

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



Patrick H. West, City Manager  
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, Vice Mayor, 9th District

Robert E. Shannon, City Attorney

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## FINISHED AGENDA & MINUTES

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items can be taken out of order during the meeting. Please consult the time stamps to determine the order in which business was addressed.

Agenda Items for this meeting were considered in the order presented.

### ROLL CALL (5:11 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Heather Mahood, Chief Assistant 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: Gerrie Schipske, Councilwoman, Fifth District.

Julie Pruitt, spcaLA, presented a canine.

Mayor Foster spoke regarding the T.E.D. Conference in Long Beach; and introduced the ADA optional viewing area at the rear of the Council Chamber.

Cindy Soto and Francis Emily Dawson Harris spoke.

Season of Non-Violence Kick-Off.

Councilmember S. Lowenthal spoke and introduced the Season of Non-Violence committee.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Presentation from Community Emergency Response Team (CERT).

Councilwoman Schipske spoke.

Ben Rockwell spoke.

Proclamation for Black History Month and for celebrating the Long Beach NAACP's 100th Anniversary.

Naomi Rainey, President of the NAACP Long Beach Branch, spoke.

Councilmember Reyes Uranga spoke.

Councilman Andrews spoke.

## HEARINGS (5:43 PM)

[see media](#)

1. [09-0101](#) Recommendation to receive supporting documentation into the record, conclude the hearing and adopt recommendation to deny the appeal and revoke Business License No. BU92006270 and Entertainment Permit No. BU20345190 for the Guadalupe Perez, dba Mariscos Brite Spot, located at 1616 E. Anaheim Street. (District 2)

Len Bucholtz spoke on behalf of the appellant.

Harvey Cochran spoke.

Ben Rockwell spoke.

Councilmember S. Lowenthal spoke.

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

2. [09-0102](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Northside LLC, dba Total Fighting Alliance, 1250 Bellflower Boulevard, for a Permit for Boxing/Wrestling/Mixed Martial Arts. (District 3)

Todd Meacham, promoter, spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and grant the Permit with conditions. The motion carried by the following vote:**

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

3. [09-0104](#) Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the resolution amending the Master Fee and Charges Schedule for specified City services for the City Clerk, City Prosecutor, Community Development, Development Services, Financial Management, Gas and Oil, Fire, Health and Human Services, Library Services, Long Beach Airport, Parks, Recreation and Marine, Police, and Public Works Departments. (Citywide)

Harvey Cochran spoke.

Ben Rockwell spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember S. Lowenthal, to approve recommendation and adopt Resolution No. RES-09-0007. The motion carried by the following vote:**

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Enactment No:** RES-09-0007

### **PUBLIC COMMENT (6:17 PM)**

Dennis Head, President of IAM Local Lodge 1930, spoke regarding budget issues.

Ben Rockwell spoke regarding budget issues and low-income families.

Catherine Shimozono spoke regarding curb cuts.

Harvey Cochran spoke regarding disability issues.

Robert Coogan spoke regarding encounters with Long Beach Police officers.

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

[see media](#)

4. [09-0120](#) Recommendation to receive and file report on travel to the Conference of Mayors winter meeting in Washington, D.C., January 16 - 22, 2009.

Mayor Foster reported regarding travel to Washington, D.C.

Councilwoman Gabelich spoke.

Mayor Foster spoke regarding Presidential inauguration.

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Passed The Consent Calendar

**A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve Consent Calendar Items 4 - 13, except for Item 4. The motion carried by the following vote:**

**Yes:** 7 - S. Lowenthal, DeLong, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - O'Donnell

5. [09-0123](#) Recommendation to receive and file travel report on League of California Cities Latino Caucus, 2009 Board Retreat, January 9 - 11, 2009.

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

6. [09-0105](#) Recommendation to approve City Council minutes for the meetings held Tuesday, January 13, 2009 and Tuesday, January 20, 2009.

