

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



Gerrie Schipske, 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 following order: Agenda Item Nos. 1 - 3, Public Comment, Consent Calendar Item Nos. 4 - 17, minus 10 and 12, Agenda Item Nos. 10, 12, 35, 20, 21, 24, 18, 39, 37, 38, 19, 22, 23, 25 - 34 and 36.

ROLL CALL (5:05 PM)

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

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

Vice Mayor Lowenthal presiding.

Invocation: Moment of Silence.

Flag Salute: Councilmember Robert Garcia, First District.

Vice Mayor Lowenthal announced that Agenda Item Nos. 35 and 39 would be considered following the hearings; Agenda Item No. 24 would be considered following Agenda Item No. 21; and that interpreters are available.

Proclamation presented for National Health Education Week.

Councilwoman Schipske spoke.

Ron Arias, Director of Health and Human Services, spoke.

Councilmember Johnson spoke.

Proclamation presented for Domestic Violence Awareness Month.

Vice Mayor Lowenthal spoke.

Councilman Andrews spoke.

Councilmember Garcia spoke.

Recognition of California State Legislative Delegation.

Councilmember O'Donnell spoke.

Assemblymember Bonnie Lowenthal, 54th District, spoke.

Assemblymember Warren Furutani, 55th District, spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Councilmember Garcia spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

HEARINGS (5:31 PM)

[see media](#)

1. [10-1141](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and declare either Ordinance A or Ordinance B read the first time and laid over to the next regular meeting of the City Council for final reading. (Ordinance A, which reflects the Planning Commission's recommendation, would create in the City's Industrial zones Special Development Standards for certain trucking related uses. Ordinance B, which reflects City Staff's recommendation, would require in the City's Industrial zones the issuance of a Conditional Use Permit for such trucking related uses). (Citywide)

Amy Bodek, Director of Development Services, spoke; and provided a PowerPoint presentation.

Vice Mayor Lowenthal spoke.

Charles Durnin, Chair of the Planning Commission, spoke.

Councilmember DeLong spoke.

Councilmember Garcia spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Suzanne Frick, Assistant City Manager, spoke.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

Councilmember Neal spoke.

Ben Rockwell spoke.

Francis Emily Dawson Harris spoke.

Val Lerch spoke.

Tony Rivera, West PAC, spoke.

Paul Collins spoke.

Jane Kelleher, Chair, West PAC, spoke.

Brian Russell, President of the Long Beach Real Estate Council, spoke.

John McQuin spoke.

Jessica Quintana spoke.

Ernest Rivera spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Suzanne Frick, Assistant City Manager, spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

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

Yes: 2 - DeLong and Andrews

No: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Johnson, Gabelich and Neal

A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to [1] declare Ordinance B, minus paragraph C on page 2, including consideration of a sliding scale for the charging of CUP fees in an IG Zone, 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 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

No: 1 - Andrews

A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to [2] refer to the Planning Commission and staff to study the appropriate amortization process to bring existing truck related business uses in the City's Industrial Zones (IG) into compliance followed by a report back to the full City Council. The motion carried by the following vote:

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

No: 1 - Andrews

[see media](#)

2. [10-1142](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution confirming the Fourth Street Parking and Business Improvement Area annual report and continuing the assessment for the period of October 1, 2010 through September 30, 2011; and authorize City Manager to extend the

agreement with the Fourth Street Business Improvement Association for a one-year term. (District 2)

Vice Mayor Lowenthal spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-10-0127. The motion carried by the following vote:

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

Enactment No: RES-10-0127

[see media](#)

3. [10-1143](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution continuing the East Anaheim Street Parking and Business Improvement Area program and assessment for the period of October 1, 2010 through September 30, 2011; and authorize City Manager to execute an agreement with the East Anaheim Street Business Association for a one-year term. (Districts 3,4)

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-10-0128. The motion carried by the following vote:

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

Enactment No: RES-10-0128

PUBLIC COMMENT (6:53 PM)

Cessna Ramirez spoke regarding honoring U.S. armed forces.

[10-1177](#)

Francis Emily Dawson Harris spoke regarding Matt's journey across the U.S. in a wheelchair; and submitted written comments.

