

Dr. Robert Garcia, 1st District
Dr. Suja Lowenthal, Vice Mayor, 2nd District
Gary DeLong, 3rd District
Patrick O'Donnell, 4th District



Gerrie Schipske, R.N.P./J.D., 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Rae Gabelich, 8th District
Steven Neal, 9th District

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

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 (5:20 PM)

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

Also present: Patrick West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Michael 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.

Pledge of Allegiance: Robert Garcia, Councilmember, First District.

PUBLIC COMMENT (5:21 PM)

Larry Goodhue spoke regarding a variety of issues.

[12-0160](#)

Diana Lejins spoke regarding hunger in the United States; and submitted written comments.

This Agenda Item was received and filed.

CONSENT CALENDAR (5:26 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilmember Johnson, to approve Consent Calendar Items 1 - 6. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - DeLong

1. [12-0116](#) Recommendation to refer to City Attorney damage claims received between January 30, 2012 and February 6, 2012.
A motion was made to approve recommendation on the Consent Calendar.
2. [12-0124](#) Recommendation to receive and approve changes to the Conflict of Interest Code of the City of Long Beach Library Services Department and the Department of Parks, Recreation and Marine.
A motion was made to approve recommendation on the Consent Calendar.
3. [12-0117](#) Recommendation to authorize City Manager to execute all documents necessary to enter into a cooperative agreement with the City of Lakewood for the resurfacing of Carson Street adjacent to the Towne Center. (District 5)
A motion was made to approve recommendation on the Consent Calendar.
4. [12-0118](#) Recommendation to authorize City Manager to apply for the 2012-2013 California Department of Resources Recycling and Recovery (CalRecycle) Local Government Waste Tire Cleanup Grant, to accept the grant funds, and to execute all documents necessary to implement the program, utilizing the previously adopted five-year Resolution No. RES-11-0033. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
5. [12-0121](#) Recommendation to authorize City Manager to execute a right-of-entry permit with East Anaheim Street Business Alliance to allow access to City traffic signal infrastructure for the purpose of installing and maintaining video surveillance equipment. (District 4)
A motion was made to approve recommendation on the Consent Calendar.
6. [12-0119](#) Recommendation to authorize City Manager to execute an agreement and all related documents with Time Warner Cable to provide high-speed data communications services for the Long Beach Public

Library in an amount not to exceed \$50,000 in total expenditures annually for three years. (Citywide)

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

UNFINISHED BUSINESS (5:27 PM)

[see media](#)

7. [11-1156](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.89 prohibiting the establishment and operation of medical marijuana dispensaries within the City of Long Beach and by repealing Chapter 5.87 relating to medical marijuana collectives read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately. (Citywide)

Robert Shannon, City Attorney, spoke.

Jim McDonnell, Chief of Police, spoke.

Mayor Foster spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke; and submitted language for a temporary exemption.

Vice Mayor Lowenthal spoke.

Councilmember Neal spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke; and submitted moratorium language.

Motion: Substitution motion to draft an emergency ordinance to implement a temporary moratorium on the issuance of permits pursuant to ordinance Section 5.87.030 (D) and (E) until 90 days after the Supreme Court issues a ruling on the Pack case; with an explicit provision that none of the collectives currently in operation are deemed to be in conformance with the ordinance, and thus none are grandfathered into any conforming use thereunder; and request that the City Attorney pursue injunctive relief pursuant to ordinance Section 5.87.100(C) against those collectives that are in contradiction to the zoning restrictions of Chapter 5.87 of the Long Beach Municipal Code, in defiance of this Council's legislative intent and California State law; and request that the City Prosecutor pursue criminal misdemeanor actions pursuant to ordinance Section 5.87.100(A) against the operators that are in contradiction to the zoning restrictions of Chapter 5.87 of the Long Beach Municipal Code, in defiance of this Council's legislative intent and California State law; and request that staff prepare an additional layer of enforcement targeting landlords, such that they are discouraged from allowing collectives shut down by the above actions from reopening. Moved by Lowenthal, seconded by Gabelich.

Mayor Foster spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Councilmember Garcia spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Motion: Second substitute motion to introduce for first reading a revised ordinance that: [1] prohibits marijuana dispensary and cultivation sites in the City; [2] provides a temporary exemption from ordinance prohibitions, until February 2013 or when the Supreme Court ruling in the Pack case is reached, for those collectives/dispensaries that were successful participants in the September 20, 2010, permit lottery, provided that such collectives/dispensaries are operating under the provisions of Chapter 5.87 of the Long Beach Municipal Code as of February 14, 2012. Moved by Gabelich, seconded by Neal.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Vice Mayor Lowenthal spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich withdrew her second substitute motion.

Vice Mayor Lowenthal withdrew her substitute motion.

A motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to declare emergency to exist. The motion carried by the following vote:

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

A motion was made by Councilwoman Gabelich, seconded by Councilmember Garcia, to reconsider the previous motion to declare an emergency to exist, which was tied to the second substitute motion made by Councilwoman Gabelich. The motion carried by the following vote:

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

A motion was made by Councilmember Garcia, seconded by Councilwoman Schipske, to declare emergency to exist. The motion carried by the following vote:

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

A motion was made by Councilmember Garcia, seconded by Councilwoman Schipske, to approve recommendation to declare Emergency Ordinance No. ORD-12-0004, read, adopted as read and laid over to the next regular meeting of the City Council for final reading; declaring that this ordinance shall take effect immediately; A) that the ordinance shall be revised to: [1] prohibit marijuana dispensary and cultivation sites in the City; [2] provide a temporary exemption from ordinance prohibitions for 180 days for those collectives/dispensary applicants that were successful participants in the September 20, 2010, permit lottery, provided that such collectives/dispensaries were actually operating as of February 14, 2012; and

B) direct the City Manager to provide, within 120 days, a report reviewing the status of the ordinance, the operations and activities of exempted collectives, and enforcement actions against non-exempted collectives and cultivation sites. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson and Neal

No: 1 - Gabelich

Diana Lejins spoke.

Maria Norvell spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember Johnson, seconded by Councilmember Garcia, to amend the City's Federal Legislative Agenda to request the federal government reclassify medical marijuana so it can be prescribed by pharmacies for medicinal use. The motion carried by the following vote:

Yes: 6 - Garcia, Lowenthal, Andrews, Johnson, Gabelich and Neal

No: 1 - Schipske

Absent: 2 - DeLong and O'Donnell

Enactment No: ORD-12-0004

REGULAR AGENDA (7:19 PM)

[see media](#)

8. [12-0126](#) Recommendation to request that management schedule a study session

for the City Council to review the City's long-term financial outlook within 60 days.

Councilmember Johnson spoke.

Councilman Andrews spoke.

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

Yes: 8 - Garcia, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - Lowenthal

[see media](#)

9. [12-0084](#)

Recommendation to City Council to concur in recommendation of the Public Safety Committee to direct City Manager to prepare a multi-year Police Academy and Recruitment Plan, in accordance with the adopted budget, and present it to City Council during the March budget update.

Councilmember Garcia spoke.

Councilman Andrews spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Jim McDonnell, Chief of Police, spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Maria Norvell spoke.

Diana Lejins 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](#)

10. [12-0127](#)

Recommendation to receive a report on services proposed to be continued following the dissolution of the former Redevelopment Agency of the City of Long Beach, and direct City Manager to continue to provide these and other services to help ensure the City and community needs are met. (Citywide)

Councilmember Johnson 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. [12-0120](#)

Recommendation to adopt Specifications No. PA-00412 authorizing City Manager to execute contracts with Galls, an Aramark Company, LLC, a Long Beach-based business (Local; not an MBE, WBE or SBE) and Quartermaster, Inc., of Cerritos, CA (not an MBE, WBE or SBE) to furnish, service and deliver uniforms and accessories to the Long Beach Police Department (PD) in a total annual amount not to exceed \$377,050, for a period of one year, with the option of renewing for two additional one-year periods, at the discretion of the City Manager. (Citywide)

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, Johnson, Gabelich and Neal

Absent: 1 - Garcia

[see media](#)

12. [12-0122](#)

Recommendation to authorize City Manager to execute an amendment to Agreement No. 23214 with Tiburon, Inc., to provide software support services for Computer-Aided Dispatch and Record Management Systems for an additional 12-month period through February 2013 in an amount not to exceed \$350,196. (Citywide)

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, Johnson, Gabelich and Neal

Absent: 1 - Garcia

ORDINANCE (8:00 PM)

[see media](#)

13. [12-0106](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 16.16.015 and 16.16.017, all relating to skateboarding, read and adopted as read. (Districts 1,2,4,5,6,9)

Councilwoman Schipske spoke.

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Ordinance No. ORD-12-0005. The motion carried by the following vote:

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

Enactment No: ORD-12-0005

NEW BUSINESS (8:01 PM)

[see media](#)

14. [12-0154](#) Recommendation to respectfully request City Attorney to draft a resolution on behalf of the City of Long Beach to oppose any cuts, repeal and/or reduction of the Hayden Law.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

Councilman Andrews spoke.

Councilmember Neal spoke.

Diana Lejins spoke.

Judy Crumpton spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Councilmember O'Donnell, 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

15. Affidavit of Service for the special meeting held Tuesday, February 14, 2012.

16. [12-0153](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, February 10, 2012.

This Agenda Item was received and filed.

17. [12-0161](#) eComments received for the City Council meeting of Tuesday, February 14, 2012.

This Agenda Item was received and filed.

ANNOUNCEMENTS (8:13 PM)

Councilman Andrews made community announcements.

Councilmember Neal made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Johnson requested that the meeting be adjourned in memory of Betty Lu Wulfsberg; and made community announcements.

Councilwoman Gabelich made community announcements.

Vice Mayor Lowenthal made community announcements.

ADJOURNMENT (8:22 PM)

At 8:22 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Betty Lu Wulfsberg.

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