

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



Gerrie Schipske, 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Rae Gabelich, 8th District
Steven Neal, 9th District

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

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

Agenda Items were considered in the order presented with the exception of Agenda Item No. 44 which was considered following Agenda Item No. 22.

ROLL CALL (5:08 PM)

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

Councilmembers Gabelich
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Carolyn Harris, City Clerk Specialist.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Councilmember James Johnson, Seventh District.

Mayor Foster announced that Agenda Item No. 27 was withdrawn and that Councilwoman Gabelich would be absent.

HEARING (5:09 PM)

[see media](#)

1. [10-1026](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and grant a One-Year Short-Term Permit, with conditions, on the application of LJB Bishop Enterprises, Inc., dba Shore Ultra Lounge, 6400 E. Pacific Coast Highway, for Entertainment With Dancing by Patrons at an existing bar/tavern/lounge. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, that the item be laid over to the City Council meeting of Tuesday, October 5, 2010. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Mayor Foster spoke regarding the line item veto of the Official Budget for FY 2010-2011.

PUBLIC (5:10 PM)

[10-1102](#) Dallas Alexander spoke and submitted information regarding the medical marijuana Ordinance No. ORD-10-0007.

This Handout was received and filed.

[10-1103](#) Judi Farris spoke and submitted information regarding federal civil rights on the medical marijuana Ordinance No. ORD-10-0007.

This Handout was received and filed.

[10-1104](#) Yvonne Schaffer spoke and submitted information regarding federal law on the medical marijuana Ordinance No. ORD-10-0007.

This Handout was received and filed.

[10-1105](#) David Zink spoke and submitted information regarding the medical marijuana Ordinance No. ORD-10-0007.

This Handout was received and filed.

Dr. Lance Williams spoke regarding the Mayoral veto of the Port of Long Beach Administration Building.

Larry Goodhue spoke regarding various issues.

[10-1106](#) Gregory Moore spoke and submitted information regarding erroneous information provided by the City Attorney's office.

This Handout was received and filed.

Michael Mais, Assistant City Attorney, spoke.

Greggory Moore spoke.

Mayor Foster spoke.

Robert Shannon, City Attorney, spoke.

Deborah Rowe introduced herself as the Secretary of City Affairs of CSULB.

Mayor Foster spoke.

Councilmember DeLong spoke.

Councilmember Garcia spoke.

Mayor Foster spoke.

Larry Herrera, City Clerk, spoke.

Richard Eastman spoke regarding the unfair lottery held for the medical marijuana.

[10-1107](#) Floyd Seymour spoke and submitted information regarding the McBride Park expansion.

This Handout was received and filed.

Chris Lytle, Deputy Executive Director, Port of Long Beach, spoke regarding the Mayoral veto on Port funds.

Mayor Foster spoke.

Chris Lytle, Deputy Executive Director, Port of Long Beach, spoke.

Mayor Foster spoke.

CONSENT CALENDAR (5:49 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve Consent Calendar Items 2 - 14. The motion carried by the following vote:

