

Dr. Robert Garcia, Vice Mayor, 1st District  
Dr. Suja Lowenthal, 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  
Al Austin, 8th District  
Steven Neal, 9th District

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

Bob Foster, Mayor

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.

The Agenda Items were considered in the order presented, except for Agenda Item Nos. 13, 25, and 17 were considered prior to hearings; and Agenda Item No. 12 was withdrawn.

### ROLL CALL (5:05 PM)

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

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Larry Herrera, City Clerk; Daisy Gomez, City Clerk Analyst; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Gary DeLong, Councilmember, Third District.

Mayor Foster announced that Agenda Item Nos. 13 and 25 would be considered at the beginning of the Agenda; that Agenda Item No. 17 would be considered at the beginning of the Regular Agenda; and Agenda Item No. 12 would be withdrawn.

Pet Adoption: Julie Pruitt, spcaLA, presented a canine.

Presentation on the Long Beach Municipal Band Week.

Mayor Foster spoke.

Alan Lowenthal, Congressman for 47th Congressional District, spoke.

[12-1068](#)

Laura Spino, volunteer coordinator, spoke; and submitted information regarding the Long Beach Municipal Band.

**This Handout was received and filed.**

Larry Curtis, Conductor, spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

### **HEARINGS (6:25 PM)**

[see media](#)

1. [12-0557](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the Hearing Officer's recommendation to revoke Business License No. BU20919340 issued to Key Disposal, Inc., located at 11412 South Taylor Avenue, Montebello, CA. (Citywide)

John Katangian, appellant, spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Vice Mayor Garcia spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Councilman Austin spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

**A motion was made by Councilmember Johnson, seconded by Councilmember Neal, to approve recommendation; and direct the City Manager to provide a report to the City Council that includes an overview and discussion of the Public Works Department's process for issuance of refuse transportation permits.**

**Moved by Johnson, seconded by Neal. The motion carried by the following vote:**

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

[see media](#)

2. [12-1017](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt resolution making certain findings;

Declare the Successor Agency-owned parcels located at 101 East Pacific Coast Highway and 1814 Pine Avenue as surplus; and

Approve and authorize City Manager to execute any and all documents necessary, including the Purchase and Sale Agreement (PSA) and Escrow Instructions with Pine PCH, LLC (Buyer), for the sale of 101 East Pacific Coast Highway and 1814 Pine Avenue. (District 6)

Councilman Andrews spoke.

Councilmember Johnson spoke.

Councilman Austin spoke.

**A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-12-0112. The motion carried by the following vote:**

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

**Enactment No:** RES-12-0112

**PUBLIC COMMENT (7:00 PM)**

Allison Gallagher spoke regarding California State University of Long Beach updates.

Larry Goodhue spoke regarding various issues.

**CONSENT CALENDAR (7:05 PM)**

Passed The Consent Calendar

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**A motion was made by Councilmember Neal, seconded by Councilman Austin, to approve Consent Calendar Items 3 - 11. The motion carried by the following vote:**

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

**Absent:** 2 - DeLong and Johnson

3. [12-1013](#) Recommendation to authorize City Attorney to submit Stipulations with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$73,427.50 for the claim of Thomas Keleher, in compliance with the Appeals Board Order.  
**A motion was made to approve recommendation on the Consent Calendar.**
4. [12-1018](#) Recommendation to authorize City Attorney to pay the sum of \$7,500 in full and final resolution of the lawsuit entitled *Norman Santini v. COLB*.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. [12-1019](#) Recommendation to approve the minutes for the City Council meetings of Tuesday, November 13 and 20, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. [12-1020](#) Recommendation to refer to City Attorney damage claims received between November 12, 2012 and November 26, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. [12-1021](#) Recommendation to approve the destruction of records for the Department of Health and Human Services, Housing Authority Bureau as shown in Exhibit A; and adopt resolution.  
**A motion was made to approve recommendation and adopt Resolution No. RES-12-0113 on the Consent Calendar.**  
**Enactment No:** RES-12-0113
8. [12-0947](#) Recommendation to authorize City Manager, or designee, to execute an agreement and any subsequent amendments between the City of Long Beach and the University of California San Diego, for the term of April 1, 2012 to March 31, 2013, with the option of up to three one-year extensions based on funding availability, in the amount of \$206,700, to participate in a California HIV/AIDS Research Program (CHRP) study assessing linkage, engagement, and retention to care to reduce the

transmission of HIV; and increase appropriations in the Health Fund (SR 130) in the Department of Health and Human Services (HE) in the amount of \$206,700. (Citywide)

