

**CITY OF LONG BEACH  
CITY COUNCIL MINUTES**

**TUESDAY, MARCH 4, 2014  
333 W. OCEAN BOULEVARD  
COUNCIL CHAMBER, 5:00 PM**

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

Charles Parkin, City Attorney

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**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, except for Agenda Item No. 17 was considered after Agenda Item No. 13.

**ROLL CALL (5:23 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; Michael Mais, Assistant City Attorney; Larry Herrera, City Clerk; Carolyn Hill, City Clerk Specialist.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Dee Andrews, Councilman, Sixth District.

Mayor Foster announced that Agenda Item No. 15 has been withdrawn.

Presentation for City of Long Beach 2014 "Express Yourself: Voter Outreach Program."

Larry Herrera, City Clerk, spoke.

Mayor Foster spoke.

Councilmember Johnson spoke.

Mayor Foster spoke.

Larry Herrera, City Clerk, spoke.

**HEARING (5:32 PM)**

1. [14-0160](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, consider the Categorical Exemption (CE 13-100), and declare the Adaptive Reuse Ordinance read the first time and laid over to the next regular meeting of the City Council for final reading; and

John Thomas spoke.

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

**Enactment No:** ORD-14-0004

[see media  
14-0161](#)

Adopt resolution directing the Director of Development Services to submit the Adaptive Reuse Ordinance to the California Coastal Commission for their review and certification. (Citywide)

Councilmember Lowenthal spoke.

Dennis Dunn spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-14-0026. The motion carried by the following vote:**

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

**Enactment No:** RES-14-0026

**PUBLIC COMMENT (5:41 PM)**

Gail Mutke spoke regarding the tear down of house at 205 LaVerne for and space parking lot.

John Mrazik spoke regarding 205 LaVerne Avenue purchase.

Larry Goodhue spoke regarding various issues.

Councilwoman Schipske spoke.

Charles Parkin, City Attorney, spoke.

Warren Branch spoke regarding LaTrice Richerson.

Dennis Dunn spoke regarding a vision of Beach Roadway.

[14-0205](#) Candace Lawrence spoke regarding Staying Alive Long Beach Animal shelter; and submitted correspondence.

**This Handout was received and filed.**

Vice Mayor Garcia spoke.

Patrick West, City Manager, spoke.

Jason Wynia spoke regarding street sweeping.

Mayor Foster spoke.

Charles Parkin, City Attorney, reported out from Closed Session that there was no report, no action taken.

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

Passed The Consent Calendar

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 2 - 10. The motion carried by the following vote:**

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

2. [14-0162](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, February 11, 2014.
- A motion was made to approve recommendation on the Consent Calendar.**

[see media](#)

3. [14-0163](#) Recommendation to refer to City Attorney damage claims received between February 10, 2014 and February 24, 2014.
- A motion was made to approve recommendation on the Consent Calendar.**

[see media](#)

4. [14-0175](#) Recommendation to authorize City Manager to execute an agreement with the County of Los Angeles, Department of the Registrar-Recorder/County Clerk, for continued on-line access to the County's Voter Information Management System (VIMS) for a term of one (1) year, March 13, 2014 through March 12, 2015.
- A motion was made to approve recommendation on the Consent Calendar.**

[see media](#)

5. [14-0165](#) Recommendation to authorize Department of Development Services to process a refund in the amount of \$11,251 to Dupuy Construction for the property located at 2119 Curry Street. (District 9)
- A motion was made to approve recommendation on the Consent Calendar.**

[see media](#)

6. [14-0166](#) Recommendation to approve an amendment by The Long Beach Community Investment Company, to its Amended and Restated Bylaws. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**

[see media](#)

7. [14-0167](#) Recommendation to authorize City Manager to accept \$7,500 in grant funds from California Council for the Humanities (Cal

Humanities) for the California Reads War Comes Home program; execute any documents necessary for the administration of this project and increase appropriations in the General Grants Fund (SR 120) in the Department of Library Services Department (LS) by \$7,500. (Citywide)

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

[see media](#)

8. [14-0168](#)

Recommendation to receive and file the report, "Elevation Changes in the City of Long Beach, May 2013 through October 2013." (Citywide)

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

[see media](#)

9. [14-0174](#)

Recommendation to authorize City Manager to execute any and all documents necessary for the Seventh Addendum to Lease No. 30545 between Worldport LLC, (Landlord) and the City of Long Beach (Tenant) for office space at 1851 North Gaffey Street, Suites E-H, San Pedro, California, for the continued operation of the Harbor WorkSource Center by the Workforce Development Bureau of the Human Resources Department. (Citywide)

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

[see media](#)

10. [14-0176](#)

Recommendation to receive and file minutes for:  
Civil Service Commission - January 15 and February 5, 2014.  
Planning Commission - January 16, 2014.

