



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

**C-7**

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

October 9, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Approve the City Council minutes for the meeting of Tuesday, October 2, 2007.

**DISCUSSION**

The Legistar minutes of the City Council meeting held on Tuesday, October 2, 2007 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



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, 9th District

Robert E. Shannon, City Attorney

---

## **FINISHED AGENDA & DRAFT MINUTES**

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

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

**Councilmembers** Schipske and Gabelich  
**Absent:**

Also present: Patrick H. West, City Manager; Reginald Harrison, Deputy City Manager;  
Robert Shannon, City Attorney; Laura Doud, City Auditor; Larry Herrera, City Clerk; Nancy  
Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Tonia Reyes Uranga, Councilmember, Seventh District.

Mayor Foster announced that Agenda Item No. 25 had been withdrawn.

Pet Adoption: Julie Pruitt, spcaLA, presented a canine.

Proclamation presented for Disability Awareness Month, October 2007.

Mayor Foster spoke.

Frances Emily Dawson-Harris read a poem.

Proclamation presented for Cultural Diversity Month, October 2007.

Mayor Foster spoke.

Proclamation presented for Arts Month, October 2007.

Mayor Foster spoke.

### **HEARINGS (5:26 PM)**

1. 07-1125 Recommendation to receive supporting documentation, including the petitions, into the record, conclude the public hearing, and request City Attorney to prepare an amendment to the Long Beach Municipal Code, to establish Preferential Parking District "U" as recommended by the City Traffic Engineer. (District 4)

Bruce MacCray spoke.

Jane Sampson spoke.

Frances Emily Dawson-Harris spoke.

Councilmember O'Donnell spoke.

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

2. 07-1126 Recommendation to receive supporting documentation, including the petitions, into the record, conclude the public hearing, and request City Attorney to prepare an amendment to the Long Beach Municipal Code, to establish Preferential Parking District "S" as recommended by the City Traffic Engineer. (District 5)

Paul Duffee spoke.

Lara Loring spoke.

Ben Rockwell spoke.

Councilmember Reyes Uranga spoke.

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

**PUBLIC COMMENT (5:40 PM)**

Steve James and Rich Brandt spoke and presented the Public Safety Cup to Mayor

Foster for safekeeping.

Harvey Cochran spoke regarding various issues.

### **CONSENT CALENDAR (5:48 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, to approve Consent Calendar Items 3-21, except for Items 14 and 18. The motion carried by the following vote:**

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

3. 07-1156 Recommendation to receive and file report on travel to New York, NY and Washington, D.C. to attend an International Downtown Association event, the Broad Prize for Urban Education Awards and an Alliance to Save Energy event.  
**A motion was made to approve recommendation on the Consent Calendar.**
4. 07-1147 Recommendation to authorize City Attorney to submit Stipulations with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$73,427.50 for the claim of Cynthia Orel, in compliance with the Appeals Board Order.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. 07-1152 Recommendation to authorize City Attorney to pay the sum of \$12,000 in full settlement of lawsuit entitled *Mooshagian v. City of Long Beach, et al.*, Case No. NC039247.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. 07-1127 Recommendation to authorize City Manager to execute First Amendment to Agreement for legal services between the City of Los Angeles, the City of Long Beach and Spillane Shaeffer Aronoff Bandlow, LLP (formerly Fox Spillane Shaeffer, LLP). (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**

7. 07-1153 Recommendation to adopt resolution in support of distributed solar electric power in Long Beach. (Citywide)  
**A motion was made to approve recommendation and adopt Resolution No. RES-07-0132 on the Consent Calendar.**  
**Enactment No:** RES-07-0132
8. 07-1131 Recommendation to approve the City Council minutes for the meetings of Tuesday, September 11, 2007 and September 18, 2007.  
**A motion was made to approve recommendation on the Consent Calendar.**
9. 07-1132 Recommendation to refer to City Attorney damage claims received between September 13, 2007 and September 27, 2007.  
**A motion was made to approve recommendation on the Consent Calendar.**
10. 07-1140 Recommendation to approve the Mayor and City Council 2007 Records Retention Schedule.  
**A motion was made to approve recommendation on the Consent Calendar.**
11. 07-1128 Recommendation to receive and file Annual Report of the Downtown Long Beach Parking and Business Improvement Area; approve the proposed budget for Fiscal Year 2008 (FY 08); and authorize City Manager to execute a contract with the Downtown Long Beach Associates for the period of October 1, 2007 through September 30, 2008 in the amount of \$585,000. (Districts 1,2)  
**A motion was made to approve recommendation on the Consent Calendar.**
12. 07-1129 Recommendation to approve the Downtown Long Beach Property and Business Improvement District Annual Report for the period of January 1, 2008 through December 31, 2008, automatically extending the current agreement with the Downtown Long Beach Associates for one year; and increase budget appropriation by \$22,777 in the Civic Center Fund (IS 380) in the Department of Public Works (PW). (Districts 1,2)  
**A motion was made to approve recommendation on the Consent Calendar.**
13. 07-1130 Recommendation to adopt Specifications No. PA-03107 and award a contract to Orange Mirror and Glass to furnish and deliver window glass,

in the estimated amount of \$125,000, plus a 10 percent contingency, 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)

