

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

REVISED

PLEDGE OF ALLEGIANCE

**PROCLAMATION FOR NEIGHBORHOOD LEADERSHIP PROGRAM
CLASS OF 2012 GRADUATES**

**PROCLAMATIONS FOR FIRE DEPARTMENT
EMPLOYEES OF THE YEAR - SWORN AND NON-SWORN**

**PROCLAMATION DECLARING SEPTEMBER AS
PROSTATE CANCER AWARENESS MONTH**

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

HEARINGS:

1. [12-0793](#) Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal by Lee Fukui and Mauna Eichner, and uphold the decision of the Planning Commission approving a Conditional Use Permit to establish a consumer finance lender located at 2004 Ximeno Avenue, Suite 200, within the Community Automobile-Oriented (CCA) zoning district. (District 4)

Office or Department: DEVELOPMENT SERVICES

Suggested Action: Approve recommendation.

2. [12-0794](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution continuing the Belmont Shore Parking and Business Improvement Area program and assessment for the period of October 1, 2012 through September 30, 2013; and authorize City Manager to execute an agreement with the Belmont Shore Business Association for a one-year term. (District 3)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

3. [12-0795](#) Recommendation to receive supporting documentation into the record, conclude the hearing, find that the area to be vacated is not needed for present or prospective public use, and adopt resolution ordering the vacation of a portion of the east half of the east/west alley, west of Quincy Avenue and south of 7th Street. (District 3)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Opportunity to address the City Council (on non-agenda items) is given to the first 10 persons who submit Speaker Cards to the City Clerk beginning at 15 minutes prior to 5:00 p.m. Each speaker is allowed three minutes to make their comments.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless the Mayor, City Councilmembers or the City Manager request specific items be discussed and/or removed from the Consent Calendar for separate action.

CONSENT CALENDAR: (4 - 14)

4. [12-0815](#) Recommendation to authorize City Attorney to pay sum of \$7,500 in full settlement of lawsuit entitled *Theresa Mitchell v. COLB, et al.*

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

5. [12-0831](#) Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarters ending December 31, 2011 and March 31, 2012.

Office or Department: CITY AUDITOR

Suggested Action: Approve recommendation.

6. [12-0791](#) Recommendation to approve the minutes for the City Council meeting held Tuesday, September 4, 2012.

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

7. [12-0792](#) Recommendation to refer to City Attorney damage claims received between August 31, 2012 and September 10, 2012.

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

8. [12-0832](#) Recommendation to request that City Council receive and approve changes to department and commission Conflict of Interest Codes filed, in compliance with State law.

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

9. [12-0797](#) Recommendation to authorize City Manager, or designee, to execute an amendment to the current agreement between the State of California Department of Health Care Services and the City of Long Beach for the continued provision of Targeted Case Management Services to eligible Medi-Cal beneficiaries for the period of July 1, 2012 through June 30, 2013, for an estimated annual revenue of \$250,000. (Citywide)

Office or Department: HEALTH AND HUMAN SERVICES

Suggested Action: Approve recommendation.

10. [12-0798](#) Recommendation to authorize City Manager, or designee, to execute an agreement and all necessary documents between the City of Long Beach and the State of California Department of Public Health in an amount not to exceed \$76,035 for Pandemic Influenza Preparedness; and increase appropriations in the Health Fund (SR 130) in the Department of Health and Human Services (HE) by the same amount. (Citywide)

Office or Department: HEALTH AND HUMAN SERVICES

Suggested Action: Approve recommendation.

11. [12-0696](#) Recommendation to authorize City Manager to execute a permit with Integrity Ventures Group, Inc., dba Pacific Sailing and Catalina Charters, for the use of docks, slips, and end ties for the operation of a sailboat charter service, a sailing and boating club, and the sale and brokering of marine vessels in Rainbow Marina for a five-year term, with two, one-year renewal options at the discretion of the City Manager or his designee. (District 2)

Office or Department: PARKS, RECREATION AND MARINE

Suggested Action: Approve recommendation.

12. [12-0805](#) Recommendation to appropriate funding from Asset Forfeiture proceeds for repair of the Police Department's West Division Substation air conditioning system; and increase appropriations by \$46,583 in the General Fund (GP) in the Police Department (PD). (District 1)

Office or Department: POLICE

Suggested Action: Approve recommendation.

