

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

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 (5:13 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; Poonam Davis, Assistant City Clerk; Daisy Gomez, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Patrick O'Donnell, Councilmember, Fourth District.

PUBLIC COMMENT (5:14 PM)

Robert Quintero, Region Manager with Southern California Edison, introduced Marvin Jackmon, the new Southern California Edison Interim Public Affairs Manager for Long Beach.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Kathy Ryan spoke regarding unfunded liabilities/management raises.

Dennis Dunn spoke regarding Jazz Theater.

Kareem Muhammad spoke regarding City streets and police.

CONSENT CALENDAR (5:26 PM)

Passed The Consent Calendar

A motion was made by Councilmember Neal, seconded by Councilman Andrews, to approve Consent Calendar Items 1 - 4. The motion carried by the following vote:

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

1. [13-0762](#) Recommendation to approve the minutes for the City Council Special Meeting held Tuesday, August 27, 2013.
A motion was made to approve recommendation on the Consent Calendar.
2. [13-0763](#) Recommendation to refer to City Attorney damage claims received between August 26, 2013 and August 30, 2013.
A motion was made to approve recommendation on the Consent Calendar.
3. [13-0764](#) Recommendation to authorize City Manager to execute the Seventeenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of three months, from October 1, 2013 through December 31, 2013, for the sale of Christmas trees, using a portion of the former Pacific Electric right-of-way property located between 7th Street and Ximeno Avenue. (District 3)
A motion was made to approve recommendation on the Consent Calendar.
4. [13-0765](#) Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2013 to September 30, 2014 for the East Anaheim Street Parking and Business Improvement Area, declaring its intention to levy the annual assessment, and setting the date of hearing for Tuesday, October 15, 2013. (Districts 3,4)
A motion was made to approve recommendation and adopt Resolution No. RES-13-0080 on the Consent Calendar.
Enactment No: RES-13-0080

REGULAR AGENDA (5:27 PM)

[see media](#)

5. [13-0785](#) Recommendation to authorize City Manager to execute an agreement

with Code for America (CfA) for a period of one year and in total amount not to exceed \$180,000 to allow three CfA Fellows to work with City departments on leveraging technology to improve City services.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Vice Mayor Garcia spoke.

Councilmember Johnson spoke.

Councilman Austin spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilmember O'Donnell spoke.

Kareem Muhammad spoke.

A motion was made by Vice Mayor Garcia, 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

[see media](#)

6. [13-0784](#)

Recommendation to respectfully request City Council to: [1] rescind the previous action taken on February 19, 2013, (Legislative File 13-0148) regarding the application of Great Mex Grill, LLC dba Great Mex Grill, protesting an Original Alcoholic Beverage Control License; and [2] receive and file the application of Great Mex Grill, LLC dba Great Mex Grill for an Original Alcoholic Beverage Control License, at 5530 East Atherton, with attached conditions. (District 4)

Distributed at the meeting: Conditions from Councilmember O'Donnell for the ABC License.

Councilmember O'Donnell spoke.

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

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

Absent: 1 - Neal

Patrick West, City Manager, introduced the new Health and Human Services Director, Kelly Colopy.

[see media](#)

7. [13-0767](#) Recommendation to adopt Specifications No. PA-04913 and award a contract to Harbor Diesel and Equipment, Inc., a Long Beach-based business (Local; not an MBE, WBE or SBE), for furnishing and delivering Cummins brand vehicle parts and services, in an annual amount not to exceed \$230,000, for a period of two years, with the option to renew for two additional one-year periods, at the discretion of the 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: 8 - Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Johnson and Austin

Absent: 1 - Neal

[see media](#)

8. [13-0768](#) Recommendation to authorize City Manager, or designee, to execute an agreement between the City of Long Beach, through its Department of Health and Human Services, and the California Department of Public Health Network for a Healthy California for the continuation of the Healthy Active Long Beach Project in the amount of \$2,960,209 for a period of three years, October 1, 2013 through September 30, 2016; execute any other necessary documents, subgrants, or subsequent amendments to extend the contract or increase the reimbursement amount; and increase appropriations in the Health Fund (SR 130) in the Department of Health and Human Services (HE) by \$161,630. (Citywide)

A motion was made by Councilmember Johnson, 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

[see media](#)

9. [13-0769](#) Recommendation to authorize City Manager, or designee, to execute all necessary agreements, all sub-grant agreements and any subsequent amendments for the Emergency Solutions Grant (ESG) Program allocation of \$441,138 to fund three projects for the period of October 1, 2013 through September 30, 2014, with an option to extend the ESG Program for an additional operational period ending on September 30, 2015. (Citywide)

A motion was made by Councilmember Neal, 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

[see media](#)

10. [13-0770](#) Recommendation to authorize City Manager, or designee, to execute all necessary agreements, and any subsequent amendments, between the City of Long Beach and the State of California Department of Health Care Services in an amount not to exceed \$593,892 for the period of July 1, 2013 through June 30, 2014 to continue the Child Health and Disability Prevention (CHDP) Program to implement program requirements as set forth in Health and Safety Code, Article 6, Section 124025 et seq. and Article 4.7, Section 14148.3 of the Welfare and Institutions Code. (Citywide)

A motion was made by Councilman Austin, 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

[see media](#)

11. [13-0771](#) Recommendation to authorize funding in the amount of \$149,452 from the General Fund (GP) to offset the impacts of Federal Sequestration on Workforce Investment Act (WIA) funding allocations and enable the Pacific Gateway to continue the current level of employment and training service for the remainder of FY13; and increase appropriations in the General Fund (GP) in the Human Resources Department (HR) by \$149,452. (Citywide)

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

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

Vice Mayor Garcia assumed the chair.