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

14. 07-1133 Recommendation to authorize City Manager to execute a Water Sales Agreement and Amendments thereto between the City of Long Beach as Fault Block Operator and City of Long Beach as Long Beach Unit Operator for a one-year term, with a month-to-month continuance until termination upon thirty-days notice by either party. (Districts 1,2)

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

**Yes:** 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 3 - B. Lowenthal, Schipske and Gabelich

15. 07-1134 Recommendation to receive and file the report, "Elevation Changes in the City of Long Beach, November 2006 through April 2007." (Citywide)

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

16. 07-1135 Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the Federal Fiscal Year 2007 Edward Byrne Memorial Justice Assistance Grant Program; and increase appropriations in the General Grants Fund (SR120) and in the Police Department (PD) by \$380,740. (Citywide)

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

17. 07-1136 Recommendation to adopt resolution ordering the summary vacation of public alleys west of San Francisco Avenue and a portion of De Forest Avenue, all between Anaheim and Esther Streets. (District 1)

**A motion was made to approve recommendation and adopt Resolution No. RES-07-0133 on the Consent Calendar.**

**Enactment No:** RES-07-0133

18. 07-1137 Recommendation to authorize City Manager to execute a public walkways occupancy permit for sidewalk dining at Quiznos Sub located at 525 East First Street. (District 2)

Ben Rockwell spoke.

Harvey Cochran spoke.

Councilmember S. Lowenthal spoke.

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

19. 07-1138 Recommendation to authorize City Manager to execute the first amendment to Agreement No. 28969 with BMC Software Distribution, Inc. (BMC) to provide various mainframe software licenses and maintenance services for a term of three years in an amount not to exceed \$62,087 annually. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
20. 07-1139 Recommendation to receive and file minutes of:  
Harbor Commission - September 10 and 17, 2007.  
Parks and Recreation Commission - August 16, 2007.  
**A motion was made to approve recommendation on the Consent Calendar.**
21. 07-1157 Recommendation to receive and file Certificates of Congratulations for Centro CHA's Nuestra Imagen 2007 Award recipients: The Port of Long Beach, Christopher Steinhauser, Rene Castro, St. Mary Medical Center - Women's Center Services, Latino Managers' and Professional Organization, Black Managers Association, Chief's Latino Advisory Group, Jaqueline Araujo, Eric Fernandez and Larry Fernandez.  
**A motion was made to approve recommendation on the Consent Calendar.**

**UNFINISHED BUSINESS (5:54 PM)**

22. 07-1027 Recommendation that City Council concur in recommendation of the Budget Oversight Committee that the updated list of Priorities be received and approved for FY 2008.
- Councilmember Reyes Uranga spoke.
- Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

### REGULAR AGENDA (5:56 PM)

23. 07-1154 Recommendation to request City Manager to work with the Department of Public Works and the Long Beach Tree Committee to determine the feasibility, rights-of-way, legal and property line issues, cost, and workload of incorporating meandering sidewalks into the City's tree root repair programs, when applicable. The Public Works Department should communicate with other cities utilizing similar methods to save old-growth trees to share research and information.

Vice Mayor B. Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Ben Rockwell spoke.

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

Agenda Item No. 28 was considered at this time.

24. 07-0661 Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee to approve the communications relating to naming the California Recreation Center as the "Ernest S. McBride, Sr. Park".

Vice Mayor B. Lowenthal spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.



Harvey Cochran spoke.

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

25. 07-1148

**WITHDRAWN**

~~Recommendation to adopt resolution requesting the Board of Supervisors of the County of Los Angeles to authorize and order the consolidation of a Citywide Special Municipal Election with the Statewide Presidential Primary Election to be held on Tuesday, February 5, 2008, and determining and declaring that the City will pay to the County reasonable and actual expenses incurred by the County on account of the consolidation of this election;~~

**This Resolution was withdrawn.**

07-1149

~~Adopt resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a Special Municipal Election to be held on Tuesday, February 5, 2008; and~~

**This Resolution was withdrawn.**

07-1150

~~Adopt resolution calling and providing for and giving notice of a Special Municipal Election to be held in the City of Long Beach on Tuesday, the 5th day of February, 2008, for the purpose of submitting two ballot propositions to a vote of the qualified electors of the City. (Citywide)~~

**This Resolution was withdrawn.**

26. 07-1141

Recommendation to authorize City Manager to execute an Agreement with the Public Corporation for the Arts of the City of Long Beach, Inc., doing business as Arts Council for Long Beach, in the amount of \$600,000 to fund arts and cultural activities for a period of one year. (Citywide)

Councilmember O'Donnell spoke.

Ben Rockwell spoke.

Harvey Cochran spoke.

Vice Mayor B. Lowenthal spoke.

Councilmember O'Donnell spoke.