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

Absent: 2 - Schipske and Gabelich

2. [10-1029](#) Recommendation to authorize City Attorney to submit Joint Stipulations with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$56,540 for the claim of Janet Harris, in compliance with the Appeals Board Order.
A motion was made to approve recommendation on the Consent Calendar.
3. [10-1032](#) Recommendation to authorize City Attorney to pay the sum of \$6,000 in full settlement of lawsuit entitled Capili v. City of Long Beach, et al; and to pay the sum of \$7,734.20 in full settlement of lawsuit entitled 21st Century Insurance Company v. City of Long Beach; Michael Christopher Garcia.
A motion was made to approve recommendation on the Consent Calendar.
4. [10-1065](#) Recommendation to authorize City Manager to amend the agreement with KPMG, LLC to exercise the two one-year options to perform the audit of the Comprehensive Annual Financial Report (CAFR) and perform the Federal Single Audit for the City of Long Beach and related reporting entities in an amount not to exceed \$994,865 per year covering fiscal years 2010 and 2011; and extend the term of the agreement to September 30, 2012.
A motion was made to approve recommendation on the Consent Calendar.
5. [10-1066](#) Recommendation to receive and file the quarterly report of Cash and Investments for the quarter ending December 31, 2009.
A motion was made to approve recommendation on the Consent Calendar.
6. [10-1027](#) Recommendation to approve the minutes for the City Council meeting and Budget Hearing held Tuesday, September 7, 2010.
A motion was made to approve recommendation on the Consent Calendar.
7. [10-1028](#) Recommendation to refer to City Attorney damage claims received between September 3, 2010 and September 13, 2010.
A motion was made to approve recommendation on the Consent Calendar.
8. [10-1030](#) Recommendation to receive and file the Separately Issued Financial Statements for the Los Cerritos Wetlands, Gas Enterprise Fund, Airport

Enterprise Fund, Airport Schedules for Passenger Facility Charges, and the Auditor's communication with those charged with governance for the Fiscal Year ended September 30, 2009. (Citywide)

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

9. [10-1031](#) Recommendation to adopt Specifications No. PA-02710 to award a contract to Anvil International, L.P., of University Park, IL (not an MBE, WBE, SBE or Local), for a one-time purchase in the amount not to exceed \$162,000, for furnishing and delivering gas pipe fittings and equipment. (Citywide)

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

10. [10-1033](#) Recommendation to receive and file the report, Elevation Changes in the City of Long Beach, November 2009 through April 2010. (Citywide)

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

11. [10-1034](#) Recommendation to receive and file the application of Pravinchandra Shankerbhai Patel and Ranjanbala Pravinchandra Patel, dba Belmont Heights Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 3500 East Broadway Suite A, with existing conditions. (District 3)

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

12. [10-1035](#) Recommendation to receive and file the application of Falcone Family Limited Partnership, dba Fora Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5730 East 2nd Street, with existing conditions. (District 3)

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

13. [10-1036](#) Recommendation to authorize City Manager to execute a one-year contract extension with MWH Americas, Inc., (MWH), in an amount not to exceed \$122,500 (with a net cost to the City of \$17,500) to provide statistical and data gathering services for the California Multi-Agency Capital Improvement Program (CIP) Benchmarking Study Group in which the City of Long Beach participates. (Citywide)

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

14. [10-1037](#) Recommendation to receive and file the minutes for: Planning Commission - August 19, 2010.

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

UNFINISHED BUSINESS (5:50 PM)

[see media](#)

41. [10-1009](#) Recommendation to receive and file a new list of City Council Standing Committees.

Mayor Foster announced two revisions to the City Council Standing Committee assignments: [1] Steven Neal vice chair of Economic Development, with Gary DeLong as a member; and [2] Rae Gabelich as chair of I-710, with Steven Neal, as vice chair and James Johnson as a member.

A motion was made by Councilmember Garcia, seconded by Councilmember O'Donnell, to approve recommendation, as revised by Mayor Foster. The motion carried by the following vote:

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

Absent: 2 - Schipske and Gabelich

[see media](#)

42. [10-1010](#) Recommendation to receive and approve the revised appointments to the City Council Authorities and Memberships.

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

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

Absent: 2 - Schipske and Gabelich

Agenda Item No. UB-43: The recommended action for this ordinance was incorrectly noted on the agenda as a first reading. The correct recommended action should have been for a final reading.

[see media](#)

43. [10-0808](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 14.14.010, and Subsections 14.14.020.D and 14.14.045.B; and by adding Subsection 14.14.110, all relating to public walkways occupancy permits 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 DeLong, seconded by Vice Mayor Lowenthal, to request City Attorney to amend Ordinance to apply to Belmont Shore only and return to City Council for first reading. The motion carried by the following vote:

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

Absent: 1 - Gabelich

REGULAR AGENDA (5:53 PM)

[see media](#)

15. [10-1038](#) Recommendation to receive and approve the following Non-Charter Commission Appointments.