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

7. [09-0106](#) Recommendation to refer to City Attorney damage claims received between January 12, 2009 and January 26, 2009.  
**A motion was made to approve recommendation on the Consent Calendar.**
8. [09-0107](#) Recommendation to adopt resolution relating to the City of Long Beach Special Municipal Election on April 7, 2009. (District 1)  
**A motion was made to approve recommendation and adopt Resolution No. RES-09-0008 on the Consent Calendar.**  
**Enactment No:** RES-09-0008
9. [09-0108](#) Recommendation to authorize Department of Development Services to process a refund in the amount of \$171,324 to D'Orsay Partners International, LLC for the property located at 139 East Broadway. (District 2)  
**A motion was made to approve recommendation on the Consent Calendar.**
10. [09-0109](#) Recommendation to authorize City Manager to execute an amendment to Contract No. 29996 with Waxie's Enterprises, Inc., dba Waxie Sanitary Supply, to increase the annual contract by an amount not to exceed \$100,000 for the purchase of custodial supplies. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
11. [09-0110](#) Recommendation to authorize City Manager to execute an agreement with Mr. Larry Curtis in an amount not to exceed \$59,000, to provide services as Conductor/Director of the Long Beach Municipal Band for a one-year term, ending December 31, 2009, with options to extend the term of the agreement for two consecutive periods of one year each, at the sole discretion of the City Manager or his designee. (Districts 2,3,4,5,8)  
**A motion was made to approve recommendation on the Consent Calendar.**
12. [09-0111](#) Recommendation to find that all requirements of the final subdivision map for condominium conversion have been satisfied and approve the final map for Tract No. 64890 located south of Pepper Drive and west of Long Beach Boulevard. (District 7)  
**A motion was made to approve recommendation on the Consent Calendar.**
13. [09-0055](#) Recommendation to receive and file the minutes for:  
Civil Service Commission - December 17, 2008 and  
January 7 and 14, 2009.
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Parks and Recreation Commission - December 18, 2008.

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

**REGULAR AGENDA (6:37 PM)**

14. 09-0128 WITHDRAWN  
~~Recommendation to receive one reappointment to the Planning Commission pursuant to Section 509 of the City Charter and California State AB 1234.~~

**This Agenda Item was withdrawn.**

[see media](#)

15. [09-0078](#) Recommendation to receive and file the City Clerk Department report regarding commission, board, and committee membership compliance with Long Beach Municipal Code Section 2.07.020 relating to ethics training. (Citywide)

Larry Herrera, City Clerk, spoke.

Mayor Foster spoke.

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

16. [09-0112](#) Recommendation to approve the Fiscal Year 2009 first quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)

Councilmember S. Lowenthal spoke.

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

17. [09-0113](#) Recommendation to adopt Specifications No. PA-00509 and award contract to West Coast Sand and Gravel, Inc., for the purchase of sand and gravel in the amount of \$700,000 for a period of one year, with the

option to renew for one additional year, at the discretion of the City Manager, with the option to add expenditures up to 15 percent (or \$105,000) above the contract amount, if necessary and if funds are available. (Citywide)

**A motion was made by Councilman Andrews, seconded by Vice Mayor Lerch, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

**18. [09-0114](#)**

Recommendation to authorize City Manager to execute any and all documents necessary to extend Contract No. 29490 with LINK2GOV Corporation for a period of one year, with the option to renew for an additional one-year period, for continued credit card processing services. (Citywide)

Councilmember Reyes Uranga spoke.

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

**19. [09-0115](#)**

Recommendation to adopt Specifications No. PA-00709 and award a contract to ARAMARK Uniform Services, a division of ARAMARK Uniform & Career Apparel, LLC to furnish and deliver rental uniforms, in an annual amount of \$280,000 for a period of one year, with the option to renew for three additional one-year periods, at the discretion of the City Manager, with the option to add expenditures up to 10 percent (or \$28,000) above the annual contract amount, if necessary and if funds are available; and to extend the existing contract with Prudential Overall Supply to no later than April 30, 2009 and increase the contract amount by \$70,000 for service transition. (Citywide)

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

**20. [09-0116](#)**

Recommendation to adopt resolution authorizing City Manager to implement Gas Rate Schedules 1 through 5, 7, and 9 and special conditions and incentives in Exhibits A and B. (Citywide)

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-09-0009. The motion carried by the following vote:**

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Enactment No:** RES-09-0009

[see media](#)

**21. [09-0117](#)**

Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the Federal FY 08 Earmark Program; and increase appropriations in the General Grants Fund (SR) and in the Police Department (PD) by \$254,889. (Citywide)

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

**22. [09-0119](#)**

Recommendation to authorize City Manager to execute an amendment to Lease No. 30946 for lease of excess Terminal Island Freeway right-of-way to Wilmington-Lomita Blvd., LLC, a California limited liability company, increasing the leased land from 2.79 net acres to 5.77 net acres, and the monthly rent from \$6,900 to \$14,260, with all other lease provisions remaining the same. (District 7)

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

**23. [09-0121](#)**

Recommendation to authorize City Manager to negotiate a Real Estate Exchange Agreement, providing overall terms and conditions of an exchange of approximately 12.1 acres of City-owned land for approximately 29.38 acres of privately-owned land. (Districts 1,3)

Harvey Cochran spoke.



Diana Budd spoke.

Jerry Schuble spoke.

Elizabeth Lambe spoke and submitted comments and questions.

Rudy Vitmiere spoke.

Mary Parcell spoke.

Heather Altman spoke.

Lenny Arkenstahl spoke.

