

Robert Garcia, 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, Vice Mayor, 9th District

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

SPECIAL MEETING

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.

ROLL CALL (7:13 PM)

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

Councilmembers Lowenthal 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; Thomas Reeves, City Prosecutor; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence in memory of fallen firefighters, Captain Tedmund D. Hall and Firefighter Specialist Arnaldo Quinones.

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

Mayor Foster announced that Agenda Item No. 13 was withdrawn.

SECOND ROLL CALL (7:18 PM)

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

Lowenthal joined the meeting.

Gabelich joined the meeting.

HEARING (7:14 PM)

[see media](#)

1. [09-0874](#) Recommendation to receive supporting documentation into the record, conclude the public hearing; and adopt resolution making certain findings regarding the construction of certain public improvements with redevelopment funds; and

Chris Lewis, Cushman & Wakefield, spoke and submitted written correspondence.

Ben Rockwell spoke.

Councilmember Garcia spoke.

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0085. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0085

[see media](#)

[09-0901](#)

Adopt resolution approving an agreement for exchange of real property between the Redevelopment Agency of the City of Long Beach, California, and the State of California; finding that the consideration for the sale of certain real property in the Central Long Beach Redevelopment Project Area is not less than fair market value in accordance with covenants and conditions governing such sale; and approving the sale of the property and the agreement. (Districts 1,2)

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0086. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0086

PUBLIC COMMENT (7:33 PM)

Ben Rockwell spoke regarding curb cuts.

Larry Goodhue spoke regarding planning.

Vicki Cooper spoke regarding inspection fee collection.

Nelson Kerr, Environmental Health Bureau Manager, spoke.

CONSENT CALENDAR (7:46 PM)

Passed The Consent Calendar

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to approve Consent Calendar Items 2 - 12. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

2. [09-0893](#) Recommendation to authorize City Attorney to pay the sum of \$45,000 in full settlement of lawsuit entitled Able Garcia v. City of Long Beach, et al., Case No. CV07-2266 DDP.

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

3. [09-0895](#) Recommendation to approve the City Council and the Budget Workshop minutes for the meetings held Tuesday, August 11, 2009 and Tuesday, August 18, 2009.

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

4. [09-0899](#) Recommendation to refer to City Attorney damage claims received between August 10, 2009 and August 24, 2009.

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

5. [09-0894](#) Recommendation to approve the destruction of records for the Long Beach Police Department as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-09-0087 on the Consent Calendar.

Enactment No: RES-09-0087

6. [09-0875](#) Recommendation to authorize City Manager to execute all necessary agreements with the State of California to receive \$114,253 in Workforce

Investment Act funds to operate the Disability Program Navigator Initiative; to execute all necessary documents with partners in an amount totaling \$74,000; and to execute any subsequent needed amendments. (Citywide)

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

7. [09-0876](#) Recommendation to authorize City Manager to execute all necessary documents with Long Beach Memorial Medical Center to operate a customized training program for Patient Care Assistants in an amount of \$70,000, and to execute any needed subsequent amendments. (Citywide)

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

8. [09-0877](#) Recommendation to authorize City Manager to execute the Thirteenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of three months, from October 1, 2009 through December 31, 2009, for the sale of Christmas trees, using the portion of the former Pacific Electric right-of-way property located between Ximeno and Tremont Avenues. (District 3)

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

9. [09-0878](#) Recommendation to authorize City Manager to execute a permit with Mr. Arnaud Vuillermet, an individual doing business as Kitemasters, to operate a kitesurfing concession for a two-year term. (District 3)

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

10. [09-0879](#) Recommendation to authorize City Manager to execute a license agreement with South Coast Ecumenical Council for use of City-owned property, west of Marina Drive, between Joe's Crab Shack restaurant and Marina Shipyard, to conduct a certified farmers' market for a five-year term, with one five-year renewal option, at the discretion of the City Manager or his designee. (District 3)

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

11. [09-0880](#) Recommendation to authorize City Manager or designee to accept an easement deed for storm drain purposes; and authorize a quitclaim of the easement to the County of Los Angeles, related to the development of Douglas Park. (District 5)

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

12. [09-0896](#) Recommendation to receive and file minutes of:
Civil Service Commission - July 29 and August 5, 2009.
Parks and Recreation Commission - July 16, 2009.
Planning Commission - July 16, 2009.

