

Vacant, 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

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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 for this meeting were considered in the order presented, with the exception of the ceremonial items at the beginning of the meeting.

### ROLL CALL (5:07 PM)

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

**Councilmembers** Reyes Uranga  
**Absent:**

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Heather Mahood, Chief 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: Vice Mayor Val Lerch, Councilmember, Ninth District.

Julie Pruitt, spcaLA, presented two canine puppies.

Presentation on Long Beach Bicycle Festival.

Pat West, City Manager, spoke.

Kraig Kojian, Executive Director, Downtown Long Beach Associates, spoke.

Mayor Foster announced that Agenda Item No. 18 would be laid over to the meeting of Tuesday, March 24, 2009.

Arts Council presentation.

Justin Hectus, Arts Council Board President, and Antonio Pedro Ruis, spoke.

Presentation to St. Anthony's Academic Decathlon.

Mayor Foster spoke.

## HEARING (5:42 PM)

[see media](#)

1. [09-0263](#) Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Panama Joe's, Inc., dba Panama Joe's Cafe, 5100 E. Second Street, for Entertainment Without Dancing by Patrons at an existing Restaurant. (District 3)

Ron and Greg Newman, applicants, spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, to approve recommendation to grant a One-Year Short-Term Permit, with conditions. The motion carried by the following vote:**

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

**Absent:** 2 - Andrews and Reyes Uranga

## PUBLIC COMMENT (5:48 PM)

Donald Freeman spoke regarding panhandling at restaurants with outdoor seating on Pine Avenue.

William Wallace spoke regarding homeless veterans dialogue.

Gary Shelton spoke regarding an up-coming forum on mental illness and homelessness.

Larry Goodhue spoke regarding the marine stadium.

Ron Jones spoke regarding the City of Long Beach bid process.

Frances Emily Dawson Harris spoke regarding a variety of issues concerning parking obstructions to sidewalk accessibility, and apartment management.

Dennis Dunn spoke regarding graffiti and the clock next to City Hall.

[09-0322](#) Jamie Marie Cribbs spoke regarding saving the drug and alcohol program at Martin Luther King Park, and submitted a petition.

**This Handout was received and filed.**

Montaque Bailey spoke regarding the closing of the Long Beach Health Department drug and alcohol program at Martin Luther King Park.

Pat West, City Manager, spoke.

Councilman Andrews spoke.

Councilmember S. Lowenthal spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

**CONSENT CALENDAR (6:33 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to approve Consent Calendar Items 2-10. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

2. [09-0273](#) Recommendation to authorize City Attorney to submit Stipulation with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$64,785.25 for the claim of David Daniels, in compliance with the Appeals Board Order.  
**A motion was made to approve recommendation on the Consent Calendar.**
3. [09-0274](#) Recommendation to authorize City Attorney to pay the sum of \$7,500 in full settlement of lawsuit entitled Lindy Ou Chau v. City of Long Beach et al.  
**A motion was made to approve recommendation on the Consent Calendar.**
4. [09-0275](#) Recommendation to approve the City Council and the Budget Meeting minutes for the meetings held Tuesday, March 3, 2009.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. [09-0280](#) Recommendation to refer to City Attorney damage claims received between March 2, 2009 and March 9, 2009.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. [09-0264](#) Recommendation to adopt resolution authorizing the temporary closure of certain streets, alleys, walkways, The Promenade, and the downtown shoreline bike path in connection with the conduct of the 2009 Toyota Grand Prix of Long Beach. (District 2)  
**A motion was made to approve recommendation and adopt Resolution No. RES-09-0018 on the Consent Calendar.**  
**Enactment No:** RES-09-0018
7. [09-0265](#) Recommendation to authorize City Manager to execute a revocable permit granting the Grand Prix Association of Long Beach permission to occupy and use certain areas for parking and hospitality during the staging of the 2009 Toyota Grand Prix of Long Beach. (District 2)  
**A motion was made to approve recommendation on the Consent Calendar.**
8. [09-0266](#) Recommendation to receive and file the application of Michael Byung Lim, dba Bennies Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 2016 East Anaheim Street, with existing conditions. (District 4)

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

9. [09-0267](#) Recommendation to receive and file the application of Tastee Subs Incorporated, dba Amigos Market & Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 2000 West Willow Street, with existing conditions. (District 7)

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

10. [09-0276](#) Recommendation to receive and file minutes of:  
Civil Service Commission - February 18 and 25, 2009.  
Planning Commission - December 18, 2008, January 15 and February 5, 2009

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

#### **REGULAR AGENDA (6:33 PM)**

[see media](#)

11. [09-0286](#) Recommendation to respectfully request City Manager and City Attorney to develop a regulatory process for reviewing, approving and enforcing related building and public health codes for smoking lounges as defined in Long Beach Municipal Code Chapter 8.68 and return with proposed regulatory changes to the City Council within 60 days for review and approval;

Request City Council adopt a minute order initiating a one-year moratorium to prohibit the establishment of any new smoking lounges as defined in Long Beach Municipal Code Chapter 8.68 beyond those tobacco-related businesses currently operating in the City of Long Beach; and

Request City Manager provide recommendations to the Planning Commission to restrict smoking lounges to those tobacco-related businesses currently operating in the City of Long Beach.

Claudette Powers spoke.

Melinda Cotton spoke.

Evan Braude spoke.

Heather Mahood, Chief Assistant City Attorney, spoke.

Pearl Williams spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

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

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

**Absent:** 1 - Reyes Uranga

[see media](#)

12. [09-0287](#)

Recommendation to receive and file report on the actions taken at the Metropolitan Water District Board meeting held on March 10, 2009.

