

Vacant, 1st District
Suja Lowenthal, 2nd District
Gary DeLong, 3rd District
Patrick O'Donnell, 4th District



Gerrie Schipske, 5th District
Dee Andrews, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, Vice Mayor, 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 for this meeting were considered in the order presented; with the exception of Agenda Item No. 3, which was pulled from the Consent Calendar and considered immediately following the ceremonial presentations.

ROLL CALL (5:01 PM)

Councilmembers S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga,
Present: Gabelich and Lerch

Councilmembers DeLong
Absent:

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

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

Julie Pruitt, spcaLA, presented a canine.

Mayor Foster announced that Councilmember DeLong would be absent; and that Agenda Item No. 3 was pulled from the Consent Calendar.

Proclamation for Sexual Assault Awareness Month and observing Denim Day, April 20, 2009.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilmember S. Lowenthal spoke.

Presentation to Financial Management for receiving Government Finance Officers' Association's Achievement of Excellence Award.

Lori Ann Farrell, Director of Financial Management, spoke.

Recognition of Antonio Pedro Ruiz for his contributions to Visions Voices Week.

Councilmember O'Donnell spoke.

Antonio Ruiz spoke.

HEARINGS (5:32 PM)

[see media](#)

1. [09-0339](#) Recommendation to receive supporting documentation into the record, conclude the hearing, declare ordinance relating to the temporary limitation (moratorium) on smoking lounges 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 this ordinance shall take effect immediately. (Citywide)

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

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

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

Absent: 2 - DeLong and Reyes Uranga

A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to declare Urgency Ordinance No. ORD-09-0009 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: 7 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - DeLong

Enactment No: ORD-09-0009

[see media](#)

2. [09-0230](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with conditions, on the application of Irene Castillo, dba Ballroom Craze, 3092 Long Beach Boulevard, for Entertainment With Dancing by Patrons at an existing dance studio. (District 7)

Councilmember Reyes Uranga spoke.

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

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

Absent: 1 - DeLong

PUBLIC COMMENT (5:37 PM)

[09-0410](#)

Ben Rockwell spoke regarding Social Security Insurance reductions and submitted written comments.

This Handout was received and filed.

Councilwoman Gabelich spoke.

Gordana Hager spoke regarding AQMD work at Loynes Drive.

Craig Beck, Development Services Director, spoke.

Councilmember O'Donnell spoke.

Sandee Van Horn spoke regarding the wetlands land swap.

Summer Hansen spoke regarding Children's Day.

Harvey Cochran spoke regarding a variety of issues, including the recent 1st District election.

[09-0411](#)

Larry Goodhue spoke regarding a variety of issues and submitted correspondence for the record.

This Handout was received and filed.

Pat Towner spoke regarding the wetlands at Loynes.

Pat West, City Manager, spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Craig Beck, Director of Community Development, spoke.

Councilmember Reyes Uranga spoke.

Tom Stout spoke regarding the wetlands.

Rick Berry spoke regarding the recent election and City's need to strive for transparency.

[09-0412](#) Tom Poe spoke and submitted a flyer regarding Project Pantry Community Food Drive.

This Handout was received and filed.

CONSENT CALENDAR (6:13 PM)

[see media](#)

3. [09-0365](#) Recommendation to adopt resolution declaring April 18, 2009 as "C-17 Day," and supporting the procurement of additional C-17 aircraft.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Harvey Cochran spoke.

Mayor Foster spoke.

A motion was made by Councilman Andrews, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-09-0025. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0025

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve Consent Calendar Items 3-11, except for Item 3. The motion carried by the following vote:

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

Absent: 1 - DeLong

4. [09-0340](#) Recommendation to refer to City Attorney damage claims received between March 30, 2009 and April 6, 2009.

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

5. [09-0341](#) Recommendation to adopt Specifications No. PA-00909 and award contracts to Patten Energy, Inc., and General Petroleum, for the purchase of petroleum products in the total amount of \$110,000 for a period of one year, with the option to renew for one additional one-year period, at the discretion of the City Manager, with the option to add expenditures up to 10 percent (or \$11,000) above the contract amount, if necessary and if funds are available. (Citywide)

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

6. [09-0342](#) Recommendation to adopt resolution authorizing City Manager to execute a contract and any amendments thereto with Zonar Systems on the same terms and conditions afforded to the Poway Unified School District for the purchase of Web-Based, Commercial Vehicle Management Program and Global Positioning System and on-going maintenance agreements in the total amount not to exceed \$150,000 including tax, at the discretion of the City Manager, with the option of adding expenditures up to 10 percent (or \$15,000) above the contract amount, if necessary and if funds are available. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-09-0026 on the Consent Calendar.