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

REGULAR AGENDA (7:47 PM)

13. 09-0897 Recommendation to respectfully request that City Council request the City Attorney to prepare and present a draft amendment to Long Beach Municipal Code Section 16.16.010 (E) Prohibited acts, to reflect the Santa Barbara and Eugene initiatives, creating a provision for Councilmembers with the help of City staff to designate discrete and distinct areas of their Council Districts where people would be allowed to park and sleep overnight to help Long Beach Economic Refugees; and

Respectfully request that City Council request the City Manager to instruct City departments in 60 days to:

- 1) Identify possible parking lot locations (City, nonprofit and for profit) throughout the City that can be used for overnight parking. Explore funding opportunities that would allow such specially designated areas to be matched with staffing, security, and social services, as is done in Santa Barbara County;
- 2) Establish conditions on how many nights a vehicle can park overnight in one of the lots, where information will be provided on transitioning to a more permanent housing program. For each area we should assess helping these people in their time of need. Staff should establish quality controls on the behavior of the parking lot users to protect residential and commercial neighbors and others staying in the same lot. Establish an economic means test and requiring proof of former residency in Long Beach; and
- 3) Staff should recommend areas for overnight parking. Staff should consider parking impact, noise, issues relating to access to restrooms and/or waste disposal, trash, security and access to social services for the overnight vehicle parking.

This Agenda Item was withdrawn.

[see media](#)

14. [09-0898](#) Recommendation to respectfully request that City Council request the City Manager to update the existing Long Beach Victim Resource Guide

information by utilizing the attached information and any other vital information to assist victims of crime; and report back to City Council in 60 days.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

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

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

15. [09-0906](#)

Recommendation to approve a one-time waiver for the restriction of alcohol at the El Dorado Nature Center for a Partners of Parks-sponsored event commemorating the 40th Anniversary of the Center on September 26, 2009.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, indicated that a resolution was required.

Diane Wiley spoke on behalf of Partners of Parks.

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-09-0088. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0088

[see media](#)

16. [09-0908](#)

Recommendation to receive and file report on efforts to increase the recycling of fishing line by installing recycling containers in City of Long Beach parks.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

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

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

17. [09-0882](#)

Recommendation to adopt resolution approving the Annual Assessment Report for October 1, 2009 to September 30, 2010, for the Long Beach Tourism Business Improvement Area, declaring its intention to levy the annual assessment; and set date of hearing for Tuesday, September 22, 2009, at 5:00 p.m. (Districts 1,2,4,5)

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0089. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0089

[see media](#)

18. [09-0883](#)

Recommendation to authorize City Manager to execute all documents with the State of California to receive \$185,277 in Workforce Investment Act funds to operate the California New Start/Prison-to-Employment program, and to execute any needed subsequent amendments. (Citywide)

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

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

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

Absent: 1 - Garcia

[see media](#)

19. [09-0884](#)

Recommendation to authorize City Manager to execute all necessary agreements with the U.S. Environmental Protection Agency to receive \$452,212 in American Recovery and Reinvestment Act (ARRA) funds to operate a Brownfields Job Training program; to execute all necessary documents with subcontractors in an amount totaling \$228,500; and to execute any needed subsequent amendments. (Citywide)

Councilmember Reyes Uranga spoke.

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

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

Absent: 1 - Garcia

[see media](#)

20. [09-0885](#)

Recommendation to adopt resolution making certain findings regarding the construction of certain public improvements with funds from the West Long Beach Industrial Redevelopment Project;

Patrick West, City Manager, spoke.

Tony Rivera, Westside PAC, spoke.

Paul Collins, Westside PAC, spoke.

Vice Mayor Lerch spoke.

Councilwoman Gabelich spoke and submitted a PowerPoint presentation.

Patrick West, City Manager, spoke.

Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

A substitute motion was made by Vice Mayor Lerch, seconded by Councilmember Reyes Uranga, that the agreement would separate the West Long Beach Industrial Redevelopment Project from the North Long Beach Redevelopment Project. The motion failed by the following vote:

Yes: 4 - Schipske, Reyes Uranga, Gabelich and Lerch

No: 5 - Garcia, Lowenthal, DeLong, O'Donnell and Andrews

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0090. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, DeLong, O'Donnell and Andrews

No: 4 - Schipske, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0090

[see media](#)
[09-0886](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with funds from the North Long Beach Redevelopment Project; and

Authorize City Manager to amend the Fourth Amendment to the Amended and Restated Cooperation Agreement between the City of Long Beach and the Redevelopment Agency of the City of Long Beach. (Districts 1,2)

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0091. The motion carried by the following vote:

