

Robert Garcia, 1st District  
Suja Lowenthal, Vice Mayor, 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  
James Johnson, 7th District  
Rae Gabelich, 8th District  
Steven Neal, 9th District

Robert E. Shannon, City Attorney

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## 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.

### ROLL CALL (5:19 PM)

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

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.

Vice Mayor Lowenthal presiding.

Invocation: Moment of Silence.

Flag Salute: Councilmember Patrick O'Donnell, Fourth District.

Julie Pruitt, spcaLA, presented a canine.

Robert Shannon, City Attorney, reported concerning the closed session regarding labor negotiations; indicated that the City Council voted unanimously in session today to declare a fiscal emergency; and advised that the City Manager through the Director of Financial Management will prepare a detailed public report outlining the basis for declaring the fiscal emergency.

### PUBLIC COMMENT (5:23 PM)

[10-0929](#)

Rick Richardson spoke in opposition to the skate park at McBride Teen Center; and submitted correspondence.

**This Handout was received and filed.**

Vice Mayor Lowenthal spoke.

Floyd Seymour spoke regarding McBride Park.

Larry Goodhue spoke regarding graffiti.

Sheila Richardson spoke regarding opposition to a skate park at McBride Park.

[10-0930](#) Steve Baker spoke regarding medical marijuana patients; and submitted correspondence from attorney Matthew S. Pappas.

**This Handout was received and filed.**

Jerome Podgajski spoke regarding policing and safety for bicyclist on City streets.

Donald Del Vecchio spoke regarding law enforcement treatment of bicyclists.

Ben Rockwell spoke regarding ADA adherence for City meeting locations; and concerns regarding Public Walkway Occupancy Permits.

Harvey Cochran spoke and deferred to Ernest McBride who spoke in support of the skate park.

Councilman Andrews spoke.

Gilda Ortiz spoke regarding being cited for displaying a single license plate, when her state only issues one plate.

**CONSENT CALENDAR (6:06 PM)**

Ben Rockwell spoke to Agenda Items 10, 11, 12 and 13.

Passed The Consent Calendar

**A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve Consent Calendar Items 1 - 15, except for Items 10, 11 and 12. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

1. [10-0915](#) Recommendation to authorize City Attorney to pay the sum of \$40,000 in full settlement of lawsuit entitled Bruder v. City of Long Beach, et al., Case No. NC052959.

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

2. [10-0830](#) Recommendation to adopt resolution in support of Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

**A motion was made to approve recommendation and adopt Resolution No. RES-10-0093 on the Consent Calendar.**

**Enactment No:** RES-10-0093

3. [10-0916](#) Recommendation to receive and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to the Appropriations Limit Worksheet of the City of Long Beach, California for the year ended September 30, 2009.

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

4. [10-0896](#) Recommendation to approve the minutes for the City Council Meeting and Budget Meeting of Tuesday, August 10, 2010.

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

5. [10-0897](#) Recommendation to refer to City Attorney damage claims received between August 9, 2010 and August 16, 2010.

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

6. [10-0898](#) Recommendation to authorize Department of Development Services to process a refund in the amount of \$50,592 to Pacific Castle Long Beach LP for the property located at 6511 Pacific Coast Highway. (District 3)

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

7. [10-0899](#) Recommendation to receive and file the application of A N D Liquor Incorporated, dba Holdens Liquor Bay, for a person-to-person transfer of an Alcoholic Beverage Control License, at 401 Redondo Avenue, with existing conditions. (District 2)

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

8. [10-0900](#) Recommendation to receive and file the application of Ayres Grill Incorporated, dba Gaucho Grill, for a person-to-person transfer of an Alcoholic Beverage Control License, at 200 Pine Avenue Suite A & B, with existing conditions. (District 2)

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

9. [10-0901](#)

Recommendation to receive and file the application of Elan Horizon Incorporated, dba Elan Horizon, for a person-to-person transfer of an Alcoholic Beverage Control License, at 200 West Willow Street, with existing conditions. (District 6)

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

[see media](#)

10. [10-0912](#)

Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Creama located at 440 Pine Avenue. (District 1)

Councilmember Garcia spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

11. [10-0911](#)

Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at the 4th Street Deli located at 450 Pine Avenue. (District 1)

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

12. [10-0913](#)

Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Sushi Zen Maru located at 454 Pine Avenue. (District 1)

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

13. [10-0902](#)

Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at the Congregation Ale

House located at 201 East Broadway. (District 2)

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

14. [10-0903](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Boubouffe restaurant located at 5313 East Second Street. (District 3)

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

15. [10-0474](#) Recommendation to receive and file minutes for:  
Civil Service Commission - August 4, 2010.  
Cultural Heritage Commission - June 14, 2010.  
Planning Commission - July 15, 2010.

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

#### REGULAR AGENDA (6:11 PM)

[see media](#)

16. [10-0918](#) Recommendation to request City Attorney to prepare a resolution declaring October Filipino-American History Month in Long Beach.

Councilmember Garcia spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

Councilman Andrews spoke.

