



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

# C-3

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

January 7, 2014

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Approve the minutes for the City Council meetings of Tuesday, December 10 and December 17, 2013 and the Study Session of Tuesday, December 10, 2013.

## DISCUSSION

The Legistar minutes for the City Council meetings of Tuesday, December 10 and December 17, 2013 and the Study Session of Tuesday, December 10, 2013 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,

Handwritten signature of Larry G. Herrera in black ink.

LARRY G. HERRERA  
CITY CLERK

Prepared by: Carolyn Hill

LGH:ch  
Attachment

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

Charles Parkin, City Attorney

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## 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.

The Agenda Items were considered in the order presented.

### ROLL CALL (5:16 PM)

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

**Councilmembers** Garcia and Andrews  
**Absent:**

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Charles Parkin, City Attorney; Michael Mais, Assistant City Attorney; Poonam Davis, Assistant City Clerk; Pablo Rubio, City Clerk Assistant.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: James Johnson, Councilmember, Seventh District.

Mayor Foster announced that Vice Mayor Garcia and Councilman Andrews would be absent.

### CONTINUED HEARING (5:18 PM)

1. 13-0980 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Tupelo Restaurants, Inc., dba Bo-Beau Kitchen & Tap, 144 Pine Avenue, for Entertainment Without Dancing by Patrons. (District 2)

Suzanne Frick, Assistant City Manager, spoke.

Councilmember Lowenthal spoke.

David Cohn, applicant, spoke.

Joe Gannon spoke.

Jim Danno spoke.

Debra Kahookele spoke; and submitted a petition.

Councilmember Lowenthal spoke.

Charles Parkin, City Attorney, spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Charles Parkin, City Attorney, spoke.

Councilwoman Schipske spoke.

David Cohn, applicant, spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

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

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

## HEARINGS (5:40 PM)

2. 13-0993 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Panama Joes Investors, LLC., dba Panama Joes Grill & Cantina, 5100 East 2nd Street, for Entertainment With Dancing by Patrons. (District 3)

Suzanne Frick, Assistant City Manager, spoke.

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

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

3. 13-1076 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Dara Kim, dba Dara Restaurant, 1223 East Anaheim Street, for Entertainment With Dancing by Patrons. (District 6)

**A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, that the item be laid over to the City Council meeting of Tuesday, December 17, 2013. The motion carried by the following vote:**

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

#### **PUBLIC COMMENT (5:44 PM)**

- 13-1120 Christine Thayer spoke regarding older adult transportation task force; and submitted a flyer.

**This Handout was received and filed.**

- 13-1121 Dr. Patricia Turner spoke regarding Long Beach Animal Care Services; and submitted documentation.

**This Handout was received and filed.**

Larry Goodhue spoke regarding various issues.

#### **CONSENT CALENDAR (5:54 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember DeLong, seconded by Councilmember Johnson, to approve Consent Calendar Items 4 - 11. The motion carried by the following vote:**

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

4. 13-1096 Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending June 30, 2013.  
**A motion was made to approve recommendation on the Consent Calendar.**
  
5. 13-1077 Recommendation to refer to City Attorney damage claims received between November 25, 2013 and December 2, 2013.  
**A motion was made to approve recommendation on the Consent Calendar.**
  
6. 13-1078 Recommendation to receive and file annual reports on Community Facilities District No. 2007-1 - Douglas Park Commercial Area (CFD No. 2007-1); Community Facilities District No. 2007-2 - Belmont Shore (CFD No. 2007-2); Community Facilities District No. 5 - Long Beach Towne Center (CFD No. 5); Community Facilities District No. 6 - Pike Public Improvements (CFD No. 6); and Community Facilities District No. 2011-1 - Douglas Park - North of Cover Street Area (CFD No. 2011-1), to comply with the Local Agency Special Tax Bond and Accountability Act. (Districts 2,3,5)  
**A motion was made to approve recommendation on the Consent Calendar.**
  
