

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

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, with the exception of Agenda Item Nos. 30 and 22 that were considered in this order immediately following the Consent Calendar.

ROLL CALL (5:42 PM)

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

Councilmembers Schipske
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Heather Mahood, Chief Assistant City Attorney; Michael Mais, Assistant City Attorney; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Dee Andrews, Councilman, Sixth District.

Mayor Foster announced that Agenda Item Nos. 30 and 22 would be considered out of order.

Recognition of the 30th Anniversary of the Harbor Area Farmers' Market.

Councilmember Garcia spoke.

HEARINGS (5:49 PM)

[see media](#)

1. [10-1305](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and declare ordinance relating to the extension of the temporary limitation (moratorium) on the approval of permits for billboards, supergraphic signs and the conversion of existing billboard/sign displays into electronic or digital billboards; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read, adopted as read and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Ben Rockwell spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to declare emergency to exist. The motion carried by the following vote:

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

Absent: 1 - Schipske

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to declare emergency Ordinance No. ORD-10-0037 read and adopted as read and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:

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

Absent: 1 - Schipske

[see media](#)

2. [10-1281](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution amending the Master Fee and Charges Schedule. (Citywide)

Councilmember O'Donnell spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-10-0143. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Andrews, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Schipske

Enactment No: RES-10-0143

[see media](#)

3. [10-1282](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and determine that it is in the general public interest to mandate the undergrounding of utilities, as specified in City of Long Beach Assessment District No. 08-01; and declare ordinance creating an underground utility district along The Toledo between Second Street and the Geneva Walkway read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Vice Mayor 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: 7 - Lowenthal, DeLong, O'Donnell, Andrews, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Schipske

PUBLIC COMMENT: (5:59 PM)

Joe Czuba spoke regarding Brother Paul Mousel.

[10-1359](#)

Harvey Cochran spoke a word of thanks to Councilmembers Neal and Andrews; and submitted a brochure regarding LifestyleMobility and Medical Supply.

This Agenda Item was received and filed.

Mike LaRizza spoke regarding aid for his restaurant.

Councilwoman Gabelich spoke.

Ben Rockwell spoke regarding curb cuts.

CONSENT CALENDAR (6:10 PM)

Passed The Consent Calendar

A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, to approve Consent Calendar Items 4 - 18. The motion carried by the following vote:

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

Absent: 1 - Schipske

4. [10-1299](#) Recommendation to authorize City Attorney to submit two Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$86,261.90 and a separate authority to pay \$80,787.50 for the claim of David Ellis, in compliance with the Appeals Board Order.
A motion was made to approve recommendation on the Consent Calendar.
5. [10-1300](#) Recommendation to authorize City Attorney to pay the sum of \$335,000 in full settlement of lawsuit entitled *Aichen Chen v. City of Long Beach, et al.*
A motion was made to approve recommendation on the Consent Calendar.
6. [10-1304](#) Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending June 30, 2010.
A motion was made to approve recommendation on the Consent Calendar.
7. [10-1302](#) Recommendation to approve the minutes for the City Council meetings held on Tuesday, November 9 and 16, 2010 and the City Council Special Meeting held Tuesday, November 9, 2010.
A motion was made to approve recommendation on the Consent Calendar.
8. [10-1306](#) Recommendation to refer to City Attorney damage claims received between November 8, 2010 and November 29, 2010.
A motion was made to approve recommendation on the Consent Calendar.