Yes: 5 - Garcia, Lowenthal, DeLong, O'Donnell and Andrews

No: 4 - Schipske, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-09-0091

[see media](#)

21. [09-0887](#) Recommendation to receive and file the Fiscal Year 2009 Third Quarter Budget Performance Report. (Citywide)

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, Reyes Uranga, Gabelich and Lerch

[see media](#)

22. [09-0888](#) Recommendation to receive and file the Fiscal Year 2009 Third Quarter Operational Performance Report. (Citywide)

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

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

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

Absent: 2 - Garcia and Reyes Uranga

[see media](#)

23. [09-0889](#) Recommendation to receive and file Investment Report for Quarter Ending June 30, 2009. (Citywide)

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

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

Absent: 2 - Garcia and Reyes Uranga

[see media](#)

24. [09-0890](#) Recommendation to adopt resolution authorizing the issuance of Tax and Revenue Anticipation Notes in an amount not to exceed \$60 million; and authorize City Manager to execute all necessary documents. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0092. The motion carried by the following vote:

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

Absent: 1 - Garcia

Enactment No: RES-09-0092

[see media](#)

25. [09-0892](#)

Recommendation to authorize City Manager to execute agreements for as-needed architectural services with expertise in sustainable and LEED-certified designs with the City selected firms Gruen Associates, WWCOT, Transystems Corporation, and Gonzalez Goodale Architects, in the amount not to exceed \$200,000 per consultant, for a two-year term;

Authorize City Manager to execute agreements for as-needed design firms for LEED-certified architectural design services with the Redevelopment Agency (RDA) selected firms Dougherty and Dougherty Architects, Sparano and Mooney Architects, and Gonzalez Goodale Architects in the amount not to exceed \$200,000 per consultant, for a two-year term;

Authorize that all seven of the above as-needed design contracts can jointly be used by the City and by the RDA; and

Execute amendments to the agreements, relative to extending the terms for up to two additional one-year terms, authorize additional services, if required, within the provisions of the agreements, and adjust the fee schedule of hourly rates for inflation as appropriate and if funds are available. (Citywide)

Councilmember DeLong spoke.

Vice Mayor Lerch spoke.

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lerch, to approve recommendation, with the deletion of the following statement: "the fee schedule of hourly rates for inflation as appropriate and if funds are available." The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga and Lerch

Absent: 2 - Garcia and Gabelich

ORDINANCES (10:07 PM)

[see media](#)

26. [09-0859](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Section 8.68.075, relating to smoking prohibited at bus stops, read and adopted as read. (Citywide)

A motion was made by Councilmember Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0025. The motion carried by the following vote:

Yes: 6 - Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga and Lerch

Absent: 3 - Garcia, O'Donnell and Gabelich

Enactment No: ORD-09-0025

[see media](#)

27. [09-0860](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Section 8.68.085, relating to smoking prohibited at farmers' markets, read and adopted as read. (Citywide)

A motion was made by Councilmember Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0026. The motion carried by the following vote:

Yes: 5 - Lowenthal, Schipske, Andrews, Reyes Uranga and Lerch

Absent: 4 - Garcia, DeLong, O'Donnell and Gabelich

Enactment No: ORD-09-0026

BUDGET HEARING 7:00 PM (10:09 PM)

[see media](#)

28. [09-0900](#)

Recommendation to conduct a budget hearing to review Fiscal Year 2010 departmental budget proposals; and to receive public input. (Citywide)

Robert Shannon, City Attorney, spoke and submitted correspondence.

Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Reyes Uranga spoke.

Laura L. Doud, City Auditor, spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Thomas Reeves, City Prosecutor, spoke and submitted correspondence.

Councilmember DeLong spoke.

NEW BUSINESS (11:01 PM)

29. Affidavits of Service for the special meetings held Monday, August 31, 2009 and Tuesday, September 1, 2009.

ANNOUNCEMENTS (11:01 PM)

Mayor Foster requested that the meeting be adjourned in memory of Senator Ted Kennedy.

Councilmember Lowenthal made community announcements.

Councilwoman Gabelich made community announcements.

Councilwoman Schipske requested that the meeting be adjourned in memory of Silver Star recipient Sergeant Israel Garcia.

Mayor Foster spoke.

Councilmember Reyes Uranga requested that the meeting be adjourned in memory of Odell Knight.

ADJOURNMENT (11:07 PM)

At 11:07 PM, Mayor Foster adjourned the meeting in memory of Senator Ted Kennedy, Silver Star recipient Sergeant Israel Garcia and Odell Knight.

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