

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



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

Bob Foster, Mayor

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

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

REVISED - AS REQUESTED AT FEBRUARY 5, 2013 CITY COUNCIL MEETING.

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, except for Agenda Item No. 20 was considered prior to the Consent Calendar vote.

ROLL CALL (5:00 PM)

Councilmembers Garcia, Lowenthal, DeLong, O'Donnell, Andrews, Johnson, Austin
Present: and Neal

Councilmembers Schipske
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Michael Mais, Assistant City Attorney; Larry Herrera, City Clerk; Poonam Davis, Assistant City Clerk; Daisy Gomez, City Clerk Analyst.

Vice Mayor Garcia presiding.

Invocation: Moment of Silence.

Flag Salute: Al Austin, Councilman, Eighth District.

Vice Mayor Garcia announced that Mayor Foster and Councilwoman Schipske would be absent.

Julie Pruitt, spcaLA, presented a canine.

Proclamation for Musical Theatre West's 60th Anniversary.

Vice Mayor Garcia spoke.

Robert Dominguez, President, Musical Theatre West, spoke.

Paul Garman, Executive Director/Producer, spoke.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

HEARINGS (5:09 PM)

[see media](#)

1. [13-0040](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeal by Glenda Gabel and uphold the decision of the Planning Commission to certify the Final Environmental Impact Report (EIR), making certain findings and adopting a Mitigation Monitoring and Reporting Program, for the Safran Senior Housing Project located at 3215 East 3rd Street and 304 Obispo Avenue; and adopt resolution re-certifying Environmental Impact Report. (District 2)

Glenda Gabel, appellant, spoke.

Andrew Gross, Principal and President of the Development Company of Thomas Safran and Associates, applicant, spoke; and provided a presentation.

Glenda Gabel, appellant, spoke in rebuttal to applicant.

Amy Bodek, Director of Development Services, spoke.

Lana Albert spoke.

Linda Edwards spoke.

Tamara Gabel spoke.

Carol Bittman spoke.

Debbie Gray spoke.

Angelica Sivard spoke on behalf of Christine Votava, Horace Mann Elementary School PTA President.

Dean Barron, President of twobluecats.com, spoke; and distributed information at the meeting.

Patrick Winnerstein spoke.

Mike Patchet spoke.

David Rossett spoke.

Larry Goodhue spoke.

Ken Delaria spoke.

Jim Masbell spoke.

Councilmember Lowenthal spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-13-0008. The motion carried by the following vote:

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

Absent: 1 - Schipske

Enactment No: RES-13-0008

[see media](#)

2. [13-0041](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the hearing officer's recommendation to revoke Business License No. BU07029111 issued to Oceansider IV, LLC, located at 745 East 4th Street. (District 1)

Mark Malan, appellant, spoke.

Vice Mayor Garcia spoke.

Mark Malan, appellant, spoke in rebuttal.

Larry Goodhue spoke.

Vice Mayor Garcia spoke.

Councilman Andrews spoke.

Councilmember Neal spoke.

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

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

Absent: 1 - Schipske

[see media](#)

3. [13-0042](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Club Investments LP, dba Lush Lounge (previously known as Ice Bar), 49 South Pine Avenue, for Entertainment With Dancing by Patrons. (District 2)

Distributed at the meeting: ABC conditions.

Toliver Morris spoke.

Councilmember Lowenthal spoke.

A motion was made by Councilmember Lowenthal, seconded by Vice Mayor Garcia, that the item be laid over to the City Council meeting of Tuesday, February 5, 2013. The motion carried by the following vote:

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

Absent: 1 - Schipske

[see media](#)

4. [13-0043](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Beachside Blue Café, Inc., dba Mariposa on Pine, 217 Pine Avenue, for Entertainment With Dancing by Patrons. (District 2)

Distributed at the meeting: ABC conditions.