7. 13-1079 Recommendation to authorize City Manager, or designee, to execute an agreement between the City of Long Beach and Public Health Foundation Enterprise, in the amount of \$83,105 for the First 5 LA Little by Little Literacy Project for the period of May 1, 2014 through September 30, 2014, and any subsequent amendments that extend the contract or increase future funding levels. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
  
8. 13-1080 Recommendation to authorize City Manager, or designee, to execute an agreement between the City of Long Beach and Kaiser Foundation Hospitals in the amount of \$10,000 for the Long Beach Health Department Learning Garden Planning Grant for the period of July 1, 2013 through June 30, 2014, and any subsequent amendments that extend the contract or increase funding levels for the project. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**

9. 13-1081 Recommendation to authorize City Manager to execute all documents pertaining to the Seventh Amendment to the Lease Agreement between the City of Long Beach and Thums Long Beach Company for leased land within the City of Long Beach. (Districts 1,2)

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

10. 13-1082 Recommendation to authorize City Manager to execute a new Fitness Provider Permit with Juxtaflo, Inc., dba CrossFit Long Beach, for the provision and operation of outdoor fitness classes and personal training at Bluff Park, for a term of three years. (Districts 2,3)

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

11. 13-1083 Recommendation to authorize City Manager, or designee, to execute a four-month extension of Contract No. 31215 with CBS Decaux Street Furniture, LLC (CBS), formerly known as CBS Outdoor, for ad-bearing bus shelters. (Citywide)

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

**UNFINISHED BUSINESS (5:55 PM)**

12. 13-1023 Recommendation to receive and approve Commission/Board/Committee appointments to Non-Charter Commissions.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

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

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

24. 13-1054 Recommendation to adopt Specifications No. RFP FM13-020 and authorize City Manager to execute a contract, and any amendments thereto, with Data Ticket, Inc., of Newport Beach, CA (MBE, WBE and

SBE), for parking citation system replacement, implementation, processing and collection services, in an annual amount not to exceed \$336,422 for a five-year term, a one-time expense of \$236,900 for equipment, conversion, and training costs, plus a contingency amount not to exceed \$287,852 over the contract term, with the option to renew for an additional five-year period, at the discretion of the City Manager; and

Execute a contract, and any amendments thereto, with NexLevel Information Technology, Inc., of Carmichael, CA (SBE; not an MBE, WBE or Local), for project management and related consulting services, in an amount not to exceed \$131,400, for a period of one year.  
(Citywide)

Patrick West, City Manager, spoke.

Councilmember DeLong spoke.

Motion: Move forward with Duncan Solutions, the most cost effective vendor.

Moved by DeLong, seconded by Schipske.

Brooke Westcott, Chief Operating Officer at Data Ticket, Inc., spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Brooke Westcott, Chief Operating Officer at Data Ticket, Inc., spoke.

Councilmember O'Donnell spoke.

Councilmember Lowenthal spoke.

Brooke Westcott, Chief Operating Officer at Data Ticket, Inc., spoke.

Councilman Austin spoke.

Brooke Westcott, Chief Operating Officer at Data Ticket, Inc., spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Marjorie Fleming, President of Data Ticket, Inc., spoke.

Gabriel Valadez, Vice President of Operations, Western Region at Duncan Solutions, spoke.

Councilmember DeLong spoke.

Charles Parkin, City Attorney, spoke.

Patrick West, City Manager, spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

Patrick West, City Manager, spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Charles Parkin, City Attorney, spoke.

Mayor Foster spoke.

Councilmember Johnson spoke.

Charles Parkin, City Attorney, spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

**A second substitute motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to move forward with Xerox and remove NexLevel Information Technology, Inc., and request staff to come back with additional supporting documentation. The motion failed by the following vote:**

**Yes:** 2 - Lowenthal and DeLong

**No:** 5 - O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews



**A substitute motion was made by Councilwoman Schipske, seconded by Councilmember Neal, to approve recommendation, as amended, to reduce the contract amount with NexLevel Information Technology, Inc., to \$75,000. The motion carried by the following vote:**

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

### **REGULAR AGENDA (7:09 PM)**

- 13. 13-1097** 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 December 24, 2013.