13. [12-0799](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at The Stave restaurant, located at 170 Promenade North. (District 2)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

14. [12-0816](#) Recommendation to receive and file minutes for:
Civil Service Commission - August 15, 2012.

Office or Department: VARIOUS

Suggested Action: Approve recommendation.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

15. [12-0814](#) Recommendation to request City Council to refer a recommendation from the Long Beach Water Commission to consider citywide water submetering to the Environmental Committee for further discussion before returning to the City Council.

Office or Department: COUNCILMEMBER SUJA LOWENTHAL, SECOND DISTRICT; COUNCILMEMBER GARY DELONG, THIRD DISTRICT; COUNCILMEMBER JAMES JOHNSON, SEVENTH DISTRICT; COUNCILMEMBER STEVEN NEAL, NINTH DISTRICT

Suggested Action: Approve recommendation.

16. [12-0833](#) Recommendation to request City Attorney to prepare a potential ballot initiative for City Council consideration that would cap total compensation levels for non-public safety employees for Fiscal Years 2014 and 2015 at those paid in Fiscal Year 2010; and request City Manager to concurrently report to City Council on the magnitude of services that could be restored with this reform.

Office or Department: COUNCILMEMBER JAMES JOHNSON, SEVENTH DISTRICT; MAYOR BOB FOSTER; VICE MAYOR ROBERT GARCIA, COUNCILMEMBER, FIRST DISTRICT; COUNCILMEMBER GARY DELONG, THIRD DISTRICT

Suggested Action: Approve recommendation.

17. [12-0800](#) Recommendation to adopt Specifications No. FM 12-054 and award a contract to Cardon Solutions, LLC, to provide technical and functional maintenance support and development services for the City's suite of Financial Accounting Management Information Systems (FAMIS) and Simpler Suite (EZ FAMIS) reporting, in an amount not to exceed \$162,000, for a one-year period, with the option to renew for two additional one-year periods, at the discretion of the City Manager, with the option to add expenditures up to 10 percent (or \$16,200) above the annual contract amount, if necessary and if funds are available. (Citywide)

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

18. [12-0801](#) Recommendation to adopt Specifications RFP No. HE12-020 and award contracts to Pacific West Health Services, Inc., dba Clinical Staffing Services, of Santa Ana, CA; Maxim Healthcare Registry, of Arroyo Grande, CA; Kay Anthony, N.P., a Long Beach-based business (Local); Rosemarie Chaney, R.N., a Long Beach-based business (Local); Carol Newton, R.N., a Long Beach-based business (Local); Dr. Maryam Abdelnaby, of Torrance, CA; Dr. Melvin Webb, of Seal Beach, CA; Dr. Sophia Momand, of Rancho Palos Verdes, CA; Dr. Petar Mitrevski, of Huntington Beach, CA; and, Dr. Ernest Williams, of Newport Beach, CA (none are MBEs, WBEs or SBEs), for providing jail inmate physician and relief nursing services, in a total annual amount not to exceed \$350,000 for the period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

Office or Department: FINANCIAL MANAGEMENT; POLICE

Suggested Action: Approve recommendation.

19. [12-0802](#) Recommendation to adopt Specifications No. PA-03012 Rebid and authorize City Manager to execute contracts and all related documents with EDCO Waste Services, LLC, a Long Beach-based business (Local; not an MBE, WBE or SBE), and Consolidated Disposal Service, LLC, of Santa Fe Springs (not an MBE, WBE, SBE or Local), for providing diversion of green waste debris services, in an estimated combined annual amount not to exceed \$200,000, for a period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

Office or Department: FINANCIAL MANAGEMENT; PUBLIC WORKS

Suggested Action: Approve recommendation.

20. [12-0804](#) Recommendation to authorize City Manager to execute agreements with the Long Beach Unified School District for the operation of the After School Education and Safety Program at Burbank, Edison, Garfield, Grant, King, Lafayette, and Lee Elementary and Hudson K-8 school sites; increase appropriations by \$1,051,863 in the General Grants Fund (SR 120) in the Department of Parks, Recreation and Marine; authorize the required 15 percent in-kind match in the form of Community Development Block Grant and General Fund monies; and execute any future documents, including amendments, necessary to accept, implement, and administer the agreements. (Districts 1,2,4,6,7,9)

Office or Department: PARKS, RECREATION AND MARINE

Suggested Action: Approve recommendation.

