



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

**C-4**

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April 16, 2013

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Approve the minutes for the City Council meeting of Tuesday, April 2, 2013.

## DISCUSSION

The Legistar minutes for the City Council meeting of Tuesday, April 2, 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,

A handwritten signature in cursive script, appearing to read "Larry Herrera".

LARRY G. HERRERA  
CITY CLERK

Prepared by: Pablo Rubio

LGH:pr  
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

Robert E. Shannon, 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, except for Agenda Item Nos. 26 and 27 were considered prior to Regular Agenda.

### ROLL CALL (5:04 PM)

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

**Councilmembers** O'Donnell  
**Absent:**

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Larry Herrera, City Clerk; Poonam Davis, Assistant City Clerk; Pablo Rubio, City Clerk Assistant.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Mayor Foster announced that Councilmember O'Donnell would be absent; that Agenda Item No. 26 would be considered at 6:00 PM followed by Agenda Item No. 27; and Agenda Item Nos. 12 and 24 would be withdrawn.

Julie Pruitt, spcaLA, presented a canine.

Proclamation for Donate Life Month.

Councilmember Lowenthal spoke.

Glenn Matsuki spoke; and provided a PowerPoint presentation.

Velma Edmond, Region VI Administrator at California Department of Motor Vehicles, spoke.

Councilmember Lowenthal spoke.

Presentation for Long Beach Hire-A-Youth 2013 summer program kick-off.

13-0309 David Gonzalez, Executive Director of Pacific Gateway Workforce Investment Board, spoke; and submitted a flyer.

**This Handout was received and filed.**

Vivian Shimoyama, Chair of Pacific Gateway Workforce Investment Board, spoke; and provided a video.

Presentation on National Library Month.

13-0310 Glenda Williams, Director of Library Services, spoke regarding National Library month; provided a video and submitted a brochure.

**This Handout was received and filed.**

**PUBLIC COMMENT (5:32 PM)**

Adrian Garcia spoke regarding new chef, food, and entertainment at Lush Lounge.

13-0311 Richard Gutmann spoke regarding Pacific Avenue Bike corridor; and submitted a handout.

**This Handout was received and filed.**

Lloyd Tate spoke regarding Pacific Avenue roundabout.

Mary Kessler spoke regarding roundabout at 36th Street and Pacific Avenue.

Bill Kessler, Jr. spoke regarding roundabout at 36th Street and Pacific Avenue.

Mimi Fox spoke regarding changes in Los Cerritos streets.

Susan Ficht spoke regarding impact on parking on the Peninsula when filming takes over.

Vice Mayor Robert Garcia spoke.

Tom LaFortune spoke regarding rebuilding of Pacific Avenue.

John Deats spoke regarding roundabout at 36th Street and Pacific Avenue.

Councilmember Johnson spoke.

#### **CONSENT CALENDAR (6:00 PM)**

Passed The Consent Calendar

**A motion was made by Vice Mayor Garcia, seconded by Councilmember DeLong, to approve Consent Calendar Items 1 - 10. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

1. 13-0277 Recommendation to receive and file report on California League of Cities Policy Committee Meeting.  
**A motion was made to approve recommendation on the Consent Calendar.**
2. 13-0289 Recommendation to receive and file travel report of Councilmembers Patrick O'Donnell and James Johnson for State Legislation Committee trip of January 28, 2013.  
**A motion was made to approve recommendation on the Consent Calendar.**
3. 13-0268 Recommendation to approve the minutes for the City Council meetings of Tuesday, March 12 and March 19, 2013 and the Study Session of Tuesday, March 12, 2013.

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

4. 13-0269 Recommendation to refer to City Attorney damage claims received between March 11, 2013 and March 25, 2013.

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

5. 13-0270 Recommendation to approve the destruction of records for the Department of Development Services, Code Enforcement, as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-13-0032 on the Consent Calendar.**

**Enactment No: RES-13-0032**

6. 13-0271 Recommendation to approve the destruction of records for the Department of Technology Services, as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-13-0033 on the Consent Calendar.**

**Enactment No: RES-13-0033**

7. 13-0272 Recommendation to receive and approve changes to the Conflict of Interest Code of Financial Management.

