



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

C-2

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

August 17, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the minutes for the City Council Meeting of Tuesday, August 3, 2010

DISCUSSION

The Legistar minutes for the City Council Meeting of Tuesday, August 3, 2010 are attached for review and approval.

Should any district offices have questions regarding the minutes we submit each week, we respectfully request that you contact the City Clerk Department prior to 12:00 p.m. on the day of the City Council meeting. With notice prior to the meeting, City Clerk staff can attempt to resolve any questions that you may have before the start of the regular meeting.

In cases where questions cannot be resolved before the 5:00 p.m. meeting start time, we will request a motion and a second that the minutes be held over for approval to the following week.

TIMING CONSIDERATIONS

None.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

LARRY G. HERRERA
CITY CLERK

Prepared by: Nancy Muth

LGH:nem
Attachment

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 & DRAFT 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 No. 4 was pulled from the Consent Calendar for discussion and was considered following the Consent Calendar vote; Agenda Item No. 2 was reconsidered following Agenda Item No. 4; and Agenda Item Nos. 49, 50, 51 and 52 were considered following the reconsideration of Agenda Item No. 2 and prior to Agenda Item No. 30.

ROLL CALL (5:05 PM)

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

Councilmembers Johnson
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; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Invocation: Moment of Silence.

Flag Salute: Robert Garcia, Councilmember, First District.

Mayor Foster announced that Agenda Item No. 1 would be continued to the meeting of Tuesday, August 10, 2010; and that Agenda Items 49, 50 and 51 would be considered following the Consent Calendar.

Proclamation for Neighborhood Leadership Program.

Councilmember Andrews spoke.

Presentation on Second District Awards.

Councilmember Lowenthal spoke.

HEARINGS (5:22 PM)

1. 10-0781 Recommendation to receive supporting documents into the record, conclude the hearing, and declare ordinance amending the Downtown Shoreline Planned Development District (PD-6) read for the first time and laid over to the next regular meeting of the City Council for final reading; and

A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, that the item be laid over one week to the meeting of Tuesday, August 10, 2010. The motion carried by the following vote:

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

Absent: 1 - Johnson

- 10-0782 Adopt resolution submitting the amendment of the Local Coastal Program to the California Coastal Commission for consideration and approval. (District 2)

A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, that the item be laid over one week to the meeting of Tuesday, August 10, 2010. The motion carried by the following vote:

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

Absent: 1 - Johnson

2. 10-0784 Recommendation to conduct a hearing on the proposed levy of the Marijuana Business License Tax, receive supporting documentation into the record, conclude the hearing; adopt a finding of emergency; and adopt resolution calling for an election on November 2, 2010, for the purpose of authorizing such a tax. (Citywide)

Richard Eastman spoke.

Madeline Johnson spoke.

John Donahue spoke.

Brian Roberts spoke and submitted correspondence and a publication.

Los Angeles County Sheriff Lee Baca spoke and distributed a brochure.

Unidentified male resident of the First District spoke.

James Ryan spoke.

Larry Goodhue spoke.

Steve Baker spoke.

Jamie Greene spoke.

Linda Reed spoke.

David Zinc spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Councilwoman Gabelich, seconded by Vice Mayor Lowenthal, to receive supporting documentation into the record, conclude the hearing, and split the question of the finding of fiscal emergency. The motion carried by the following vote:

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

Absent: 1 - Johnson

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to adopt a finding of fiscal emergency. The motion carried by the following vote:

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

No: 1 - Schipske

Absent: 1 - Johnson

Heather Mahood, Chief Assistant City Attorney, spoke.

Mayor Foster declared a 5-minute recess.

The City Council meeting reconvened.

Councilmember Lowenthal withdrew her second; and Councilmember Neal seconded the motion made by Councilwoman Gabelich.

