

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



Bob Foster, Mayor

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

Robert E. Shannon, City Attorney

REVISED

[11-1162](#)

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

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Opportunity to address the City Council (on non-agenda items) is given to the first 10 persons who submit Speaker Cards to the City Clerk beginning at 15 minutes prior to 5:00 p.m. Each speaker is allowed three minutes to make their comments.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless the Mayor, City Councilmembers or the City Manager request specific items be discussed and/or removed from the Consent Calendar for separate action.

CONSENT CALENDAR: (1- 10)

1. [11-1152](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, November 1, 2011.

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

2. [11-1149](#) Recommendation to refer to City Attorney damage claims received between October 31, 2011 and November 7, 2011.

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

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)

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

4. [11-1151](#) Recommendation to receive and approve changes to the Conflict of Interest Code of the City of Long Beach Human Resources Department.

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

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)

Office or Department: HEALTH AND HUMAN SERVICES

Suggested Action: Approve recommendation.

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)

Office or Department: HEALTH AND HUMAN SERVICES

Suggested Action: Approve recommendation.

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 contract shall be effective from the date of execution through June 30, 2012. (Citywide)

Office or Department: HEALTH AND HUMAN SERVICES

Suggested Action: Approve recommendation.

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)

Office or Department: LONG BEACH GAS AND OIL

Suggested Action: Approve recommendation.

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)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

REVISED

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)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

UNFINISHED BUSINESS:

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

Office or Department: HARBOR

Suggested Action: Approve recommendation.

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.

Office or Department: WATER COMMISSION; WATER

Suggested Action: Approve recommendation.

26. [11-1123](#) Recommendation to receive and file report on the status of a Project Labor Agreement associated with the Gerald Desmond Bridge.

Office or Department: HARBOR

Suggested Action: Approve recommendation.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

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.

Office or Department: MAYOR BOB FOSTER

Suggested Action: Approve recommendation.

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.

Office or Department: COUNCILWOMAN GERRIE SCHIPSKE, FIFTH DISTRICT; COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT

Suggested Action: Approve recommendation.

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

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

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)

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

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)

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

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)

Office or Department: HEALTH AND HUMAN SERVICES; PUBLIC WORKS

Suggested Action: Approve recommendation.

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)

Office or Department: HUMAN RESOURCES

Suggested Action: Approve recommendation.

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)

Office or Department: POLICE

Suggested Action: Approve recommendation.

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)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

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)

Office or Department: PUBLIC WORKS; FINANCIAL MANAGEMENT;
PARKS, RECREATION AND MARINE

Suggested Action: Approve recommendation.

REVISED

ORDINANCES:

23. 11-1156 **WITHDRAWN**
~~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)~~
Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.
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)

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.
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)

Office or Department: CITY MANAGER

Suggested Action: Approve recommendation.

REVISED

NEW BUSINESS:

New Business items are additions to the City Council Agenda subsequent to the posting of the agenda on Monday afternoon.

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.

Office or Department: COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT; COUNCILWOMAN GERRIE SCHIPSKE, FIFTH DISTRICT; COUNCILMEMBER STEVEN NEAL, NINTH DISTRICT

Suggested Action: Approve recommendation.

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)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity is given to those members of the public who have not addressed the City Council on non-agenda items. Each speaker is limited to three minutes unless extended by the City Council.

REVISED

STANDING COMMITTEE REMINDER:

Tuesday, November 15, 2011 – State Legislation Committee at 3:30 P.M., Council Chamber.

NOTE:

An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Department, City Hall Plaza Level, 333 W. Ocean Boulevard, Long Beach, CA 90802.

The City Council agenda and supporting documents are available on the Internet at www.longbeach.gov. Persons interested in obtaining an agenda via e-mail should subscribe to the City of Long Beach E-Notify System at <http://www.longbeach.gov/enotify/default.asp>.

Agenda items may also be reviewed in the City Clerk Department or online at the Main Library and at the Branch Libraries.

If language interpretation for non-English speaking persons is desired or if a special accommodation is desired pursuant to the Americans with Disabilities Act, please make your request by phone to the City Clerk Department at (562) 570-6101, by 12 noon Monday, the day prior to the Council meeting.

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adb/nem