This Handout was received and filed.

[10-1178](#)

Norma Aviles spoke regarding an exception to microchipping dogs; and submitted documentation.

This Handout was received and filed.

Councilmember Garcia spoke.

CONSENT CALENDAR (7:08 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve Consent Calendar Items 4 - 17, except for Items 10 and 12, with a correction to the street location for Agenda Item No. 17 to read Park and Roycroft Avenues. The motion carried by the following vote:

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

Absent: 1 - Garcia

4. [10-1158](#) Recommendation to receive and file report on attendance at League of California Cities Annual Conference, September 15 - 17, 2010 in San Diego, CA.
A motion was made to approve recommendation on the Consent Calendar.
5. [10-1159](#) Recommendation to authorize City Attorney to pay sum of \$7,940.67 in full settlement of claim entitled Theresa Delvaux v City of Long Beach, Claim No. C10-0571.
A motion was made to approve recommendation on the Consent Calendar.
6. [10-1165](#) Recommendation to adopt resolution in support of the Family Violence Prevention and Services Act (H.R. 4116).
A motion was made to approve recommendation and adopt Resolution No. RES-10-0129 on the Consent Calendar.
Enactment No: RES-10-0129
7. [10-1117](#) Recommendation to approve the minutes for the City Council Special Meeting held Tuesday, September 28, 2010 and the City Council Meeting held Tuesday, October 5, 2010.
A motion was made to approve recommendation on the Consent Calendar.
8. [10-1156](#) Recommendation to refer to City Attorney damage claims received between October 4, 2010 and October 11, 2010.
A motion was made to approve recommendation on the Consent Calendar.

9. [10-1144](#) Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the State of California, Department of Boating and Waterways, to receive and expend the 2011 Boating Safety and Enforcement Equipment Grant for the purchase of two diesel engines; and increase appropriations in the Marina Fund (TF 403) and in the Fire Department (FD) by \$75,000. (Districts 2,3)

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

[see media](#)

10. [10-1145](#) Recommendation to authorize City Manager, or designee, to execute all necessary documents and amendments between the City of Long Beach and St. Mary Medical Center Foundation for the provision of Senior Links Program case management services in the amount of \$20,280 for the period of September 1, 2010 through June 30, 2011; and increase appropriations in the Health Fund (SR 130) and the Department of Health and Human Services (HE) by the same amount. (Citywide)

Councilwoman Gabelich spoke.

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

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

Absent: 1 - DeLong

11. [10-1146](#) Recommendation to adopt resolution in support of and authorizing a request for funds from the California Department of Public Health through the submission of an application to the Teen Pregnancy Prevention Community Challenge Grant Program, RFA 11-10018, to provide Community Challenge Grant Services. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-10-0130 on the Consent Calendar.

Enactment No: RES-10-0130

[see media](#)

12. [10-1147](#) Recommendation to authorize City Manager, or designee, to execute an agreement, and any subsequent amendments, between the City of Long Beach and British Petroleum West Coast Products, LLC in the amount of \$325,000 for the Community Asthma and Air Quality Resource Education Program to address conditions caused or exacerbated by both indoor and outdoor air pollution throughout Long Beach, with a primary focus in West Long Beach; and increase appropriations in the Health

Fund (SR-130) and the Department of Health and Human Services (HE) by \$325,000. (Citywide)

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

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

Yes: 7 - Garcia, Lowenthal, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 2 - DeLong and O'Donnell

13. [10-1148](#) Recommendation to authorize City Manager, or designee, to execute all necessary agreements and any subsequent amendments between the City of Long Beach and the County of Los Angeles to accept a 12-month no-cost extension, through July 30, 2011, for the Public Health Emergency Response Program to support local H1N1 Influenza Preparedness and Response Activities. (Citywide)

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

14. [10-1149](#) Recommendation to authorize City Manager to execute all documents with the South Bay Center for Counseling to receive a \$39,360 Hire-A-Youth grant, and to execute any needed subsequent amendments that change the terms of the agreement. (Citywide)

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

15. [10-1150](#) Recommendation to authorize City Manager to execute all documents with the California Department of Education in the amount of \$133,015 to operate the Even Start Family Literacy Program; to execute a contract with the Long Beach Unified School District in the amount of \$123,015 to provide family literacy services; and to execute any needed subsequent amendments. (Citywide)