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, Johnson and Neal

Absent: 1 - Gabelich

[see media](#)

16. [10-1067](#) Recommendation to request that City Council refer the naming of a portion of Whaley Park "Cherry Tree Peace Grove" to the Housing and Neighborhoods Committee and the Parks and Recreation Commission.

Councilmember O'Donnell spoke.

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

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

Absent: 2 - Garcia and Gabelich

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

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

Absent: 2 - Garcia and Gabelich

[see media](#)

17. [10-1068](#)

Recommendation to request that the following curfew hours be established at Rose Park in the interest of community members and public safety:

- Summer (May 1 through September 30) Hours: Dusk to Dawn
- Fall (October 1 through April 30) Hours: 7:00 p.m. to Dawn

Vice Mayor Lowenthal spoke.

Emily Stevens 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, Johnson and Neal

Absent: 1 - Gabelich

[see media](#)

18. [10-1039](#)

Recommendation to authorize City Manager, or designee, to execute any and all documents including the Purchase and Sale Agreement (PSA) with Lyon Capital Ventures, LLC, a California limited liability company, for the sale of City-owned property at 100 Long Beach Boulevard (City Hall East) in an amount of \$4,000,000; and to authorize the close of escrow. (District 2)

Larry Goodhue spoke.

Ben Rockwell spoke.

Councilmember Johnson spoke.

Lori Ann Farrell, Director of Financial Management, spoke.

Councilmember Johnson spoke.

Patrick West, City Manager, spoke.

Councilmember DeLong spoke.

Lori Ann Farrell, Director of Financial Management, spoke.

Councilmember DeLong spoke.

Patrick West, City Manager, spoke.

Vice Mayor Lowenthal spoke.

Patrick West, City Manager, spoke.

Councilmember Garcia spoke.

Patrick West, City Manager, spoke.

Councilmember Garcia spoke.

Patrick West, City Manager, spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

Lori Ann Farrell, Director of Financial Management, spoke.

Mayor Foster spoke.

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

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

No: 2 - Schipske and Johnson

Absent: 1 - Gabelich

[see media](#)

19. [10-1040](#)

Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2010 to September 30, 2011 for the East Anaheim Street Parking and Business Improvement Area, declaring its intention to levy the annual assessment, and setting a date for a public hearing for Tuesday, October 19, 2010 at 5:00 p.m. (Districts 3,4)

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0113. The motion carried by the following vote:

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

Absent: 2 - Johnson and Gabelich

Enactment No: RES-10-0113

[see media](#)

20. [10-1041](#)

Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2010 to September 30, 2011 for the Fourth Street Parking and Business Improvement Area, declaring its intention to levy the annual assessment, and setting a date for a public hearing for Tuesday, October 19, 2010 at 5:00 p.m. (District 2)

Vice Mayor Lowenthal spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-10-0114. The motion carried by the following vote:

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

Absent: 2 - Johnson and Gabelich

Enactment No: RES-10-0114

[see media](#)

21. [10-1042](#)

Recommendation to approve and adopt the funding recommendations of the Community Development Advisory Commission for the Fiscal Year 2011 (FY 11) Social Service Grant Program; and authorize City Manager to execute all necessary documents with 16 various nonprofit organizations approved for FY 11 Social Service Grant Program in the total amount of \$200,000 for the period from October 1, 2010 through September 30, 2011. (Citywide)

Distributed at or prior to the meeting: Email correspondence from Catholic Charities of Los Angeles, Inc.

Patrick West, City Manager, spoke.

Angela Reynolds, Neighborhood Services Bureau Manager, spoke.

Councilmember O'Donnell spoke.

Ben Rockwell spoke.

