



CITY OF LONG BEACH

C-6

DEPARTMENT OF CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-8101 • FAX (562) 570-6789

March 23, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the minutes for the City Council meeting of Tuesday, March 9, 2010

DISCUSSION

The Legistar minutes for the City Council meeting of Tuesday, March 9, 2010 are attached for review and approval.

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

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

TIMING CONSIDERATIONS

None.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

LARRY G. HERRERA
CITY CLERK

Prepared by: Nancy Muth

LGH:nem
Attachment

Robert Garcia, 1st District
Suja Lowenthal, 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

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.

ROLL CALL (5:05 PM)

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

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.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Tonia Reyes Uranga, Councilmember, Seventh District.

Julie Pruitt, spcaLA, presented a canine.

Proclamation for Public Works Employees, commending their efforts during the recent storms.

Michael Conway, Director of Public Works, spoke.

HEARING (5:13 PM)

1. 10-0250 Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt resolution making certain findings for an Owner Participation Agreement with Jana Land Company, Inc., for the development of 1601 West 17th Street. (District 1)

A motion was made by Councilmember Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0027. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Enactment No: RES-10-0027

PUBLIC COMMENT (5:15 PM)

Harvey Cochran spoke regarding removal of tree stumps and yard/garage sale issues.

Diana Lejins spoke.

David Zink spoke regarding war on drugs.

CONSENT CALENDAR (5:19 PM)

Bill Ortin spoke regarding the C-17 (Agenda Item No. 2) and submitted correspondence from Roderick D. Wright, California State Senator, 25th District.

Passed The Consent Calendar

A motion was made by Councilmember Garcia, seconded by Councilwoman Schipske, to approve Consent Calendar Items 2 - 5. The motion carried by the following vote:

Yes: 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

2. 10-0265 Recommendation to request City Attorney to prepare a resolution declaring April 17, 2010 as C-17 Day.
A motion was made to approve recommendation on the Consent Calendar.
3. 10-0251 Recommendation to refer to City Attorney damage claims received between February 22, 2010 and March 1, 2010.
A motion was made to approve recommendation on the Consent Calendar.
4. 10-0252 Recommendation to receive and file the application of DL GL & P Incorporated, dba Til 2 Club, for a stock transfer of an Alcoholic Beverage Control License, at 475-77 West Willow Street, with existing conditions. (District 6)

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

5. 10-0253 Recommendation to receive and file the minutes for:
Civil Service Commission - February 17, 2010.
Planning Commission - February 4, 2010.

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

UNFINISHED BUSINESS (5:23 PM)

6. 09-1203 Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.87 to implement the State Compassionate Use Act and State Medical Marijuana Program Act, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Distributed at or prior to the meeting: Correspondence from Diana Lejins.

Robert Shannon, City Attorney, spoke regarding the three versions of the ordinance provided for discussion.

Vice Mayor Lerch spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lerch spoke.

Mayor Foster spoke.

Vice Mayor Lerch spoke.

Motion: Motion to adopt the ordinance version approved by the City Council at the February 2, 2010 City Council meeting, with the inclusion of cultivation solely by collective members and management members; and the buffer for schools at 1,000 feet for all schools and 1,500 feet for high schools.

Moved by Lerch, seconded by Gabelich.

Councilwoman Schipske spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

Councilmember Reyes Uranga spoke.

A second substitute motion was made by Councilmember Garcia, seconded by Councilwoman Gabelich, to approve ordinance version "A", limiting cultivation to within the State of California; allowing cultivation by collective members only; requiring reporting of addresses for all cultivation locations; and requiring a 1,000 buffer zone from elementary schools and 1,500 feet for high schools. The motion failed by the following vote:

Yes: 4 - Garcia, Reyes Uranga, Gabelich and Lerch

No: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

A substitute motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to adopt the ordinance version approved by the City Council at the February 2, 2010 City Council meeting, with the inclusion provisions requiring: [1] cultivation solely by collective members and management members within the City limits; [2] creation 1,000 foot buffer zones for all schools and 1,500 feet for high schools; and [3] strong reporting requirements relative to the addresses of cultivation sites, and 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: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

No: 4 - Garcia, Reyes Uranga, Gabelich and Lerch

REGULAR AGENDA (6:09 PM)

7. 10-0254 Recommendation to request City Manager to explore opportunities of

allowing other large government organizations and businesses to opt into our procurement system to allow greater leverage and economy scales in purchasing; and report back to City Council within 60 days.

Councilman Andrews spoke.

Councilmember Lowenthal spoke.

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

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

Absent: 1 - Reyes Uranga

8. 10-0228 Recommendation to request City Manager to implement as soon as possible, and within 30 days, the Lotus Notes public calendar system.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lerch spoke.

Councilmember Garcia spoke.

Kareem Mohammad spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

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

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

Absent: 1 - Reyes Uranga

9. 10-0264 Recommendation to request City Manager to provide City Council within 60 days a report on the local preference in City contracts, including the annual sum of expenditures since 2002 that have gone to Long Beach businesses, the percentage of expenditures that sum represents, the impact on the general fund, the impact on sales tax revenue, and any other relevant information.

Distributed at or prior to the meeting: Correspondence from Jon Sommers.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Laurie Lofstrom spoke.

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

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

Absent: 1 - Reyes Uranga

10. 10-0255

Recommendation to receive and file the Proposition H Audit Report for fiscal year ending September 30, 2009.