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

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

- 14. 13-1084** Recommendation to authorize City Manager, or designee, to execute any necessary documents or amendments to the current agreement between the City of Long Beach and the State of California Department of Health Services in the amount of \$895,284 for the provision of immunization services for the period of July 1, 2013 through June 30, 2017. (Citywide)

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

**Yes:** 6 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson and Austin

**Absent:** 3 - Garcia, Andrews and Neal

- 15. 13-1085** Recommendation to authorize City Manager, or designee, to execute any necessary documents or amendments to the current agreement between the City of Long Beach and the California Department of Public Health, Office of AIDS, in the amount of \$667,130, for the provision of HIV/AIDS health care services for the period of July 1, 2013 through March 31, 2014. (Citywide)

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

**Yes:** 5 - DeLong, O'Donnell, Schipske, Johnson and Austin

**Absent:** 4 - Garcia, Lowenthal, Andrews and Neal

- 16. 13-1086** Recommendation to authorize City Manager, or designee, to execute any necessary documents or amendments to the current agreement between the City of Long Beach and the State Department of Health Services, in the amount of \$332,500, for the provision of HIV/AIDS preventive health services for the period of July 1, 2013 through December 31, 2013. (Citywide)

Patrick West, City Manager, spoke.

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

**Yes:** 5 - O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 4 - Garcia, Lowenthal, DeLong and Andrews

- 17. 13-1087** Recommendation to receive and file the application of Eric Lee Laurent, dba Louisiana Charlies, for an original Alcoholic Beverage Control License, at 429 Shoreline Village Drive, Suite H, with conditions. (District 2)

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

**Yes:** 5 - O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 4 - Garcia, Lowenthal, DeLong and Andrews

- 18. 13-1088** Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at the At Last Café located at 204 Orange Avenue. (District 2)

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Councilmember Lowenthal spoke.

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

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

19. 13-1089 Recommendation to adopt Plans and Specifications No. R-6949 for the Tenant Improvements, Multi Service Center Project; award the contract to Avi-Con, Incorporated, dba CA Construction, of Riverside, California (MBE and SBE), in the amount of \$1,190,000, and authorize a 15 percent contingency in the amount of \$178,500 for a total contract amount not to exceed \$1,368,500; and authorize City Manager or designee to execute all documents necessary to enter into the contract, including any necessary amendments thereto. (District 1)

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

**Yes:** 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

#### ORDINANCES (7:22 PM)

20. 13-1067 Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 16.58, relating to Labor Peace Agreements for the Long Beach Airport and the Long Beach Convention Center read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Jennie Pierce spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Johnson, 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 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 2 - Garcia and Andrews

21. 13-1068 Recommendation to declare ordinance amending the Long Beach

Municipal Code by adding Chapter 16.59, relating to Worker Retention at the Long Beach Airport and the Long Beach Convention Center read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Migala Salatino spoke.

Francisco Cervantes spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, 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:** 6 - Lowenthal, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 3 - Garcia, DeLong and Andrews

22. 13-1066

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.54.040 relating to skateboards, read and adopted as read. (District 3)

**A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, to approve recommendation and adopt Ordinance No. ORD-13-0028. The motion carried by the following vote:**

**Yes:** 6 - Lowenthal, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 3 - Garcia, DeLong and Andrews

**Enactment No:** ORD-13-0028

23. 13-1071

Recommendation to declare ordinance conferring upon and delegating to the Board of Harbor Commissioners the authority to enforce statutes and ordinances, to arrest and to prepare, issue and deliver written notices to appear-all within the office building at 4801 Airport Plaza Drive in Long Beach, read and adopted as read.

Councilwoman Schipske spoke.

Charles Parkin, City Attorney, spoke.

