

Robert Garcia, 1st District  
Suja Lowenthal, Vice Mayor, 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  
James Johnson, 7th District  
Rae Gabelich, 8th District  
Steven Neal, 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 were considered in the order presented.

### ROLL CALL (5:01 PM)

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

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; Nancy Muth, City Clerk Analyst.

Vice Mayor Lowenthal presiding.

Invocation: Moment of Silence.

Flag Salute: Steven Neal, Councilmember, Ninth District.

Presentation regarding Religious Freedom Day.

Councilwoman Schipske spoke.

Rev. Shoemaker, Grace Community Church of Seal Beach, spoke.

### HEARINGS (5:08 PM)

[see media](#)

1. [11-0034](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt resolution amending the Master Fee and Charges Schedule. (Citywide)

Larry Goodhue spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Neal, to approve recommendation and adopt Resolution No. RES-11-0004. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

**Enactment No:** RES-11-0004

[see media](#)

2. [11-0035](#)

Recommendation to receive supporting documentation into the record and open the public hearing to receive public comment;

Adopt resolution to form the City of Long Beach Community Facilities District No. 2011-1 (Douglas Park - North of Cover Street Area - Services Levy) (CFD), authorize the levy of a special tax within the CFD, preliminarily establish an annual appropriations limit for the CFD, and submit the special tax levy and establishment of the appropriations limit to qualified electors of the CFD;

**A motion was made by Councilmember Neal, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-11-0005. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

**Enactment No:** RES-11-0005

[see media](#)

[11-0036](#)

Adopt resolution calling a special election within the CFD;

**A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0006. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

**Enactment No:** RES-11-0006

[see media](#)

[11-0037](#)

Adopt resolution to declare the results of the special election within the CFD, and direct the recording of a Notice of Special Tax Lien; and

**A motion was made by Councilwoman Schipske, seconded by Councilmember Neal, to approve recommendation and adopt Resolution No. RES-11-0007. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

**Enactment No:** RES-11-0007

[see media](#)

[11-0038](#)

Declare ordinance levying special taxes in the CFD read the first time and laid over to the next regular meeting of the City Council for final reading. (District 5)

**A motion was made by Councilwoman Schipske, seconded by Councilmember Neal, 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 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

**Absent:** 1 - Garcia

[see media](#)

3. [11-0039](#)

Recommendation to receive supporting documentation into the record and open the public hearing to receive public comment;

Adopt resolution calling for a special election regarding the alteration of the services authorized to be financed by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area); and

**A motion was made by Councilmember O'Donnell, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-11-0008. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

**Enactment No:** RES-11-0008

[see media](#)

[11-0040](#)

Adopt resolution declaring the results of the special election and directing recording of a first amendment to the Notice of Special Tax Lien for Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area). (District 5)

**A motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to approve recommendation and adopt Resolution No. RES-11-0009. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

**Enactment No:** RES-11-0009

#### **PUBLIC COMMENT (5:20 PM)**

Dave Hall spoke in support of a resolution supporting amendment of the California three strikes law.

[11-0077](#)

Larry Goodhue spoke regarding a variety of issues; and submitted written comments.

**This Handout was received and filed.**

Pam Amici spoke regarding police policies.

Eden Marie Biele spoke regarding Douglas Zerby's shooting.

[11-0078](#)

Jacqueline Collins spoke regarding amendment of the California three strikes law; and submitted a packet of information.

**This Handout was received and filed.**

Peter Rosenwald spoke regarding California three strikes law.

Ben Rockwell spoke regarding California state budget.

Brian Claypool spoke regarding police policies and procedures.

Doug Kauffman spoke regarding Long Beach Police policies and practices in regards to handling civilians.