Laura L. Doud, City Auditor, spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, seconded by Councilman Andrews, to approve recommendation and request City Manager to report back in 30 days to City Council with response to findings in the City Auditor's Proposition H report. The motion carried by the following vote:

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

Absent: 2 - O'Donnell and Reyes Uranga

11. 10-0256

Recommendation to authorize City Manager to execute all documents with the United States Department of Housing and Urban Development (HUD) necessary to accept the Neighborhood Stabilization Program 2 (NSP2) grant award in the amount of \$22,249,980; enter into a consortium agreement with Habitat for Humanity Greater Los Angeles as required by the grant award; execute NSP2 purchase/sale agreements,

loan documents and all related documents for NSP2 funded transactions; and approve an appropriations increase in the Community Development Grants Fund (SR150) in the Department of Community Development (CD). (Citywide)

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

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

Absent: 2 - O'Donnell and Reyes Uranga

12. 10-0258

Recommendation to authorize City Manager, or designee, to execute an agreement between the City of Long Beach Department of Health and Human Services and the County of Los Angeles to provide HIV/AIDS Health Education/Risk Reduction services in the amount of \$720,000 for the period of July 1, 2010 through December 31, 2012. (Citywide)

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

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

Absent: 2 - O'Donnell and Reyes Uranga

13. 10-0259

Recommendation to authorize City Manager, or designee, to execute any and all documents necessary for a lease with AP-Atlantic LLC, for office space at 5166 Atlantic Avenue, for operation of the Department of Health and Human Services' Women, Infants and Children Nutrition Program, for a ten-year term at the initial monthly base rent of \$5,343. (District 8)

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

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

Absent: 2 - O'Donnell and Reyes Uranga

14. 10-0260

Recommendation to adopt Plans and Specifications No. G-271 for gas main and service line relocation; and authorize City Manager to execute a contract with ARB, Inc., in an amount not to exceed \$1,862,328 plus a 15 percent contingency, as necessary, to address unforeseen issues related to the construction of this project. (Citywide)

Vice Mayor Lerch spoke.

Mayor Foster spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and request City Manager to return in 30 days with a report explaining the incremental costs of a corner to corner slurry seal in cases where main and service line relocations are undertaken, with said report to include the cost and operational implications upon public utilities. The motion carried by the following vote:

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

Absent: 2 - O'Donnell and Reyes Uranga

15. 10-0261

Recommendation to authorize City Manager to execute the First Amendment to Contract No. 30629 with Kleinfelder West, Inc., of Long Beach, California, to increase the contract amount by \$1,750,000 for as-needed Certified Materials Testing and Inspection for Public Works infrastructure and facility projects. (Citywide)

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, Schipske, Andrews, Gabelich and Lerch

Absent: 2 - O'Donnell and Reyes Uranga

16. 10-0262

Recommendation to authorize City Manager to effect the conversion of City-owned land at 1850-1854 Atlantic Avenue to a Refuse Fund asset; and authorize Department of Public Works, Environmental Services Bureau, to begin a process of public outreach and consensus building to determine support for an Urban Environmental Education Center at 1850-1854 Atlantic Avenue. (District 6)

Councilman Andrews spoke.

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

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

Absent: 2 - Garcia and Reyes Uranga

17. 10-0263 Recommendation to authorize City Manager to proceed with needed improvements to the alley westerly of Euclid Avenue between Stearns Street and 23rd Street; and increase appropriations by \$400,000 in the Capital Projects Fund (CP) in the Department of Public Works (PW). (District 5)

Councilwoman Schipske spoke.

Christine Garcinus spoke.

Rod Williams spoke.

Angie Andrade spoke.

Cory Gill spoke.

Matthew Wheeler spoke.

Vice Mayor Lerch spoke.

Councilwoman Schipske spoke.

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

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

Absent: 2 - Garcia and Reyes Uranga

NEW BUSINESS (6:53 PM)

18. 10-0287 Recommendation to start recruitment and testing immediately establishing a lateral and new recruit eligibility list to support a full drill academy in January 2011. A lateral academy could take place in addition to the full academy based on availability of funding and the number of lateral candidates qualifying; and

Direct City Manager to work with the Civil Service Department to prioritize City recruitments to make the Fire recruitment a top priority and eliminate the need for additional staff. The City Manager and Fire Department should assist the Civil Service Department with the recruitment to reduce costs and ensure no additional funding is

necessary.

Patrick West, City Manager, spoke.

Councilmember O'Donnell spoke.

Mario Beas, Executive Director of Civil Service, spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Diana Lejins spoke.

Mayor Foster spoke.

Harvey Cochran spoke.

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

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

Absent: 2 - Garcia and Reyes Uranga

19. 10-0159

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 2.08 regarding Regulation of Persons who Lobby Public Officials, read and adopted as read. (Citywide)

Diana Lejins spoke.

Harvey Cochran spoke.

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-10-0006. The motion carried by the following vote:

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

Absent: 2 - Garcia and Reyes Uranga

Enactment No: ORD-10-0006

ANNOUNCEMENTS (7:10 PM)

Councilmember DeLong requested that the meeting be adjourned in memory of Nolan Cramer.

Mayor Foster spoke regarding Long Beach Reads One Book and the corresponding panel discussion.

Councilwoman Gabelich made community announcements.

Councilman Andrews made community announcements.

Councilmember O'Donnell made community announcements.

Councilwoman Schipske made community announcements.

PUBLIC (7:16 PM)

10-0299 Diana Lejins spoke and submitted correspondence entitled, The Worst Disability.

This Handout was received and filed.

Steve Baker spoke regarding medical marijuana.

Christopher Grimes spoke regarding Habitat for Humanity.

ADJOURNMENT (7:23 PM)

At 7:23 PM, Mayor Foster adjourned the meeting in memory of Nolan Cramer.

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