Councilmember S. Lowenthal spoke.

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

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

**Absent:** 1 - Reyes Uranga

[see media](#)

13. [09-0268](#)

Recommendation to adopt resolution authorizing the submission of an application to the California State Department of Housing and Community Development Infill Infrastructure Grant Program for assistance of up to \$20,000,000; and authorize City Manager to execute all documents necessary to accept and expend the funds for the proposed project, upon funding approval. (District 1)

Evan Braude spoke.

Frances Emily Dawson Harris spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0019. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

**Enactment No:** RES-09-0019

[see media](#)

**14. [09-0269](#)**

Recommendation to adopt resolution authorizing the submission of an application to the California State Department of Housing and Community Development Transit Oriented Development Housing Program for an assistance of up to \$17,000,000; and authorize City Manager to execute all documents necessary to accept and expend the funds for the proposed project, upon funding approval. (District 1)

**A motion was made by Councilmember S. Lowenthal, seconded by Vice Mayor Lerch, to approve recommendation and adopt Resolution No. RES-09-0020. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

**Enactment No:** RES-09-0020

[see media](#)

**15. [09-0270](#)**

Recommendation to receive and file the Fiscal Year 2009 First Quarter Operational Performance Report. (Citywide)

Councilwoman Schipske spoke.

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:** 6 - S. Lowenthal, DeLong, O'Donnell, Schipske, Gabelich and Lerch

**Absent:** 2 - Andrews and Reyes Uranga

[see media](#)

**16. [09-0271](#)**

Recommendation to receive and file the Fiscal Year 2009 First Quarter Budget Performance Report. (Citywide)

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

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

**Yes:** 6 - S. Lowenthal, DeLong, Schipske, Andrews, Gabelich and Lerch

**Absent:** 2 - O'Donnell and Reyes Uranga

[see media](#)

17. [09-0272](#)

Recommendation to receive and file the application of Guy Simeon Mosher, dba Mosher's Gourmet, for a premise-to-premise transfer of an Alcoholic Beverage Control License, at 6400 East Pacific Coast Highway Suite E, with conditions. (District 3)

Distributed at the meeting: Conditions from Councilmember DeLong for the ABC License.

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

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

**Absent:** 1 - Reyes Uranga

## ORDINANCES (7:11 PM)

[see media](#)

18. [09-0277](#)

Recommendation to declare ordinance relating to a Small, Very Small and Local Small Business Enterprise Pilot Program for certain City contracts with specified City departments, and making a determination related thereto 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 Councilman Andrews, seconded by Councilmember O'Donnell, that the item be laid over to the meeting of Tuesday, March 24, 2009. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga



[see media](#)

19. [09-0278](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 21.60, relating to relocation assistance for households displaced due to demolition or condominium conversion read the first time and laid over to the next regular meeting of the City Council for final reading; and

Mike Mais, Assistant City Attorney, spoke.

Councilmember O'Donnell spoke.

Motion: Approve recommendation to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

Moved by Gabelich, seconded by Andrews.

Nancy Alsweet, Apartment Association, spoke.

Frances Emily Dawson Harris spoke.

Suzanne Brown, Legal Aid, spoke.

Vice Mayor Lerch spoke.

Mike Mais, Assistant City Attorney, spoke.

Motion: Substitute motion to receive and file without adopting the ordinance.

Moved by Lerch, seconded by O'Donnell.

Councilmember S. Lowenthal spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilmember O'Donnell spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

**A second substitute motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, to request that the City Attorney return on March 24, 2009, with revised ordinance for first reading that would: [1] require a 20-day appeal period rather than a 10-day period; and [2] eliminate the requirement that the landlord/owner provide a list of available rental units to tenants. It was further requested that the City Attorney work with stakeholders to draft ordinance language relative to when the payment of relocation benefits shall not be provided, as contemplated under proposed Section 21.60.330 [1]. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

[see media](#)  
[09-0279](#)

Adopt resolution authorizing Director of Development Services to submit amendments to the California Coastal Commission for its consideration and approval. (Citywide)

Note: As a companion item to the ordinance (file ID No. 09-0278), this item was laid over to the meeting of Tuesday, March 24, 2009.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Gabelich, that the item be laid over to the meeting of Tuesday, March 24, 2009 with the companion ordinance. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

## **NEW BUSINESS (7:44 PM)**

[see media](#)

### **20. [09-0300](#)**

Recommendation to direct City Manager to allocate all future Citywide-eligible funds for residential street repairs according to the following formula:

- 1) Half of the funds will be divided equally among the nine Council Districts;
- 2) The remaining half of these funds will be distributed among the nine Council Districts according to each District's percentage of

Citywide need, as determined by the total dollar value for streets with a Pavement Condition Index (PCI) below 70 according to current 10-year plan for repairs or the most current available assessment of need.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilmember DeLong spoke and distributed a spreadsheet regarding sidewalk needs, which will be presented at a future meeting as a new agenda item.

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation, with the addition that each City Council office will be able to identify and prioritize those streets within their districts that fall within the 70% or greater need for repair. The motion carried by the following vote:**

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

**Absent:** 1 - Reyes Uranga

21. Affidavit of Service for special meeting held Tuesday, March 17, 2009.

#### **ANNOUNCEMENTS (7:49 PM)**

Vice Mayor Lerch made community announcements.

Councilwoman Schipske requested that the meeting be adjourned in memory of Shannon Boone; and made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilman Andrews made community announcements.

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

#### **ADJOURNMENT (8:00 PM)**

At 8:00 PM, Mayor Foster adjourned the meeting in memory of Shannon Boone and Raymond Cummings.

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