**A motion was made by Councilmember Neal, seconded by Councilman Austin, to approve recommendation and adopt Ordinance No. ORD-13-0029. The motion carried by the following vote:**

**Yes:** 6 - Lowenthal, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 3 - Garcia, DeLong and Andrews

**Enactment No:** ORD-13-0029

**NEW BUSINESS (7:32 PM)**

24. Agenda Item No. 24 is listed under Unfinished Business.

25. 13-1099 Recommendation to provide additional direction to City Attorney and Development Services Department regarding the contents and parameters of a draft ordinance to be presented to the Planning Commission relating to the regulation of Medical Marijuana Dispensaries in Title 21 of the Long Beach Municipal Code. (Citywide)

Michael Mais, Assistant City Attorney, spoke.

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilman Austin spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilman Austin spoke.

Michael Mais, Assistant City Attorney, spoke.

Jeff Abrams spoke.

Unidentified man spoke.

Councilmember Lowenthal spoke.

**A substitute motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to proceed reviewing the Agenda Item as presented. The motion failed by the following vote:**

**Yes:** 3 - O'Donnell, Schipske and Johnson

**No:** 3 - Lowenthal, Austin and Neal

**Absent:** 3 - Garcia, DeLong and Andrews

**A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, that the item be laid over to the City Council meeting of Tuesday, December 17, 2013. The motion carried by the following vote:**

**Yes:** 5 - Lowenthal, O'Donnell, Johnson, Austin and Neal

**No:** 1 - Schipske

**Absent:** 3 - Garcia, DeLong and Andrews

**26. 13-1100**

Recommendation to respectfully request the use of Second District FY 12 Office Budget surplus funds for community events at Bixby Park; increase FY 14 appropriations in the General Fund (GP) in the Parks, Recreation and Marine Department (PR) by \$2,000.

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

**Yes:** 6 - Lowenthal, O'Donnell, Schipske, Johnson, Austin and Neal

**Absent:** 3 - Garcia, DeLong and Andrews

**27. Affidavit of Service for special meeting held Tuesday, December 10, 2013.**

**28. 13-1101**

Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 6, 2013.

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

**29. 13-1104**

eComments received for the City Council meeting of Tuesday, December 10, 2013.

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

### **ANNOUNCEMENTS (7:47 PM)**

Councilmember O'Donnell requested that the meeting be adjourned in memory of Lorain

Lungren; and made community announcements.

Councilmember Neal made community announcements.

Councilmember Lowenthal requested that the meeting be adjourned in memory of Diane Gershuny.

Councilwoman Schipske made community announcements.

Councilmember Johnson made community announcements.

Councilmember O'Donnell made an additional request that the meeting be adjourned in memory of Lance Corporal Tyler.

#### **ADJOURNMENT (7:54 PM)**

At 7:54 PM, Councilmember O'Donnell adjourned the meeting in memory of Lorain Lungren, Diane Gershuny, and Lance Corporal Tyler.

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#### **NOTE:**

If written language translation of the City Council agenda and minutes for non-English speaking persons is desired, please make your request by phone to the City Clerk Department at (562) 570-6101, 72 hours prior to the City Council meeting.

Kung ang nakasulat na pagsasalin-wika ng adyenda at mga katitikan ng Konseho ng Lunsod ay hinahangad para sa mga taong hindi nagsasalita ng Ingles, mangyaring gawin ang iyong kahilingan sa pamamagitan ng telepono sa Kagawaran ng Klerk ng Lunsod sa (562) 570-6101, 72 oras bago ang pulong ng Konseho ng Lunsod."

Si desea obtener la traducción lingüística escrita de la agenda y las actas del Concejo Municipal para las personas que no hablan inglés, realice su pedido por teléfono al Departamento de la Secretaría Municipal al (562) 570-6101, 72 horas antes de la reunión del Concejo Municipal.

បើលោកអ្នកមិនចេះនិយាយភាសាអង់គ្លេស ហើយត្រូវការរបៀបវារៈកិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង និងរបាយការណ៍កិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង ជាសំណៅប្រែសម្រួលលាយលក្ខណ៍អក្សរទៅជាភាសារបស់លោកអ្នក នោះសូមស្នើសុំមកនាយកដ្ឋានសៀវភៅសាលាក្រុង តាមទូរស័ព្ទលេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវបានធ្វើឡើង។



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

Charles Parkin, City Attorney

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## 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, with the exception of Agenda Item No. 24, which was considered after the Consent Calendar vote; and Agenda Item No. 21, which was considered after Agenda Item No. 19.