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

16. [10-1119](#) Recommendation to authorize City Manager to renew a permit for use of space in the Main Library by the Long Beach Public Library Foundation, a California public benefit corporation, for a period of three years, with one additional three-year renewal option. (District 2)

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

17. [10-1124](#) Recommendation to authorize City Manager to execute the Fourteenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of seven (7) weeks, from November 13, 2010, through December 31, 2010, for the sale of Christmas trees, using the portion of the former Pacific Electric right-of-way property located between Appian Way Park and Roycroft Avenues. (District 3)
- A motion was made to approve recommendation on the Consent Calendar.**

UNFINISHED BUSINESS (10:05 PM)

[see media](#)

37. [10-1121](#) Recommendation to authorize City Manager to execute subdivision agreements and find that all requirements of the final subdivision map for construction of a mixed-use development with 170 condominium units have been satisfied; and approve the final map for Tract No. 70974-01 located south of Anaheim Street and west of Long Beach Boulevard. (District 1)
- A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:**
- Yes:** 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal
- Absent:** 2 - O'Donnell and Andrews

[see media](#)

38. [10-1097](#) Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of 7 Eleven Incorporated, dba 7 Eleven, for an original Alcoholic Beverage Control License, at 2001 East South Street, with conditions. (District 9)
- A motion was made by Councilmember Neal, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:**
- Yes:** 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal
- Absent:** 2 - O'Donnell and Andrews

REGULAR AGENDA (10:07 PM)

[see media](#)

18. [10-1162](#) Recommendation to receive and approve the Blue Ribbon Committee on Funding Arts and Culture's request for an extension of their 90-day term

until November 18, 2010.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation, with an amended extension date of February 1, 2011. The motion carried by the following vote:

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

Absent: 1 - Andrews

[see media](#)

19. [10-1163](#)

Recommendation to review and approve the following Non-Charter Commission appointments.

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

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

[see media](#)

20. [10-1160](#)

Recommendation to receive and file the Fourth Annual Fifth District Library Round-Up report.

Councilwoman Schipske spoke.

Jo Rae Zuckerman spoke.

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

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

Absent: 1 - Johnson

[see media](#)

21. [10-1166](#)

Recommendation to respectfully request City Attorney to draft a resolution recognizing October as National Arts and Humanities Month in Long Beach.

Craig Watson spoke.

This Resolution was approve recommendation.

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

Absent: 1 - Andrews

[see media](#)

22. [10-1167](#)

Recommendation to refer exploration of a potential greywater pilot project to the City Council's Environmental Committee for deliberation and consultation with stakeholders and request that they report back to the City Council regarding their recommendation.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Councilmember Johnson, seconded by Councilmember DeLong, to approve recommendation and refer to the Environmental Committee. The motion carried by the following vote:

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

Absent: 1 - Andrews

[see media](#)

23. [10-1168](#)

Recommendation to adopt Long Beach as a participating city in the national "Let's Move" campaign to reduce childhood obesity.

Councilmember Johnson spoke.

Councilmember Garcia spoke.

Paul Buchanan spoke.

Councilmember O'Donnell spoke.

Michael Poonpan 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, Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 1 - Andrews

[see media](#)

24. [10-1169](#)

Recommendation to request a brief status report from the Arts Council on *Create Long Beach*, an update to the Long Beach Community Cultural Master Plan.

Craig Watson spoke.

Councilwoman Gabelich spoke.

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

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

Absent: 1 - Andrews

[see media](#)

25. [10-1164](#)

Recommendation to authorize City Manager to amend the contract with Ferguson Enterprises Inc., a Long Beach based business (Local), under Contract No. 31282 from Specifications PA-01509, in an amount not to exceed \$80,000 additional annually, plus a 10 percent contingency of \$8,000 for a total increase of \$88,000 bringing the total contract amount not to exceed \$585,200 to fund the purchase of plumbing supplies. (Citywide)

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, Schipske, Johnson, Gabelich and Neal

Absent: 1 - Andrews

[see media](#)

26. [10-1093](#)

Recommendation to adopt Specifications No. PA-03010 and award contracts to Trimming Land Co., Inc., of South Gate, California (MBE), and United Pacific Services, of La Habra, California (not an MBE, WBE, SBE or Local), for the Department of Parks, Recreation and Marine for as needed tree trimming services in the amount of \$420,000, for a period of one year with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

Councilwoman Gabelich spoke.

