



CITY OF LONG BEACH

C-1

DEPARTMENT OF CITY CLERK

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

November 15, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve the minutes for the City Council Meeting of Tuesday, November 1, 2011

DISCUSSION

The Legistar minutes for the City Council Meeting of Tuesday, November 1, 2011 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,

LARRY G. HERRERA
CITY CLERK

Prepared by: Nancy Muth

LGH:nem
Attachment

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 & 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, except for Agenda Item No. 25, which was considered following Hearing H-3.

ROLL CALL (5:04 PM)

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

Councilmembers Gabelich
Absent:

Also present: Patrick H. West, City Manager; Reggie Harris, Deputy City Manager; Heather Mahood, Chief Assistant City Attorney; Michael Mais, Assistant City Attorney; Charles Parkins, Principal Deputy City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Poonam Davis, Elections Bureau Manager; Nancy Muth, City Clerk Analyst.

Vice Mayor Lowenthal presiding.

Invocation: Moment of Silence.

Flag Salute: Steven Neal, Councilmember, Ninth District.

Vice Mayor Lowenthal announced the winners for the essay contest Police Chief for a Day; that Councilwoman Gabelich would be absent; and that Agenda Item Nos. 9, 11 and 25 would be continued to a later date.

Julie Pruitt, spcaLA, presented a canine.

Proclamation declaring November as Pancreatic Cancer Awareness Month.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

HEARINGS (5:17 PM)

1. 11-1071 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Permit with conditions on the application of HEC Entertainment of Long Beach, Inc., dba Harvelle's, 206 The Promenade North, for Entertainment With Dancing by Patrons. (District 2)

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation for a One-Year Short-Term Permit with conditions. The motion carried by the following vote:

 Yes: 7 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Neal

 Absent: 2 - Johnson and Gabelich

2. 11-1072 Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt resolution amending the Master Fee and Charges Schedule. (Citywide)

 Jeannine Peirce spoke.

 Laurie Angel spoke.

 Sandra Kroll spoke.

 Jim Long spoke.

 Gary Shelton spoke.

 Councilmember O'Donnell spoke.

 Councilwoman Schipske spoke.

 Councilmember Garcia spoke.

 Councilmember DeLong spoke.

 Councilmember Neal spoke.

Councilwoman Schipske spoke.

Michael Mais, Assistant City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Councilmember Garcia spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Johnson, to approve recommendation and adopt Resolution No. RES-11-0118; and request staff to report back regarding: [1] potential impacts from Councilmember DeLong's proposal regarding minor conditional use permits (CUP) and Administrative Use Permits (AUP) fees; and [2] potential efficiencies that may reduce operating costs upon which such fees are based. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: RES-11-0118

3. 11-1073

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution continuing the East Anaheim Street Parking and Business Improvement Area program and assessment for the period of October 1, 2011 through September 30, 2012; and authorize City Manager to execute an agreement with the East Anaheim Street Business Association for a one-year term. (Districts 3,4)

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0119. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

Enactment No: RES-11-0119

PUBLIC COMMENT (6:05 PM)

11-1134 Larry Goodhue spoke and provided a slide presentation on Basin 4.

This Handout was received and filed.

Cynthia Nyeche spoke regarding contractors for the mental health department.

Carl Kemp spoke regarding the Long Beach Collective Association.

Rick Brizendine spoke regarding the medical marijuana ordinance.

John Bianco spoke regarding medical marijuana.

Valeria Crist spoke regarding medical marijuana.

Gary Hull spoke regarding medical marijuana.

Richard Hernandez spoke regarding surveillance on his liquor store and questions regarding the plastic bag ordinance.

Gregory Lefian spoke regarding medical marijuana.

Cheryl Shuman spoke regarding medical marijuana.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilmember Neal spoke.

Councilman Andrews spoke.

Vice Mayor Lowenthal spoke.

CONSENT CALENDAR (6:48 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve Consent Calendar Items 4 - 12, except for Items 9 and 11. The motion carried by the following vote:

