

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 & 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 contract 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
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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)

[see media](#)

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

[see media](#)

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.

[see media](#)

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)

[see media](#)

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.

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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.

[see media](#)

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

[see media](#)

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).

[see media](#)

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

[see media](#)

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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