Councilmember Garcia spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to approve recommendation and adopt resolution calling for an election on November 2, 2010 for the purpose of a Special Tax. The motion failed by the following vote:

Yes: 4 - Garcia, Lowenthal, Gabelich and Neal

No: 4 - DeLong, O'Donnell, Schipske and Andrews

Absent: 1 - Johnson

A motion was made by Councilman Andrews, seconded by Councilwoman Gabelich, to reconsider the vote on Agenda Item No. 2. The motion carried by the following vote:

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

Absent: 1 - Johnson

Mayor Foster spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to separate the issue by removing medical marijuana from the tax, so the tax would only apply to for-profit sales of recreational marijuana should it be legalized in the November election. The motion carried by the following vote:

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

Absent: 1 - Johnson

A motion was made by Councilwoman Gabelich, seconded by Councilman Andrews, to adopt a finding of fiscal emergency. The motion carried by the following vote:

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

Absent: 1 - Johnson

Councilmember O'Donnell spoke.

Carl Kemp spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

A motion was made by Councilwoman Gabelich, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0079 relating to a non-medical marijuana business license general tax, and amend the resolution to provide for a 15% tax on gross receipts for sales of non-medical marijuana. The motion carried by the following vote:

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

Absent: 1 - Johnson

Enactment No: RES-10-0079

3. 10-0785

Recommendation to receive supporting documentation into the record, conclude the hearing, find that the area to be vacated is not needed for present or prospective public use; and adopt resolution ordering the vacation of the pedestrian walk between Janice Drive and Harding Street, east of Atlantic Avenue. (District 9)

Chuck Johnson spoke.

Ben Diaz spoke.

Salencia Rios spoke.

Bob Zieger spoke.

Councilmember Neal spoke.

A motion was made by Councilmember Neal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-10-0076. The motion carried by the following vote:

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

Absent: 1 - Johnson

Enactment No: RES-10-0076

PUBLIC COMMENT (6:37 PM)

Jo Rae Zuckerman spoke regarding libraries.

Clarice Cooper spoke regarding buses and street parking.

Larry Goodhue spoke regarding rights of the public speaker.

10-0869 David Sharpe spoke regarding distance requirements for medical marijuana collectives, and submitted correspondence.

This Handout was received and filed.

CONSENT CALENDAR (6:53 PM)

Diana Lejins spoke regarding Agenda Item No. 5.

Larry Goodhue spoke regarding Agenda Item No. 9.

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve Consent Calendar Items 4 - 29, except for Item 4. The motion carried by the following vote:

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

Absent: 1 - Johnson

4. 10-0834 Recommendation to receive and file report on attendance at 50th Annual Seminar of the Independent Cities Association, July 8 -11, 2010.

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, 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

Following the vote for Agenda Item No. 4, Councilwoman Gabelich requested that Agenda Item No. 2 be reconsidered. The City Council returned to Agenda Item No. 2 at this point.

5. 10-0381 Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee to approve renaming the Beach Dog Zone to Rosie's Dog Beach in honor of the inspiration for the park and Rosie the Bulldog.
- A motion was made to approve recommendation on the Consent Calendar.**
6. 10-0473 Recommendation to City Council to concur in recommendation of the Housing and Neighborhoods Committee that the park bound by Vermont Street (north), Colorado Street (south), Orlena Avenue (east), and Colorado Lagoon (west) be named Alamitos Heights Park.
- A motion was made to approve recommendation on the Consent Calendar.**
7. 10-0786 Recommendation to authorize City Attorney to pay the sum of \$25,000 in full settlement of lawsuit entitled Department of Fair Employment and Housing and Real-Party-in-Interest, Helen McCanic, Case No. BC437225; to pay the sum of \$7,500 in full settlement of lawsuit entitled Whittaker, Amy vs. City of Long Beach, et al.; and to pay the sum of \$7,500 in full settlement of lawsuit entitled Whittaker, Colleen vs. City of Long Beach, et al.
- A motion was made to approve recommendation on the Consent Calendar.**
8. 10-0783 Recommendation to approve the minutes for the City Council meetings held Tuesdays, July 6, 2010, July 13, 2010 and July 20, 2010.
- A motion was made to approve recommendation on the Consent Calendar.**
9. 10-0787 Recommendation to refer to City Attorney damage claims received between July 2, 2010 and July 26, 2010.

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

10. 10-0788 Recommendation to approve the destruction of records for Long Beach Police Department Internal Affairs as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-10-0077 on the Consent Calendar.

Enactment No: RES-10-0077

11. 10-0823 Recommendation to approve the destruction of records for Financial Management Department Accounting Bureau as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-10-0078 on the Consent Calendar.