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

27. 07-1142

Recommendation to authorize City Manager to terminate the existing Energy Master Purchase/Sale and Services Agreement with Coral Energy Resources, L.P. and to execute and enter into: (A) a Gas Services Agreement with Coral Energy Resources, L.P., for a term not to exceed 20 months, or on such terms as the City Manager may deem appropriate; (B) an ISDA (International Swaps and Derivatives Association) Master Agreement together with the U.S. Municipal Counter Party Schedule and Credit Support Annex thereto, each on such terms as the City Manager may deem appropriate and Confirmations under the Master Agreement for a Fixed-float Swap transaction, a Call Option transaction, and a Put Option transaction each on such terms as the City Manager may deem appropriate; and (C) NAESB (North American Energy Standards Board) Contract on such terms and enter into such transactions under the NAESB as the City Manager may deem appropriate. (Citywide)

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

Agenda Item No. 28 was considered following Agenda Item No. 23 and prior to Agenda Item No. 24.

Mayor Foster and Councilmember DeLong recused themselves and Vice Mayor B. Lowenthal assumed the Chair.

28. 07-1143

Recommendation to authorize City Manager to execute a Memorandum of Understanding between the City of Long Beach and the Long Beach Yacht Club, a non-profit public benefit corporation, establishing a Management Agreement for the long dock adjacent to the clubhouse,

located at 6201 Appian Way. (District 3)

Harvey Cochran spoke.

Councilmember Reyes Uranga spoke.

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

**Yes:** 6 - B. Lowenthal, S. Lowenthal, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 3 - DeLong, Schipske and Gabelich

Mayor Foster and Councilmember DeLong returned to the Council Chamber.

**29. 07-1144** Recommendation to authorize City Manager to execute the Second Amendment to Contract No. 29448 with Sully-Miller Contracting Company to increase the contract by \$900,000 for a total cumulative contract amount of \$15,400,000. (Citywide)

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

#### **ORDINANCES (6:20 PM)**

**30. 07-1151** Recommendation to declare ordinance amending Chapter 5.16 of the Long Beach Municipal Code by adding Subsection 5.16.010(F) and by adding section 5.16.050 as Article VI, both relating to car rental agencies 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 Councilmember O'Donnell, seconded by Councilmember 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:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

**31. 07-1146** Recommendation to declare ordinance amending Chapter 8.61 of the

Long Beach Municipal Code entitled "Shopping Carts" to establish an administrative citation program, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Harvey Cochran spoke.

Robinson Walsh spoke.

Jennifer Forkkish, California Grocers Association, spoke.

James Riley, Target representative, spoke.

Unidentified woman spoke.

Evan Braude spoke.

Ben Rockwell spoke.

Councilmember Reyes Uranga spoke.

Motion: Substitute motion that the item be laid over one week to October 9, 2007.

Moved by Reyes Uranga, motion failed due to lack of second.

Councilmember Lerch requested a friendly amendment to delete the following language from Section 8.61.010 C. "Cart owners includes the on-site manager or designated agent of the actual cart owner."

Councilmember S. Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilman Andrews spoke.

Vice Mayor B. Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Councilmember S. Lowenthal spoke.

**A motion was made by Councilmember DeLong, seconded by Vice Mayor B. Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading, with the deletion of the following language from Section 8.61.010C., "Cart owner includes the on-site manager or designated agent of the actual cart owner." The motion carried by the following vote:**

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

- 32. 07-1145** Recommendation to declare ordinance amending Long Beach Municipal Code Chapter 9.65 related to Administrative Citations and the use of free standing canopies in residential areas, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Ben Rockwell spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Reyes Uranga, 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:** 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 3 - B. Lowenthal, Schipske and Gabelich

- 33. 07-0250** Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 21.33 by amending Table 32-1; and amending Section 21.52.213 by adding Subsection E, all relating to zoning of churches read and adopted as read. (Citywide)

Harvey Cochran spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Lerch, to approve recommendation and adopt Ordinance No. ORD-07-0044. The motion carried by the following vote:**

**Yes:** 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 3 - B. Lowenthal, Schipske and Gabelich

**Enactment No:** ORD-07-0044

#### **NEW BUSINESS (7:17 PM)**

- 34. 07-1159** Recommendation to receive and file report on the Federal Legislative trip to Washington, D.C.

Harvey Cochran spoke.

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

**Yes:** 7 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

**Absent:** 2 - Schipske and Gabelich

35. Affidavit of Service for special meeting held Tuesday, October 2, 2007.

**ANNOUNCEMENTS (7:19 PM)**

Mayor Foster requested that the meeting be adjourned in memory of Edwin Arguelles.

Councilmember Reyes Uranga made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilman Andrews made community announcements.

Vice Mayor B. Lowenthal made community announced; and noted that a memorial was being held for Jeanette Nishikawa on Thursday.

Councilmember O'Donnell made community announcements.

Councilmember Lerch spoke.

Mayor Foster spoke.

City Clerk Larry Herrera introduced the visiting class from California State University, Long Beach.

**ADJOURNMENT (7:29 PM)**

At 7:29 P.M., Mayor Foster adjourned the meeting in memory of Edwin Arguelles.

nem