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

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

Absent: 1 - Schipske

CONSENT CALENDAR (7:51 PM)

Passed The Consent Calendar

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve Consent Calendar Items 5 - 16, except for Item 6. The motion carried by the following vote:

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

Absent: 2 - Lowenthal and Schipske

5. [13-0066](#) Recommendation to authorize City Attorney to pay the sum of \$6,000 in full and final resolution of the lawsuit entitled *SCE v. COLB, et al.*; and \$73,000 in full and final resolution of the lawsuit entitled *Greenwald v. COLB, et al.*

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

[see media](#)

6. [13-0067](#) Recommendation to authorize City Manager to execute an agreement with the firm Richards, Watson & Gershon, in the matter entitled Jolly v. City of Long Beach, Case No. BC453032.

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

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

Absent: 1 - Schipske

7. [13-0044](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, January 8, 2013.

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

8. [13-0045](#) Recommendation to refer to City Attorney damage claims received between January 7, 2013 and January 14, 2013.

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

9. [13-0046](#) Recommendation to authorize City Manager to execute a Revocable Permit granting the Grand Prix Association of Long Beach permission to occupy and use certain areas for parking and hospitality during the staging of the 2013 Toyota Grand Prix of Long Beach. (District 2)

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

10. [13-0047](#) Recommendation to adopt resolution authorizing the temporary closure of certain streets, alleys, walkways, the Promenade, and the downtown shoreline bike path in the City of Long Beach in connection with the conduct of the 2013 Toyota Grand Prix of Long Beach. (District 2)

A motion was made to approve recommendation and adopt Resolution No. RES-13-0009 on the Consent Calendar.

Enactment No: RES-13-0009

11. [13-0048](#) Recommendation to adopt resolution to apply for grant funds through the California Department of Forestry and Fire Protection urban forestry grant program entitled "Urban and Community Forestry Inventory," and if awarded, to accept the grant funds and execute all documents necessary to implement the Project. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-13-0010 on the Consent Calendar.

Enactment No: RES-13-0010

12. [13-0049](#) Recommendation to authorize City Manager to enter into a Law Enforcement Officer (LEO) Reimbursement Program Cooperative Agreement and any related documents with the U.S. Transportation Security Administration (TSA) to provide qualified law enforcement services on-site at the Long Beach Airport passenger screening checkpoint; and to accept the anticipated award, in the estimated amount of \$325,000 for a period of one year, extend the term for up to two additional one-year terms, amend award documents and increase the amount subject to award modifications from the TSA. (District 5)

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

13. [13-0050](#) Recommendation to adopt resolution approving an amendment to the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (L.A. IMPACT) Joint Powers Agreement (JPA); and authorize City Manager to execute the JPA amendment. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-13-0011 on the Consent Calendar.

Enactment No: RES-13-0011

14. [13-0052](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Simmzy's restaurant located at 5271 East Second Street. (District 3)

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

15. [13-0053](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Nick's on 2nd restaurant located at 4901 East Second Street. (District 3)

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

16. [13-0064](#) Recommendation to adopt resolution amending Resolution No. RES-06-0122 extending the time for completion of Underground Utility District No. 41 for portions of Alamitos Avenue, under California Public Utilities Commission Rule 20A allocations. (Districts 1,6)

A motion was made to approve recommendation and adopt Resolution No. RES-13-0012 on the Consent Calendar.

Enactment No: RES-13-0012

REGULAR AGENDA (7:30 PM)

[see media](#)

17. [13-0071](#) Recommendation to receive and approve the following Commission/Board/Committee appointments and reappointments to Non-Charter Commissions.

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

Yes: 6 - Garcia, O'Donnell, Andrews, Johnson, Austin and Neal

Absent: 3 - Lowenthal, DeLong and Schipske

[see media](#)

18. [13-0068](#) Recommendation to receive and file report on Vice Mayor Garcia's trip to Sacramento.

Councilmember Johnson spoke.