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

8. 13-0273 Recommendation to authorize City Manager to execute a contract and any subsequent amendments with the Mobile Source Reduction and Pollution Prevention Committee (MSRC) for the Showcase II Program, to accept grant funds in an amount not to exceed \$159,013, for the installation of emission control devices on off-road equipment.  
(Citywide)

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

9. 13-0274 Recommendation to authorize City Manager to execute all documents necessary for Amended and Restated Lease No. 24384 with Los Angeles SMSA Limited Partnership, a California limited partnership doing business as Verizon Wireless (Verizon as "Lessee"), and the First Amendment to Use Authorization and Consent Agreement No. 32883 with American Tower Delaware Corporation, a Delaware corporation

(ATC as "Sublessee") for the continued operation of a cellular tower on City-owned property within the El Dorado Park Golf Course adjacent to the San Gabriel River. (District 4)

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

10. 13-0275 Recommendation to receive and file minutes for:  
Civil Service Commission - March 6, 2013.  
Planning Commission - February 21, 2013.

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

### REGULAR AGENDA (6:36 PM)

11. 13-0276 Recommendation to receive and file a new list of City Council Standing Committees.

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

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

**Absent:** 2 - O'Donnell and Schipske

12. 13-0278 WITHDRAWN  
~~Recommendation that the City Council direct City Manager to work with the Long Beach Chamber of Commerce to participate in the 122nd Inaugural Gala event and to graciously accept the award.~~

**This Agenda Item was withdrawn.**

13. 13-0279 Recommendation that the City Council refer matter to the State Legislation Committee for consideration of support of Senator Alex Padilla's bill - SB 135 - that would create an earthquake early warning system in California.

Councilwoman Schipske spoke; and provided a video.

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

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

14. 13-0290

Recommendation to request City Manager to explore the elimination of convenience fees citywide where feasible to encourage residents to access municipal services over the Internet and report back to the City Council.

Councilmember Johnson spoke.

Vice Mayor Garcia spoke.

Councilman Austin spoke.

Vice Mayor Garcia spoke.

**A motion was made by Councilmember Johnson, seconded by Vice Mayor Garcia, to approve recommendation, as amended to provide that the requested report will also address the elimination of convenience fees charged by enterprise funds. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

15. 13-0291

Recommendation to authorize Director of Public Works or appropriate Department Head to issue a temporary occupancy permit for a six (6) month period to construct, install, and display a sign in the center median on Broadway between Park Avenue and Nieto Avenue in recognition of the cash donation made by Helix Electric Inc. toward the improvement of the center median at this location.

This recommended action is made in accordance with the provisions of the Long Beach Municipal Code Chapter 16.55, which allows the City to recognize those individuals, or entities that have provided valuable consideration to the City in the form of cash, equipment, supplies or services.

Councilmember DeLong spoke.

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

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

**No:** 2 - Austin and Neal

**Absent:** 1 - O'Donnell

**16. 13-0252** Recommendation of the Budget Oversight Committee to the City Council that \$5.4 million of the FY11 carryover (\$1 million) and FY12 Uplands Oil (\$4.4 million) surplus be appropriated as follows:

- 1) \$1.6 million to residential street repaving funding for this Fiscal year;
- 2) \$1 million to sidewalk repair funding, increasing the fund from \$3 million to \$4 million;
- 3) \$1 million to slurry seal funding, increasing the fund from \$2 million to \$3 million; and
- 4) \$1.8 million in additional Council office infrastructure funds targeted towards Parks, Recreation and Marine CIP and maintenance projects.

Councilmember DeLong spoke.

Motion: Allocate \$2.6 million to residential street repaving and slurry seal. \$1.6 million of this amount would be allocated using the present formula for street repaving; 50% by need and 50% divide by nine, and \$1 million divide by nine, as much as possible, toward slurry seal. Streets to be repaired will be determined by the Director of Public Works in consultation with each Council District. Allocate \$1.8 million to each Council District equally for the purpose of repairing or replacing park infrastructure or equipment. Projects to be funded will be determined by the Director of Parks, Recreation and Marine in consultation with each Council District. Allocate \$1 million to sidewalk repair and related capital project funding, increasing that fund from \$3 million to \$4 million. Moved by DeLong, seconded by Lowenthal.