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

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

Absent: 1 - Andrews

[see media](#)

27. [10-1151](#)

Recommendation to adopt resolution to approve the Second Supplemental Senior Trust Indenture to the Master Senior Indenture and other related bond documents; authorize City Manager to execute documents for the issuance of Airport Senior Revenue Bonds Series 2010 A and B, in an aggregate amount not to exceed \$70,000,000 to refinance the design costs and finance the construction of the Phase I Terminal Improvements at the Long Beach Airport, pay off the balance of the Airport Commercial Paper Program and finance the cost of bond issuance;

Receive supporting documentation into the record regarding the Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing; and

Increase appropriations by \$38,876,000 (\$37,313,000 for the Phase I Terminal Improvements and \$1,563,000 to pay the first debt service payment) in the Airport Enterprise Fund (EF 320) in the Airport Department (AP). (District 5)

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-10-0131. The motion carried by the following vote:

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

Absent: 1 - Andrews

Enactment No: RES-10-0131

[see media](#)

28. [10-1046](#)

Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the County of Los Angeles Chief Executive Office to receive and expend Department of Homeland Security grant funding for the 2009 State Homeland Security Grant Program; and increase appropriations by \$523,624 in the General Grants Fund (SR 120) in the Fire Department (FD). (Citywide)

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

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

Absent: 1 - Andrews

[see media](#)

29. [10-1047](#)

Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the City of Los Angeles to receive and expend Department of Homeland Security grant funding for the 2009 Urban Area Security Initiative (UASI) Grant, at an amount not to exceed \$5,000,692 for a period ending March 31, 2012; and increase appropriations in the General Grants Fund (SR 120) in the Fire Department (FD) by \$569,565, in the General Grants Fund (SR 120) in the Health and Human Services Department (HE) by \$43,417 and in the General Grants Fund (SR 120) in the Police Department (PD) by \$1,376,710. (Citywide)

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

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

Absent: 1 - Andrews

[see media](#)

30. [10-1155](#)

Recommendation to authorize City Manager to make payment for property and boiler and machinery insurance for the Southeast Resource Recovery Facility for the period of October 20, 2010 through October 20, 2011, for a premium not to exceed \$845,000, payable to Covanta Holding Corporation. (District 2)

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

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

Absent: 1 - Andrews

[see media](#)

31. [10-1153](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Edward Clarence Snow, dba Eddies Jr Market, for an original Alcoholic Beverage Control License, at 2444 East 4th Street, with conditions. (District 2)

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

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

Absent: 1 - Andrews

[see media](#)

32. [10-0235](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Walgreen Company, dba Walgreens, for an original Alcoholic Beverage Control License, at 6310 East Pacific Coast Highway Suite A, 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 Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

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

Absent: 1 - Andrews

[see media](#)

33. [10-0238](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Walgreen Company, dba Walgreens, for an original Alcoholic Beverage Control License, at 3570 Atlantic Avenue, with conditions. (District 7)

Distributed at the meeting: Conditions from Councilmember Johnson for the ABC license.

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

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

Absent: 1 - Andrews

[see media](#)

34. [10-1154](#)

Recommendation to authorize City Manager, or designee, to execute any and all documents necessary for a Supplemental Agreement to Management Agreement No. 21667 with SMG, formerly known as

Spectacor Management Group, for replacement of seats in the Terrace Theater at the Long Beach Convention and Entertainment Center located at 300 East Ocean Boulevard. (District 2)

Councilmember Johnson spoke.