George Bullock spoke.

Belinda Fastinos spoke.

Evan Braude spoke.

Anne Cantrell spoke.

Eric Zahn spoke.

Dave Perazzi spoke.

Mike Murchison spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

Pat West, City Manager, spoke.

Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Laura L. Doud, City Auditor, spoke.

**A substitute motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to request the City Auditor to conduct an independent review of the proposed land swap regarding value estimates and costs and benefits to the City, and return to City Council with a report in four to six weeks. The motion failed by the following vote:**

**Yes:** 2 - Schipske and Gabelich

**No:** 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

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

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

**No:** 2 - Schipske and Gabelich

[see media](#)

**24.** [09-0122](#)

Recommendation to authorize City Manager to sign all documents necessary to execute the City-County Cooperative Agreement with Los Angeles County for construction of the Termino Avenue Drain Project (TADP) as designed by Los Angeles County for an estimated amount of \$2,910,000. (Districts 3,4)

Harvey Cochran spoke.

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

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

[see media](#)

**25.** [09-0118](#)

Recommendation to approve allocation of Proposition 1B proceeds for each Council District. (Citywide)

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lerch spoke.

Councilman Andrews spoke.

Harvey Cochran spoke.

Evan Braude spoke.

John Royce spoke.

Dan Pressburg spoke.

John Deats spoke.

Laurie Angel spoke.

Richard Ivy spoke.

Mark Hawkins spoke.

Blair Collins spoke.

Jack Smith spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Motion: Approve recommendation of Option 1 for the equal allocations from CIP and Proposition 1B funding across Council Districts.  
Moved by Gabelich, seconded by Lerch.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Councilmember O'Donnell spoke.

**A substitute motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation, for Option 2 for equal total allocations. The motion carried by the following vote:**

**Yes:** 5 - S. Lowenthal, DeLong, O'Donnell, Schipske and Andrews

**No:** 3 - Reyes Uranga, Gabelich and Lerch

## **ORDINANCES (9:28 PM)**

[see media](#)

### **26. [09-0077](#)**

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 8.68.020.R, Section 8.68.060, and Subsection 8.68.110.A; and by adding Subsection 8.68.020.S, and Section 8.68.210, all relating to smoking in public places read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Robert Shannon, City Attorney, spoke.

Claudette Powers spoke.

Alicia Lopez spoke.

Celia Casteneda spoke.

Carelica Unzueta spoke.

Estel Alvalle spoke.

Jeff Miller spoke.

Terry Anderson spoke.

Serfio spoke.

Rick Berry spoke.

Doris Gill spoke.

Melinda Cotton spoke.

Rosa Kelson spoke.

Katie van Kleeve spoke.

Stafford Clark spoke.

Carol Olmeda spoke.

Dominic Farina spoke.

Harvey Cochran spoke.

Evan Braude spoke.

Tom Fallon spoke.

Steven Gallegos spoke.

Vice Mayor Lerch spoke.

Councilmember S. Lowenthal spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Councilmember S. Lowenthal spoke.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, to declare ordinance, as amended limiting "smoking lounges" to cigars only, 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:** 6 - DeLong, O'Donnell, Andrews, Reyes Uranga, Gabelich and Lerch

**No:** 2 - S. Lowenthal and Schipske

[see media](#)

**27. [09-0056](#)**

Recommendation to declare ordinance amending the Use District Map of the City of Long Beach as said map has been established and amended by amending portions of Part 29 of said Map from CCA (Automobile-Oriented Commercial) and R-1-N (Single-Family

Residential) to I (Institutional), read and adopted as read. (District 9)

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0001. The motion carried by the following vote:**

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

**Enactment No:** ORD-09-0001

### **NEW BUSINESS (10:48 PM)**

[see media](#)

28. [09-0146](#) Recommendation to receive and approve Commission/Board/Committee reappointments to Non-Charter Commissions pursuant to California State AB 1234.

**A motion was made by Councilman Andrews, seconded by Vice Mayor Lerch, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

29. Affidavits of Service for the special meetings held Tuesday, February 3, 2009.

### **ANNOUNCEMENTS (10:49 PM)**

Mayor Foster made community announcements.

Councilmember Reyes Uranga requested that the meeting be adjourned in memory of Pablo Antonio Garcia; and made community announcements.

Councilman Andrews made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember S. Lowenthal requested that the meeting be adjourned in memory of Greg Matson; and made community announcements.

Vice Mayor Lerch requested that the meeting be adjourned in memory of Ronnie Lomas.

### **ADJOURNMENT (11:03 PM)**

At 11:03 P.M., Mayor Foster adjourned the meeting in memory of Pablo Antonio Garcia, Greg Matson and Ronnie Lomas.

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