#### **CONSENT CALENDAR (5:43 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve Consent Calendar Items 4 - 9. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

4. [11-0041](#) Recommendation to approve the minutes for the City Council meeting held Tuesday, January 4, 2011.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. [11-0042](#) Recommendation to refer to City Attorney damage claims received between January 3, 2011 and January 10, 2011.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. [11-0043](#) Recommendation to approve the 2010-2011 Sustainable City Commission Annual Work Plan. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
7. [11-0057](#) Recommendation to authorize City Manager to amend Contract No. 30226 with Nuvis, Inc., to extend current landscape architectural services through August 31, 2012. No additional funds will be added to the existing contract. (Districts 7,8)  
**A motion was made to approve recommendation on the Consent Calendar.**
8. [11-0044](#) Recommendation to authorize City Manager to execute an agreement and amendments between the Gateway Cities Council of Governments (GCCOG) and the City of Long Beach regarding the administration and cost sharing to undertake scientific studies to develop site-specific objectives (SSO) applicable in Reach 2 of the Los Angeles River and Tributaries Metals Total Maximum Daily Load (TMDL). (Districts 7,9)  
**A motion was made to approve recommendation on the Consent Calendar.**
9. [11-0055](#) Recommendation to receive and file the minutes for: Planning Commission - December 2, 2010.

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

**REGULAR AGENDA (5:44 PM)**

[see media](#)

**10. [11-0031](#)**

Recommendation that the City Council refer to the Charter Amendment Committee the following proposals for consideration and approval to be placed on the ballot should the Governor call for a special election:

Charter Amendments:

- “Sunshine” Requirements: The City Council shall adopt requirements similar to those found in California Government Code 3547 et al, which result in the public being informed of the issues that are being negotiated upon, the costs associated with such issues and having the full opportunity to express their views on the issues to the City Council, and to know of the positions of their elected representatives before collective bargaining is completed. Additionally, such requirements shall also require that the City Manager certify in writing that the costs incurred by the City of Long Beach under the agreement can be met by the City during the term of the agreement.
- “Fair and Full Disclosure”: The City Council shall adopt requirements that mandate fair and full disclosure in the annual budget listing all salaries and total compensation of all positions funded through such budget.

Councilwoman Schipske spoke, indicating that the second bullet point was not intended to be a Charter Amendment item.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Kristen Duellum spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve recommendation and refer to the Charter Amendment Committee for consideration. The motion carried by the following vote:**

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

**Absent:** 2 - Garcia and DeLong

Vice Mayor Lowenthal spoke regarding the Douglas Zerby issue.

Robert Shannon, City Attorney, spoke.

[see media](#)

11. [11-0059](#) Recommendation to request City Manager to prepare budget solutions for a two-year period as part of the fiscal year 2012 budget.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

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

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

**Absent:** 1 - Garcia

[see media](#)

12. [11-0060](#) Recommendation to request City Manager to provide a report to City Council in 30 days with a comparison of the City's vacation, sick leave, holiday, personal holiday and executive leave benefits to a variety of Long Beach small, medium and large businesses.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation, and include information regarding average salaries as part of the comparison information. The motion carried by the following vote:**

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

**Absent:** 1 - Garcia

Councilmember Garcia joined the meeting.

[see media](#)

13. [11-0045](#) Recommendation to City Council to concur in recommendation of the State Legislation Committee to discuss and take action on the 2011 State Legislation Agenda.

Councilmember O'Donnell spoke.

Tom Modica, Director of Government Affairs, spoke regarding reinstating a Redevelopment item to the State Legislative agenda.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke and requested a revision to the State Legislation agenda.

Laurie Angel spoke.

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

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

[see media](#)

14. [11-0046](#) Recommendation to authorize City Manager to execute all documents necessary to enter into On-Bill Financing agreements with Southern California Edison to fund municipal energy efficiency projects, and to execute all necessary documents thereto. (Citywide)

Councilmember Johnson spoke.



