



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

C-5

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December 6, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the Minutes for the City Council meetings held Tuesday, November 8 and November 15, 2011.

DISCUSSION

The Legistar minutes of the City Council meetings held Tuesday, November 8 and November 15, 2011 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: Carolyn Harris

LGH:cah
Attachment

11 NOV 20 11 31 AM '11
CITY CLERK'S OFFICE
CITY OF LONG BEACH

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



Gerrie Schipske, R.N.P./J.D., 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Rae Gabelich, 8th District
Steven Neal, 9th District

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

FINISHED AGENDA & DRAFT MINUTES

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

Agenda Items were considered in the order presented, except Agenda Item No. 15, which was considered following the Consent Calendar vote; and Public Comment, which followed Agenda Item No. 15.

ROLL CALL (5:02 PM)

Councilmembers Garcia, Lowenthal, DeLong, Schipske, Andrews, Gabelich and
Present: Neal

Councilmembers O'Donnell and Johnson
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Michael Mais, Assistant City Attorney; Poonam Davis, Elections Bureau Manager; Carolyn Harris, City Clerk Specialist.

Vice Mayor Lowenthal presiding.

Vice Mayor Lowenthal announced that Councilmember O'Donnell would be absent.

Invocation: Moment of Silence.

Flag Salute: Robert Garcia, Councilmember, First District.

Julie Pruitt, spcaLA, presented a canine.

HEARINGS (5:06PM)

1. 11-1102 Recommendation to receive supporting documentation into the record, conclude the hearing and declare ordinance pre-zoning three areas at the east Long Beach city limit along the San Gabriel River to be annexed

as part of the proposed boundary adjustment between the Cities of Long Beach, Seal Beach and Los Alamitos, and Los Angeles and Orange Counties read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 3,5)

Reginald Harrison, Deputy City Manager, spoke.

Larry Goodhue spoke.

A motion was made by Councilmember DeLong, 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: 7 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Gabelich and Neal

Absent: 2 - O'Donnell and Johnson

SECOND ROLL CALL (5:14 PM)

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

Councilmembers O'Donnell
Absent:

Councilmember Johnson joined the meeting.

2. 11-1103 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 McKenna's on the Bay, LLC, 190 N. Marina Drive, for Entertainment With Dancing by Patrons. (District 3)

Erik Sund, Business Relations Manager, spoke.

Nicholas Limer, owner of McKenna's on the Bay, spoke.

Erik Sund, Business Relations Manager, spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to grant a One-Year Short-Term Permit with conditions. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - O'Donnell

3. 11-1104 Recommendation to receive supporting documentation into the record, conclude the hearing and adopt resolution confirming the Fourth Street Parking and Business Improvement Area annual report and continuing the assessment for the period of October 1, 2011 through September 30, 2012; and authorize City Manager to extend the agreement with the Fourth Street Business Improvement Association for a one-year term. (District 2)

Michael Conway, Director of Public Works, spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-11-0125. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - O'Donnell

Enactment No: RES-11-0125

PUBLIC COMMENT (5:24 PM)

Larry Goodhue spoke regarding various issues.

Councilmember Garcia spoke.

Jeff Hooman spoke regarding asphalt problems on bike trails.

Patrick West, City Manager, spoke.

- 11-1172 Jonathan Davidson, Occupy Long Beach, spoke regarding assembly rights.

This Handout was received and filed.

- 11-1168 Scott Jefferson Starquester spoke regarding the Earth Constitution; and submitted correspondence.

This Handout was received and filed.

Naida Tushnet spoke regarding a 24-hour free speech zone.

Eugenia Almand spoke regarding the Earth Constitution.

Ryan Serrano spoke regarding the rights of people to assemble in protest with tents in Lincoln Park.

11-1169 Gregory Vanderpas spoke regarding correspondence submitted entering into the record a grantee acknowledgement of Grant Deed.

This Handout was received and filed.

11-1170 Dennis Dunn spoke regarding dining with entertainment; and submitted a guide to the Rainforest.

This Handout was received and filed.

11-1171 Tammara Phillips spoke regarding Occupy Long Beach; and submitted a flyer.

This Handout was received and filed.

Vice Mayor Lowenthal spoke.