Yes: 6 - Garcia, Lowenthal, DeLong, Schipske, Andrews and Johnson

Absent: 3 - O'Donnell, Gabelich and Neal

4. 11-1099 Recommendation to receive and file Councilwoman Schipske attendance to the 2011 League of California Cities Annual Conference and Expo, September 21 - 23, 2011 in San Francisco, CA.
A motion was made to approve recommendation on the Consent Calendar.
5. 11-1096 Recommendation to authorize City Attorney to submit claim for death benefits for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$250,000 in compliance with the Appeals Board Order for decedent, David Garcia.
A motion was made to approve recommendation on the Consent Calendar.
6. 11-1074 Recommendation to approve the minutes for the City Council meetings of Tuesday, October 11 and 18, 2011.
A motion was made to approve recommendation on the Consent Calendar.
7. 11-1101 Recommendation to refer to City Attorney damage claims received between October 10, 2011 and October 24, 2011.
A motion was made to approve recommendation on the Consent Calendar.
8. 11-1075 Recommendation to approve the destruction of records for Long Beach Police Department, Domestic Violence Division as shown in Exhibit A; and adopt resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-11-0120 on the Consent Calendar.
Enactment No: RES-11-0120

9. 11-1058 Recommendation to adopt resolution approving the proposed Fiscal Year 2011-2012 Harbor Department Salary Resolution No. HD-2629.
- A motion was made by Vice Mayor Lowenthal, seconded by Councilman Andrews, that the item be laid over to the meeting of Tuesday, November 15, 2011. The motion carried by the following vote:**
- Yes:** 7 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson and Neal
- Absent:** 2 - O'Donnell and Gabelich
10. 11-1078 Recommendation to request City Manager or designee to accept an easement deed for sidewalk widening at 3290 East Artesia Boulevard. (District 9)
- A motion was made to approve recommendation on the Consent Calendar.**
11. 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.
- A motion was made by Councilman Andrews, seconded by Councilwoman Schipske, that the item be laid over to the meeting of Tuesday, November 15, 2011. The motion carried by the following vote:**
- Yes:** 7 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson and Neal
- Absent:** 2 - O'Donnell and Gabelich
12. 11-1081 Recommendation to receive and file the minutes for:
Cultural Heritage Commission - September 19, 2011.
Parks and Recreation Commission - September 15, 2011.
Planning Commission - September 15, 2011.
- A motion was made to approve recommendation on the Consent Calendar.**

REGULAR AGENDA (6:51 PM)

13. 11-1097 Recommendation to request City Manager to formulate a plan for the removal of diseased, damaged, and dead trees; and report back to City Council within 60 days.

Councilmember Johnson spoke.

Larry Goodhue spoke.

Vice Mayor Lowenthal spoke.

John Schwise spoke.

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

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

Absent: 1 - Gabelich

14. 11-1098

Recommendation to respectfully request City Manager to work with City Attorney and community partners with expertise in this area, including the Legal Aid Foundation of Los Angeles, the Long Beach Immigrant Rights Coalition, Housing Long Beach, Centro Cha and United Cambodian Community, to draft a city-wide Language Access Policy with consistent city-wide standards; and report back to the City Council within 90 days.

Councilman Andrews spoke.

Raymond Escheverria spoke.

Sarah Pallon spoke.

Suzanne Brown spoke.

Brenda Novella spoke.

Manuel spoke.

Lara Soto spoke.

Nakita spoke.

Avena Rodriguez spoke.

Genise McDonald spoke.

Ana Alvia spoke.

Gary Shelton spoke.

Tamara Comanguri spoke.

Chris St. Russ spoke.

Marta Cota spoke.

Colette Castella spoke.

Amelia Natolla spoke.

Nim Cosal spoke.

Esther Devallia spoke.

Larry Goodhue spoke.

America Servis spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

A motion was made by Councilman Andrews, seconded by Councilmember Neal, to approve recommendation with the report due back to City Council in 120 days. The motion carried by the following vote:

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

Absent: 1 - Gabelich

15. 11-1100

Recommendation to respectfully request City Manager to work with appropriate staff to brief and receive feedback from the City Council on proposed Federal Aviation Administration (FAA) changes to Long Beach Airport (LGB) airspace.

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, that the item be withdrawn. The motion carried by the following vote:

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

Absent: 1 - Gabelich

16. 11-1082 Recommendation to adopt resolution authorizing City Manager to submit a grant application to the California Strategic Growth Council, through the Urban Greening Grant Program, for the Willmore Courts and Ways Demonstration Project located at La Reina Way and Del Rey Court; and execute any documents necessary for implementation and administration of the project. (District 1)

A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-11-0121. The motion carried by the following vote:

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

Absent: 2 - Andrews and Gabelich

Enactment No: RES-11-0121

17. 11-1083 Recommendation to authorize City Manager to increase interim blanket Purchase Order No. POPR11000017 with Azteca Landscape, Inc., Ontario, CA, in the amount of \$454,276, bringing the total contract amount not to exceed \$541,862, to fund the purchase of landscaping and maintenance services for Queensway Bay. (District 2)

