

Vacant, 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 & MINTUES

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, with the exception of Agenda Item No. 5, which was pulled from the Consent Calendar for discussion and considered immediately following the Consent Calendar items.

ROLL CALL (5:25 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Heather Mahood, Chief Assistant City Attorney; Mike 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: Patrick O'Donnell, Councilmember, Fourth District.

Kathy Schofield, spcaLA, presented a canine.

Mayor Foster announced that Agenda Item Nos. 20 and 26 were withdrawn.

Presentation on Week of the Child.

Councilman Andrews spoke.

Proclamation for Childrens' Day.

Proclamation for Earth Day.

HEARINGS (5:45 PM)

[see media](#)

1. [09-0378](#) Recommendation to conduct a public hearing on proposed amendments to the Zoning Regulations regarding Green Building requirements; and receive supporting documentation into the record, conclude the hearing and declare ordinance amending the Zoning Regulations read the first time and laid over to the next regular meeting of the City Council for final reading; and

Councilmember O'Donnell spoke.

Ann Cantrell spoke.

Francis Emily Dawson Harris spoke.

Mayor Foster spoke.

Councilmember S. Lowenthal spoke.

Mayor Foster spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember S. Lowenthal, 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: 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: ORD-09-0013

[09-0379](#)

Receive supporting documentation into the record, conclude the hearing and adopt resolution authorizing City Manager to submit amendments to the Long Beach Zoning Regulations to the California Coastal Commission for its review and approval as an implementing ordinance of the Local Coastal Program. (Citywide)

A motion was made by Councilmember O'Donnell, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0036. The motion carried by the following vote:

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

Enactment No: RES-09-0036

[see media](#)

2. [09-0380](#) Recommendation to receive supporting documentation into the record,

conclude the hearing and grant the Permit, with conditions, on the application of Club Investment LP, dba Ice Bar, 49 South Pine Avenue, for Entertainment With Dancing by Patrons at an existing restaurant. (District 2)

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation to grant Permit, with conditions, for a one year period. The motion carried by the following vote:

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

[see media](#)

3. [09-0381](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution amending the Master Fee and Charges Schedule for specified City services for the following departments: City Clerk; City Prosecutor; Community Development; Development Services; Financial Management; Gas and Oil; Fire; Health and Human Services; Library Services; Long Beach Airport; Parks, Recreation and Marine; Police; and Public Works Departments. (Citywide)

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Havey Cochran spoke.

Ryan Smith spoke.

Francis Emily Dawson Harris spoke.

A motion was made by Councilman Andrews, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-09-0037. The motion carried by the following vote:

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

Enactment No: RES-09-0037

PUBLIC COMMENT (6:26 PM)

[09-0427](#) Randy Gordon, Long Beach Chamber, spoke regarding Jet Blue and modernization of the airport and submitted correspondence in support.

This Handout was received and filed.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Suzanne Frick, Assistant City Manager, spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

[09-0428](#) Heloise Torquato spoke regarding damage claim and submitted correspondence.

This Handout was received and filed.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

[09-0429](#) Mary Suttie spoke regarding destruction at the wetland site and submitted photographs.

This Handout was received and filed.

Tom Stout spoke regarding police lawsuit and the wetlands.

Beau Wilkins spoke regarding open land that was not being used.

John Deats spoke regarding airport issues.

Vice Mayor Lerch spoke.

Councilwoman Gabelich spoke.

[09-0430](#) Margaux Kohut spoke regarding targeting homeless and submitted correspondence.

This Handout was received and filed.

Harvey Cochran spoke regarding La Rizza pizza and mental illness facility.

Sharon Lank and Patricia Viramontes spoke regarding homeless facilities.

Mike Ruehle spoke regarding the parking commission and Brown Act violations.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

CONSENT CALENDAR (7:06 PM)

Passed The Consent Calendar

A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to approve Consent Calendar Items 4 - 17, except for Item 5. The motion carried by the following vote:

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

4. [09-0383](#) Recommendation to receive and file 3rd and 4th Quarters of Cash and Investments for the quarters ending June 30, 2008, and September 30, 2008.

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

[see media](#)

5. [09-0406](#) Recommendation to receive and file the Purchasing Card Audit.