Vice Mayor Lowenthal recessed the meeting.

At 5:58 PM, the meeting reconvened.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Robert Shannon, City Attorney, spoke.

CONSENT CALENDAR (5:20 PM)

Larry Goodhue spoke.

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve Consent Calendar Items 4 - 17, except for Item 15. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - O'Donnell

4. 11-1130 Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending June 30, 2011.
A motion was made to approve recommendation on the Consent Calendar.
5. 11-1105 Recommendation to refer to City Attorney damage claims received between October 24, 2011 and October 31, 2011.
A motion was made to approve recommendation on the Consent Calendar.
6. 11-1131 Recommendation to adopt resolution ordering, proclaiming, calling and giving notice of a Primary Nominating Election in the City of Long Beach, California, on Tuesday, the 10th day of April, 2012, for the nomination and/or election of candidates for four (4) offices on the City Council, each for a full term of four (4) years, commencing with the third Tuesday of July, 2012, and adopting provisions relating to the translations of and the charges for costs of candidate statements; and
A motion was made to approve recommendation and adopt Resolution No. RES-11-0126 on the Consent Calendar.
Enactment No: RES-11-0126
- 11-1132 Adopt resolution requesting Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a Primary Nominating Election to be held on Tuesday, April 10, 2012, and a General Municipal Election to be held in the City on Tuesday, June 5, 2012.
A motion was made to approve recommendation and adopt Resolution No. RES-11-0127 on the Consent Calendar.
Enactment No: RES-11-0127
7. 11-1124 Recommendation to adopt the revisions to Long Beach Gas & Oil Retention Schedule (as shown in Exhibit A), and rescind all previously applicable Records Retention Titles for Long Beach Gas & Oil.
A motion was made to approve recommendation on the Consent Calendar.
8. 11-1128 Recommendation to adopt the revisions to the Public Works Retention

Schedule (as shown in Attachment I), and rescind all previously applicable Records Retention Titles for Public Works.

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

9. 11-1106 Recommendation to adopt Specifications No. RFP FM 11-045 authorizing City Manager to execute all necessary agreements with NCO Financial Systems, Inc. (NCO), of Rancho Cordova, CA (not an MBE, WBE, SBE or Local), to provide collection services for a period of two years with the option to renew for three additional one-year periods. (Citywide)

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

10. 11-1076 Recommendation to adopt resolution authorizing City Manager to execute an annual contract with DMD Dresser, of Houston, TX (not a MBE, WBE, SBE or Local), for furnishing and delivering rotary-type gas meters and other services and parts without advertising for bids, in an annual amount not to exceed \$150,000, 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 to approve recommendation and adopt Resolution No. RES-11-0128 on the Consent Calendar.

Enactment No: RES-11-0128

11. 11-1107 Recommendation to authorize City Manager, or designee, to execute all necessary documents and amendments between the City of Long Beach and St. Mary Medical Center Foundation for the provision of Senior Links Program case management services in the amount of \$16,075 for the period of October 1, 2011 through September 30, 2012; and increase appropriations in the Health Fund (SR 130) and the Department of Health and Human Services (HE) by the same amount. (Citywide)

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

12. 11-1108 Recommendation to adopt resolution authorizing City Manager, or designee, to execute a contract with Gen-Probe Sales and Service, Inc., to purchase diagnostic test kits for one year in an amount not to exceed \$250,000, with the option to extend the contract for two additional years at the discretion of the City Manager. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-11-0129 on the Consent Calendar.

Enactment No: RES-11-0129

13. 11-1109 Recommendation to authorize City Manager to execute all documents with the California Department of Education in an amount up to \$90,000 to operate the Even Start Family Literacy Program; to execute a contract with the Long Beach Unified School District in an amount up to \$85,000 to provide family literacy services; to execute any needed subsequent amendments; and increase appropriations in the Community Development Grants Fund (SR 150) in the Human Resources Department (HR) by \$90,000. (Citywide)

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

14. 11-1077 Recommendation to authorize City Manager to execute an agreement between the Long Beach Airport and the Boeing Company for the use of Boeing's Lot D as overflow airport parking on an as-needed basis; and increase appropriations in the Airport Enterprise Fund (EF 320) in the Airport Department (AP) by \$112,000. (District 5)

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

15. 11-1110 Recommendation to adopt resolution authorizing City Manager to submit a grant application to the California Strategic Growth Council, through the Urban Greening Project Grant Program, in the amount of \$75,000, for the creation of a community garden in 14th Street Park; and execute any documents necessary for implementation and administration of the project. (District 1)

Councilmember Garcia spoke.