### ROLL CALL (5:01 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; Charles Parkin, City Attorney; Michael Mais, Assistant City Attorney; Larry Herrera, City Clerk; Carolyn Hill, City Clerk Specialist.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Al Austin, Councilman, Eighth District.

Mayor Foster announced that Agenda Item Nos. 5 and 9 have been withdrawn; Agenda Item No. 21 will be presented with Item No. 22 and would be considered after the Ordinances; and Agenda Item No. 24 would be considered after the Consent Calendar.

Presentation for the 30th Anniversary of the Wrigley Association.

Councilmember Johnson spoke.

Colleen McDonald, Wrigley Association, spoke.

Councilman Andrews spoke.

Councilmember Johnson spoke.

Roman Seano, President, Wrigley Association, spoke.

Councilmember Johnson spoke.

Presentation for the 2014 Miss Southern California Cities and Miss Long Beach.

Vice Mayor Garcia spoke.

Justin Rudd, Pageant Director, spoke.

Vice Mayor Garcia spoke.

**CONTINUED HEARING (5:16 PM)**

20. 13-1076 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Dara Kim, dba Dara Restaurant, 1223 East Anaheim Street, for Entertainment With Dancing by Patrons. (District 6)
- A motion was made by Councilman Andrews, 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

**PUBLIC COMMENT (5:18 PM)**

- 13-1127 Star Harris spoke regarding hate crimes; and distributed correspondence.

**This Handout was received and filed.**

Debro O. Saad spoke regarding hate crimes.

- 13-1128 Gary Shelton spoke regarding Memorial Day for Homeless Men and Women at the Civic Center Plaza; and distributed a flyer.

**This Handout was received and filed.**

Jason Aula spoke regarding Civil Rights and Bill of Rights.

Diana Lejins spoke regarding democratic process and police cameras.

David Zink spoke regarding prohibition and corruption.

### **CONSENT CALENDAR (5:35 PM)**

Passed The Consent Calendar

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 1 - 7, except for Item 5. The motion carried by the following vote:**

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

1. 13-1102 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 \$105,305.91 for the claim of Marion Jenoir; authority to pay \$60,720 for the claim of John Magallanes; and authority to pay 1) \$18,515, and also 2) separate authority to pay \$66,067.50 for the claim of Timothy Wilkinson, in compliance with the Appeals Board Orders.  
**A motion was made to approve recommendation on the Consent Calendar.**
2. 13-1118 Recommendation to authorize City Attorney to pay the sum of \$6,250 as full and final resolution of lawsuit entitled *Chrupcala v City of Long Beach*, Case No. 13K07823.  
**A motion was made to approve recommendation on the Consent Calendar.**
3. 13-1103 Recommendation to approve the minutes for the City Council meeting of Tuesday, December 3, 2013.  
**A motion was made to approve recommendation on the Consent Calendar.**
4. 13-1105 Recommendation to refer to City Attorney damage claims received between December 2, 2013 and December 9, 2013.  
**A motion was made to approve recommendation on the Consent Calendar.**
5. 13-1112 WITHDRAWN

~~Recommendation to adopt resolution approving the Proposed Fiscal Year 2013-2014 Harbor Department Salary Resolution No. HD-2746.~~

**This Resolution was withdrawn.**

6. 13-1117 Recommendation to adopt resolution which amends the resolution approving the compensation fixed by the Board of Water Commissioners of the City for officers and employees in the Water Department.

**A motion was made to approve recommendation and adopt Resolution No. RES-13-0123 on the Consent Calendar.**

**Enactment No:** RES-13-0123

7. 13-1106 Recommendation to receive and file minutes for:  
Civil Service Commission - November 20, 2013.