9. [10-1313](#) Recommendation that City Council receive and approve changes to department and commission Conflict of Interest Codes filed, in compliance with State law, as of October 1, 2010.
A motion was made to approve recommendation on the Consent Calendar.
10. [10-1283](#) Recommendation to authorize City Manager, or designee, to execute an agreement and any necessary amendments between the City of Long Beach and Kaiser Foundation Hospitals to develop the Young Men of Strength: Building Community through Strength of Character curriculum in the amount of \$5,000 for the period of October 1, 2010 through September 30, 2011. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
11. [10-1284](#) Recommendation to authorize City Manager, or designee, to execute an agreement and any necessary subsequent amendments between the City of Long Beach and Kaiser Foundation Hospitals to implement the Long Beach Diabetes Prevention, Detection, and Education Program in the amount of \$15,000 for the period of July 1, 2010 through June 30, 2011. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
12. [10-1285](#) Recommendation to receive and file the application of Ashleys Bar & Grill LLC, dba Ashleys Bar & Grill, for a fiduciary transfer of an Alcoholic Beverage Control License, at 1731 East 4th Street, with existing conditions. (District 2)
A motion was made to approve recommendation on the Consent Calendar.
13. [10-1286](#) Recommendation to receive and file the application of Eat Drink & Be Merry Incorporated, dba Number Nine, for a stock transfer of an Alcoholic Beverage Control License, at 2118 East 4th Street, with existing conditions. (District 2)
A motion was made to approve recommendation on the Consent Calendar.
14. [10-1287](#) Recommendation to receive and file the application of Barjr Incorporated, dba Quinns Irish Pub & Grill, for a person-to-person transfer of an Alcoholic Beverage Control License, at 200 Nieto Avenue Suite A, with existing conditions. (District 3)
A motion was made to approve recommendation on the Consent Calendar.
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15. [10-1288](#) Recommendation to receive and file the application of S C Fish Grille Limited, dba Khourys Restaurant, for a fiduciary transfer of an Alcoholic Beverage Control License, at 110 North Marina Drive, with existing conditions. (District 3)
A motion was made to approve recommendation on the Consent Calendar.
16. [10-1289](#) Recommendation to receive and file the application of Ruth Hildegard Stevens, dba Rick & Brians Cafe, for a person-to-person transfer of an Alcoholic Beverage Control License, at 632 Redondo Avenue, with existing conditions. (District 3)
A motion was made to approve recommendation on the Consent Calendar.
17. [10-1290](#) Recommendation to request City Manager, or designee, to accept two easement deeds for additional sidewalk widths adjacent to bus stops at 602 East Anaheim Street and 5000 Long Beach Boulevard. (Districts 6,8)
A motion was made to approve recommendation on the Consent Calendar.
18. [10-1301](#) Recommendation to receive and file minutes for:
Civil Service Commission - November 3 and 10, 2010.
Cultural Heritage Commission - October 11, 2010.
Parks and Recreation Commission - October 21, 2010.
Planning Commission - October 21, 2010.
A motion was made to approve recommendation on the Consent Calendar.

REGULAR AGENDA (6:17 PM)

[see media](#)

19. [10-1314](#) Recommendation to adopt Resolution, Articles of Incorporation, Bylaws, and Agreement for Services in support of formation of the Pacific Gateway Partnership, Inc. (Partnership), a California non-profit corporation, for purposes of enhancing Workforce Investment strategies that support the development needs of residents and businesses; and approve execution of all other necessary documents in the formation of the Corporation. (Citywide)
A motion was made by Councilmember DeLong, seconded by Councilmember Johnson, to approve recommendation and adopt Resolution No. RES-10-0144. The motion carried by the following vote:

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

Absent: 1 - Schipske

Enactment No: RES-10-0144

[see media](#)

20. [10-1315](#)

Recommendation to request City Attorney to prepare an amendment to the Council Rules contained in the Long Beach Municipal Code to require a fiscal impact statement for items agendized by City Council.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

Harvey Cochran spoke.

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

Yes: 7 - Garcia, Lowenthal, DeLong, O'Donnell, Andrews, Johnson and Neal

No: 1 - Gabelich

Absent: 1 - Schipske

[see media](#)

21. [10-1316](#)

Recommendation to request City Attorney to prepare an amendment to the Council Rules contained in the Long Beach Municipal Code to allow all committee members to add items to committee agendas for consideration before their committees.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Harvey Cochran spoke.

Councilmember Neal spoke.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Councilman Andrews spoke.