Tulen Smiley spoke.

Jessica Quintana spoke.

Jeff Farber spoke.

Councilmember Garcia spoke.

Shirley Knopf, Commissioner, Community Development Advisory Commission, spoke.

Councilmember Neal spoke.

Councilmember Andrews spoke.

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

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

Absent: 1 - Gabelich

[see media](#)

22. [10-1061](#)

Recommendation to authorize City Manager to execute all documents necessary with Urban Innovations (Urban), based in Pittsburgh, Pennsylvania, to enter one or more agreements and to submit one or more applications to seek pre-application and pre-development grant funding from the Metropolitan Transportation Authority and the Federal Transit Agency for the preparation of an Alternative Transportation Analysis. (District 2)

Michael Conway, Director of Public Works, spoke.

Robert Ardolino, President, Urban Innovations, spoke and provided a PowerPoint presentation.

Vice Mayor Lowenthal spoke.

Councilmember O'Donnell spoke.

Robert Ardolino, President, Urban Innovations, spoke.

Michael Conway, Director of Public Works spoke.

Councilmember O'Donnell spoke.

Councilman Andrews spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

Michael Conway, Director of Public Works, spoke.

Councilwoman Schipske spoke.

Vice Mayor Lowenthal spoke.

Ben Rockwell spoke.

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

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

No: 1 - Johnson

Absent: 1 - Gabelich

[see media](#)

23. [10-1044](#)

Recommendation to adopt Specifications No. PA-01810 and award a contract to Contact Security, Inc., of Brea, CA (MBE, WBE), in an estimated annual amount of \$350,000, for providing security guard services for a one-year period; with the option to renew for one additional one-year period, at the discretion of the City Manager. (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, Johnson and Neal

Absent: 1 - Gabelich

[see media](#)

24. [10-1048](#)

Recommendation to adopt resolution amending the Long Beach Marina Rules and Regulations pursuant to the provisions of Section 16.08.970 of the Long Beach Municipal Code. (Districts 2,3)

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-10-0115. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: RES-10-0115

[see media](#)

25. [10-1049](#)

Recommendation to authorize City Manager to execute an agreement with the Long Beach Unified School District for the operation of the 21st Century Community Learning Centers Program, Long Beach Winners Reaching Amazing Potential after school enrichment program, at Los Cerritos Elementary School; authorize the required 15 percent General Fund in-kind match; and authorize City Manager to execute any future documents, including amendments, necessary to accept, implement and administer the agreement. (District 8)

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, Johnson and Neal

Absent: 1 - Gabelich

[see media](#)

26. [10-1050](#)

Recommendation to authorize City Manager to execute agreements with the Long Beach Unified School District for the operation of the After School Education and Safety Program at Burbank, Edison, Garfield, Grant, King, Lafayette, and Lee Elementary and Hudson K-8 school sites; increase appropriations by \$284,314 in the General Grants Fund (SR 120) in the Department of Parks, Recreation and Marine (PR); authorize the required 15 percent in-kind match in the form of Community Development Block Grant and General Fund monies; and authorize City Manager to execute any future documents, including amendments, necessary to accept, implement and administer the agreements. (Districts 1,2,4,6,7,9)

Councilman Andrews spoke.

Councilmember Johnson spoke on behalf of Councilwoman Gabelich.

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

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

Absent: 1 - Gabelich

27. 10-1051

WITHDRAWN

~~Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Walgreen Company, dba Walgreens, for an original Alcoholic Beverage Control License, at 600 Long Beach Boulevard, and submit a Public Notice of Protest. (District 1)~~

This ABC License was withdrawn.

[see media](#)

28. [10-1052](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Broadlind Lounge LLC, dba Basement Lounge, for an exchange of an Alcoholic Beverage Control License, at 149 Linden Avenue, with conditions. (District 2)

Distributed at the meeting: ABC Conditions requested by Vice Mayor Lowenthal.