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

**UNFINISHED BUSINESS (6:23 PM)**

21. 13-1099 Recommendation to provide additional direction to City Attorney and Development Services Department regarding the contents and parameters of a draft ordinance to be presented to the Planning Commission relating to the regulation of Medical Marijuana Dispensaries in Title 21 of the Long Beach Municipal Code. (Citywide)

Michael Mais, Assistant City Attorney, spoke.

Amy Bodek, Director of Development Services, spoke.

Michael Mais, Assistant City Attorney, spoke.

Jim McDonnell, Chief of Police, spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Councilwoman Schipske spoke.

Councilman Austin spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

Vice Mayor Garcia spoke.

David Zink spoke.

Madeline Johnson spoke.

Dr. Ben Orizaba spoke.

Diana Lejins spoke.

Nobe Serrand spoke.

Adam Ajasee spoke.

Floyd Bocox spoke; and distributed correspondence.

Jason Aula spoke.

Gina Nam, Long Beach Collective Association, spoke.

Joe Baca spoke.

KG spoke.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilman Austin spoke.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

Vice Mayor Garcia spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Neal, to receive and file the staff report and forward to the Planning Commission with direction to address the following parameters: [1] performance standards which include a security plan; [2] allowing dispensaries to be only located within industrial zones; [3] a cap of two (2) locations per Council District and no more than 18 Citywide; [4] consideration of 1,000 and 1,500 "buffers" between dispensaries, schools, and parks; [5] development of CUP criteria, process and fees; [6] creation of an advisory task force; [7] development of a mechanism accommodation of previously vetted marijuana dispensaries; and [8] report back to the City Council within 60 days from completion of the Planning Commission's study and recommendations on a zoning ordinance addressing medical marijuana dispensaries. The motion carried by the following vote:**

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

#### **REGULAR AGENDA (5:44 PM)**

8. 13-1108 Recommendation to request City Attorney to draft an ordinance requiring future food concessionaire contractors at the Long Beach Airport and Convention Center to pay wages consistent to those required by Measure N.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Debro Onn Saad spoke.

April Sanchez spoke.

Jose Santos spoke.

Eric Tandock spoke.

Star Harris spoke.

Jason Aula spoke.

Vice Mayor Garcia spoke.

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

**Yes:** 8 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - DeLong

9. 13-1119

WITHDRAWN

~~Recommendation to request that the City Council direct City Attorney to prepare a resolution to adopt an Enhanced Electrical Safety Policy which will require Capital Improvement Program (CIP) construction projects estimated to be \$100,000 or more contain an Enhanced Electrical Safety Policy. We further request that the City Clerk forward a copy of the resolution as approved by the City Council to the Board of Harbor Commissioners and the Board of Water Commissioners for their consideration of a similar policy and report back to the City Council within 90 days the results of their commission action.~~

**This Agenda Item was withdrawn.**

10. 13-1109

Recommendation to authorize City Manager to execute any and all documents necessary to enter into an agreement with California State Department of General Services/Office of Administrative Hearings in the amount of \$100,000 for five years to utilize Administrative Law Judges to conduct disability retirement and other appeal hearings. (Citywide)

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

**Yes:** 8 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - DeLong

11. 13-1110

Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the California

Board of State and Community Corrections for the Gang Reduction, Intervention, and Prevention Program in the amount of \$500,000 for two years;

Authorize a required in-kind match of \$500,000; and

Increase appropriations in the Community Development Grants Fund (SR 150) in the Department of Development Services (DV) by \$500,000. (Districts 1,6,7,9)

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

**Yes:** 8 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - DeLong

12. 13-1111 Recommendation to adopt the Statement on Investment Policy for Calendar Year 2014 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:** 9 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson, Austin and Neal

13. 13-1113 Recommendation to authorize City Manager to execute contracts with various One-Stop Career Center Service Providers, in support of strategies that provide training and employment services to residents, in the amount not to exceed \$349,812; and to execute any needed subsequent amendments. (Citywide)

Councilwoman Schipske spoke.