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

Yes: 6 - Garcia, Lowenthal, O'Donnell, Johnson, Gabelich and Neal

No: 2 - DeLong and Andrews

Absent: 1 - Schipske

[see media](#)

22. [10-1317](#)

Recommendation to request City Attorney and City Manager to draft language for consideration of Los Angeles County's Final Environmental Impact Report entitled, "*Proposed Ordinances to Ban Plastic Carryout Bags in Los Angeles County*;"

Request City Attorney and City Manager to draft an ordinance duplicating Los Angeles County's adopted ordinance for unincorporated cities, and closely resembling AB 1998 (Brownley) which includes, but is not limited to, the following elements:

- Bans plastic carryout bags at all supermarkets and other grocery stores, convenience stores, food marts, pharmacies and drug stores, while requiring stores that provide recyclable paper carryout bags to impose a charge of ten (10) cents to a customer to cover reasonable costs associated with the ordinance.
- Paper bags must be made from a minimum of 40% post-consumer, recycled content.
- An exemption for those customers who are participating either in the California Supplemental Food Program for Women, Infants and Children or the Supplemental Food Program.
- A start date for compliance with the ordinance of July 1, 2011 for larger stores (as defined in the County's ordinance) and January 1, 2012 for all others, allowing the City of Long Beach and stores an opportunity to provide employee training and outreach;

Request City Manager to develop a public education campaign (website and hotline) for affected businesses to receive information about the ordinance and residents to learn about the benefits of a ban to a coastal city such as Long Beach and report violations; and

Request City Manager to develop, and the ordinance include a monitoring and compliance process that uses existing health or environmental related monitoring activities of the affected stores.

Vice Mayor Lowenthal spoke.

Motion: Approve recommendation.
Moved by Lowenthal, seconded by Garcia.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Kobe Sky, representing Los Angeles County, spoke.

Councilwoman Gabelich spoke.

Ben Rockwell spoke.

Charles Moore spoke.

Gabrielle Weeks spoke.

Dorothy Kimen spoke.

Kirsten James spoke.

Rick Eiden spoke.

Barbara Long spoke.

Shamus Innis spoke.

Beth Barnes spoke.

Gary Levy spoke.

Harvey Cochran spoke.

Linda Wilson spoke.

Stephanie Barker spoke.

Thomas Marchese spoke.

Councilmember Neal spoke.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Vice Mayor Lowenthal spoke.

Motion: Substitute motion to approve recommendation, with a modification for a five-cent charge for six months and an increase to ten cents after six months.

Moved by Neal, seconded by Gabelich.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

A second substitute motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation, with a change of the initial implementation date to August 1, 2011. The motion carried by the following vote:

Yes: 6 - Garcia, Lowenthal, DeLong, O'Donnell, Johnson and Neal

No: 2 - Andrews and Gabelich

Absent: 1 - Schipske

[see media](#)

23. [10-1309](#)

Recommendation to adopt resolution declaring results of the Special Municipal Election held on November 2, 2010. (Citywide)

A motion was made by Councilmember Neal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0145. The motion carried by the following vote:

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

Absent: 1 - Schipske

Enactment No: RES-10-0145

[see media](#)

24. [10-1308](#)

Recommendation to authorize City Manager to execute a contract with FIS, also known as Metavante Corporation and Link2Gov, to provide credit card processing services for City services for a period of three years with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

A motion was made by Councilmember Neal, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:

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

Absent: 1 - Schipske

[see media](#)

25. [10-1293](#)

Recommendation to adopt resolution authorizing City Manager to execute a contract and any amendments thereto with Los Angeles Truck Centers, LLC, dba Los Angeles Freightliner Western Star of Whittier, CA (not an MBE, WBE, SBE or Local), for the purchase of two liquefied natural gas (LNG) powered Versalift large aerial trucks per quotes dated July 21, 2010, on the same terms and conditions afforded to the City of Glendale Request for Quote (RFQ) #4000001088 and the City of Los Angeles RFQ #1992, in a total amount not to exceed \$541,154 including tax. (Citywide)

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0146. The motion carried by the following vote:

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

Absent: 1 - Schipske

Enactment No: RES-10-0146

[see media](#)

26. [10-1294](#)