Distributed at the meeting: Memorandum from Lori Ann Farrell, Director of Financial Management, entitled, Purchasing Card Audit - Item #5 on the April 21, 2009 City Council Agenda.

Laura L. Doud, City Auditor, spoke.

Lori Ann Farrell, Director of Financial Management, spoke.

Councilwoman Gabelich spoke.

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

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

6. [09-0384](#) Recommendation to approve the City Council minutes and the Budget Meeting minutes for the meetings of Tuesday, April 7, 2009.

A motion was made to approve recommendation on the Consent Calendar.
7. [09-0385](#) Recommendation to refer to City Attorney damage claims received between April 6, 2009 and April 13, 2009.

A motion was made to approve recommendation on the Consent Calendar.
8. [09-0386](#) Recommendation to approve the destruction of records for the Human Resources Department as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-09-0038 on the Consent Calendar.

Enactment No: RES-09-0038
9. [09-0382](#) Recommendation to authorize City Manager, or designee, to execute a second amendment to the agreement between the City of Long Beach and the County of Los Angeles to provide HIV/AIDS Health Education/Risk Reduction services in the amount of \$104,478 for the period of January 1, 2009 through June 30, 2009. (Citywide)

A motion was made to approve recommendation on the Consent Calendar.
10. [09-0387](#) Recommendation to authorize City Manager, or designee, to execute a First Amendment to Contract No. 31000 with Gen-Probe Sales and Service, Inc., to increase the annual contract amount to purchase diagnostic test kits for an amount not to exceed \$225,000, plus a ten percent contingency for additional test kits if necessary, with the option to extend the contract for two additional years at the discretion of the City Manager. (Citywide)

A motion was made to approve recommendation on the Consent Calendar.
11. [09-0388](#) Recommendation to adopt resolution to temporarily close and remove from public use a portion of Shoreline Drive in connection with the 2009 Long Beach Lesbian and Gay Pride Parade and Festival. (District 2)

A motion was made to approve recommendation and adopt Resolution No. RES-09-0039 on the Consent Calendar.

Enactment No: RES-09-0039
12. [09-0326](#) Recommendation to authorize City Manager to execute a First Amendment to Lease No. 29143 between the City of Long Beach and Malibu Ceramic Works, a California corporation, for City-owned property

located at 903 Fairbanks Avenue, in order to re-define in-kind programming. (District 1)

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

13. [09-0389](#) Recommendation to adopt resolution ordering the summary vacation of those certain alleys west of Atlantic Avenue and north of 15th Street adjacent to the Roosevelt Elementary School. (District 1)

A motion was made to approve recommendation and adopt Resolution No. RES-09-0040 on the Consent Calendar.

Enactment No: RES-09-0040

14. [09-0390](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at George's Greek Cafe located at 100 West Broadway Street, Suite 1200. (District 2)

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

15. [09-0391](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Pasta Al Dente located at 5856 Naples Plaza. (District 3)

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

16. [09-0392](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Starbucks located at 3900 East Ocean Boulevard. (District 3)

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

17. [09-0393](#) Recommendation to receive and file minutes for:
Civil Service Commission - April 1, 2009.

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

REGULAR AGENDA (7:11 PM)

[see media](#)

18. [09-0395](#) Recommendation to respectfully request that City Council discuss in closed session the progress of the Real Estate Exchange agreement involving the 12.1 acres of City-owned land for surface rights to approximately 33.77 acres of privately owned wetlands before authorizing the City Manager to execute the agreement.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Mike Ruehle spoke.

Elizabeth Lamb spoke.

Councilmember DeLong spoke.

Pat West, City Manager, spoke.

Ann Cantrell spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Pat Towner spoke.

Alan Songer spoke.

Carie Alley spoke.

Joel Wienstein spoke.

Mary Parcell spoke.

Joan Holly McGrath spoke.

Sandy Van Horn spoke.