21. [12-0806](#) Recommendation to authorize City Manager to accept a total of \$310,000 in Housing Related Parks Program grant funds, awarded by the California Department of Housing and Community Development, for the renovation of turf grass at Seaside Park and 14th Street Park; increase appropriations by \$310,000 in the Capital Projects Fund (CP) in the Department of Public Works (PW); and execute any documents necessary for the administration of the project. (District 1)
- Office or Department:** PARKS, RECREATION AND MARINE; PUBLIC WORKS
- Suggested Action:** Approve recommendation.
22. [12-0807](#) Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Phik Cheng Lin, dba PCH Market, for an Original Alcoholic Beverage Control License, at 1821 Martin Luther King Jr. Avenue, with conditions. (District 6)
- Office or Department:** POLICE
- Suggested Action:** Approve recommendation.
23. [12-0808](#) Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2012 to September 30, 2013 for the Fourth Street Parking and Business Improvement Area, declaring its intention to levy the annual assessment and setting the date of hearing for Tuesday, October 16, 2012 at 5:00 p.m. (District 2)
- Office or Department:** PUBLIC WORKS
- Suggested Action:** Approve recommendation.

24. [12-0809](#) Recommendation to authorize City Manager to execute all necessary documents to amend Contract No. 31822 with EFS West for design and construction of the Phase II portion of the Shoreline Marina Fuel Dock and Underground Storage Tank (UST) Improvement Project, increasing the contract price by \$35,000. (District 2)

Office or Department: PUBLIC WORKS; PARKS, RECREATION AND MARINE

Suggested Action: Approve recommendation.

25. [12-0810](#) Recommendation to authorize City Manager to execute all documents necessary for a Consent Agreement between the City of Long Beach (Master Landlord) and West Marine Products, Inc., a California corporation (Subtenant), for City-owned property and improvements at 251 Marina Drive within the Alamitos Bay Marina Center. (District 3)

Office or Department: PUBLIC WORKS; PARKS, RECREATION AND MARINE

Suggested Action: Approve recommendation.

26. [12-0811](#) Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2012 to September 30, 2013 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 16, 2012 at 5:00 p.m. (Districts 3,4)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

27. [12-0812](#) Recommendation to adopt Resolution of Intention to re-establish the Andy Street Multi-family Improvement District (AMID) and set the date of hearing for Tuesday, November 13, 2012 at 5:00 p.m., receive petitions and designate Andy Street Community Association (ASCA) as the owners' association for the AMID. (District 9)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

28. [12-0813](#)

Recommendation to:

1. Adopt Specifications No. R-6913 for both anticipated and unanticipated (emergency) construction of various City infrastructure repairs and improvements to be performed under the method of Job Order Contracting (JOC);

2. Authorize City Manager to execute agreements for one-year term in amounts not to exceed \$1,000,000 for each of the following JOC Contracts:

- JOC Contract No. 15 for New Creations Builders DBE
- JOC Contract No. 16 for Exbon Development DBE
- JOC Contract No. 17 for Bitech Construction MBE/DBE
- JOC Contract No. 18 for Allstate Engineering MBE
- JOC Contract No. 19 for Thomasville Construction;

3. Adopt resolution authorizing City Manager to execute a contract with the Gordian Group for access rights to their proprietary Pro-Gen software and to provide professional services to manage the JOC program in an amount not to exceed \$292,500 for a term of three years, with the option of renewing for two additional one-year periods;

4. Authorize City Manager to execute amendments to each JOC contract to extend the term for two separate periods of one year each and up to \$1,000,000 per extended term; and

5. Authorize City Manager to execute amendments to the Gordian Group agreement relative to the extension of the term, to authorize additional services, if required, within the provisions of the agreement, and to adjust the Gordian fee for inflation. (Citywide)

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

REVISED

NEW BUSINESS:

New Business items are additions to the City Council Agenda subsequent to the posting of the agenda on Monday afternoon.