Enactment No: RES-09-0026

7. [09-0343](#) Recommendation to authorize City Manager to execute an Automatic/Mutual Aid Agreement with the City of Los Angeles for the exchange of fire protection, specialized rescue and emergency medical services. (Citywide)

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

8. [09-0344](#) Recommendation to receive and file the application of Long Beach Entertainment Incorporated, dba (no active dba), for a person-to-person transfer of an Alcoholic Beverage Control License, at 1811-1813 West Anaheim Street, with existing conditions. (District 1)
A motion was made to approve recommendation on the Consent Calendar.
9. [09-0345](#) Recommendation to receive and file the application of GL MEX LLC, dba Super Mex Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5660 Atlantic Avenue, with existing conditions. (District 8)
A motion was made to approve recommendation on the Consent Calendar.
10. [09-0346](#) Recommendation to authorize City Manager to execute all necessary documents allowing the Police Department to participate in the Interinsurance Exchange of the Automobile Club vehicle transfer program. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
11. [09-0347](#) Recommendation to receive and file minutes of:
Civil Service Commission - March 25, 2009.
A motion was made to approve recommendation on the Consent Calendar.

UNFINISHED BUSINESS (6:14 PM)

[see media](#)

12. [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 Reyes Uranga spoke.
- Mike Mais, Assistant City Attorney, spoke.
- Mayor Foster spoke.
- Councilmember Reyes Uranga spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilman Andrews spoke.

Councilmember S. Lowenthal spoke.

Mayor Foster spoke.

Mike Mais, Assistant City Attorney, spoke.

Richard Hernandez, Disabled Resource Center, spoke.

Francis Emily Dawson Harris spoke.

Ben Rockwell spoke.

Gary Shelton spoke.

Danny Wilson spoke.

Suzanne Brown spoke and submitted suggested language for the ordinance.

Martha Cota spoke.

Nancy Alsweet spoke.

Harvey Cochran spoke.

Councilwoman Gabelich spoke.

Nancy Alsweet spoke.

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

Suzanne Brown spoke.

Councilmember S. Lowenthal spoke.

A substitute motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion failed by the following vote:

Yes: 3 - O'Donnell, Andrews and Lerch

No: 4 - S. Lowenthal, Schipske, Reyes Uranga and Gabelich

Absent: 1 - DeLong

Enactment No: ORD-09-0010

[09-0278](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 21.60, Divisions I through III, relating to relocation assistance, read and adopted as read. (Citywide)

A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading; with the recommended amendment of Section 21.60.330 [1] to read in its entirety as follows: [1] moved voluntarily (which shall not include the situation where the landlord/owner has served the tenant with a 30 or 60 day notice to quit or vacate). The motion carried by the following vote:

Yes: 5 - S. Lowenthal, Schipske, Reyes Uranga, Gabelich and Lerch

No: 2 - O'Donnell and Andrews

Absent: 1 - DeLong

Enactment No: ORD-09-0010

[09-0279](#)

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

A motion was made by Councilmember S. Lowenthal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0027. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

No: 1 - O'Donnell

Absent: 1 - DeLong

Enactment No: RES-09-0027

[see media](#)

13. [09-0306](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Jeovany Antonio Guevara, dba Willow Street Landing, for an original Alcoholic Beverage Control License, at 437 West Willow Street, with conditions. (District 6)

Councilman Andrews spoke; requested protest of the license and to be advised when the hearing would take place.

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation to transmit a letter of protest to the Department of Alcoholic Beverage Control on the grounds of over concentration and residences within 100 feet. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Absent: 2 - DeLong and Lerch

REGULAR AGENDA (7:17 PM)

[see media](#)

14. [09-0370](#)

Recommendation to request City Attorney to prepare an ordinance amending Chapter 2.52 of the Long Beach Municipal Code in order to suspend activities and operations of the Public Safety Advisory Commission.

Mayor Foster spoke.

Ron Nelson spoke.

Mayor Foster spoke.

John Deats spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Motion: Substitute motion to receive and file and bring back the report regarding boards and commissions.

Moved by Schipske, motion failed due to lack of second.

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation to suspend the Commission and re-evaluate the status in one year. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, O'Donnell, Andrews, Reyes Uranga, Gabelich and Lerch

No: 1 - Schipske

Absent: 1 - DeLong

[see media](#)

15. [09-0371](#)

Recommendation that City Council proclaim today, Tuesday, April 14, 2009, as "National Library Workers' Day" and encourage all in this community to take advantage of the variety of library resources available and to thank library workers for their exceptional contributions to American life.

