

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

FINISHED AGENDA & MINUTES

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

The Agenda Items were considered in the order presented.

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

[see media](#)

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

Enactment No: ORD-13-0030

[see media](#)

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

Enactment No: ORD-13-0031

[see media](#)

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

[see media](#)

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

[see media](#)

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.

pr

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។