Shirley Broussard spoke.

Doug Erickson, President of Pet Post, representing Friends of El Dorado Dog Park, spoke.

Mary Matthiensen, President of Friends of El Dorado Dog Park, spoke.

Ann Cantrell spoke.

Gabrielle Weeks spoke.

Councilwoman Schipske spoke.



Motion: Substitute motion to receive and file the Budget Oversight Committee's recommendations until such time that the City Manager can come back with a complete list from all departments as to potential uses of the one-time oil surplus.

Moved by Schipske, seconded by Austin.

Councilman Austin spoke.

Councilmember Neal spoke.

Vice Mayor Garcia spoke.

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Councilmember DeLong spoke.

Councilman Austin spoke.

Vice Mayor Garcia spoke.

Mayor Foster spoke.

Vice Mayor Garcia spoke.

Councilman Austin spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

Mayor Foster spoke.

Councilman Austin spoke.

Councilmember Johnson spoke.

Vice Mayor Garcia spoke.

Councilman Austin spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilmember Neal spoke.

**A second substitute motion was made by Vice Mayor Garcia, seconded by Councilmember Lowenthal, to allocate the \$2.6 million proposed by the Budget Oversight Committee (BOC) for residential street repaving and slurry seal and divide by nine; streets to be repaired will be determined by the Director of Public Works in consultation with each Council District. Allocate the \$1 million for sidewalks as proposed by the BOC and divide by nine; and for the Parks and Recreation portion as proposed by the BOC (\$1.8 million divided by nine, or, \$200,000 per district), allow 50% (\$100,000) of that to be used for temporary Parks programming for youth, or the total amount could be used for Parks capital projects, at the discretion of the Council office, determined by the Director of Parks, Recreation and Marine in consultation with each Council District. The motion carried by the following vote:**

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

**No:** 1 - Johnson

**Absent:** 1 - O'Donnell

17. 13-0280

Recommendation to approve and authorize City Manager to execute a Settlement Agreement with Great American Insurance Company and/or Armand Gonzales, Inc., dba Gonzales Construction;

Approve and authorize City Manager to execute a Takeover Agreement with Great American Insurance Company, to complete construction of Fire Station 12 and Emergency Resource Center; and

Increase appropriations in the General Fund - Redevelopment Agency "Sweep" Proceeds - (GP) in the Department of Development Services (DV) in the amount of \$500,000. (District 9)

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

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

**Absent:** 2 - Garcia and O'Donnell

18. 13-0228 Recommendation to receive and file the Fiscal Year 2013 First Quarter Budget Performance Report. (Citywide)

Councilwoman Schipske spoke.

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

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

**Absent:** 2 - DeLong and O'Donnell

19. 13-0281 Recommendation to adopt resolution approving the Third Amendment to the 2008-2013 Memorandum of Understanding with the Long Beach Firefighters Association related to Longevity Pay. (Citywide)

Councilmember Johnson spoke.

**A motion was made by Councilman Andrews, seconded by Councilmember Neal, to approve recommendation and adopt Resolution No. RES-13-0034. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

**Enactment No:** RES-13-0034

20. 13-0282 Recommendation to authorize City Manager to submit applications for Airport Improvement Program Grant(s) for Fiscal Year 2013 to the Federal Aviation Administration for funding of the following projects: Runway 7L-25R Rehabilitation; Rehabilitate Access to Taxiway E and F, Phase 2; and to accept such grant(s), execute grant documents, amend grant documents and grant amounts from the Federal Aviation Administration for entitlement and discretionary funds. (District 5)