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

#### **REGULAR AGENDA (6:01 PM)**

11. [14-0177](#)

Recommendation to receive and file a report on travel to Washington, DC for the U.S. Conference of Mayors annual winter meeting.

Mayor Foster spoke.

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, 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](#)

**12. [14-0178](#)**

Recommendation to direct City Manager to examine case studies from similarly sized municipalities that presently guarantee free preschool for their residents and report back to the City Council in 120 days with his findings about ways to fund such a venture in Long Beach, along with concrete policy goals and eligibility requirements that would allow for universal access without a major impact on the city budget; coordinate with Long Beach Unified School District (LBUSD) to ensure that any proposed program would not interfere with existing teaching contracts or place an undue burden on their resources; and reach out to existing community groups that provide this service for children to hear their ideas and input.

Vice Mayor Garcia spoke.

Councilmember O'Donnell spoke.

Vice Mayor Garcia spoke.

Councilmember O'Donnell spoke.

Vice Mayor Garcia spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Councilmember Johnson spoke.

Councilman Andrews spoke.

Francis Emily Dawson Harris spoke.

Christina Carelli spoke.

Judy Carrie Fisher spoke.

Cindy Young spoke.

Larry Goodhue spoke.

**A motion was made by Vice Mayor Garcia, seconded by Councilmember Lowenthal, to approve recommendation, as amended, to: [1] include a review of free preschool best practices being utilized by municipalities across the country; [2] forward discussion of municipal preschool services to the City's Long Beach Unified School District (LBUSD) Joint Use Committee; and [3] conduct outreach discussions with early-childhood education service providers and community groups and refer to the Long Beach Unified School District Joint Use Committee. The motion carried by the following vote:**

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

[see media](#)

**13. [14-0180](#)**

Recommendation to request status from City Manager regarding the next steps in moving forward with the rebuild of Basins 2 and 3 within the next 30 days.

Councilmember DeLong spoke.

Patrick West, City Manager, spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Patrick West, City Manager, spoke.

Larry Goodhue spoke.

Tom Mayes, President, Long Beach Marina Boat Owners Association, spoke.

John Mrazik spoke.

Carl Kirnbauer, Long Beach Marina Boat Owners Association, spoke.

Robert Vatz, Long Beach Marina Boat Owners Association, spoke.

Roger Gripe spoke.

Dr. Phyllis Rowe spoke.

Councilmember DeLong spoke.

Patrick West, City Manager, spoke.

Councilmember DeLong spoke.

Jerry Arsayal spoke.

Mya Cusuni spoke.

Rick DuRee, Chairman of the Marine Advisory Commission, spoke.

Councilmember DeLong spoke.

Francis Emily Dawson Harris spoke.

Patrick West, City Manager, spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Patrick West, City Manager, spoke.

Charles Parkin, City Attorney, spoke.

Councilmember DeLong spoke.

Patrick West, City Manager, spoke.

Councilmember DeLong spoke.



**A motion was made by Councilmember DeLong, 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](#)

**14. [14-0181](#)**

Recommendation to request City Attorney to draft amendment language to the Downtown Dining and Entertainment District ordinance enabling entertainment activity on rooftop patios during the following days and times of the week:

- Sunday until 10:00 p.m.
- Monday - Wednesday until 12:00 a.m.
- Thursday - Saturday until 1:00 a.m.

Councilmember Lowenthal spoke.

**A motion was made by Councilmember Lowenthal, seconded by Vice Mayor Garcia, to approve recommendation, as amended, to further provide that the ordinance will sunset by action of the City Council or by its own provisions, no later than two years after adoption of an amended Downtown Dining and Entertainment Ordinance. The motion carried by the following vote:**

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

**15. 14-0169**

WITHDRAWN

~~Recommendation to receive a report on the results of the Request for Proposals (RFP) and Proposition "L" analysis related to contracting for street sweeping services; direct City Manager to proceed with a meet and confer process with the impacted recognized employee organization (IAM); and direct City Manager to return to the City Council within 30 days for further direction. (Citywide)~~

**This Agenda Item was withdrawn.**

[see media](#)

**16. [14-0170](#)**

Recommendation to adopt Specifications No. RFQ CM14-020 for architectural and engineering services for the Belmont Plaza Pool Facility Rebuild / Revitalization Project; award the contract to Harley

Ellis Devereaux Corporation, of Los Angeles, California (not a MBE, WBE, SBE or Local), in the amount of \$7,144,301, plus a 10% contingency of \$714,430, for a total amount not to exceed amount of \$7,858,731; authorize City Manager or designee to execute all documents necessary to enter into the contract, including any amendments thereto; and

Increase appropriations in the Tidelands Operation Fund (TF401) in the City Manager Department (CM) by \$7,858,731. (District 3)

Suzanne Frick, Assistant City Manger, spoke.