Enactment No: RES-10-0078

12. 10-0789 Recommendation to authorize City Manager to execute a First Amendment to Lease with The Original 620 Cisco, Inc., a California corporation, for lease of excess former Union Pacific Railroad Company right-of-way, for an additional ten-year term, with two five-year options to renew the Lease. (District 1)

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

13. 10-0790 Recommendation to authorize City Manager to execute all documents, and any subsequent amendments thereto, with the State of California to accept \$42,777 in Federal Workforce Investment Act funds as part of the American Recovery and Reinvestment Act of 2009; to execute an agreement with Long Beach Community College District in the amount of \$28,000 to provide training services; and increase appropriations in the Community Development Grants Fund (SR 150) in the Department of Community Development (CD) by \$42,777. (Citywide)

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

14. 10-0791 Recommendation to authorize City Manager, or designee, to execute any and all documents necessary for the Second Amendment to Lease No. 26970 between Long Beach Memorial Medical Center and the City of Long Beach for medical office space located at 2701 Atlantic Avenue, Suite B, for the continued operation of the Department of Health and Human Services' Women, Infants, and Children Nutrition Program for an additional one-year term, at a monthly base rent of \$2,924.38.

(District 6)

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

15. 10-0792 Recommendation to adopt Specifications No. PA-00810 to award contracts to Vista Paint Corporation, a Long Beach-based business (not an MBE, WBE, or SBE), and Sherwin Williams Company of Signal Hill, California (MBE, WBE), in a combined annual amount not to exceed \$205,000, to furnish and deliver paint, marine paint and supplies, for one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

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

16. 10-0793 Recommendation to authorize City Manager to increase the existing purchase order number POPW10000039 with A-Z Emissions Solutions, dba A-Z Bus Sales, Inc., of Colton, California (not an MBE, WBE, SBE or Local), for the purchase of two additional Huss brand diesel particulate traps at a cost of \$39,550, for a total not to exceed \$112,200. (Citywide)

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

17. 10-0794 Recommendation to authorize City Manager, or designee, to execute all necessary documents with the Certified Unified Program Agency (CUPA) Forum Environmental Protection Trust Fund to accept grant funding in the amount of \$3,219 for the purchase of digital cameras and cellular telephones to be utilized by Long Beach CUPA emergency response personnel. (Citywide)

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

18. 10-0795 Recommendation to receive and file the application of Daljit Kaur Walia, dba Bargain Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 3300 East 7th Street, with existing conditions. (District 2)

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

19. 10-0796 Recommendation to receive and file the application of B Shore Incorporated, dba Barry's Beach Shack, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5374 East 2nd Street, with existing conditions. (District 3)

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

20. 10-0797 Recommendation to receive and file the application of McCarthys Bar Group Incorporated, dba Liquid Lounge, for a person-to-person transfer of an Alcoholic Beverage Control License, at 3522-24 East Anaheim Street, with existing conditions. (District 4)

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

21. 10-0798 Recommendation to receive and file the application of John Joo and Linda Joo, dba JJ Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5442 East Del Amo Boulevard, with existing conditions. (District 5)

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

22. 10-0799 Recommendation to receive and file the application of Adel Naiem Makar, dba Rose Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1098 East Wardlow Road, with existing conditions. (District 7)

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

23. 10-0801 Recommendation to receive and file the application of Amy Ku and Richard Ku, dba Ocean Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1850 West Wardlow Road, with existing conditions. (District 7)

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

24. 10-0800 Recommendation to receive and file the application of Edgardo Quinteros and Marta Vilma Quinteros, dba Dominguez Pizza 2, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6176 Atlantic Avenue, with existing conditions. (District 9)

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

25. 10-0802 Recommendation to receive and file the application of Venus Entertainment Incorporated, dba Paris Showgirls, for a person-to-person transfer of an Alcoholic Beverage Control License, at 2421 East Artesia Boulevard, with existing conditions. (District 9)

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

26. 10-0803 Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the California Office of Traffic Safety for the 2011 Selective Traffic Enforcement Program; and increase appropriations in the General Grants Fund (SR) and in the Police Department (PD) by \$278,000. (Citywide)

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

27. 10-0804 Recommendation to authorize City Manager to execute an easement deed to be granted to the Los Angeles County Flood Control District (LACFCD) for storm drain purposes. (District 3)

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

28. 10-0805 Recommendation to authorize City Manager to execute subdivision agreements and find that all requirements of the final subdivision map for construction of a 48-unit condominium development have been satisfied, and approve the final map for Tract No. 70104 located north of 20th Street and west of Atlantic Avenue. (District 6)

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

29. 10-0806 Recommendation to receive and file minutes for:
Civil Service Commission - June 30, 2010 and July 14, 2010.