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

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

Absent: 2 - Lowenthal and Schipske

[see media](#)

19. [13-0069](#)

Recommendation to request City Manager to work with the Chief of Police to explore the creation of a "Gun Buy Back" program, to seek opportunities for grants and other funding sources, and to report back to the City Council with recommendations within 90 days. The program should offer various incentives in exchange for surrendered firearms.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilman Austin spoke.

Larry Goodhue spoke.

Angelina Ramirez spoke.

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, DeLong, O'Donnell, Andrews, Johnson, Austin and Neal

Absent: 1 - Schipske

[see media](#)

20. [13-0070](#)

Recommendation to respectfully request the City Council to recognize the sixty-four days between January 30th and April 4th, as a "A Season for Nonviolence" and consider ways to participate by hosting or promoting events in their district that demonstrate how every person can move our city in the direction of peace through their daily nonviolent choice and action.

Councilmember Lowenthal spoke.

Teresa Gomez, Human Dignity Program Coordinator, spoke.

Michelle Molina, Chief Executive Officer, PeaceBuilders, spoke.

Antonio Ruiz, Community Engagement Coordinator, VoiceWaves, spoke; and provided a presentation.

Councilman Andrews spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Councilmember O'Donnell spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Gary Shelton spoke.

Christian Cummington spoke.

Kent Anderson spoke.

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

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

Absent: 1 - Schipske

[see media](#)

21. [12-0544](#)

Recommendation to City Council to concur in recommendation of the Environmental Committee to receive and file the status report of AB 704 (ENG) - Resident Advisory Commission on the Environmental Act 2007.

Councilmember Lowenthal spoke.

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

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

Absent: 1 - Schipske

Agenda Item No. 22 revised, as requested at the February 5, 2013 City Council meeting.

[see media](#)

22. [12-0814](#)

Recommendation to City Council to concur in recommendation of the Environmental Committee to consider the proposed citywide water submetering ordinance that would be incorporated into the triennial building code update.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Susan Brown spoke; and submitted information.

Angelina Ramirez spoke.

Sandra Kroll spoke.

Renee Castro spoke.

Gary Shelton spoke.

Derek Gilbert spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilmember Lowenthal spoke.

Councilmember Neal spoke.

Councilmember Lowenthal spoke.

Councilman Andrews spoke.

Vice Mayor Garcia spoke.

Councilmember Neal spoke.

Councilmember Lowenthal spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilmember Neal, to request City Manager department staff and City Attorney to meet and discuss with stakeholders (representatives of the Apartment Association, Building and Trades Council, and Affordable Housing advocates) the development of consumer protection provisions/elements as a component of a multi-family residential submetering ordinance; and that the City Manager and City Attorney return with recommendations for consumer protection after meeting with stakeholders. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, DeLong, Andrews, Johnson, Austin and Neal

No: 1 - O'Donnell

Absent: 1 - Schipske

[see media](#)

23. [12-1096](#)

Recommendation to City Council to concur in recommendation of the Federal Legislation Committee to approve the 2013 Federal Legislative Agenda.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Larry Goodhue spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Johnson, to approve recommendation; and to add "Advocate for federal funding for a zero emission goods movement pilot project." The motion carried by the following vote:

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

Absent: 1 - Schipske

[see media](#)

24. [13-0055](#)

Recommendation to authorize City Manager to amend Contract No. 32604 with Fastenal Company, a Long Beach-based business (not an MBE, WBE or SBE), for furnishing and delivering custodial paper products and janitorial cleaning supplies, by adding \$500,000, bringing the total to an amount not to exceed \$1,220,000 for the period ending May 29, 2013, and for the subsequent second renewal period. (Citywide)

Councilmember Johnson spoke.

Councilman Austin spoke.

