



CITY OF LONG BEACH

C-2

DEPARTMENT OF CITY CLERK

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January 24, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the minutes for the City Council Meeting of Tuesday, January 10, 2012

DISCUSSION

The Legistar minutes for the City Council Meeting of Tuesday, January 10, 2012 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,

A handwritten signature in black ink, appearing to read "Larry Herrera".

LARRY G. HERRERA
CITY CLERK

Prepared by: Nancy Muth

LGH:nem
Attachment

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



Gerrie Schipske, R.N.P./J.D., 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, except for Public Comment, which was taken following the presentations.

ROLL CALL (6:01 PM)

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

Also present: Patrick West, City Manager; Suzanne Frick, Assistant City Manager; Michael 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.

Pledge of Allegiance: Dee Andrews, Councilman, Sixth District.

Presentation of Certificates of Recognition to Peacemaker Award Recipients.

Councilman Andrews spoke.

Presentation of Proclamation for "Chefs Move to Schools."

Councilmember Neal spoke.

HEARING (6:31 PM)

1. 12-0001 Recommendation to receive supporting documentation into the record, conclude the public hearing, adopt resolution recertifying the Final Program EIR 04-08 (State Clearinghouse No. 2009071006) and

adopting Findings of Fact, a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Downtown Plan; deny the appeal, and uphold the December 1, 2011 decision of the Planning Commission;

Michael Mais, Assistant City Attorney, spoke.

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

Derek Burnham, Planning Administrator, spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Zahirah Mann, Legal Aid Foundation of Los Angeles, spoke on behalf of the appellant.

Malcom Carson, Legal Aid Foundation of Los Angeles, spoke on behalf of the appellant.

Suzanne Brown, Legal Aid Foundation of Los Angeles, Long Beach office, spoke on behalf of the appellant.

Adrian Martinez, Natural Resources Defense Council, spoke on behalf of the appellant.

Zahirah Mann, Legal Aid Foundation of Los Angeles, spoke on behalf of the appellant.

Ben Rockwell spoke.

Richard Hernandez spoke.

Cindy Soto spoke.

Francis Emily Dawson Harris spoke.

Sandra Johnson spoke.

Joanne Davis spoke.

Sarah Castneda spoke.

Evangelina Ramirez spoke.

Yvonne Woo spoke.

Kamarin Pan spoke.

Nora Brown spoke.

Joe Ganum spoke.

Kevin Que spoke.

Miss Nas Cran spoke.

Matthew Cersian spoke.

Diane McNinche spoke.

John Sangmeister spoke

Emily Tanaka spoke.

Eva Judith spoke.

Jim Anderson spoke.

Matha Cota spoke.

Peter Johnson spoke.

Jerry Stinson spoke.

Romy Trinidad spoke.

Gary Shelton spoke.

Vince Zerotti spoke.

George Bullock spoke.

Eric Kenny spoke.

Estelle del Valle spoke.

Laura Katovona spoke.

Mia Acasone spoke.

Stella Astura spoke.

Eric Ray spoke; and submitted correspondence from Loara Cadavona.

Jim Dandow spoke; and submitted correspondence from Emily Kiwa Tanaka from Willmore City Heritage Association.

Annie Greenfeld spoke; and submitted correspondence.

Don Donauer spoke.

Tom Warnke spoke.

Judith McBride spoke.

Raul Anorve spoke.

Cecelia Lynch spoke; and submitted a petition.

Sandra Kroll spoke.

Erin Bolle spoke.

Gina Krueger spoke; and submitted correspondence.

Janice McConnell spoke.

Mike Manahan spoke.

Michelle Mannis spoke.

Christie Hagen spoke.

Kristen Powers spoke.

Michael Vanderbeek spoke.

Ruth spoke.

Rev Misipouena Tagaloa spoke.

Angelo Logan spoke.

Priscilla Chang spoke.

Miguela Philatino spoke.

Bill Cursluki spoke.

Ben Fisher spoke.

Eric Carr spoke.

John Molina spoke.

Leslie Ivy spoke.

Suzanne Brown, Legal Aid Foundation of Los Angeles, Long Beach office, spoke.

Vice Mayor Lowenthal spoke.

Councilmember Neal spoke.

Motion: Approve recommendation to:

First, amend the Downtown Plan to include the following mitigation measures as development requirements in the plan:

1. The right of first refusal for very low-income households who are displaced from downtown;
2. A project labor agreement/local hire policy with the Los Angeles Orange County Building and Construction Trades Council, as well as a local hire for permanent jobs as prescribed (see attachment);
3. Mixed income housing for new apartment development in the Plan area; and the City shall require developments to set aside 10% of the units on site for very low income.