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

REGULAR AGENDA (8:33 PM)

30. 10-0807 Recommendation to request City Manager to report on the status and scope of off-shore oil operations adjacent to Long Beach with particular focus upon what plan is in place to respond to an oil spill off the shore of Long Beach.

Councilwoman Schipske spoke.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 2 - DeLong and Johnson

31. 10-0808 Recommendation to respectfully request that the City Attorney prepare an amendment to Chapter 14.14 of the Long Beach Municipal Code regarding hours of operation for Public Occupancy Permits as set forth.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 2 - DeLong and Johnson

32. 10-0830 Recommendation to request City Attorney to draft a resolution in support of Proposition 22, The Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

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

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

No: 1 - O'Donnell

Absent: 2 - DeLong and Johnson

33. 10-0831 Recommendation to request City Manager to review current standards for both temporary and permanent commercial signage, and related enforcement practices, and report back to City Council, including recommendations for any changes to the Long Beach Municipal Code and to enforcement procedures, within 60 days.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember Garcia spoke.

Vice Mayor Lowenthal spoke.

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 2 - DeLong and Johnson

34. 10-0832 Recommendation to request City Manager to work with Downtown Long Beach Associates to create a pilot program for requiring vacant storefront activation downtown, and report back to City Council within 45 days with recommendations for implementation.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Larry Goodhue spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Councilmember Garcia, seconded by Councilman Andrews, 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

35. 10-0833 Recommendation to receive and file report on the actions taken at the Metropolitan Water District Board meeting held on July 13, 2010.

Vice Mayor Lowenthal 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, Andrews, Gabelich and Neal

Absent: 1 - Johnson

- 36. 10-0809** Recommendation to authorize City Manager to execute all documents with the United States Department of Justice to receive a grant in the amount of \$300,000 for a Long Beach Youth Career Academy pilot that will assist probationary youth ages 14-17; to execute all documents with various initiative partners in an amount totaling \$145,000; and to execute any needed subsequent amendments. (Citywide)

A motion was made by Councilman Andrews, seconded by Councilmember Neal, 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

- 37. 10-0810** Recommendation to authorize City Manager to execute all documents, and any subsequent amendments thereto, with the State of California to accept \$525,960 in Federal Workforce Investment Act funds as part of the American Recovery and Reinvestment Act of 2009; authorize City Manager, or his designee, to execute training agreements and amendments with involved employers; and increase appropriations in the Community Development Grants Fund (SR 150) in the Department of Community Development (CD) by \$50,000. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, 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

- 38. 10-0812** Recommendation to authorize City Manager to execute a Project Labor Agreement (PLA) with the Los Angeles/Orange Counties Building and Construction Trades Council establishing the labor relations Policies and Procedures for the City, the contractor, and the craftspersons employed by the contractor awarded the Phase I Terminal Improvements at the Long Beach Airport for a period of three years with the option to renew for one additional one-year period at the discretion of the City Manager. (District 5)

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

Yes: 7 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Gabelich and Neal

No: 1 - DeLong

Absent: 1 - Johnson

39. 10-0813

Recommendation to authorize City Manager to execute a North American Energy Standards Board (NAESB) contract between the City of Long Beach and the City of Pasadena for the purchase and sale of natural gas on such terms, and enter into such transactions under the NAESB, as the City Manager may deem appropriate. (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, Andrews, Gabelich and Neal

Absent: 1 - Johnson

40. 10-0814

Recommendation to authorize City Manager to award and execute a contract with Dutra Dredging Company, to dredge and dispose of approximately 27,000 cubic yards of material from the entrance to Rainbow Harbor, in an estimated amount of \$490,650, plus a 10 percent contingency amount of \$49,065, if necessary, for a total of \$539,715;

Decrease appropriations by \$116,630 in the Tidelands Operating Fund (TF 401) in the Department of Public Works (PW), and increase appropriations by \$116,630 in the Tidelands Operating Fund (TF 401) in the Department of Parks, Recreation and Marine (PR); and

Authorize City Manager to execute the First Amendment to the Memorandum of Understanding between the City of Long Beach, Department of Parks, Recreation and Marine, and the City of Long Beach, Harbor Department, with regard to the placement of dredge material from the Los Angeles River Estuary into Slip 1 in the Middle Harbor. (District 2)

Councilwoman Gabelich spoke.