Councilmember Garcia spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

17. [07-1394](#) Recommendation to City Council to concur in recommendation of the Elections Oversight Committee to amend Long Beach Municipal Code Section 2.01.380 concerning officeholder accounts to conform to State regulations requiring reporting of all expenditures and contributions of \$100 or more.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

18. [10-0757](#)

Recommendation to City Council to concur in recommendation of the Elections Oversight Committee to amend Long Beach Municipal Code Section 2.01.1020 concerning increasing the amount from five thousand dollars (\$5,000) to ten thousand dollars (\$10,000) that an officeholder may retain in Surplus Funds for expenditures associated with holding such office.

Vice Mayor Lowenthal spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

19. [10-0917](#)

Recommendation to receive and file the Queen Mary Capital Improvements Audit, and revisit Save the Queen's performance of capital improvements subsequent to its final benchmark deadline of December 31, 2010.

Laura L. Doud, City Auditor, spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Ben Rockwell spoke.

Harvey Cochran spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation; and request the City Manager to monitor Save the Queen's performance. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

20. [10-0904](#)

Recommendation to adopt resolution authorizing City Manager to execute documents for the delivery of a new Letter of Credit agreement for the 2004 Series A Taxable Variable Rate Demand Revenue Bonds (Long Beach Towne Center Site Refinancing Project) and approving related documents at an annual cost not to exceed \$100,000. (District 5)

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-10-0094. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**Enactment No:** RES-10-0094

[see media](#)

21. [10-0905](#)

Recommendation to receive and file Investment Report for Quarter ending June 30, 2010. (Citywide)

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

22. [10-0906](#)

Recommendation to adopt resolution authorizing the issuance of Tax and Revenue Anticipation Notes in an amount not to exceed \$75 million; and authorize City Manager to execute all necessary documents. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0095. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**Enactment No:** RES-10-0095

[see media](#)

**23.** [10-0907](#)

Recommendation to receive and file the application of Fresh & Easy Neighborhood Market Incorporated, dba Fresh & Easy Neighborhood Market, for an original Alcoholic Beverage Control License, at northeast corner Atlantic Avenue and 33rd Street, with conditions. (District 7)

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

**24.** [10-0908](#)

Recommendation to authorize Department of Public Works to convert one parking space in the public right-of-way in front of 443 Pine Avenue (Kress Market) into an on-street bike parking corral. (District 1)

Councilmember Garcia spoke.

Harvey Cochran spoke.

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

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

**25.** [10-0909](#)

Recommendation to increase the contract contingency for Contract No. 31640 with MG Construction & Development, Inc., for the Vista Street Bike Boulevard, Project No. R-6830 in the amount of \$70,000, to allow for additional street work needed due to unforeseen poor soil conditions, and concrete removal. (District 3)

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

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



**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

26. [10-0910](#) Recommendation to adopt resolution approving the Traffic Mitigation Program Eighteenth Annual Report (Fiscal Year 2008-09). (Citywide)

**A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-10-0096. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**Enactment No:** RES-10-0096

### ORDINANCES (6:43 PM)

[see media](#)

27. [10-0817](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 10.41.010, 10.41.040, 10.41.060, 10.41.080, 10.56.020, 10.56.030, 10.56.040 and 10.56.060, all relating to overweight vehicles and cargo 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 DeLong, 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 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

28. [10-0808](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 14.14.010, and Subsections 14.14.020.D and 14.14.045.B, all relating to public walkways occupancy permits read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Motion: Approve recommendation.  
Moved by DeLong, seconded by Neal.

Councilwoman Gabelich spoke.

Motion: Substitute motion that the item be laid over and returned with a provision added to allow the right of applicants to appeal the decision of the Public Works Department to the City Council.

Moved by Gabelich, seconded by Neal.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Ben Rockwell spoke.

**A second substitute motion was made by Councilmember Johnson, seconded by Councilmember DeLong, that the item be laid over and returned with a provision added to allow the right of applicants to appeal the decision of the Public Works Department to the City Council, with the addition of an appeal fee for the applying business. The motion carried by the following vote:**

**Yes:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**NEW BUSINESS:**

29. [10-0928](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, August 24, 2010.

**This Agenda Item was received and filed.**

30. Affidavits of Service for the special meetings held Tuesday, August 24, 2010.

**ANNOUNCEMENTS (7:03 PM)**

Councilwoman Gabelich made community announcements.

Councilman Andrews made community announcements.

Councilmember Neal made community announcements.

Councilmember Johnson made community announcements.

Councilmember Garcia made community announcements.

Vice Mayor Lowenthal made community announcements.

**PUBLIC (7:10 PM)**

Harvey Cochran spoke regarding the K-9 Units.

Mr. Boland spoke regarding pensions.

Patrick Ford spoke regarding two crosswalks in Belmont Shore without traffic lights.

**ADJOURNMENT (7:18 PM)**

At 7:18 PM, Vice Mayor Lowenthal adjourned the meeting.

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