Secondly, request staff to return to the City Council with revised final Program EIR with any necessary implementing regulations or policies within 60 days; and direct that staff shall work with appellants in the drafting regulations and policies.

Moved by Neal, seconded by Gabelich.

Mayor Foster spoke.

Councilmember Garcia spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to receive supporting documentation into the record, conclude the public hearing, and adopt Resolution No. RES-12-0001 recertifying the Final Program EIR 04-08 (State Clearinghouse No. 2009071006) and adopting Findings of Fact, a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Downtown Plan. The motion carried by the following vote:

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

No: 2 - Gabelich and Neal

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to deny the appeal and uphold the December 1, 2011 decision of the Planning Commission. The motion carried by the following vote:

Yes: 6 - Garcia, Lowenthal, DeLong, O'Donnell, Andrews and Johnson

No: 3 - Schipske, Gabelich and Neal

Enactment No: RES-12-0001

12-0002

Adopt resolution approving a General Plan Amendment designating all property within the Downtown Plan project area to Land Use Designation (LUD) #7, Mixed Uses;

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to adopt Resolution No. RES-12-0002 approving a General Plan Amendment designating all property within the Downtown Plan project area to Land use Designation (LUD) #7, Mixed Uses. The motion carried by the following vote:. The motion carried by the following vote:

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

No: 2 - Gabelich and Neal

Enactment No: RES-12-0002

12-0003

Declare ordinance amending and restating PD-30 (Downtown Plan) read the first time and laid over to the next regular meeting of the City Council for final reading;

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to declare ordinance amending and restating PD-30 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 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Johnson

No: 2 - Gabelich and Neal

12-0004

Declare ordinance amending and restating PD-29 (Long Beach Boulevard Planned Development District) read the first time and laid over to the next regular meeting of the City Council for final reading; and

Consider a recommendation by the Planning Commission to fund a citywide community benefits study to include inclusionary housing, commercial linkage fees and local hiring preferences. (Citywide)

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to declare ordinance amending and restating PD-29 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 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Johnson

No: 2 - Gabelich and Neal

A second substitute motion was made by Councilwoman Schipske, seconded by Councilwoman Gabelich, to request staff to return to City Council within 45 days with recommendations and suggestions to create citywide ordinances for project labor agreements/local jobs provisions and right of first refusal for displaced households; and a nexus study for an inclusionary zoning ordinance that will require proponents of new apartment developments, within the Downtown Plan area, to set aside at least 10% of the units on site for very low-income households. The motion failed by the following vote:

Yes: 3 - Schipske, Gabelich and Neal

No: 6 - Garcia, Lowenthal, DeLong, O'Donnell, Andrews and Johnson

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to request that staff come back in 30 to 45 days with recommendations and suggestions on how to create citywide ordinances that would address the project labor agreements/local jobs provisions, and the first right of refusal for displaced households. The motion carried by the following vote:

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

No: 2 - Gabelich and Neal

PUBLIC COMMENT (6:22 PM)

James Peterson spoke regarding a police complaint and a violation of constitutional rights.

David Malmuth spoke regarding the decision by Council on the 2nd and PCH project.

Councilmember DeLong spoke.

Vice Mayor Lowenthal spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilmember Garcia spoke.

CONSENT CALENDAR (11:18 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve Consent Calendar Items 2 - 9. The motion carried by the following vote:

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

2. 12-0005 Recommendation to authorize City Attorney to pay sum of \$10,849.04 in full settlement of lawsuit entitled *Interinsurance Exchange for the Automobile Club*.

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

3. 12-0006 Recommendation to authorize City Manager to execute an agreement with Davis Wright Tremaine LLP for legal services during the period of February 1, 2012 through January 31, 2014, up to a maximum amount of \$95,000 each year, and subject to appropriation of funds in the second year.

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

4. 12-0007 Recommendation to approve the minutes for the City Council meetings held Tuesday, December 6, 13 and 20, 2011.

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

5. 12-0008 Recommendation to refer to City Attorney damage claims received between December 12, 2011 and December 30, 2011.

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

6. 12-0014 Recommendation to approve the destruction of records for the Department of Development Services as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-12-0003 on the Consent Calendar.