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, Johnson and Neal

Absent: 1 - Gabelich

[see media](#)

29. [10-1053](#)

Recommendation to receive and file the application of Me Soo Hungry Incorporated, dba Me Soo Hungry, for an original Alcoholic Beverage Control License, at 5372 East 2nd Street, with conditions. (District 3)

Councilmember Johnson spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to protest due to over concentration in the area. The motion carried by the following vote:

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

Absent: 1 - Gabelich

[see media](#)

30. [10-1054](#) Recommendation to receive and file the application of New Craft Industries LLC, dba New Craft Cellars, for an original Alcoholic Beverage Control License, at 7002 East Rendina Street, with conditions. (District 3)

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, Johnson and Neal

Absent: 1 - Gabelich

[see media](#)

31. [10-1055](#) Recommendation to receive and file the application of Tony Tung Dang, dba Acapulco Hawaiian Fish Chicken Grill, for an original Alcoholic Beverage Control License, at 1022 Long Beach Boulevard, with conditions. (District 6)

Distributed at the meeting: ABC Conditions requested by Councilman Andrews.

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

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

Absent: 1 - Gabelich

[see media](#)

32. [10-1056](#) Recommendation to receive and file the application of Distinctive Spirits LLC, dba Distinctive Spirits LLC, for an original Alcoholic Beverage Control License, at 4101 North Virginia Road, with conditions. (District 8)

Councilmember Johnson spoke on behalf of Councilwoman Gabelich.

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

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

Absent: 1 - Gabelich

[see media](#)

33. [10-1057](#) Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Super Center Concepts Incorporated, dba Superior Grocers, for a premise-to-premise transfer of an Alcoholic Beverage Control License, at 5450 Cherry Avenue, with conditions. (District 8)

Distributed at the meeting: ABC Conditions requested by Councilwoman Gabelich.

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

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

Absent: 1 - Gabelich

[see media](#)

34. [10-1058](#) Recommendation to receive and file the application of Carlos Abelardo Cortez and Oscar Javier Ramirez, dba El Pollo Imperial, for an original Alcoholic Beverage Control License, at 5991 Atlantic Avenue, with conditions. (District 9)

A motion was made by Councilmember Neal, seconded by Councilmember Johnson, that the item be laid over to the City Council meeting of Tuesday, October 5, 2010. The motion carried by the following vote:

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

Absent: 1 - Gabelich

[see media](#)

35. [10-1059](#) Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the Federal FY 2010 Edward Byrne Memorial Justice Assistance Grant Program; and increase appropriations in the General Grants Fund (SR) and in the Police Department (PD) by \$363,219. (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, Johnson and Neal

Absent: 1 - Gabelich

[see media](#)

36. [10-1060](#) Recommendation to authorize City Manager to approve a Memorandum of Agreement (MOA) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (LA Gateway Authority) for the preparation of the Los Cerritos Channel Metals Total Maximum Daily Load (TMDL) Coordinated Implementation Plan, monitoring program, and special studies. (Districts 3,4,5,7,8,9)

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

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

Absent: 1 - Gabelich

ORDINANCES (7:45 PM)

[see media](#)

37. [10-0965](#) Recommendation to declare ordinance approving Resolution No. WD-1270, a resolution of the Board of Water Commissioners of the City establishing the rates and charges to be charged for water and sewer service and declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 a.m. on October 1, 2010, read and adopted as read. (Ordinance No. ORD-10-0026) (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilmember Neal, to declare Emergency Ordinance No. ORD-10-0026 read and adopted as read. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: ORD-10-0026

[see media](#)

38. [10-0975](#) Recommendation to declare ordinance relating to adopting an amendment to Ordinance No. C-6496, adopted July 5, 1988, and amended on January 24, 1989, July 11, 1989, December 5, 1989, March 20, 1990, July 3, 1990, September 18, 1990, July 2, 1991, July 7, 1992, January 26, 1993, August 24, 1993, June 28, 1994, July 18, 1995, November 28, 1995, October 1, 1996, March 25, 1997, October 7, 1997, October 27, 1998, April 20, 1999, October 19, 1999, October 17, 2000, October 30, 2001, March 19, 2002, November 26, 2002, January 6, 2004, February 8, 2005, November 1, 2005, December 5, 2006, March 20, 2007, May 22, 2007, December 18, 2007, and July 15, 2008, relating to Departmental Organization of the City of Long

Beach, read and adopted as read.