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

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

Absent: 2 - Andrews and Gabelich

18. 11-1084 Recommendation to adopt resolution approving the Amendment to the 2008-2013 Memorandum of Understanding with the Long Beach Firefighter's Association; and

Councilmember Johnson spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-11-0122. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: RES-11-0122

11-1085 Adopt resolution for paying and reporting the lower value of the employer paid member contributions to the California Public Employees Retirement System for employees represented by the Long Beach Firefighter's Association. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-11-0123. The motion carried by the following vote:

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

Absent: 1 - Gabelich

Enactment No: RES-11-0123

19. 11-1086 Recommendation to approve the Magnolia Industrial Group Property and Business Improvement District Annual Report and Assessment for the period of December 1, 2011 through November 30, 2012, automatically extending the current agreement with the Magnolia Industrial Group, Inc. for a one-year period. (District 1)

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

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

Absent: 1 - Gabelich

20. 11-1087 Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit to Lola's Mexican Cuisine for sidewalk dining at 2030 E. Fourth Street. (District 2)

Vice Mayor Lowenthal spoke.

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

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

Absent: 1 - Gabelich

21. 11-1088 Recommendation to adopt Plans and Specifications No. R-6863 for the restoration and improvements of Colorado Lagoon Phase 1, Part 2; award the project to and authorize City Manager to execute a contract with AIS Construction Company for the Base Bid in an estimated amount of \$3,623,650, plus a contingency amount of \$62,365, if necessary and if funds are available, for a total contract amount of \$3,686,015; upon execution of the grant amendment, authorize City Manager to increase the contingency amount by \$300,000 to \$362,365, for a total contract amount of \$3,986,015, and any necessary amendments thereto;

Authorize City Manager to accept a grant enhancement from the State Coastal Conservancy in the amount of \$300,000 to allow the removal of contaminated sediment from Colorado Lagoon, and execute all documents necessary to accept the funds and initiate construction; and

Increase appropriations in the Tidelands Operations Fund (TF 401) in the Department of Public Works (PW) by \$300,000, upon execution of a grant amendment. (District 3)

Ray Thornton spoke.

Larry Goodhue spoke.

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

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

Absent: 1 - Gabelich

22. 11-1089 Recommendation to request City Attorney to draft an amendment to Ordinance No. ORD-08-0012, to expand the uses of the Belmont Shore Parking Meter Fund (SR 136) to include subsidizing bus passes for Belmont Shore employees. (District 3)

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

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

Absent: 2 - Garcia and Gabelich

23. 11-1090 Recommendation to authorize City Manager to execute the Second Amendment to Contract No. 31471 with All American Asphalt for the

annual contract for street improvements to increase the contract amount by an additional amount not to exceed \$6,000,000 through the authorized final contract term ending December 15, 2012. (Citywide)

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

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

Absent: 2 - Garcia and Gabelich

- 24. 11-1079** Recommendation to adopt resolution in support of and authorizing City Manager to execute all documents necessary to expand the scope of work for grant funding from the American Recovery and Reinvestment Act (ARRA) under the Energy Efficiency Community Block Grant Program (EECBG) to include additional municipal facilities for retrofit projects. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0124. The motion carried by the following vote:

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

Absent: 2 - Garcia and Gabelich

Enactment No: RES-11-0124

ORDINANCE (6:03 PM)

- 25. 11-1091** Recommendation to declare ordinance amending Section 10.54.040 of the Long Beach Municipal Code, related to excluding skateboarding from additional park locations, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Councilmember Johnson spoke.

A motion was made by Councilmember Johnson, seconded by Councilman Andrews, that the item be laid over to the meeting of Tuesday, November 8, 2011. The motion carried by the following vote:

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

Absent: 1 - Gabelich

NEW BUSINESS (8:18 PM)

26. 11-1122 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, October 28, 2011.

This Agenda Item was received and filed.

27. 11-1135 eComments received for the City Council meeting of Tuesday, November 1, 2011.

This Agenda Item was received and filed.

ANNOUNCEMENTS (8:18 PM)

Vice Mayor Lowenthal requested that the meeting be adjourned in memory of Larry Allison.

Councilman Andrews made community announcements.

Councilmember Johnson made community announcements.

Councilmember Neal made community announcements.

Councilwoman Schipske requested that the meeting be adjourned in memory of Rae Fullen; and made community announcements.

Councilmember O'Donnell made community announcements.

PUBLIC (8:28 PM)

John Schwise spoke regarding parking tickets.

ADJOURNMENT (8:32 PM)

At 8:32 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Larry Allison and Rae Fullen.

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