[see media](#)

12. [13-0772](#) Recommendation to authorize City Manager to execute any and all documents necessary to enter into an agreement with Airports Council International - North America to host the 2015 ACI-NA Annual Conference and Exhibition. (District 5)

Councilwoman Schipske spoke.

Councilman Andrews spoke.

A motion was made by Councilwoman Schipske, 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

[see media](#)

13. [13-0774](#) Recommendation to adopt Plans and Specifications No. R-6964 for the Construction of Improvements to Taxilane J at the Long Beach Airport, and authorize City Manager to execute a contract with All American Asphalt, in the amount of \$1,431,500, plus a 25 percent contingency of \$357,875, if necessary, for a total not to exceed amount of \$1,789,375, and any necessary amendments thereto regarding term or scope of work. (District 5)

A motion was made by Councilmember Johnson, 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

[see media](#)

14. [13-0775](#) Recommendation to adopt resolution authorizing City Manager to submit three grant applications, totaling \$900,000, to the Los Angeles County Regional Park and Open Space District, for the following: Completion of the trail at the Drake/Chavez Greenbelt, at a total estimated cost of \$2,813,000; creation of a new park on the southern section of the Pacific Electric Right-of-Way, at a total estimated cost of \$2.5 million; and to supplement the Wrigley Greenbelt Project, at a total estimated cost of \$1.3 million. (Districts 1,3,7)

Kareem Muhammad spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Johnson, to approve recommendation and adopt Resolution No. RES-13-0081. The motion carried by the following vote:

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

Enactment No: RES-13-0081

[see media](#)

15. [13-0776](#)

Recommendation to receive and file the application of Milana's Pizzeria Incorporated, dba Milana's New York Pizzeria, for an original Alcoholic Beverage Control License, at 165 East 4th Street, with conditions. (District 1)

Vice Mayor Garcia spoke.

Kareem Muhammad spoke.

A motion was made by Vice Mayor Garcia, 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

[see media](#)

16. [13-0777](#)

Recommendation to receive and file the application of Ocean Blue Foods Incorporated, dba Magic Lamp Restaurant, for an original Alcoholic Beverage Control License, at 5020 East 2nd Street, with conditions. (District 43)

Vice Mayor Garcia indicated a correction: Ocean Blue Foods Incorporated, dba Magic Lamp Restaurant is in District 3.

A motion was made by Councilmember DeLong, 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

[see media](#)

17. [13-0778](#)

Recommendation to receive and file the application of Harbor Breeze Corporation, dba M/V Triumphant, for an original Alcoholic Beverage Control License, at 100 Aquarium Way Dock 2, with conditions. (District 2)

A motion was made by Councilmember Lowenthal, 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

[see media](#)

18. [13-0779](#) Recommendation to receive and file the application of Eduardo Jose Campi, for an original Alcoholic Beverage Control License, at 2310 East 4th Street, with conditions. (District 2)

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

[see media](#)

19. [13-0780](#) Recommendation to receive and file the application of ARD ADR DUE LLC., dba Aroma di Roma, for an original Alcoholic Beverage Control License, at 4708 East 2nd Street, with conditions. (District 3)

Jeff Abrams spoke.

Debro Saad spoke.

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation with conditions to exclude happy hours; and with the correction to the application of "ADR DUE LLC., dba Aroma di Roma". 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. [13-0781](#) Recommendation to authorize City Manager to execute a new agreement between the Long Beach Police Department and the Long Beach Unified School District to staff School Resource Officers (SROs), for the period of September 4, 2013 through June 13, 2014, for an amount not to exceed \$845,974, with a net cost to the City's General Fund of \$244,262. (Citywide)

Kareem Muhammad spoke.

An unidentified woman spoke.

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

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

Absent: 1 - Andrews

Mayor Foster assumed the chair.