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-10-0030. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: ORD-10-0030

[see media](#)

39. [10-0989](#)

Recommendation to declare ordinance approving and adopting the Official Budget of the City of Long Beach for the Fiscal Year 2010-2011, creating and establishing the funds of the Municipal Government of the City of Long Beach and appropriating money to and authorizing expenditures from said funds for said fiscal year; declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 a.m. on October 1, 2010, read and adopted as read. (Ordinance No. ORD-10-0029) (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilmember Neal, to declare Emergency Ordinance No. ORD-10-0029 read and adopted as read. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: ORD-10-0029

[see media](#)

40. [10-1008](#)

Recommendation to declare interim ordinance amending Ordinance Nos. ORD-10-0015 and ORD-10-0020 relating to the temporary limitation on the issuance of discretionary permits for the installation, modification or relocation of wireless facilities within residential and institutional use zones, respectively; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Ordinance No. ORD-10-0027) (Citywide)

A motion was made by Councilman Andrews, seconded by Councilmember Neal, to declare Emergency Ordinance No. ORD-10-0027 read and adopted as read. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: ORD-10-0027

NEW BUSINESS (6:55 PM)

- 41. Agenda Item No. 41 is listed under Unfinished Business.
- 42. Agenda Item No. 42 is listed under Unfinished Business.
- 43. Agenda Item No. 43 is listed under Unfinished Business.

[see media](#)

- 44. [10-1070](#) Recommendation to respectfully request City Attorney to draft a resolution in support of the Federal DREAM Act on behalf of the City of Long Beach.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Councilmember Garcia spoke.

Councilman Andrews spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Tom Modica, Manager of Government Affairs, spoke.

Ben Rockwell spoke.

Loren William spoke.

Elana Macias spoke.

Dr. Sabrina Sanders spoke.

Raul Arnorve spoke.

Julio Salgado spoke.

Josephine Castellanos spoke.

Christopher Chavez spoke.

Carlos Ramos spoke.

Jessica Quintana spoke.

Diana Poras spoke.

Julie Wickam spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Garcia, to approve recommendation and include the topic in the Federal Legislative Committee agenda. The motion carried by the following vote:

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

Absent: 1 - Gabelich

[see media](#)

45. [10-1043](#)

Recommendation to approve Fiscal Year 2010 fourth quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation with an amendment to appropriate \$590,000 in the Transportation Fund and \$400,000 in the Refuse Fund for the nexus study, thereby increasing the Capital Projects Fund for Infrastructure Improvements by \$400,000. The motion carried by the following vote:

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

Absent: 1 - Gabelich

[10-1075](#)

Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, September 17, 2010.

This Agenda Item was received and filed.

ANNOUNCEMENTS (7:55 PM)

Vice Mayor Lowenthal requested that the meeting be adjourned in memory of Jeanne Bader.

Councilmember Garcia made community announcements.

Councilman Andrews made community announcements.

Councilmember Johnson made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Neal made community announcements.

Councilmember O'Donnell made community announcements.

Vice Mayor Lowenthal made community announcements.

PUBLIC (8:03 PM)

Dennis Dunn spoke regarding the DREAM Act.

ADJOURNMENT (8:05 PM)

At 8:05 PM., Vice Mayor Lowenthal adjourned the meeting in memory of Jeanne Bader.

cah