Brent Miller, Harley Ellis Devereaux Corporation, spoke.

Eric Kocher, Harley Ellis Devereaux Corporation, spoke.

Paul Graves, Harley Ellis Devereaux Corporation, spoke.

Michael Rotondi, Harley Ellis Devereaux Corporation, spoke.

Councilmember O'Donnell spoke.

Mayor Foster retired and Vice Mayor Garcia assumed the Chair.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Francis Emily Dawson Harris spoke.

Lucy Johnson spoke.

Patrick Kelly spoke.

Debbie McCormick spoke.

Michael Kurt Patrick spoke.

Kurt Schneiter spoke.

Dennis Dunn spoke.

Jessica Payne spoke.

**A motion was made by Councilmember DeLong, 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](#)

17. [14-0179](#)

Recommendation to receive and file a presentation by members of the University of Southern California Lusk Center for the winning entry in the 2013 National Association for Industrial and Office Parks (NAIOP) Southern California Real Estate Challenge for the Seaport Marina Hotel site at 2nd Street and Pacific Coast Highway. (District 3)

Councilwoman Schipske spoke.

Steven Anderson, University of Southern California (USC), spoke.

Christian Santos, USC, spoke.

Daniel Bertao, USC, spoke.

Nicholas D'Argenzio, USC, spoke.

Matthew Keipper, USC, spoke.

Steven Anderson, USC, spoke.

Christen Santos, USC, spoke.

Daniel Bertao, USC, spoke.

Nicholas D'Argenzio, USC, spoke.

Matthew Keipper spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Mayor Foster spoke.

Larry Goodhue spoke.

Dennis Dunn spoke.

Patricia Etem spoke.

Francis Emily Dawson Harris spoke.

Donna Coates spoke.

Kurt Schneiter spoke.

Councilmember Lowenthal spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Mayor Foster spoke.

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

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

**Absent:** 1 - Garcia

[see media](#)

**18. [14-0171](#)**

Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the City of Los Angeles to receive and expend Department of Homeland Security grant funding for the 2013 Urban Area Security Initiatives Grant, in an amount not to exceed \$3,588,899 for a period ending May 31, 2015; and

Increase appropriations in the General Grants Fund (SR 120) in the Department of Disaster Preparedness and Emergency Communications (DC) by \$370,000, in the General Grants Fund (SR 120) in the Fire Department (FD) by \$796,399, in the General Grants Fund (SR 120) in the Health and Human Services Department (HE) by \$275,000, and in the General Grants Fund (SR 120) in the Police Department (PD) by \$1,547,500. (Citywide)

**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 Austin

**Absent:** 1 - Neal

[see media](#)

19. [14-0172](#)

Recommendation to approve and adopt the Long Beach Unit Annual Plan (July 1, 2014 - June 30, 2015). (Citywide)

**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 Austin

**Absent:** 1 - Neal

[see media](#)

20. [14-0173](#)

Recommendation to adopt Specifications No. ITB PD-14-032 and award a contract to Airspace, LLC, a Long Beach-based business (Local; not an MBE, WBE or SBE), for the purchase of Jet Fuel A, in an annual amount not to exceed \$250,000, 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 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 Austin

**Absent:** 1 - Neal

[see media](#)

21. [14-0019](#)

Recommendation to authorize City Manager, or designee, to execute Funding Agreement No. MOU.MR306.22, and any amendments as necessary, between the Los Angeles County Metropolitan Transportation Authority (Metro) and the City of Long Beach (City), to provide design funding for widening the Atlantic Avenue and Willow Street intersection. (District 6)

**A motion was made by Councilmember DeLong, 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

**ORDINANCE (8:11 PM)**

22. [14-0123](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapters 5.81 and 8.68, relating to electronic cigarettes and similar devices, read and adopted as read. (Citywide)

Councilman Andrews spoke.

Dr. Fred Grancus spoke.

Francis Emily Dawson Harris spoke.

Kenneth Renny spoke.

Theresa Marino spoke.

Patricia Etem spoke.

Melinda Cotton spoke.

Ron Johnson spoke.

Councilwoman Schipske spoke.