[see media](#)

21. [13-0782](#) Recommendation to adopt Plans and Specifications No. R-6860 for the Ocean Boulevard Advanced Traffic Control System; award the contract to FlatIron Electric Group, Incorporated, in the amount of \$1,680,878, plus a 15 percent contingency of \$252,132, for a total not to exceed amount of \$1,933,010; and authorize City Manager or designee to execute all documents necessary to enter into the contract, including any necessary amendments thereto. (Districts 2,3)

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

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

Absent: 1 - Andrews

[see media](#)

22. [13-0783](#) Recommendation to adopt Plans and Specifications No. R-6916 for the Rehabilitation of 68th Street from Paramount Boulevard to the west end of 68th Street; award the contract to Nobest, Inc., of Westminster, CA (not an MBE, WBE, DBE or Local), in the amount of \$198,000, and authorize a 10 percent contingency in the amount of \$19,800 for a total contract amount not to exceed \$217,800; and authorize City Manager or designee to execute all documents necessary to enter into the contract, including any necessary amendments thereto. (District 9)

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, Schipske, Johnson, Austin and Neal

Absent: 1 - Andrews

ORDINANCES (6:26 PM)

[see media](#)

23. [13-0729](#)

Recommendation to declare ordinance approving Resolution No. WD-1309, a resolution of the City of Long Beach Board of Water Commissioners establishing the rates and charges to be charged for water and sewer service and declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 A.M. on October 1, 2013, read and adopted as read. (Ordinance No. ORD-13-0013) (A-3)

Kareem Muhammad spoke.

A motion was made by Councilmember Lowenthal, seconded by Vice Mayor Garcia, to approve recommendation and adopt Emergency Ordinance No. ORD-13-0013. The motion carried by the following vote:

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

Absent: 1 - Andrews

Enactment No: ORD-13-0013

[see media](#)

24. [13-0740](#)

Recommendation to declare ordinance approving and adopting the official budget of the City of Long Beach for the Fiscal Year 2013 - 2014, creating and establishing the funds of the Municipal Government of the City of Long Beach appropriating money to and authorizing expenditures from said funds for said fiscal year; declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 A.M. on October 1, 2013, read and adopted as read. (Ordinance No. ORD-13-0015) (A-14)

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation and adopt Emergency Ordinance No. ORD-13-0015. 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-13-0015

NEW BUSINESS (6:29 PM)

[see media](#)

25. [13-0786](#)

Recommendation to request City Attorney to brief the City Council on the outcome and impact of the court hearing involving the Long Beach Citizens' and Patients' Rights PAC on September 9, 2013;

Request City Attorney to brief the City Council on the U.S. Department of Justice Memorandum titled "Guidance Regarding Medical Marijuana", issued on August 29, 2013; and

Request City Attorney to prepare for approval by the City Council a ballot measure providing for the regulation of medical marijuana collectives for the Primary Nominating Election April 8, 2014, giving voters in the City of Long Beach an opportunity to determine the extent to which medical marijuana is regulated within city limits.

Councilmember Lowenthal spoke.

Charles Parkin, City Attorney, spoke.

Councilmember Neal spoke.

Vice Mayor Garcia spoke.

Charles Parkin, City Attorney, spoke.

Councilman Austin spoke.

Steven Edwards spoke.

An unidentified man spoke.

Madeline Johnson spoke.

Adam Hijazi spoke.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Dr. Dennis Gunn spoke.

Vanessa Davis spoke.

Debro Saad spoke.

John Bianco spoke.

Jina Nam spoke.

Jeff Abrams spoke.

Starr Harris spoke.

Councilmember Lowenthal spoke.

Mike Mais, Assistant City Attorney, spoke.

A discussion ensued between Councilmember Lowenthal and Mike Mais, Assistant City Attorney.

Councilmember Johnson spoke.

Vice Mayor Garcia spoke.

Councilman Austin spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Mayor Foster retired and Vice Mayor Garcia assumed the Chair.

Charles Parkin, City Attorney, spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

Charles Parkin, City Attorney, spoke.

Councilwoman Schipske spoke.

Vice Mayor Garcia spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, to approve recommendation with the amendment to request City Attorney to prepare an ordinance creating a Conditional Use Permit (CUP) process under the City's zoning laws, including the following parameters: [1] performance standards which include a security plan; [2] location restrictions within certain zones such as industrial and no residential and institutional zones; [3] include a cap to two per Council District and no more than 18 Citywide; [4] consider distances from schools; and [5] describe the CUP process. The motion carried by the following vote:

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

26. Affidavit of Service for the special meeting held Tuesday, September 10, 2013.

27. [13-0818](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, September 6, 2013.

This Agenda Item was received and filed.

28. 13-0821 eComments received for the City Council meeting of Tuesday, September 10, 2013.

This Agenda Item was received and filed.

ANNOUNCEMENTS (7:43 PM)

Vice Mayor Garcia requested that the meeting be adjourned in memory of Cal Worthington.

Councilmember O'Donnell requested that the meeting be adjourned in memory of Chad Ginger; and made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Neal made community announcements.

Vice Mayor Garcia made an additional request that the meeting also be adjourned in memory of all that passed away during the September 11 tragic event.

PUBLIC COMMENT (7:50 PM)

Debro Saad spoke.

Jeff Abrams spoke.

Starr Harris spoke.

ADJOURNMENT (7:58 PM)

At 7:58 PM, Vice Mayor Garcia adjourned the meeting in memory of Cal Washington; Chad Ginger; and of all that passed away during the September 11 tragic event.

dg