Enactment No: RES-12-0003

7. 12-0009 Recommendation to authorize City Manager to execute a Revocable Permit granting the Grand Prix Association of Long Beach permission to occupy and use certain areas for parking and hospitality during the staging of the 2012 Toyota Grand Prix of Long Beach. (District 2)

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

8. 12-0010 Recommendation to adopt resolution authorizing the temporary closure of certain streets, alleys, walkways, the Promenade, and the downtown shoreline bike path in the City of Long Beach in connection with the conduct of the 2012 Toyota Grand Prix of Long Beach. (District 2)

A motion was made to approve recommendation and adopt Resolution No. RES-12-0004 on the Consent Calendar.

Enactment No: RES-12-0004

9. 12-0011 Recommendation to receive and file minutes for:
Civil Service Commission - November 16, 2011.
Planning Commission - November 10 and 17, 2011.

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

UNFINISHED BUSINESS (11:19 PM)

15. 11-1156 The City Attorney requests that the following item be continued to the City Council meeting of Tuesday, January 17, 2012:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.89 prohibiting the establishment and operation of medical marijuana dispensaries within the City of Long Beach and by repealing Chapter 5.87 relating to medical marijuana collectives, 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 that this ordinance shall take effect immediately. (Citywide)

Councilmember Garcia spoke.

Francis Emily Dawson Harris spoke.

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, that the item be laid over to the meeting of Tuesday, January 17, 2012. The motion carried by the following vote:

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

No: 1 - Gabelich

REGULAR AGENDA (11:24 PM)

10. 12-0017 Recommendation to request City Council to receive and file the presentation regarding the findings on the City of Long Beach retail marketing demographics and corporate sponsorship viability.
- This Agenda Item was withdrawn.**
11. 11-1226 Recommendation to City Council to concur in recommendation of the Federal Legislation Committee to approve the 2012 Federal Legislative Agenda.
- A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation. The motion carried by the following vote:**
- Yes:** 7 - Garcia, Lowenthal, DeLong, Andrews, Johnson, Gabelich and Neal
- No:** 1 - Schipske
- Absent:** 1 - O'Donnell
12. 12-0013 Recommendation to adopt Plans and Specifications No. R-6899, award the project and authorize City Manager to execute all documents necessary to enter into an as-needed contract with CJ Concrete Construction, Inc., for the annual contract for concrete repairs and related improvements in an amount not to exceed \$4,000,000 annually, and any necessary amendments. (Citywide)
- A motion was made by Councilman Andrews, seconded by Councilmember Johnson, to approve recommendation. The motion carried by the following vote:**
- Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal
- Absent:** 1 - O'Donnell
13. 12-0012 Recommendation to adopt Plans and Specifications No. R-6901 for the construction of the Baker Street Mini Park, award the base bid and additive alternate bid items 33 and 34, and authorize City Manager to execute a contract with FS Construction in the amount of \$366,881, plus a 10 percent contingency amount of \$36,688 if necessary, for a total amount of \$403,569, and any necessary amendments thereto. (District 7)
- A motion was made by Councilmember Johnson, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:**
-

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

Absent: 2 - O'Donnell and Gabelich

NEW BUSINESS (11:26 PM)

14. 12-0019 Recommendation that the City Council refer the topic of the public safety benefits of public lighting to the Public Safety Committee for consideration.

Councilmember Johnson spoke.

Francis Emily Dawson Harris spoke.

A motion was made by Councilmember Johnson, seconded by Councilman Andrews, to approve recommendation to refer to the Public Safety Committee. The motion carried by the following vote:

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

Absent: 3 - DeLong, O'Donnell and Gabelich

15. Agenda Item No. 15 is listed under Unfinished Business.

16. Affidavit of Service for the special meeting held Tuesday, January 10, 2012.

17. 12-0020 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, January 6, 2012.

This Agenda Item was received and filed.

18. 12-0057 eComments received for the City Council meeting of Tuesday, January 10, 2012.

This Agenda Item was received and filed.

ANNOUNCEMENTS (11:29 PM)

Mayor Foster requested that the meeting be adjourned in memory of Bob Maney.

Councilmember Johnson made community announcements.

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Neal made community announcements.

Vice Mayor Lowenthal made community announcements.

Councilmember Garcia made community announcements.

PUBLIC (11:36 PM)

Ben Fisher spoke regarding Councilmember comments and housing.

Ryan Serrano spoke regarding the City Council function.

Francis Emily Dawson Harris spoke regarding the complexity of decisions.

Vice Mayor Lowenthal spoke.

ADJOURNMENT (11:43 PM)

At 11:43 PM, Mayor Foster adjourned the meeting in memory of Bob Maney.

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