A motion was made by Councilmember Garcia, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0130. The motion carried by the following vote:

Yes: 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 1 - O'Donnell

Enactment No: RES-11-0130

16. 11-1112 Recommendation to authorize City Manager to execute the First Amendment to Lease No. 30853 with Bay Shore Community Congregational Church for the shared use of the City-owned parking lot at the intersection of The Toledo and Livingston Drive. (District 3)

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

17. 11-1113 Recommendation to receive and file minutes for:
Planning Commission - October 6, 2011.

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

UNFINISHED BUSINESS (6:04 PM)

30. 11-1091 Recommendation to declare ordinance amending Section 10.54.040 of the Long Beach Municipal Code, related to excluding skateboarding from additional park locations, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Motion: Approve recommendation.
Moved by DeLong, seconded by Garcia.

Councilmember Johnson spoke.

Mike Donelon spoke.

Councilwoman Gabelich spoke.

George Chapjian, Director of Parks, Recreation and Marine, spoke.

Mike Donelon spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

George Chapjian, Director of Parks, Recreation and Marine, spoke.

A substitute motion was made by Councilmember Johnson, seconded by Councilmember Garcia, to refer this item to the Housing and Neighborhoods Committee for review. The motion carried by the following vote:

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

Absent: 2 - O'Donnell and Andrews

PUBLIC COMMENT (6:20 PM)

Jim Witherow spoke introducing himself and referred to an article featured in the Press-Telegram regarding the Downtown Homeowners Unite.

REGULAR AGENDA (6:21 PM)

- 18. 11-1133** Recommendation to request City Manager to work with Long Beach Transit, Downtown Long Beach Associates and the Promenade Area Residents Association to reach consensus on a new name for the Transit Mall and forward the name to the Metropolitan Transportation Authority (MTA) for approval.
- Vice Mayor Lowenthal spoke.
- Kraig Kojian, Downtown Long Beach Associates, spoke.
- A motion was made by Vice Mayor Lowenthal, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:**
- Yes:** 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal
- Absent:** 2 - O'Donnell and Andrews
- 19. 11-1114** Recommendation to authorize City Manager to execute all necessary documents with Fidelity National Information Services, Inc. (FIS) to provide credit card processing services and fund credit card bank fees for City services for a period of three years, in an annual amount not to exceed \$160,000, plus a 15 percent contingency, for a total amount of \$184,000, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)
- John Gross, Director of Financial Management, spoke.
- Councilwoman Gabelich spoke.
- Pamela Horgan, Commercial Services Bureau Manager, spoke.
- A motion was made by Councilmember DeLong, seconded by Councilmember Neal, to approve recommendation. The motion carried by the following vote:**
- Yes:** 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal
- Absent:** 2 - O'Donnell and Andrews

20. 11-1115 Recommendation to authorize City Manager to amend the interim purchase order with Office Depot, Inc., a Delaware corporation (not an MBE, WBE, SBE or Local), for the purchase of office supplies for all City departments, in an additional amount of \$505,000, bringing the total amount not to exceed to \$600,000. (Citywide)

Erik Sund, Business Relations Manager, spoke.

Councilmember Johnson spoke.

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 Neal

Absent: 2 - O'Donnell and Johnson

21. 11-1116 Recommendation to receive supporting documentation into the record regarding the Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing; and adopt resolution approving the issuance of revenue bonds by the California Municipal Finance Authority (CMFA) to benefit Abode Communities, Evergreen Apartments Multifamily Housing, in an amount not to exceed \$14,000,000. (Districts 4,9)

David Nakamoto, City Treasurer, spoke.

Gary Shelton spoke.

A motion was made by Councilmember Neal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-11-0131. The motion carried by the following vote:

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

Absent: 2 - O'Donnell and Andrews

Enactment No: RES-11-0131

22. 11-1123 Recommendation to receive and file report on the status of a Project Labor Agreement associated with the Gerald Desmond Bridge.