Recommendation to authorize City Manager to execute a Memorandum of Understanding (MOU) with Long Beach Transit (LBT) to reimburse the City for the purchase of a refuse vehicle to be used to service litter containers at bus stops; and

Adopt resolution authorizing City Manager to execute a contract and any amendments thereto with Los Angeles Truck Centers, LLC, dba Los Angeles Freightliner Western Star of Whittier, CA (not an MBE, WBE, SBE or Local), for the purchase of one liquefied natural gas (LNG) powered side-loader refuse truck per quote dated September 14, 2010, on the same terms and conditions afforded to the State of California, Department of Transportation (Cal-Trans), Solicitation No. 5439, in a total amount not to exceed \$245,435 including tax. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-10-0147. The motion carried by the following vote:

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

Absent: 1 - Schipske

Enactment No: RES-10-0147

[see media](#)

27. [10-1295](#)

Recommendation to authorize City Manager to execute all necessary documents, between the City of Long Beach and the State Department of Health Services for funding the provision of HIV/AIDS preventive health services for an amount not to exceed \$4,219,218 for a period of three years, to be appropriated on an annual basis in the Health Fund (SR 130) and the Department of Health and Human Services (HE). (Citywide)

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

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

Absent: 1 - Schipske

[see media](#)

28. [10-1296](#) Recommendation to adopt Plans and Specifications No. R-6858 for the North Air Carrier Ramp Reconstruction at the Long Beach Airport; and authorize City Manager to award a contract and execute any and all necessary documents with Palp, Inc., dba Excel Paving Company, in an estimated amount of \$3,983,405, plus a twenty-five percent contingency amount of \$995,851, if necessary, totaling \$4,979,256, and any amendments thereto except for an increase in the total authorization. (District 5)

Councilwoman Gabelich spoke.

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

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

Absent: 1 - Schipske

[see media](#)

29. [10-1297](#) Recommendation to authorize City Manager to execute the 10th Amendment to the Long Beach Harbor Tidelands Parcel and Parcel "A" Oil Contract with the California State Lands Commission, allowing for drilling of oil production wells from subject lands into adjacent West Wilmington oil producing areas. (District 2)

Councilmember O'Donnell spoke.

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

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

Absent: 1 - Schipske

NEW BUSINESS (6:12 PM)

[see media](#)

30. [10-1322](#) Recommendation to respectfully request City Council to receive and file the Cambodia Water Festival Disaster and adopt a motion encouraging residents to support the Long Beach Chapter of People to People International Disaster Relief in support of the disaster victims.

Councilman Andrews spoke.

Representative from the Cambodian community spoke.

Councilmember O'Donnell spoke.

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

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

Absent: 1 - Schipske

[see media](#)

31. [10-1323](#) Recommendation to authorize City Attorney to pay the sum of \$11,130 in full settlement of a claim by Avalon Boat and Yacht Sales.

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

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

Absent: 1 - Schipske

[see media](#)

32. [10-1291](#)

Recommendation to receive and file the Fiscal Year 2010 Year-End Budget Performance Report; and

Increase appropriations in the Gas Prepay fund (EF 303) in the Department of Long Beach Gas and Oil by \$57,925,000 and in the Tidelands Oil Revenue Fund (NX 420) in the Department of Long Beach Gas and Oil by \$36,256,283 to reflect actual year-end performance. (Citywide)

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilman Andrews spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

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

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

Absent: 1 - Schipske

33. Affidavits of Service for the special meetings held Tuesday, December 7, 2010.

34. [10-1334](#)

Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 3, 2010.

This Agenda Item was received and filed.

ANNOUNCEMENTS (8:23 PM)

Vice Mayor Lowenthal requested that the meeting be adjourned in memory of Don Foltz, Joe Cerrell, Jack Kaiser, and Kevin Ketchum.

Councilman Andrews made community announcements.

Councilmember O'Donnell made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Johnson made community announcements.

Vice Mayor Lowenthal made community announcements.

ADJOURNMENT (8:33 PM)

At 8:33 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Don Foltz, Joe Cerrell, Jack Kaiser, and Kevin Ketchum.

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