - Garcia and Reyes Uranga

11. INTENTIONALLY LEFT BLANK

[see media](#)

12. [09-0594](#) Recommendation to respectfully request City Attorney to draft a resolution to reaffirm the City's support of the Mayors for Peace vision of eliminating nuclear weapons by the year 2020.

Councilmember S. Lowenthal spoke.

Bob Collegian spoke.

Leonard Barrick spoke.

Gerry Stinson spoke.

Councilman Andrews spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - DeLong and Reyes Uranga

[see media](#)

13. [09-0577](#) Recommendation to adopt resolution making certain findings regarding the construction of public improvements to modernize the CityPlace Parking Structures (A, B, and C) with funds from the Downtown Redevelopment Project Area;

A motion was made by Councilmember Garcia, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0058. The motion carried by the following vote:

Yes: 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - DeLong and Reyes Uranga

Enactment No: RES-09-0058

[see media](#)
[09-0578](#)

Adopt resolution making certain findings regarding the payment of debt service for the construction of certain public improvements at the CityPlace Parking Structures (A, B, and C) with funds from the Downtown Redevelopment Project Area; and

Authorize City Manager to execute a reimbursement agreement with the Redevelopment Agency of the City of Long Beach. (District 1)

Vice Mayor Lerch spoke.

Councilmember Garcia spoke.

Councilmember S. Lowenthal spoke.

Vice Mayor Lerch spoke.

Councilmember S. Lowenthal spoke.

A motion was made by Councilmember Garcia, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0059. The motion carried by the following vote:

Yes: 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - DeLong and Reyes Uranga

Enactment No: RES-09-0059

[see media](#)

14. [09-0579](#)

Recommendation to adopt resolution requesting Board of Harbor Commissioners to approve the transfer of \$16,083,972 from the Harbor Revenue Fund (HR) to the Tidelands Operating Fund (TF) as of October 1, 2009; and

Request Board of Harbor Commissioners to make said transfer in equal quarterly installments on October 1, 2009, January 1, 2010, April 1, 2010 and July 1, 2010. (Citywide)

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-09-0057. The motion carried by the following vote:

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

Absent: 1 - Reyes Uranga

Enactment No: RES-09-0057

[see media](#)

15. [09-0580](#)

Recommendation to adopt Specifications No. PA-01709 and award contracts for the purchase of retread tires and service to Sudduth Tire Co. Inc., in the amount of \$165,000 and to Industrial Tire Service in the amount of \$50,000 for a period of one year, with the option of renewing for one additional one-year period, at the discretion of the City Manager, with the option of adding expenditures up to 10 percent (or \$21,500) above the annual contract amount, if necessary and if funds are available. (Citywide)

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

Yes: 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - DeLong and Reyes Uranga

[see media](#)

16. [09-0581](#)

Recommendation to receive and file the application of Roberto Gonzalez Orozco, dba La Penita Mexican Restaurant, for an original Alcoholic Beverage Control License, at 3599 Atlantic Avenue, with conditions. (District 7)

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, to request that a protest be filed conditioned upon the modification of the proposed hours of sale and service from 9:00 AM to 9:00 PM, Monday through Sunday; and in the event the hours are not amended, that a protest be filed based on over concentration, churches within the immediate vicinity, and schools within 600 feet. The motion carried by the following vote:

Yes: 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - DeLong and Reyes Uranga

[see media](#)

17. [09-0582](#)

Recommendation to authorize City Manager to execute an Agreement with American Eurocopter LLC to perform engine inspections and service repairs for the Police Department's helicopter covered by an insurance claim in the estimated amount of \$240,399, and increase appropriations in the Fleet Services Fund (IS 386) in the Department of Public Works (PW) by \$240,399. (Citywide)

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

Yes: 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - DeLong and Reyes Uranga

ORDINANCE (8:14 PM)

[see media](#)

18. [09-0533](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by repealing Section 10.58.030 relating to pedestrian angle of crossing, read and adopted as read. (Citywide)

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0014. The motion carried by the following vote:

Yes: 7 - Garcia, S. Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - DeLong and Reyes Uranga

Enactment No: ORD-09-0014

NEW BUSINESS (8:15 PM)

19. Affidavits of Service for the special meetings held Tuesday, June 9, 2009.

ANNOUNCEMENTS (8:15 PM)

Councilmember S. Lowenthal made community announcements.

Councilwoman Schipske made community announcements.

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

Vice Mayor Lerch spoke.

Councilmember O'Donnell made community announcements.

Vice Mayor Lerch requested that the meeting be adjourned in memory of Charles Wynn.

PUBLIC (8:25 PM)

Kurt Schneiter spoke regarding his 700 form.

ADJOURNMENT (8:27 PM)

At 8:27 PM, Vice Mayor Lerch adjourned the meeting in memory of Charles Wynn.

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