Motion: Approve recommendation.

Moved by DeLong, seconded by Schipske.

A substitute motion was made by Councilmember Garcia, seconded by Councilmember Johnson, that the item be laid over to the next City Council meeting of Tuesday, November 15, 2011. The motion carried by the following vote:

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

Absent: 2 - O'Donnell and Andrews

- 23. 11-1117** Recommendation to authorize City Manager, or designee, to execute an agreement and any necessary amendments between the City of Long Beach and Decade Software Company, LLC, to provide environmental health inspection software licenses, data conversion and configuration, onsite training, software maintenance, technical support services, and other related professional services in an amount not to exceed \$296,511 for a three-year period with options to renew the agreement for two additional one-year periods at the discretion of the City Manager. (Citywide)

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

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

Absent: 2 - O'Donnell and Andrews

- 24. 11-1118** Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Carnival, Corporation, dba Carnival Inspiration, for an original Alcoholic Beverage Control License, at Berth H 4 Cruise Ship Terminal, with conditions. (District 2)

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

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

Absent: 2 - O'Donnell and Andrews

- 25. 11-1111** Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Number Nine restaurant at 2118 E. Fourth Street. (District 2)

Michael Conway, Director of Public Works, spoke.

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

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

Absent: 2 - O'Donnell and Andrews

- 26. 11-1119** Recommendation to adopt Plans and Specifications No. R-6851 for San Gabriel River Bike Trail Improvements, award project to and authorize City Manager to execute all documents necessary to enter into a contract with All American Asphalt, Incorporated, in an estimated amount of \$529,090, plus a 10 percent contingency in the amount of \$52,909 for a total contract amount of \$581,999, and execute any necessary amendments thereto;

Authorize City Manager to execute an agreement, and any necessary amendments thereto, with the City of Seal Beach regarding the construction of improvements to the San Gabriel River Bike Trail by the City of Long Beach on behalf of the City of Seal Beach; and

Increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$200,000. (Districts 3,5)

Patrick West, City Manager, spoke.

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

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

Absent: 2 - O'Donnell and Andrews

- 27. 11-1120** Recommendation to adopt Plans and Specifications No. R-6861 for Communication Systems, Closed Circuit Television (CCTV) Camera Systems, Signal Modification and Advanced Traffic Control System (ATCS) Integration at Atlantic Avenue Improvement Project; award the project to and authorize City Manager to execute all documents necessary to enter into a contract with FlatIron Electric Group, Incorporated, in an estimated amount of \$2,475,971, plus a 10 percent contingency of \$247,597, for a total of \$2,723,568, and to execute any necessary amendments thereto without exceeding the contract limit; and

Increase appropriations in the Capital Projects Fund (CP 201) in the Department of Public Works (PW) by \$3,485,918; and authorize City

Manager to execute grant agreements and any amendments thereto.
(Districts 1,2,6,7)

Michael Conway, Director of Public Works, spoke.

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

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

Absent: 2 - O'Donnell and Andrews

ORDINANCES (6:41 PM)

- 28. 11-0946** Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 9.35 relating to aggressive solicitation read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Jim Lewis spoke.

Mary Coburn spoke.

Gary Shelton spoke.

Dan Hillman spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Johnson spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Patrick West, City Manager, spoke.

Vice Mayor Lowenthal spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, 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: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

29. 11-1091 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.54.040, relating to skateboarding, read and adopted as read. (Citywide)

This Ordinance was withdrawn.

NEW BUSINESS (7:02 PM)

30. Agenda Item No. 30 is listed under Unfinished Business (page 6).

31. 11-1136 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, November 4, 2011.

This Agenda Item was received and filed.

32. 11-1173 eComments received for the City Council meeting of Tuesday, November 8, 2011.

This Agenda Item was received and filed.

ANNOUNCEMENTS (7:02 PM)

Vice Mayor Lowenthal requested that the meeting be adjourned in memory Darren Rockett, Long Beach Fire Department.

Councilmember Johnson made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Neal made community announcements.

Councilwoman Schipske recognized and thanked Councilmember Neal on the Veteran's Day Parade; and made community announcements.