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

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

21. 13-0283 Recommendation to adopt Plans and Specifications No. G-310 for pipeline replacement; and authorize City Manager to execute a contract with ARB, Inc., in an amount not to exceed \$7,684,035. (Citywide)
- A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation. The motion carried by the following vote:**
- Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal
- Absent:** 1 - O'Donnell
22. 13-0284 Recommendation to authorize City Manager to execute the Partial Settlement Agreement in Phase 2 of California Public Utilities Commission Docket A.11-11-002, the San Diego Gas & Electric Company and Southern California Gas Company Triennial Cost Allocation Proceeding. (Citywide)
- A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:**
- Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal
- Absent:** 1 - O'Donnell
23. 13-0292 Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of The Stave Incorporated, dba The Stave, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 170 The Promenade North, with conditions. (District 2)
- 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, Schipske, Andrews, Johnson, Austin and Neal
- Absent:** 1 - O'Donnell
24. 13-0286 WITHDRAWN  
~~Recommendation to adopt Plans and Specifications No. R-6909 for the Ocean Boulevard Erosion and Enhancement Project, Phase 2, award the contract to; and authorize City Manager to execute the contract with Minako America, dba Minco Construction, in an estimated amount of \$4,691,260 plus a 10 percent contingency amount of \$469,126, if~~
-

~~necessary and subject to funding availability, for a total not to exceed \$5,160,386, and any amendments thereto. (District 3)~~

**This Contract was withdrawn.**

25. 13-0287

Recommendation to adopt Plans and Specifications No. R-6955 for improvement of Queensway Bay, Bixby Park, Coronado Avenue and 8th Place Restrooms (Tidelands Beach Restrooms-Bid Package 1); award the contract to Mackone Development, Inc.; authorize City Manager to execute the contract with Mackone Development, Inc., in an amount of \$2,028,000 plus a 15 percent contingency amount of \$304,200, if necessary and subject to funding availability, for a total not to exceed \$2,332,200, and any amendments thereto; decrease appropriations in the Tidelands Operations Fund (TF 401) in the Department of Parks, Recreation and Marine (PR) by \$419,340; and increase appropriations in the Tidelands Operations Fund (TF 401) in the City Manager Department (CM) by \$419,340. (Districts 2,3)

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilmember DeLong spoke.

Shirley Broussard 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, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

### **ORDINANCES (6:01 PM)**

26. 13-0245

Recommendation to declare ordinance relating to the temporary limitation (moratorium) on mortuaries, funeral homes, and crematoriums; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Ordinance No. ORD-13-0002) (Citywide)

Emily Stevens spoke.

Gretchen Swanson spoke.

Michael McNulty spoke; and submitted a petition.

Antoinia Johnson spoke.

Lisa Vinoni spoke.

Joey Vinoni spoke.

Dianne Sundstrom, President of Belmont Heights Community Association, spoke.

Richard Bruford spoke.

Shirley Broussard spoke.

Alice Blankley spoke.

Vitz Heiltman spoke.

Hans Kittler spoke.

Gary Morrison spoke.

Ronnie Damico Cole spoke.

Yasmin Rabbani spoke.

Robert Kittle spoke.

Councilwoman Schipske spoke.

Councilmember DeLong spoke.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation and adopt Emergency Ordinance No. ORD-13-0002. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

**Enactment No:** ORD-13-0002

27. 13-0288 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 3.80.146.J and Section 3.80.150, all relating to Real Estate Agents read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

**A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, 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 - Garcia, Lowenthal, DeLong, Andrews, Johnson, Austin and Neal

**Abstentions:** 1 - Schipske

**Absent:** 1 - O'Donnell

#### **NEW BUSINESS (8:07 PM)**

28. 13-0294 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, March 29, 2013.

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

29. 13-0295 eComments received for the City Council meeting of Tuesday, April 2, 2013.

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

#### **ANNOUNCEMENTS (8:07 PM)**

Mayor Foster requested that the meeting be adjourned in memory of William B. Seal and Richard D. Johansen.

Councilman Andrews made community announcements.

Councilmember Lowenthal made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Neal made community announcements.

Councilmember Johnson made community announcements.

Councilwoman Schipske made additional community announcements.

**PUBLIC (8:18 PM)**

Shirley Broussard spoke.

Jason Troia, Student Trustee of Long Beach Community College, spoke.

James Goldman spoke.

Councilmember Lowenthal spoke.

**ADJOURNMENT (8:31 PM)**

At 8:31 PM, Vice Mayor Garcia adjourned the meeting in memory of William B. Seal and Richard D. Johansen.

pr/dg