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

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

[see media](#)

15. [11-0047](#)

Recommendation to adopt Specifications No. PA-00210 Rebid and award contracts to BPR, Inc., dba Channel Islands Sidewalk Grinding, of Port Hueneme, CA, and Sunrise Concrete Cutting & Core Drilling, a Long Beach-based business, for providing concrete and asphalt cutting services, coring services, and sidewalk grinding services in the annual combined amount not to exceed \$220,000, for a period of 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 by Councilmember DeLong, seconded by Councilmember Johnson, to approve recommendation. The motion carried by the following vote:**

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

[see media](#)

16. [11-0048](#)

Recommendation to adopt Specifications No. PA-00411 and award contracts to B & B Supply, a Long Beach-based business (not an MBE, WBE, or SBE) and Phillips Steel Co., a Long Beach-based business (WBE), for furnishing and delivering miscellaneous hand and power tools in a combined estimated amount not to exceed \$200,000, for a period of 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 by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:**

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

[see media](#)

17. [11-0049](#)

Recommendation to authorize City Manager to execute an agreement with Elite Underwriting Services, Inc. (American Fidelity Assurance Company), for healthcare specific stop-loss reinsurance coverage at a \$500,000 deductible level at a cost of \$590,989 for a 12-month period; and authorize City Manager to execute any subsequent amendments necessary to maintain current benefit levels and remain in compliance with state and federal laws. (Citywide)

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

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

[see media](#)

18. [11-0052](#)

Recommendation to adopt Plans and Specifications No. R-6766 for the improvement of Pacific Coast Highway at Second Street, award the project to, and authorize City Manager to execute the contract with Siatic Contractors Corporation, dba Shawnan, in an estimated amount of \$997,637, plus a 20 percent contingency amount of \$199,527, if necessary, for a total of \$1,197,164, and any amendments thereto except for an increase in the contract price; and increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) in the amount of \$1,298,960. (District 3)

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

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

[see media](#)

19. [11-0053](#)

Recommendation to adopt Plans and Specifications No. R-6869 for the improvement of Naples Island Soil Anchors, Phase VII, in the City of Long Beach, and award the contract to and authorize the City Manager to execute the contract with G.B. Cooke, Inc., in an estimated amount of \$539,100, plus a 15 percent contingency amount of \$80,865, if necessary, for a total of \$619,965 and any amendments thereto. (District 3)

Jeremiah Jonas spoke.

Robert Shannon, City Attorney, spoke.

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

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

[see media](#)

20. [11-0054](#)

Recommendation to approve submittal of the recommended list of grant applications to the Metropolitan Transportation Authority; and authorize City Manager to administer and execute all necessary documents to

accept and expend all Metropolitan Transportation Authority grant funds in connection therewith, and to take all other actions necessary to implement the use of such funds. (Citywide)

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

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

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

## **ORDINANCES (6:39 PM)**

[see media](#)

### **21. [11-0056](#)**

Recommendation to declare ordinance adding Sections 9.22.070, 9.22.075 and 9.22.080 of the Long Beach Municipal Code, related to alcohol use by bathers at the beaches, read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 2,3)

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

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

[see media](#)

### **22. [10-1349](#)**

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending and restating Chapter 5.87 relating to medical marijuana collectives, read and adopted as read. (Citywide)

Madeline Johnson spoke.

Richard Eastman spoke.

Jamie Hall, Attorney, spoke on behalf of three collectives.

Larry Parks spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-11-0002. The motion carried by the following vote:**

**Yes:** 5 - Garcia, Lowenthal, DeLong, O'Donnell and Schipske

**No:** 4 - Andrews, Johnson, Gabelich and Neal

**Enactment No:** ORD-11-0002

[see media](#)

**23. [10-1350](#)**

Recommendation to declare Emergency Ordinance No. ORD-10-0039, an interim ordinance adopted as an urgency measure establishing a temporary moratorium on the issuance of permits, entitlements, licenses, and approvals regarding medical marijuana collectives; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Citywide)

Madeline Johnson spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to declare Emergency Ordinance No. ORD-10-0039, read and adopted as read. The motion carried by the following vote:**

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

**No:** 2 - Andrews and Gabelich

**Enactment No:** ORD-10-0039

**NEW BUSINESS (7:14 PM)**

24. [11-0071](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, January 14, 2011.

**This Agenda Item was received and filed.**

25. Affidavits of Service for the special meetings held Tuesday, January 18, 2011.

**ADJOURNMENT (7:14 PM)**

At 7:14 PM, Vice Mayor Lowenthal adjourned the meeting.

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