ADJOURNMENT (7:24 PM)

At 7:24 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Darren Rockett.

ch/nem

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



Gerrie Schipske, R.N.P./J.D., 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Rae Gabelich, 8th District
Steven Neal, 9th District

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

Bob Foster, Mayor

Robert E. Shannon, City Attorney

FINISHED AGENDA & DRAFT MINUTES

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

Agenda Items were considered in the order presented, except for Agenda Item No. 28, which was considered following Agenda Item No. 22.

ROLL CALL (5:13 PM)

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

Councilmembers Garcia and Lowenthal
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Larry Herrera, City Clerk; Poonam Davis, Elections Bureau Manager; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Mayor Foster announced that Vice Mayor Lowenthal and Councilmember Garcia would be absent; and that Agenda Item No. 28 will be considered following Agenda Item No. 22.

PUBLIC COMMENT (5:14 PM)

Eugenia Hamelin spoke regarding a letter from President Obama.

Gary Shelton spoke regarding National Hunger and Homeless Week.

Helen Freeborn spoke regarding Project Achieve - Guest Chef program.

Patricia Benoit spoke regarding National Hunger and Homeless Week.

James Scott Noble spoke regarding the homeless and veterans; and tourism in Long Beach.

CONSENT CALENDAR (5:29 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve Consent Calendar Items 1- 10. The motion carried by the following vote:

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

Absent: 2 - Garcia and Lowenthal

1. 11-1152 Recommendation to approve the minutes for the City Council meeting of Tuesday, November 1, 2011.
A motion was made to approve recommendation on the Consent Calendar.
2. 11-1149 Recommendation to refer to City Attorney damage claims received between October 31, 2011 and November 7, 2011.
A motion was made to approve recommendation on the Consent Calendar.
3. 11-1150 Recommendation to authorize City Manager to execute a contract with K&H Integrated Print Solutions for mailing services and printing of official ballots, sample ballots and vote-by-mail materials in an amount not to exceed \$346,661, plus a seven percent contingency, with an option to authorize the provision of mailing services and printing of official ballots, sample ballots and vote-by-mail materials in an amount not to exceed \$119,966, plus a seven percent contingency, in administration of the April 10, 2012 Primary Nominating Election (PNE), and the June 5, 2012 General Municipal Election (GME). (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
4. 11-1151 Recommendation to receive and approve changes to the Conflict of Interest Code of the City of Long Beach Human Resources Department.
A motion was made to approve recommendation on the Consent Calendar.

5. 11-1137 Recommendation to authorize City Manager to execute Facility Use Permits at the Central Facilities Center with the agencies listed below, for a period of five years, with the option of extending the permits annually after the end of the initial term, and upon a determination by the City that the permittee has fully complied with the terms and conditions of the Permit and is otherwise in good standing with the City. (District 6)
- A motion was made to approve recommendation on the Consent Calendar.**
6. 11-1138 Recommendation to authorize City Manager, or designee, to execute an agreement, and any subsequent amendments, between the City of Long Beach and the Los Angeles County Children and Families First - Proposition 10 Commission in an amount not to exceed \$197,084 for the period of January 1, 2012 through June 30, 2012 to continue the Long Beach-Wilmington Best Babies Collaborative Program, and execute service subcontracts and subsequent amendments with the listed agencies for outreach and health education. (Districts 1,6,7,9)
- A motion was made to approve recommendation on the Consent Calendar.**
7. 11-1139 Recommendation to authorize City Manager, or designee, to execute an agreement, and any subsequent amendments, between the City of Long Beach and Los Angeles County to provide outpatient and inpatient medical care for eligible HIV-positive individuals under the Healthy Way Los Angeles Healthcare Initiative Matched Program. The fee-for-service contact shall be effective from the date of execution through June 30, 2012. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
8. 11-1140 Recommendation to authorize the issuance of a refund check in the amount of \$37,673.48 to gas utility customer Edgington Oil Company, pursuant to Long Beach Municipal Code Section 15.40.075 Refund of Gas Utility Charges. (District 9)
- A motion was made to approve recommendation on the Consent Calendar.**
9. 11-1141 Recommendation to request City Manager, or designee, to accept an easement deed for street cul-de-sacs on McGowen Street, Schaufele Avenue and Bayer Avenue; and authorize a future quitclaim of the cul-de-sac easements. (District 5)
- A motion was made to approve recommendation on the Consent Calendar.**
-

10. 11-1142 Recommendation to adopt resolution authorizing City Manager, or his designee, including the Assistant City Manager or the City Engineer, to apply for a CalRecycle grant from the Department of Resources, Recycling and Recovery in the amount of \$250,000, for the use of rubberized asphalt concrete. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-11-0132 on the Consent Calendar.