Thomas Marchese spoke and submitted correspondence.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, 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

[see media](#)

19. [09-0404](#)

Recommendation to respectfully request Mayor and City Council to declare May as "Bicycle Month" in Long Beach to promote alternative mobility options and healthier lifestyles for our residents; and

Request City Manager to work with local and regional organizations to support the following bicycle events occurring in Long Beach:

- Changing Gears - May 2nd
- Bike To Work Day - May 14th
- Car Free Fridays - May 22nd, then every First Friday through summer
- Tour de Cure - May 31st
- Los Angeles River Ride - June 7th
- Long Beach Children & Families Ride - June 7th

Councilmember S. Lowenthal spoke.

Councilmember O'Donnell spoke.

Tony Cruz, Bicycle Ambassador for Long Beach, spoke.

Vice Mayor Lerch spoke.

Councilmember DeLong spoke.

Joe Weinstein spoke.

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

20. 09-0405

Recommendation to receive and file report on the actions taken at the Metropolitan Water District Board meeting held on April 14, 2009.

This Agenda Item was withdrawn.

[see media](#)

21. [09-0403](#)

Recommendation to approve an amendment to Civil Service Rules and Regulations, Section 115 -- Exceptions to Rules May Be Authorized.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Mario Beas, Executive Director Civil Service, spoke.

Councilmember DeLong spoke.

Mario Beas, Executive Director Civil Service, spoke.

Vice Mayor Lerch spoke.

Mario Beas, Executive Director Civil Service, spoke.

Councilmember Reyes Uranga spoke.

A substitute motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Schipske, to remand to Civil Service to look at and use Section 27 as an avenue to retain full-time City employees, as a six month to one year option. The motion failed by the following vote:

Yes: 3 - O'Donnell, Schipske and Reyes Uranga

No: 5 - S. Lowenthal, DeLong, Andrews, Gabelich and Lerch

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

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

No: 1 - Reyes Uranga

[see media](#)

22. [09-0396](#)

Recommendation to authorize City Manager to execute any and all documents necessary for reciprocal Grant of Easements and a Right of Entry Agreement with the Long Beach Unified School District; and

Authorize City Manager to accept the conveyance of Redevelopment Agency-owned property located at 1790 Atlantic Avenue as part of the public sidewalk and street improvement project. (District 6)

Councilman Andrews spoke.

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

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Lerch

Absent: 2 - Reyes Uranga and Gabelich

[see media](#)

23. [09-0397](#)

Recommendation to adopt Specifications No. PA-00608 and award contract to Scher Tire, Inc., for the purchase of vehicle tires in the amount of \$480,000 for a period of one year, with the option of renewing for one additional one-year period, and adding expenditures up to 10 percent (or \$48,000) above the annual contract amount, if necessary and if funds are available, at the discretion of the City Manager; plus an additional \$153,000 to cover expenditures made during the procurement process, for a total of \$633,000 in the first year. (Citywide)

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

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Lerch

Absent: 2 - Reyes Uranga and Gabelich

[see media](#)

24. [09-0398](#)

Recommendation to authorize City Manager, or designee, to execute all necessary documents, and any subsequent amendments, between the City of Long Beach and the United States Department of Housing and Urban Development (HUD) to accept American Recovery and Reinvestment Act funding in the amount of \$3,874,939 for the Healthy Homes Initiative (\$874,992) and the Lead-Based Paint Hazard Control Program (\$2,999,947) for a period of three years from April 1, 2009 through March 31, 2012; and increase appropriations in the Health Fund (SR 130) and in the Department of Health and Human Services (HE) by their respective amounts for a total of \$3,874,939. (Citywide)

Distributed at the meeting: A PowerPoint presentation entitled, Lead Base Paint Hazard Control and Healthy Homes Demonstration Grant Agreements.

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, Reyes Uranga and Lerch

Absent: 1 - Gabelich

[see media](#)

25. [09-0401](#)

Recommendation to receive and file the application of CLE All Stars Cafe Incorporated, dba La Lune Restaurant, for an original Alcoholic Beverage Control License, at 1458 Atlantic Avenue, with conditions. (District 6)

Distributed at the meeting: Conditions requested by Councilman Andrews for the ABC License.

A motion was made by Councilman Andrews, 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

[see media](#)

26. [09-0394](#)

Recommendation to increase the contingency percentage for Contract No. 30696 with Brian Mendoza, dba Freeway Electric, for the installation of streetlights at California State University at Long Beach on Bellflower Boulevard and Palo Verde Avenue, from 15 percent to 25 percent due to extra work required relating to SCE meter locations. (District 3)

This Contract was withdrawn.