Councilwoman Schipske spoke.

Linda Efron spoke.

Julie Ebner spoke and submitted written comments.

Jo Rae Zuckerman spoke.

Myra Dennis spoke.

Sarah Pillet spoke.

Francis Emily Dawson Harris spoke.

Councilman Andrews spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

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

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

Absent: 2 - DeLong and Reyes Uranga

[see media](#)

16. [09-0348](#)

Recommendation to authorize City Manager to execute any and all documents necessary for the Third Amendment to Amended and Restated Lease No. WDL-96 with Kilroy Realty, L.P., a Delaware Limited Partnership, to continue negotiations for the proposed development of property owned by the City of Long Beach and the Water Department at the Long Beach Airport in the Kilroy Airport Center. (District 5)

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

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

Absent: 2 - DeLong and Reyes Uranga

[see media](#)

17. [09-0349](#)

Recommendation to adopt resolution making certain findings regarding the construction of certain public improvements along Queensway Drive and surrounding areas with funds from the North Redevelopment Project Area. (District 2)

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0028. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0028

[see media](#)

18. [09-0350](#)

Recommendation to adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (Downtown Public Art Improvements);

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0029. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0029

[see media](#)

[09-0351](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (West Beach Public Art Improvements);

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0030. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0030

[see media](#)
[09-0352](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (West Long Beach Industrial Public Art Improvements);

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0031. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0031

[see media](#)
[09-0353](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (Los Altos Public Art Improvements);

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0032. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0032

[see media](#)
[09-0354](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (Central Public Art Improvements);

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0033. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0033

[see media](#)
[09-0355](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (Poly High Public Art Improvements); and

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0034. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0034

[see media](#)
[09-0356](#)

Adopt resolution making certain findings regarding the construction of certain public improvements with Redevelopment Funds (North Public Art Improvements). (Districts 1,2,4,6,7,8,9)

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0035. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-09-0035

[see media](#)

19. [09-0357](#)

Recommendation to authorize City Manager to execute a permit with BAH Ventures, Inc., a California corporation, dba Rubber Duck Tours, for the purpose of operating an amphibious bus tour of downtown Long Beach and Rainbow Harbor, for a term of five years with one five-year renewal option, at the discretion of the City Manager or his designee. (District 2)

Councilmember S. Lowenthal spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Vice Mayor Lerch spoke.

Harvey Cochran spoke.

Francis Emily Dawson Harris spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

Francis Emily Dawson Harris 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, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - DeLong

[see media](#)

20. [09-0359](#)

Recommendation to receive and file the application of DPC Alliance Incorporated, dba (no active dba), for an original Alcoholic Beverage Control License, at 7541 Carson Boulevard, with conditions. (District 5)

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

Yes: 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Absent: 2 - DeLong and Lerch

[see media](#)

21. [09-0360](#)

Recommendation to approve submittal of the recommended list of grant applications to the Metropolitan Transportation Authority; and authorize City Manager to administer and execute all necessary documents to accept, and expend all Metropolitan Transportation Authority grant funds in connection therewith, and to take all other actions necessary to

implement the use of such funds. (Citywide)

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

Yes: 6 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga and Gabelich

Absent: 2 - DeLong and Lerch

ORDINANCES (8:30 PM)

[see media](#)

22. [09-0362](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 2.33.020 relating to the Citizens' Advisory Commission on Disabilities read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Francis Emily Dawson Harris spoke.

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, 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 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - DeLong

Enactment No: ORD-09-0011

[see media](#)

23. [09-0363](#) Recommendation to declare ordinance amending Long Beach Municipal Code by amending Section 15.40.130; and by repealing Section 15.40.140 and Section 15.40.150, all relating to natural gas pipeline regulations 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 Councilmember S. Lowenthal, seconded by Councilwoman Schipske, 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 - S. Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - DeLong

Enactment No: ORD-09-0012

NEW BUSINESS (8:34 PM)

24. Affidavit of Service for the special meeting held Tuesday, April 14, 2009.

ANNOUNCEMENTS (8:34 PM)

Mayor Foster made community announcements; and requested that the meeting be adjourned in memory of Chris Daclan.

Councilwoman Gabelich made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilman Andrews made community announcements.

Councilmember Reyes Uranga made community announcements; and expressed condolences to the family of Chris Daclan.

Vice Mayor Lerch made community announcements.

Councilwoman Gabelich announced the Grand Prix this weekend.

PUBLIC (8:44 PM)

Joe Povicek spoke regarding National Public Works Week.

ADJOURNMENT (8:45 PM)

At 8:45 PM, Mayor Foster adjourned the meeting in memory of Chris Daclan.

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