Enactment No: RES-11-0132

UNFINISHED BUSINESS (5:29 PM)

11. 11-1058 Recommendation to adopt resolution approving the proposed Fiscal Year 2011-2012 Harbor Department Salary Resolution No. HD-2629.

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

Mayor Foster spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-11-0133. The motion carried by the following vote:

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

Absent: 2 - Garcia and Lowenthal

Enactment No: RES-11-0133

12. 11-1080 Recommendation to adopt resolution approving Water Department Resolution No. WD-1289 approving the compensation fixed by the Board of Water Commissioners of the City for officers and employees in the Water Department.

Kevin Wattier, Executive Director, Water Department, spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-11-0134. The motion carried by the following vote:

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

Absent: 2 - Garcia and Lowenthal

Enactment No: RES-11-0134

Mayor Foster announced that Agenda Item No. 14 was withdrawn.

- 26. 11-1123** Recommendation to receive and file report on the status of a Project Labor Agreement associated with the Gerald Desmond Bridge.
- Councilmember O'Donnell spoke.
- Mayor Foster spoke.
- Councilwoman Schipske spoke.
- Councilmember Neal spoke.
- Councilmember O'Donnell spoke.
- Councilmember Johnson spoke.
- Tom Moxley spoke.
- Robbie Hunter spoke.
- A motion was made by Councilmember O'Donnell, seconded by Councilmember Johnson, to approve recommendation. The motion carried by the following vote:**
- Yes:** 7 - DeLong, O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal
- Absent:** 2 - Garcia and Lowenthal

REGULAR AGENDA (5:54 PM)

- 13. 11-1153** Recommendation to suspend Council rule contained in Long Beach Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of November 22, 2011.
- A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:**
- Yes:** 6 - DeLong, O'Donnell, Schipske, Andrews, Johnson and Gabelich
- Absent:** 3 - Garcia, Lowenthal and Neal

14. 11-1157 ~~Recommendation to request that City Council and Long Beach Harbor Commission meet jointly in closed session within the next 30 days for a briefing on port security from Chief of Police, Jim McDonnell, and Coast Guard Sector Commander and Captain of the Port, Roger Laferriere.~~

This Agenda Item was withdrawn.

15. 11-1143 Recommendation to receive and file the Investment Report for Quarter Ending September 30, 2011. (Citywide)

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

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

Absent: 2 - Garcia and Lowenthal

16. 11-1144 Recommendation to adopt the Statement on Investment Policy for Calendar Year 2012 pursuant to Section 53646 (a) of the State of California Government Code. (Citywide)

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

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

Absent: 2 - Garcia and Lowenthal

17. 11-1145 Recommendation to authorize City Manager, or designee, to purchase fuel for all City vehicles, by spot bidding, in an annual amount not to exceed \$5,000,000. (Citywide)

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

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

Absent: 2 - Garcia and Lowenthal

18. 11-1146 Recommendation to adopt resolution declaring a shelter crisis; suspending applicable provisions of local law, including those contained in the City's zoning ordinances and regulations; and authorizing the operation of a winter shelter between the dates of December 1, 2011

and March 15, 2012, inclusive; and

Authorize City Manager to execute any and all documents necessary for a lease between Long Beach Rescue Mission Foundation (Lessor) and the City (Lessee), and a sublease between the City (Sublessor) and the Long Beach Rescue Mission (Sublessee), and any necessary amendments at the discretion of the City Manager for approximately 12,000 rentable square feet of industrial space at 6845 Atlantic Avenue at the monthly base rent of \$6,000 for use as a winter shelter; and increase appropriations in the General Fund (GP) in the Department of Health and Human Services (HE) by \$21,000. (District 9)

James Lewis spoke.