Larry Goodhue spoke.

Vice Mayor Lowenthal spoke.

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, Andrews, Gabelich and Neal

Absent: 1 - Johnson

41. 10-0815 Recommendation to receive and file the application of PRL Enterprise LLC, dba Easy Market, for an original Alcoholic Beverage Control License, at 1370 West Willow Street, with conditions. (District 7)

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

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

Absent: 1 - Johnson

42. 10-0816 Recommendation to adopt resolution designating Pier A Way and Pier B Street as overweight vehicle routes. (District 1)

Larry Goodhue spoke.

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-10-0085. The motion carried by the following vote:

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

Absent: 1 - Johnson

Enactment No: RES-10-0085

43. 10-0817 Recommendation to request City Attorney to prepare an amendment to the Long Beach Municipal Code to modify Chapters 10.41 and 10.56, as necessary, to permit the operation of trucks with weight and vehicle characteristics consistent with state law, and to allow the transport of overweight cargo in various sized intermodal shipping equipment as recommended by the City Traffic Engineer. (Districts 1,2,7)

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, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 1 - Johnson

44. 10-0818 Recommendation to adopt Plans and Specifications No. R-6848 for the rehabilitation of Wardlow Road between Clark Avenue and Palo Verde Avenue; authorize City Manager to award and execute the contract with All American Asphalt, in an estimated amount of \$1,303,303, plus a 10 percent contingency amount of \$130,330, if necessary, for a total of \$1,433,633, and any amendments thereto except for an increase in the contract price; and increase appropriations by \$1,648,678, in the Gas Tax Street Improvement Fund (SR 181) in the Department of Public Works (PW) for construction and construction inspection costs related to this project. Funding for this project is from the American Recovery and Reinvestment Act of 2009 (ARRA). (District 5)

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, 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

45. 10-0820 Recommendation to authorize City Manager to execute a design-build contract with EFS West, of Valencia, CA, for the design and construction of the Shoreline Marina Fuel Dock and Underground Storage Tank (UST) upgrade, award the Phase I portion in an estimated amount of \$272,175, and execute all necessary documents related to the contract; and increase appropriations in the Marina Fund (TF 403) in the Department of Parks, Recreation and Marine (PRM), by \$293,393 for construction and construction support costs related to this project. (District 2)

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, 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

46. 10-0821 Recommendation to authorize City Manager to execute a lease-purchase agreement and related documents with Chase Equipment Finance, Inc. for the financing of disaster recovery technology in an amount not to exceed \$505,340 over a five-year period, or \$101,068 annually. (Citywide)

A motion was made by Councilwoman Schipske, seconded by Councilmember Garcia, 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

ORDINANCES (9:07 PM)

47. 10-0750 Recommendation to declare ordinance amending Section 15.48.020 of the Long Beach Municipal Code relating to undergrounding of utilities read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, 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: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Gabelich and Neal

Absent: 1 - Johnson

48. 10-0747 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 16.08.471 and 16.08.650, relating to Marinas read and adopted as read. (District 3)

Larry Goodhue spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation and adopt Ordinance No. ORD-10-0022. The motion carried by the following vote:

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

Absent: 1 - Johnson

Enactment No: ORD-10-0022

NEW BUSINESS (7:08 PM)

49. 10-0766 Recommendation to adopt resolution ordering, calling and providing for and giving notice of a Special Municipal Election to be held in the City of Long Beach on Tuesday, the 2nd day of November 2010, for the purpose of submitting a ballot proposition to a vote of the qualified electors of the City relating to the Civil Service Commission.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Janet Schabow, International Association of Machinists and Aerospace Workers representative, spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0080. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Gabelich

No: 1 - Neal

Absent: 1 - Johnson

Enactment No: RES-10-0080

50. 10-0836 Recommendation to adopt resolution ordering, calling and providing for and giving notice of a Special Municipal Election to be held in the City of Long Beach on Tuesday, the 2nd day of November 2010, for the purpose of submitting a ballot proposition to a vote of the qualified electors of the City relating to Veteran's preference.