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

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

Absent: 2 - Lowenthal and Schipske

[see media](#)

25. [13-0056](#)

Recommendation to adopt Specifications No. PA-00213 and award contracts to Metalclad Insulation Corp., of Fullerton, CA (not an MBE, WBE, SBE or Local), Universal Abatement Services, of Los Angeles, CA (MBE), Vizion's West, Inc., of Quail Valley, CA (not an MBE, WBE, SBE or Local), and Watson Painting Corporation, of Riverside, CA (MBE, SBE), to provide lead-based paint removal and mitigation services, in a total annual amount not to exceed \$600,000, for a period of one year, with the option to renew for two additional one-year periods, at the discretion of City Manager. (Citywide)

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

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

Absent: 2 - Lowenthal and Schipske

[see media](#)

26. [13-0058](#)

Recommendation to authorize City Manager to execute an agreement with Sun Life, via stHealth Benefit Solutions, for healthcare specific stop-loss reinsurance coverage with a \$500,000 deductible level at a cost of \$693,406 for a 12-month period; 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 Councilman Andrews, to approve recommendation. The motion carried by the following vote:

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

Absent: 2 - Lowenthal and Schipske

[see media](#)

27. [13-0059](#)

Recommendation to receive and file the application of Our Hot Dog

Shop, LLC, dba Jerrys Wood-Fired Dogs, for an original Alcoholic Beverage Control License, at 1804 Ximeno Avenue, with conditions. (District 4)

Larry Goodhue spoke.

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

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

Absent: 2 - Lowenthal and Schipske

[see media](#)

28. [13-0061](#)

Recommendation to receive and file the application of Peacer Ng and Nancy Nguyen, dba Dongmai Supermarket, for an original Alcoholic Beverage Control License, at 1241 East Anaheim Street, with conditions. (District 6)

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

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

Absent: 2 - Lowenthal and Schipske

[see media](#)

29. [13-0060](#)

Recommendation to receive and file the application of Solana Beverage Concessions, LLC, dba Courtyard by Marriott, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 3841 Lakewood Boulevard, with conditions. (District 5)

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

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

Absent: 2 - Lowenthal and Schipske

[see media](#)

30. [13-0063](#)

Recommendation to adopt Plans and Specifications No. R-6918 for the Atherton Street Enhancement Project between Bellflower Boulevard and Studebaker Road;

Award the project to and authorize City Manager to execute all

documents necessary to enter into a contract with Green Giant Landscape Inc., the lowest responsible bidder, in an estimated amount of \$745,339, plus a 15 percent contingency of \$111,800, for a total of \$857,140, and any necessary amendments thereto; and

Increase appropriations in the Gas Tax Street Improvement Fund (SR 181) in the Department of Public Works (PW) in the amount of \$703,000. (District 4)

Councilmember O'Donnell recused himself from Agenda Item No. 30.

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

Yes: 6 - Garcia, DeLong, Andrews, Johnson, Austin and Neal

Abstentions: 1 - O'Donnell

Absent: 2 - Lowenthal and Schipske

NEW BUSINESS

31. Affidavit of Service for the special meeting held Tuesday, January 22, 2013.

32. [13-0074](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, January 18, 2013.

This Agenda Item was received and filed.

33. [13-0075](#) eComments received for the City Council meeting of Tuesday, January 22, 2013.

This Agenda Item was received and filed.

ANNOUNCEMENTS (9:02 PM)

Vice Mayor Garcia requested that the meeting be adjourned in memory of Dorothy San Jose-Mais.

Councilmember Neal made community announcements.

Councilman Andrews extended condolences to the family of Hattie Bass; and made community announcements.

Councilmember Johnson requested that the meeting be adjourned in memory of Malcom Treadwell; and made community announcements.

Councilman Austin made community announcements.

Vice Mayor Garcia made community announcements.

PUBLIC (9:10 PM)

Dafin Kleece spoke regarding various issues.

ADJOURNMENT (9:11 PM)

At 9:11 PM, Vice Mayor Garcia adjourned the meeting in memory of Dorothy San Jose-Mais and Malcom Treadwell.

dg