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

9. [12-1023](#) Recommendation to authorize City Manager to submit a grant application for \$38,544 to the Long Beach Navy Memorial Heritage Association for the restoration of the Long Beach Navy Memorial in Shoreline Park. (District 2)

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

10. [12-1024](#) Recommendation to authorize City Manager to execute all documents necessary for the First Amendment to Lease No. 27973 between Richard Saliture, Trustee of the Saliture Trust (Landlord) and the City of Long Beach (Tenant) for City-leased vacant land at 4555 Orange Avenue for its continued use as a Mini-Park. (District 8)

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

11. [12-1040](#) Recommendation to receive and file minutes for: Planning Commission - November 1, 2012.

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

#### **REGULAR AGENDA (7:06 PM)**

12. 12-1042 Recommendation to, by motion of the City Council, request City Manager to explore the possibility of contracting with the Long Beach Chamber of Commerce to provide services which will assist the City in economic development efforts aimed at attracting and retaining business and jobs.

**This Agenda Item was withdrawn.**

[see media](#)

13. [12-0999](#) Recommendation to adopt resolution authorizing City Manager to execute a contract, and any amendments thereto, with Management Partners, Inc., of Cincinnati, OH (not an MBE, WBE, SBE or Local), for professional consulting and project management services pertaining to fiscal sustainability initiatives identified in the Fiscal Year 2013 Adopted Budget, on the same terms and conditions afforded to the City of Santa Ana, in a total amount not to exceed \$500,000, for a period of one year, with an option to renew for one additional year. (Citywide)

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilmember Neal spoke.

Councilman Austin spoke.

Eric Sund, Business Relations Manager and City Purchasing Agent, spoke.

Councilman Austin spoke.

Motion: Approve recommendation, with the change to the original recommendation for a total amount not to exceed \$200,000.  
Moved by Austin, seconded by Neal.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Vice Mayor Garcia spoke.

Councilmember Neal spoke.

Councilman Austin spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Larry Goodhue spoke.

Christine Mayer, ILWU representative, spoke.

Councilman Andrews spoke.

**A second substitute motion was made by Councilwoman Schipske, seconded by Councilman Austin, that the item be received and filed, contingent upon the City Manager coming back to City Council with additional information. The motion failed by the following vote:**

**Yes:** 4 - O'Donnell, Schipske, Austin and Neal

**No:** 5 - Garcia, Lowenthal, DeLong, Andrews and Johnson

**A substitute motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-12-0111. The motion carried by the following vote:**

**Yes:** 5 - Garcia, Lowenthal, DeLong, Andrews and Johnson

**No:** 4 - O'Donnell, Schipske, Austin and Neal

**Enactment No:** RES-12-0111

[see media](#)

**14. [12-1026](#)**

Recommendation to adopt Specifications No. PA-05112 and award a contract to Scher Tire, Inc., a Long Beach-based business (Local; not an MBE, WBE or SBE), for furnishing and delivering tires, in an amount not to exceed \$470,000, for a period of one year, with the option to renew for two additional one-year periods, at the discretion of City Manager. (Citywide)

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

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

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

[see media](#)

**15. [12-1027](#)**

Recommendation to authorize City Manager to execute contracts with various One-Stop Career Center Training Providers and area employers in support of strategies that provide training and employment services to residents in the amount totaling \$841,000; and to execute any needed subsequent amendments. (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, Austin and Neal

[see media](#)

**16. [12-1028](#)**

Recommendation to adopt resolution authorizing City Manager to enter into an agreement with Waste Management, Inc., to allow the City of Long Beach to deliver ash from SERRF to Waste Management's El

Sobrante Landfill at a fixed cost, for a period of up to seven years, at an estimated cost of \$7,000,000 - \$8,000,000 per year. (District 2)

Councilmember Johnson spoke.

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-12-0114. The motion carried by the following vote:**

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

**Enactment No:** RES-12-0114

[see media](#)

17. [12-1029](#)

Recommendation to authorize City Manager to execute the Fifteenth Amendment to Historical Site Lease No. 24291 with Rancho Los Alamitos Foundation to provide for the annual management fee for lease year 2012 - 2013. (District 3)

Councilmember DeLong spoke.

Pamela Seager, Executive Director of Rancho Los Alamitos Foundation, spoke; and submitted information regarding the Foundation.