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation, with the anticipated cost of the new seating amended to be \$850,000. The motion carried by the following vote:

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

Absent: 1 - Andrews

ORDINANCES (7:17 PM)

[see media](#)

35. [10-1152](#)

Recommendation to authorize City Manager to concur in the recommendation of the Parks and Recreation Commission to ban smoking in all outdoor areas improved or developed by or on behalf of the City of Long Beach that are open to the general public for park or open space use, including, but not limited to, public parks, picnic areas, playgrounds, sports or playing fields, walking paths, gardens, hiking trails, bike paths, and any other areas designated a park by the Director of the Department of Parks, Recreation and Marine; concur in the recommendation of the Department of Parks, Recreation and Marine to exempt City golf courses and permitted activities, including, but not limited to, filming and/or special events, from the smoking ban; and declare ordinance amending the Long Beach Municipal Code by adding Section 8.68.066 and Subsection 8.68.120.C relating to smoking prohibited in City parks and other recreation areas read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Phil Hester, Director of Parks, Recreation and Marine, spoke.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Dr. Elisa Nicholas spoke.

Claudette Powers spoke.

Pat Eatum spoke.

P. G. Hermann spoke.

Joey Kenna spoke.

Maria Norvell spoke.

Sela Casueta spoke.

Elizabeth Alverado spoke.

John Parslow spoke.

Carmen Anueto Tolsdorf spoke.

Jeff Miller spoke.

Spencer Lyons spoke.

Jana Reyes and Stephanie Villamontes spoke.

Matthew Larson spoke.

Steve Baker spoke.

Evan Braude spoke.

Councilmember Garcia spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Vice Mayor Lowenthal spoke.

A substitute motion was made by Councilmember Johnson, seconded by Councilwoman Gabelich, to adopt ordinance, with the requirement that signs be posted prior to citations being issued. The motion failed by the following vote:

Yes: 2 - Johnson and Gabelich

No: 7 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Neal

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, 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: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

[see media](#)

36. [10-0808](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 14.14.010, and Subsections 14.14.020.D and 14.14.045.B; and by adding Section 14.14.110, all relating to public walkways occupancy permits, read and adopted as read. (District 3)

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Ordinance No. ORD-10-0032. The motion carried by the following vote:

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

Absent: 1 - Andrews

Enactment No: ORD-10-0032

NEW BUSINESS (8:39 PM)

[see media](#)

39. [10-1172](#)

Recommendation to request City Manager to provide a study session to the City Council on the Downtown Community Plan prior to the release of an Environmental Impact Report.

Distributed at the meeting: Correspondence from Professor Gary Hytrek.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Motion: Approve recommendation, with direction to provide a minimum 30-day delay from the date of the study session for the release of the Downtown Community Plan Environmental Impact Report.
Moved by Gabelich, seconded by Neal.

Amy Bodek, Director of Development Services, spoke.

Councilwoman Gabelich spoke.

Patrick West, City Manager, spoke.

Vice Mayor Lowenthal spoke.

Councilmember Neal spoke.

Cindy Soto spoke.

Richard Hernandez spoke.

Martha Cota spoke.

Francisco Sunon spoke.

Suzanne Brown spoke.

Gary Shelton spoke.

Francis Emily Dawson Harris spoke.

Eric Tandof spoke.

Nancy Salsbury spoke.

Ramon Brown spoke.

Leonard Barrett spoke.

Bernice Cervantes spoke.

Martha Guerrero spoke.

Andres spoke.

Estella Vardes spoke.

Unidentified woman spoke.

Kraig Kojian spoke.

America Aceves spoke.

Mike Murchison spoke.

Anna Vuneam spoke.

Chris Gabriele spoke.

Gary Hytrek spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

A substitute motion was made by Councilmember Garcia, seconded by Councilmember DeLong, that the study session be held on Tuesday, November 9, 2010, with an indication on the agenda item that the City Council could make a recommendation regarding the EIR. The motion carried by the following vote:

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

Absent: 1 - Andrews

40. Affidavit of Service for the special meeting held Tuesday, October 19, 2010.

41. [10-1171](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, October 15, 2010.

This Agenda Item was received and filed.

ANNOUNCEMENTS (10:41 PM)

Councilwoman Gabelich made community announcements.

Councilmember Garcia made community announcements.

Councilmember Johnson made community announcements.

Vice Mayor Lowenthal made community announcements.

ADJOURNMENT (10:46 PM)

At 10:46 PM, Vice Mayor Lowenthal adjourned the meeting.

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