Mayor Foster spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

Councilmember Johnson spoke.

Patricia Benoit spoke.

A motion was made by Councilmember Neal, seconded by Councilmember Johnson, to approve recommendation and adopt Resolution No. RES-11-0135. The motion carried by the following vote:

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

Absent: 2 - Garcia and Lowenthal

Enactment No: RES-11-0135

19. 11-1155

Recommendation to authorize City Manager to execute all documents with the U.S. Department of Labor to receive up to \$2,816,309 in H-1B Visa funds for a Health Sector Training Project; execute agreements with various initiative partner providers in an amount totaling \$2,039,250; increase appropriations in the Community Development Grants Funds (SR 150) in the Department of Human Resources (HR) by \$855,965; and execute any needed subsequent amendments. (Citywide)

Councilwoman Schipske spoke.

Councilmember Neal spoke.

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

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

Absent: 2 - Garcia and Lowenthal

- 20. 11-1147** Recommendation to authorize City Manager to execute an agreement and any subsequent amendments to provide law enforcement and security services for the Long Beach Public Transportation Company for a period of one (1) year with option to renew the agreement for two (2) one-year terms. (Citywide)

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

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

Absent: 2 - Garcia and Lowenthal

- 21. 11-1148** Recommendation to authorize City Manager, or designee, to execute any and all documents necessary for a Supplemental Agreement to Management Agreement No. 21667 with SMG, formerly known as Spectacor Management Group, for the completion of certain capital improvement projects at the Long Beach Convention and Entertainment Center located at 300 East Ocean Boulevard. (District 2)

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

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

Absent: 2 - Garcia and Lowenthal

- 22. 11-1121** Recommendation to authorize City Manager to execute all documents necessary to amend Contract No. 30939 with West Coast Arborists, Inc., for the furnishing of tree trimming maintenance and related services in an additional amount of \$690,000 for the current renewal term, and reduce the contingency from 25 percent to 10 percent. The amended contract amount of \$1,750,000 plus a 10 percent contingency of \$175,000, if necessary and if funds are available, results in a total amount not to exceed of \$1,925,000. (Citywide)

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

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

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

Absent: 2 - Garcia and Lowenthal

ORDINANCES (6:18 PM)

23. 11-1156 ~~Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.89 prohibiting the establishment and operation of medical marijuana dispensaries within the City of Long Beach and by repealing Chapter 5.87 relating to medical marijuana collectives, read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately. (Citywide)~~

This Emergency Ordinance was withdrawn.

24. 11-0946 Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 9.35 relating to aggressive solicitation, read and adopted as read. (Citywide)

Jim Lewis spoke.

Dan Helman spoke.

Eugena Hamlin spoke.

Patricia Benoit spoke.

Vincent Pena spoke.

Gary Shelton spoke.

James Nobel spoke.

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-11-0026. The motion carried by the following vote:

Yes: 6 - DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

No: 1 - Andrews

Absent: 2 - Garcia and Lowenthal

Enactment No: ORD-11-0026

25. 11-1102 Recommendation to declare ordinance amending the Use District Map of the City of Long Beach as said Map has been established and amended by rezoning previously undesignated land areas as PD-4 and PD-1, respectively, read and adopted as read. (Districts 3,5)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Ordinance No. ORD-11-0027. The motion carried by the following vote:

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

Absent: 2 - Garcia and Lowenthal

Enactment No: ORD-11-0027

NEW BUSINESS (6:31 PM)

26. Agenda Item No. 26 is listed under Unfinished Business (page 4).

27. 11-1163 Recommendation to request a report from the City Manager, City Attorney and other appropriate staff on the background of the Municipal Code in regards to the overnight closure of parks, the practices of other cities to accommodate the Occupy protestors, and a discussion of options the City may consider to provide a "free speech zone" or other means to address the issue.

Distributed at the meeting: Correspondence from Vice Mayor Lowenthal and various members of the public.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Jim McDonnell, Chief of Police, spoke.

Joe Yumans spoke.

Chris Robson spoke.

David Sanderval spoke.

Jonathan Allen spoke.

Jacob Zerba spoke.