Charles Parkin, City Attorney, spoke.

Donna Coates spoke.

Pete Flores spoke.

James Pappas spoke.

Jeff Miller spoke.

Richard Gardenhire spoke.

Gina Celso spoke; and submitted a petition.

Roger Johnson spoke.

Mel Hansen spoke.

Matt Joko spoke.

Michael Shaknovich, owner of e-City, spoke.

Councilwoman Schipske spoke.

Charles Parkin, City Attorney, spoke.

Councilman Austin spoke.

Charles Parkin, City Attorney, spoke.

Councilwoman Schipske spoke.

Charles Parkin, City Attorney, spoke.

Councilman Andrews spoke.

Motion: Substitute motion to direct City Attorney to amend the ordinance (for first reading) to allow on-premise sampling of non-nicotine vaping products and also require age verification that customers are at least 18 years of age.

Moved by Gerrie Schipske, seconded by Al Austin.

Charles Parkin, City Attorney, spoke.

Vice Mayor Garcia spoke stating Councilman Andrews accepted the amendment; and Councilwoman Schipske withdrew her motion.

Charles Parkin, City Attorney, spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke.

Councilmember O'Donnell spoke.

Charles Parkin, City Attorney, spoke.

Councilmember Lowenthal spoke.

Charles Parkin, City Attorney, spoke.

Councilman Andrews spoke.

Vice Mayor Garcia spoke.

Councilmember O'Donnell spoke.

Charles Parkin, City Attorney, spoke.

Councilman Austin spoke.

Councilwoman Schipske spoke.

Councilman Andrews spoke; and rejected amendment.

Councilmember Lowenthal spoke.

**A substitute motion was made by Councilman Austin, seconded by Councilwoman Schipske, to direct City Attorney to amend the ordinance (for first reading) to allow on-premise sampling of non-nicotine vaping products and also require age verification that customers are at least 18 years of age. The motion failed by the following vote:**



**Yes:** 4 - Schipske, Johnson, Austin and Neal

**No:** 5 - Garcia, Lowenthal, DeLong, O'Donnell and Andrews

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Vice Mayor Garcia spoke.

**A motion was made by Councilman Andrews, seconded by Councilmember Johnson, to approve recommendation and adopt Ordinance No. ORD-14-0003. The motion carried by the following vote:**

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

**Enactment No:** ORD-14-0003

**NEW BUSINESS (9:16 PM)**

23. [14-0194](#) Recommendation to request City Manager to prepare a letter in support of Assembly Bill 1839 (Gatto/Bocanegra) also known as the California Film and Television Job Retention and Promotion Act.

Councilmember O'Donnell spoke.

Patrick Kelly spoke.

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

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

**Absent:** 2 - DeLong and Andrews

24. [14-0196](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, February 28, 2014.

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

25. 14-0197 eComments received for the City Council meeting of Tuesday, March 4, 2014.

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

**ANNOUNCEMENTS (9:19 PM)**

Councilman Austin made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember Neal made community announcements.

Councilwoman Schipske made community announcements.

**ADJOURNMENT (9:24 PM)**

At 9:24 PM, Vice Mayor Garcia adjourned the meeting.

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**NOTE:**

If written language translation of the City Council agenda and minutes for non-English speaking persons is desired, please make your request by phone to the City Clerk Department at (562) 570-6101, 72 hours prior to the City Council meeting.

Kung ang nakasulat na pagsasalin-wika ng adyenda at mga katitikan ng Konseho ng Lunsod ay hinahangad para sa mga taong hindi nagsasalita ng Ingles, mangyaring gawin ang iyong kahilingan sa pamamagitan ng telepono sa Kagawaran ng Klerk ng Lunsod sa (562) 570-6101, 72 oras bago ang pulong ng Konseho ng Lunsod.”

Si desea obtener la traducción lingüística escrita de la agenda y las actas del Concejo Municipal para las personas que no hablan inglés, realice su pedido por teléfono al Departamento de la Secretaría Municipal al (562) 570-6101, 72 horas antes de la reunión del Concejo Municipal.

បើលោកអ្នកមិនចេះនិយាយភាសាអង់គ្លេស ហើយត្រូវការរបៀបវារៈកិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង និងរបាយការណ៍កិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង ជាសំណៅប្រែសម្រួលលាយលក្ខណ៍អក្សរទៅជាភាសាបស់លោកអ្នក នោះសូមស្នើសុំមកនាយកដ្ឋានសៀវភៅសាលាក្រុង តាមទូរស័ព្ទលេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវបានធ្វើឡើង។