**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, Austin and Neal

[see media](#)

18. [12-1030](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Paradies Long Beach II, LLC, dba 4th Street Vine, for an original Alcoholic Beverage Control License, at 4100 East Donald Douglas Drive. (District 5)

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



[see media](#)

19. [12-1031](#)

Recommendation to receive and file the application of Paradies Long Beach II, LLC, dba Taco Beach Cantina, for an original Alcoholic Beverage Control License, at 4100 East Donald Douglas Drive, North Concourse. (District 5)

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

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

[see media](#)

20. [12-1032](#)

Recommendation to receive and file the application of Paradies Long Beach II, LLC, dba McKennas On The Bay, for an original Alcoholic Beverage Control License, at 4100 East Donald Douglas Drive, South Concourse. (District 5)

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

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

[see media](#)

21. [12-1033](#)

Recommendation to adopt resolution to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the County of Los Angeles to receive and expend California Emergency Management Agency (CalEMA) grant funding for the 2010 Buffer Zone Protection Program (BZPP) Grant, at an amount not to exceed \$390,000 for a period ending February 28, 2013; and increase appropriations in the General Grants Fund (SR 120) in the Police Department (PD) by \$390,000. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-12-0115. The motion carried by the following vote:**

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

**Enactment No:** RES-12-0115

[see media](#)

22. [12-1035](#)

Recommendation to authorize City Manager to execute an amendment to Agreement No. 28344 with Waste Management, Inc. (WM), and amendments thereto, to provide recycling collection operations for a

period of one year at an estimated cost of \$3,280,000, while the City conducts a competitive bidding process. (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, Austin and Neal

[see media](#)

**23. [12-1025](#)**

Recommendation to authorize City Manager to execute all documents necessary for the Seventh Amendment to Lease No. 25165 between Wardlow Atlantic, LLC (Landlord) and the City of Long Beach (Tenant) for office space at 3447 Atlantic Avenue for the continued operation of the Career Transition Center by the Workforce Development Bureau of the Department of Human Resources. (District 7)

Councilmember Johnson spoke.

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

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

**ORDINANCES (7:20 PM)**

[see media](#)

**24. [12-1041](#)**

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 5.72.120, 5.72.121, 5.72.125, 5.72.130 and Subsection 21.15.110(I); by adding Subsections 5.72.120.5 and 5.72.120.6; and by repealing Section 5.72.126 all relating to Entertainment and Similar Activities read, adopted as read 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)

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to declare an emergency to exist. The motion carried by the following vote:**

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

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation to declare Emergency Ordinance No. ORD-12-0018, read, adopted as read 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, Austin and Neal

**Enactment No:** ORD-12-0018

[see media](#)

**25. [12-1034](#)**

Recommendation to declare ordinance amending Section 2.84.010 of the Long Beach Municipal Code, increasing and clarifying the Authority of the City Purchasing Agent, under limited circumstances, to bind the City through the issuance of a Purchase Order up to \$250,000 and requiring associated purchasing procedures read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Motion: To declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

Moved by DeLong, seconded by Lowenthal.

Larry Goodhue spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

Councilman Austin spoke.

**A substitute motion was made by Councilmember Johnson, seconded by Councilmember Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading, with a modification to decrease the Purchase Order issuance limit amount to \$200,000. The motion carried by the following vote:**

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

**No:** 2 - Schipske and Austin

**Enactment No:** ORD-12-0020

[see media](#)

26. [12-0870](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 15.36.120.A, relating to low income gas discount, read and adopted as read. (Citywide)

**A motion was made by Councilmember Johnson, seconded by Councilman Austin, to approve recommendation and adopt Ordinance No. ORD-12-0019. The motion carried by the following vote:**

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

**Enactment No:** ORD-12-0019

### **NEW BUSINESS (7:22 PM)**

27. Affidavit of Service for the special meeting held, Tuesday, December 4, 2012.

28. [12-1061](#) eComments received for the City Council meeting of Tuesday, December 4, 2012.

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

### **ANNOUNCEMENTS (7:22 PM)**

Councilman Andrews made community announcements.

Councilmember Neal made community announcements.

Councilwoman Schipske made community announcements.

Councilmember O'Donnell made community announcements.

Councilman Austin made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember Johnson made community announcements.

### **ADJOURNMENT (7:35 PM)**

At 7:35 PM, Vice Mayor Garcia adjourned the meeting.

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