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

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

14. 13-1114 Recommendation to authorize City Manager to execute an agreement with Sun Life, via stHealth Benefit Solutions, for healthcare specific stop-loss reinsurance coverage at a cost of \$792,500 for a 12-month period, with a \$500,000 deductible level; and execute any subsequent amendments necessary to maintain current benefit levels and remain in



compliance with state and federal laws. (Citywide)

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

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

- 15. 13-1115** Recommendation to receive and file the application of La Lune Investments Incorporated, dba La Lune Imperial, for an original Alcoholic Beverage Control License, at 1458 Atlantic Avenue, with conditions. (District 6)

Distributed at the meeting: ABC conditions.

Councilman Andrews spoke.

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

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

- 16. 13-1045** Recommendation to adopt Specifications No. PA-04513 Rebid and award a contract to Helinet Aviation Services, LLC, of Van Nuys, CA (not a MBE, WBE, SBE or Local), for the purchase of thermal imaging systems equipment, for a total amount not to exceed \$979,157, inclusive of tax. (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

- 17. 13-1116** Recommendation to authorize City Manager to amend Agreement No. 28344 with Waste Management, Inc., to provide residential recycling collection operations on a month-to-month basis, not to exceed one year, at an estimated cost of \$350,000 per month, on an interim basis pending completion of a procurement process. (Citywide)

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

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Charles Parkin, City Attorney, spoke.

Councilmember O'Donnell spoke.

**A substitute motion was made by Councilman Austin, seconded by Councilmember Neal, to approve recommendation, as amended, to direct the City Manager to report back on recycling collection operations in six (6) months. The motion carried by the following vote:**

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

#### **ORDINANCES (6:13 PM)**

- 18. 13-1067** Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 16.58, relating to Labor Peace Agreements for the Long Beach Airport and the Long Beach Convention Center, read and adopted as read. (Citywide)
- A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, to approve recommendation and adopt Ordinance No. ORD-13-0030. The motion carried by the following vote:**
- Yes:** 8 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Austin and Neal
- Absent:** 1 - DeLong
- Enactment No:** ORD-13-0030
- 19. 13-1068** Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 16.59, relating to Worker Retention at the Long Beach Airport and the Long Beach Convention Center, read and adopted as read. (Citywide)
- A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, to approve recommendation and adopt Ordinance No. ORD-13-0031. The motion carried by the following vote:**
- Yes:** 8 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - DeLong

**Enactment No:** ORD-13-0031

**NEW BUSINESS (9:03 PM)**

20. Agenda Item No. 20 is listed under Continued Hearing.

21. Agenda Item No. 21 is listed under Unfinished Business.

**22. 13-1124** Recommendation to request that the City Council direct City Attorney to prepare documents necessary to place on the April, 2014 ballot a proposed measure to establish a tax on medical marijuana businesses in the City of Long Beach.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Vice Mayor Garcia spoke.

Gina Nam, Long Beach Collective Association, spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Neal, to approve recommendation, as amended, to provide that: [1] the operative date of tax will coincide with the operative date of an ordinance regulating the location of medical marijuana dispensaries; and [2] the proposed ballot measure will contain provisions to provide the City Council with: [a] maximum flexibility with regard to the actual tax rate or a variable tax rate that is subject to adjustment by the City Council; and [b] the creation of cost recovery fees related to the regulation of medical marijuana dispensaries. The motion carried by the following vote:**

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

**No:** 1 - Schipske

**Absent:** 1 - Andrews

23. 13-1094 Recommendation to respectfully request City Council approval of the 2014 Federal Legislative Agenda as recommended by the Federal Legislative Committee.

Debro Onn Saad spoke.

Diana Lejins spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

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

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

24. 13-1058 Recommendation to authorize City Manager to execute all necessary documents for a Historic Site lease with the Rancho Los Cerritos Foundation, Inc., a California nonprofit corporation, for the operation and management of Rancho Los Cerritos Historic Site, located on City-owned property at 4600 Virginia Road. (District 8)

Councilman Austin spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

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

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

25. Affidavit of Service for special meeting held Tuesday, December 17, 2013

26. 13-1125 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 13, 2013.