Hal Steinberg spoke.

Ben Fisher spoke.

Migala Solentino spoke.

Jaja spoke.

Chad Cooper spoke.

Ingrid Rosalas spoke.

Gary Shelton spoke.

Tamara Phillips spoke.

Erin Fulle spoke.

Claude Berkshire spoke.

Bret Butler spoke.

Unidentified man spoke.

Julie Hong spoke.

Pawn spoke.

Marshall Yoblanski spoke.

Lee Stone spoke and submitted a petition.

Joan Donovan spoke.

Elliott Gonzalez spoke.

Josh Legere spoke.

Joey Cadavid spoke.

Cheryl Justice spoke.

Emau Novin spoke.

Steven spoke.

Synthian Sharp spoke.

Dubie Outlaw spoke.

Barry Sax spoke.

Nate spoke.

Laura Copeland spoke.

Christine Hedley spoke.

Danny Rodriguez spoke.

Jerry Shaffer spoke.

Jared Nakawatase spoke.

Unidentified American veteran spoke.

Gerald Quest spoke.

Scott Knapp spoke.

Aaron Mallory spoke.

Darlene Fernandez spoke.

Elaine McCoy spoke.

Thomas Donahoe spoke.

Mos Marmorini spoke.

Daryl Burke spoke.

Nadia Romero spoke.

Dillon Thompson spoke and submitted information from the Cities of

Irvine and Santa Rosa.

Melanie Sinclair spoke.

Unidentified woman spoke.

Jay Matthew spoke.

Louis Rodriguez spoke.

Paul Rochelle spoke.

Brian Newhardt spoke.

David Pearce spoke.

Crystal spoke.

Marybell Wasserman spoke.

Mario Mariatta spoke.

Raymond Leahy spoke.

Elizabeth Reynard spoke.

Jason James spoke.

P. Joseph Rosenwald spoke and submitted news articles and flyers.

James Nobel spoke.

Mark Rogenski spoke.

Mike Kowal spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilman Andrews spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

A motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to approve recommendation to request [1] a report from the City Manager, in conjunction with the departments of City Attorney, Police, Health and Human Services, and Parks, Recreation and Marine regarding the overnight closure of parks, the practices of other cities for accommodation of public protests, and possible options that the City Council can discuss which may provide for the designation of a free speech zone; [2] that the City Manager include a contingent of the Occupy Long Beach group for the purpose of discussing possible solutions related to free speech; and [3] that the City Manager deliver the requested report to the City Council within two weeks. The motion carried by the following vote:

Yes: 6 - O'Donnell, Schipske, Andrews, Johnson, Gabelich and Neal

Absent: 3 - Garcia, Lowenthal and DeLong

28. 11-0217

Recommendation to find that excavations are immediately required for the general health, safety, and welfare of the City and cannot be delayed; that alternatives to excavating, such as alternative routing, or construction methods, such as boring or excavation of the parkway, are not possible; and approve a discretionary permit to excavate areas in certain City streets, that have been reconstructed within the previous 60 months, in accordance with Section 14.08.060 of the Long Beach Municipal Code. (Districts 7,8,9)

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

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

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

Absent: 2 - Garcia and Lowenthal

29. Affidavit of Service for the special meeting held Tuesday, November 15, 2011.

30. 11-1162 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, November 11, 2011.

This Agenda Item was received and filed.

31. 11-1176 eComments received for the City Council meeting of Tuesday, November 15, 2011.

This Agenda Item was received and filed.

ANNOUNCEMENTS (9:27 PM)

Councilwoman Gabelich made community announcements.

Councilwoman Schipske made community announcements.

Councilman Andrews made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember Neal made community announcements.

Councilmember Johnson made community announcements.

Mayor Foster requested that the meeting be adjourned in memory of Wes Horton.

Councilmember O'Donnell spoke.

PUBLIC (9:34 PM)

Jonathan Allen spoke regarding Occupy Long Beach.

Elizabeth Reynard spoke regarding homeless.

P. Joseph Rosenwald spoke regarding Occupy Long Beach.

ADJOURNMENT (9:40 PM)

At 9:40 PM, Mayor Foster adjourned the meeting in memory of Wes Horton.

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