29. [12-0823](#) Recommendation to City Council to concur in the recommendation of the State Legislation Committee to oppose Proposition 32, the Paycheck Protection/Deception Act.

Office or Department: COUNCILMEMBER PATRICK O'DONNELL,
FOURTH DISTRICT, CHAIR; STATE
LEGISLATION COMMITTEE

Suggested Action: Approve recommendation.

30. [12-0824](#) Recommendation to City Council to concur in the recommendation of the State Legislation Committee to amend the State Legislative Agenda to request the State Legislature pass a resolution encouraging all cities to name their Municipal Code provisions related to illegal garage conversions as "The Aviles Laws".

Office or Department: COUNCILMEMBER PATRICK O'DONNELL,
FOURTH DISTRICT, CHAIR; STATE
LEGISLATION COMMITTEE

Suggested Action: Approve recommendation.

REVISED

31. [12-0827](#) Recommendation to City Council to concur in the recommendation of the State Legislation Committee to support the following Propositions:

Proposition 30: Temporary Taxes to Fund Education.
Guaranteed Local Public Safety Funding

Proposition 35: Californians Against Sexual Exploitation Act

Proposition 36: Three Strikes Reform Act of 2012

Proposition 37: California Right to Know Genetically
Engineered Food Act

Office or Department: COUNCILMEMBER PATRICK O'DONNELL,
FOURTH DISTRICT, CHAIR; STATE
LEGISLATION COMMITTEE

Suggested Action: Approve recommendation.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity is given to those members of the public who have not addressed the City Council on non-agenda items. Each speaker is limited to three minutes unless extended by the City Council.

STANDING COMMITTEE REMINDERS:

Tuesday, September 18, 2012 – City of Long Beach, as the Successor Agency to the Redevelopment Agency of the City of Long Beach at 3:30 P.M., Council Chamber.

Tuesday, September 18, 2012 – Housing Authority of the City of Long Beach, California at 4:30 P.M., Council Chamber.

Tuesday, October 2, 2012 – Economic Development and Finance Committee (Attorney/Client) at 2:30 P.M., 14th Floor Conference Room.

Tuesday, October 9, 2012 – Housing Authority of the City of Long Beach, California at 4:30 P.M., Council Chamber.

HEARING REMINDERS:

Tuesday, October 2, 2012 – Hearing for Rand and Kelly Foster, dba Fingerprints, for a Permit for Entertainment Without Dancing by Patrons, 420 E. 4th Street. (District 1)

Tuesday, October 2, 2012 – Hearing to approve the levy of the Annual Assessment for the Long Beach Tourism Business Improvement Area. (Districts 1,2,4,5)

Tuesday, October 2, 2012 – Hearing to approve the levy of the Annual Assessment for the Bixby Knolls Parking and Business Improvement Area. (Districts 7,8)

Tuesday, October 9, 2012 – Hearing for Dorothy Shubin, dba 24 Hour Café, to review and consider the hearing officer's report concerning the revocation of Business License Nos. BU00083820 and BU20208110. (District 1)

Tuesday, October 9, 2012 – Hearing for Octopus Restaurant Long Beach, Inc., dba Octopus Japanese Restaurant, for a Permit for Entertainment With Dancing by Patrons, 200 Pine Avenue, No. C. (District 2)

Tuesday, October 9, 2012 – Hearing for Michoacan Entertainment, a California Corporation, dba Copa Cabana Night Club, for a Permit for Entertainment With Dancing by Patrons, 2688 South Street. (District 8)

NOTE:

An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Department, City Hall Plaza Level, 333 W. Ocean Boulevard, Long Beach, CA 90802.

The City Council agenda and supporting documents are available on the Internet at www.longbeach.gov. Persons interested in obtaining an agenda via e-mail should subscribe to the City of Long Beach E-Notify System at <http://www.longbeach.gov/enotify/default.asp>.

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If language interpretation for non-English speaking persons is desired or if a special accommodation is desired pursuant to the Americans with Disabilities Act, please make your request by phone to the City Clerk Department at (562) 570-6101, by 12 noon Monday, the day prior to the Council meeting.

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