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

27. 13-1129 eComments received for the City Council meeting of Tuesday, December 17, 2013.

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

**ANNOUNCEMENTS (9:03 PM)**

Councilmember Johnson made community announcements.

Councilmember Lowenthal requested that the meeting be adjourned in memory of Mary Sullivan.

Vice Mayor Garcia spoke.

**ADJOURNMENT (9:05 PM)**

At 9:05 PM, Vice Mayor Garcia adjourned the meeting in memory of Mary Sullivan.

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**NOTE:**

If written language translation of the City Council agenda and minutes for non-English speaking persons is desired, please make your request by phone to the City Clerk Department at (562) 570-6101, 72 hours prior to the City Council meeting.

Kung ang nakasulat na pagsasalin-wika ng adyenda at mga katitikan ng Konseho ng Lunsod ay hinahangad para sa mga taong hindi nagsasalita ng Ingles, mangyaring gawin ang iyong kahilingan sa pamamagitan ng telepono sa Kagawaran ng Klerk ng Lunsod sa (562) 570-6101, 72 oras bago ang pulong ng Konseho ng Lunsod.”

Si desea obtener la traducción lingüística escrita de la agenda y las actas del Concejo Municipal para las personas que no hablan inglés, realice su pedido por teléfono al Departamento de la Secretaría Municipal al (562) 570-6101, 72 horas antes de la reunión del Concejo Municipal.

បើលោកអ្នកមិនចេះនិយាយភាសាអង់គ្លេស ហើយត្រូវការរបៀបវារៈកិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង និងរបាយការណ៍កិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង ជាសំណៅប្រែសម្រួលលាយលក្ខណ៍អក្សរទៅជាភាសារបស់លោកអ្នក នោះសូមស្នើសុំមកនាយកដ្ឋានសៀនសាលាក្រុង តាមទូរស័ព្ទលេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវប្រារព្ធធ្វើឡើង។

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

Charles Parkin, City Attorney

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## FINISHED AGENDA & DRAFT MINUTES

### ROLL CALL (3:48 PM)

**Councilmembers Present:** Garcia, Lowenthal, DeLong, Johnson, Austin and Neal

**Councilmembers Absent:** O'Donnell, Schipske and Andrews

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Charles Parkin, City Attorney; Michael Mais, Assistant City Attorney; Larry Herrera, City Clerk; Pablo Rubio, City Clerk Assistant.

Vice Mayor Garcia presiding.

### SPECIAL MEETING

1. 13-1098 Recommendation to hold a study session regarding the 2013-2021 Draft Housing Element.

- Staff Presentation
- Community Presentations
- Public Comment
- City Council Comments/Questions

Amy Bodek, Director of Development Services, spoke; and presented a PowerPoint presentation.

Jorge Rivera, Community Organizer at Housing Long Beach, spoke.

Richard Lewis, Chair of the Downtown Long Beach Associates, spoke.

Susanne Browne, Senior Attorney at Legal Aid Foundation, Los Angeles, spoke; and submitted a handout.

Ehud Mouchly, Principal at READI, LLC, spoke.

Alan Greenlee, Executive Director at Southern California Association of NonProfit Housing, spoke; and submitted documentation.

Clive Graham, Board President at Apartment Association, California Southern Cities, spoke.

Brian D'Andrea, President at Century Villages at Cabrillo, spoke.

Cliff Ratkovich spoke.

Jan Van Dijs spoke.

Barbara Shull, Executive Director at Fair Housing Foundation, spoke.

Joe Gannon spoke.

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

**PUBLIC COMMENT (4:57 PM)**

Diane McNinch spoke.

Larry Goodhue spoke.

Jennie Pierce spoke.

Gary Shelton spoke.

Mike Dunfee, President of the Ocean Residential Community Association, spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

**ADJOURNMENT (5:07 PM)**

At 5:07 PM, Vice Mayor Garcia adjourned the meeting.

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