Mayor Foster spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Christine Anderola spoke.

Councilmember O'Donnell spoke.

A motion was made by Councilmember Garcia, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-10-0081, as amended relative to eligibility thresholds, point preferences for disabled veterans, and point preferences for spouses. The motion carried by the following vote:

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

Absent: 1 - Johnson

Enactment No: RES-10-0081

51. 10-0837

Recommendation to adopt resolution ordering, calling and providing for and giving notice of a Special Municipal Election to be held in the City of Long Beach on Tuesday, the 2nd day of November 2010, for the purpose of submitting a ballot proposition to a vote of the qualified electors of the City relating to the Harbor Department and Oil Properties.

Correspondence received via e-mail Tuesday, August 3, 2010 at 4:53 PM from Majestic Realty.

Councilwoman Gabelich spoke.

Laura L. Doud, City Auditor, spoke and submitted an information sheet for Harbor Department statement of revenues and expenses.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Nick Sramek, President of the Long Beach Harbor Commission, spoke.

Mayor Foster spoke.

Susan Wise, Vice President of the Long Beach Harbor Commission, spoke.

Mayor Foster spoke.

Susan Wise, Vice President of the Long Beach Harbor Commission, spoke.

Councilmember DeLong spoke.

Mayor Foster spoke.

Susan Wise, Vice President of the Long Beach Harbor Commission, spoke.

Robert Shannon, City Attorney, spoke.

Susan Wise, Vice President of the Long Beach Harbor Commission, spoke.

Robert Shannon, City Attorney, spoke.

Michele Grubbs, Vice President of Pacific Merchants Shipping Association, spoke.

Clay Sandidge, President of Future Ports, spoke.

Doug Cowan, contractor and member of Future Ports, spoke.

Larry Goodhue spoke.

Don Wiley, Senior Vice President for Ports America, spoke.

Mike Larison spoke.

Mayor Foster spoke.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0082, and amend the Proposition D ballot measure language to read as follows: "Shall Proposition D, which amends the Long Beach City Charter by changing the formula from 10% of net income to 5% of gross operating revenues to clarify the formula for the transfer of funds from Harbor Department revenues to the Tidelands Operating Fund, and clarifying the management of the City's oil properties and subsidence control operations are under the exclusive control of the City Council, be ratified?". The motion carried by the following vote:

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

No: 1 - O'Donnell

Absent: 1 - Johnson

Enactment No: RES-10-0082

Mayor Foster spoke.

52. 10-0838 Recommendation to adopt resolution requesting the Board of Supervisors of the County of Los Angeles to authorize and order the consolidation of a Citywide Special Municipal Election with the Statewide General Election to be held Tuesday, November 2, 2010, and determining and declaring that the City will pay to the County reasonable and actual expenses incurred by the County on account of the consolidation of this election; and

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-10-0083. The motion carried by the following vote:

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

Absent: 1 - Johnson

Enactment No: RES-10-0083

- 10-0839 Adopt resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a Special Municipal Election to be held on Tuesday, November 2, 2010.

A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-10-0084. The motion carried by the following vote:

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

Absent: 1 - Johnson

Enactment No: RES-10-0084

53. 10-0862 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, July 30, 2010.

This Agenda Item was received and filed.

ANNOUNCEMENTS (9:12 PM)

Vice Mayor Lowenthal requested that the meeting be adjourned in memory of David Wodynski.

Councilman Andrews expressed condolences to the Wodynski family; and made community announcements.

Councilmember Garcia requested that the meeting be adjourned in memory of Dwight Radcliff.

Councilwoman Gabelich made community announcements.

Vice Mayor Lowenthal made community announcements.

PUBLIC (9:21 PM)

Diana Lejins spoke regarding early departure from City Council meetings by Councilmembers; and spoke regarding emergency issues.

James Ryan spoke regarding a variety of issues.

ADJOURNMENT (9:28 PM)

At 9:28 PM, Mayor Foster adjourned the meeting in memory of David Wodynski and Dwight Radcliff. nem