[see media](#)

27. [09-0361](#)

Recommendation to authorize City Manager to allocate Public, Education and Government (PEG) fee revenue equally among the three categories of cable access providers, each receiving one-third of the total available. (Citywide)

Distributed at the meeting: Correspondence from F. King Alexander, President, CSULB; and Paula McColm.

Councilmember O'Donnell spoke and submitted comments regarding Long Beach Media and Arts Center.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Ray Sharp spoke.

Harvey Cochran spoke.

Whimsical Wendy spoke and submitted written comments.

Francis Emily Dawson Harris spoke.

Julianna Rodriguez spoke.

Rachel Garcia spoke.

Denise Penn spoke.

Minister Reginald Jackson spoke and submitted written comments.

Steve Long spoke and submitted written comments.

Judy Baker spoke and submitted written comments.

Antonio Ruiz spoke.

Douglas Wood spoke.

Summer Hansen spoke.

Matt Kaplan spoke.

Melanie Parhan spoke.

Jim Oberst spoke.

Unidentified woman spoke.

Jack Smith spoke.

Diane McNinch spoke.

Thomas Marchese spoke.

Karen La Mantia spoke and submitted written comments.

Mo Power spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Motion: Substitute motion to add that public access receive 80% first year and 10% to each of the others two groups.
Moved by Gabelich, seconded by S. Lowenthal.

Councilwoman Gabelich withdrew her substitute motion.

Councilmember O'Donnell spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Reyes Uranga, to approve recommendation that staff: 1) move ahead with the RFP process and set firm dates for its release and return to the City Council for final approval; 2) create accountability standards for any entity receiving any of the PEG funds; 3) re-adjust the allocation to reflect 80% of funding to public access for the first year and the remaining 20% split evenly between education and government, with following year's annual allocation at 50% of funding to public access; and 4) allow for further Council and public input into the RFP process. The motion carried by the following vote:

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

No: 1 - DeLong

ORDINANCES (10:06 PM)

[see media](#)

28. [09-0339](#) Recommendation to declare ordinance involving the temporary limitation (moratorium) on smoking lounges; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Ordinance No. ORD-09-0009) (Citywide)

A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to declare urgency Ordinance No. ORD-09-0009, read and adopted as read. The motion carried by the following vote:

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

Enactment No: ORD-09-0009

[see media](#)

29. [09-0278](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 21.60, Divisions I through III, relating to relocation assistance, read and adopted as read. (Citywide)

Francis Emily Dawson Harris spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember Reyes Uranga, to approve recommendation and adopt Ordinance No. ORD-09-0010. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

No: 2 - DeLong and O'Donnell

Enactment No: ORD-09-0010

[see media](#)

30. [09-0362](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 2.33.020 relating to the Citizens' Advisory Commission on Disabilities, read and adopted as read. (Citywide)

Francis Emily Dawson Harris spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0011. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Absent: 2 - DeLong and Lerch

Enactment No: ORD-09-0011

[see media](#)

31. [09-0363](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 15.40.130; and by repealing Section 15.40.140 and Section 15.40.150, all relating to natural gas pipeline regulations, read and adopted as read. (Citywide)

A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to approve recommendation and adopt Ordinance No. ORD-09-0012. The motion carried by the following vote:

Yes: 5 - S. Lowenthal, Schipske, Andrews, Reyes Uranga and Gabelich

Absent: 3 - DeLong, O'Donnell and Lerch

Enactment No: ORD-09-0012

NEW BUSINESS (10:10 PM)

32. Affidavit of Service for the special meeting held Tuesday, April 21, 2009.

ANNOUNCEMENTS (10:10 PM)

Councilwoman Gabelich made community announcements; and requested that the meeting be adjourned in memory of Mike Adams.

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Reyes Uranga made community announcement.

PUBLIC (10:18 PM)

Terry Barton spoke regarding creating jobs.

Mayor Foster made a community announcement.

ADJOURNMENT (10:21 PM)

At 10:21 P.M., Mayor Foster adjourned the meeting in memory of Mike Adams.

nem