

**CITY OF LONG BEACH
CITY COUNCIL MINUTES**

**TUESDAY, MAY 6, 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

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 the Consent Calendar which was considered before the Agenda Item No. 1.

ROLL CALL (5:10 PM)

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

Councilmembers Schipske
Absent:

Also present: Patrick H. West, City Manager; Tom Modica, Deputy City Manager; Charles Parkin, City Attorney; Michael Mais, Assistant City Attorney; Laura Doud, City Auditor; Larry Herrera, City Clerk; Pablo Rubio, City Clerk Assistant.

Vice Mayor Garcia presiding.

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

Invocation: Moment of Silence.

Pledge of Allegiance: Gary DeLong, Councilmember, Third District.

Vice Mayor Garcia announced that Councilwoman Schipske would be absent; and that the Consent Calendar would be considered before Agenda Item No. 1.

Certificate Recognizing Ms. Wheelchair California Foundation.

Jennifer Kumiyama spoke.

Mary Zendejas, Vice President, Ms. Wheelchair California Foundation, spoke.

Katie Hull spoke.

Councilmember O'Donnell spoke.

Proclamation for Leadership Long Beach 25th Anniversary.

Jeff Williams, Executive Director, Leadership Long Beach, spoke.

Councilmember Lowenthal spoke.

Proclamation for Asian American and Pacific Islander Heritage Month.

Councilman Austin spoke.

Councilmember Lowenthal spoke.

Presentation for Gerald Desmond Bridge Replacement Project.

[14-0341](#) Dr. Noel Hacegaba, Acting Deputy Executive Director and Chief Operating Officer, Port of Long Beach, spoke; and provided a PowerPoint presentation.

This Handout was received and filed.

Douglas Thiessen, Managing Director of Engineering, Port of Long Beach, spoke.

HEARING (5:50 PM)

1. [14-0316](#) Recommendation to receive supporting documentation into the record, conclude the public hearing, consider the appeals from John LaBelle, Carolyn LaBelle, Anita Hrishikesan and Jeff Bovernam, and Mark Nevin with 56 others, and uphold the decision of the Planning Commission to approve a Categorical Exemption (CE13-095), Site Plan Review and Conditional Use Permit to allow the demolition of two, one-story commercial buildings, and the

construction of a 1,899-square-foot Dunkin' Donuts ready-to-eat establishment with a drive-thru lane, located at 5560 East 7th Street in the CCA zoning district. (District 3)

Amy Bodek, Director of Development Services, spoke; and provided a PowerPoint presentation.

Councilman Andrews left the meeting.

John LaBelle, appellant, spoke.

Anita Hrishikesan, appellant, spoke; and provided a PowerPoint presentation.

Jeff Bovernam, appellant, spoke.

Carolyn LaBelle, appellant, spoke.

Mark Nevin, appellant, spoke.

Loretta Hawley, appellant, spoke.

Gary Morrison, appellant, spoke; and provided a video.

Dan Almquist, applicant, spoke; and provided a PowerPoint presentation.

Mark Nevin, appellant, spoke.

Jeff Bovernam, appellant, spoke.

Catherine Grace, appellant, spoke.

Gary Morrison, appellant, spoke.

John Humphries spoke.

Bill Thomas spoke.

Yasmin Rabbani spoke.

Larry Goodhue spoke.

Michael Hale spoke.

Mary Kite spoke.

Ronnie Cohen spoke.

Paula Cohen spoke.

Sally Meyerhoffer spoke.

Sharon Hagen spoke.

Councilmember DeLong spoke.

Motion: Approve recommendation, as amended, with additional conditions to: [1] restrict deliveries to two days per week during off-peak hours; [2] require City staff to conduct a macro traffic study in six months after start of operations; [3] require the applicant to contribute \$10,000 towards traffic study costs; [4] require applicant to work with staff to develop appropriate signage to potentially prohibit a right turn onto Flint Avenue, as well as alley signage indicating that there is no outlet from the alley or signage indicating that the alley use is for residents only; and [5] require the applicant to install and locate a touch-screen drive-thru ordering system that will minimize noise to adjacent residential properties.

Moved by Gary DeLong, seconded by Al Austin.

Michael Mais, Assistant City Attorney, spoke.

Councilman Austin spoke.

Dan Almquist, applicant, spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Motion: Substitute motion to direct staff to go back to the community and discuss traffic mitigation measures.

Moved by James Johnson, seconded by Robert Garcia.

Councilmember DeLong spoke.

Michael Mais, Assistant City Attorney, spoke.

A second substitute motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation, as amended, with additional conditions to: [1] restrict deliveries to two days per week during off-peak hours; [2] require City staff to conduct a macro traffic study in six months after start of operations; [3] require the applicant to contribute \$10,000 towards traffic study costs; [4] require applicant to work with staff to develop appropriate signage to potentially prohibit a right turn onto Flint Avenue, as well as alley signage indicating that there is no outlet from the alley or signage indicating that the alley use is for residents only; [5] require the applicant to install and locate a touch-screen drive-thru ordering system that will minimize noise to adjacent residential properties; and [6] request that City staff work with Caltrans to identify intersections at which "keep clear" markings are appropriate on 7th Street. The motion carried by the following vote:

Yes: 5 - Lowenthal, DeLong, O'Donnell, Austin and Neal

No: 2 - Garcia and Johnson

Absent: 2 - Schipske and Andrews

PUBLIC COMMENT (8:05 PM)

Warren Branch spoke regarding Latrice Richardson.

Nancy Risch spoke regarding an upcoming river clean up by the Friends of the Los

Angeles River.

Larry Goodhue spoke regarding various issues; and provided a video presentation.

CONSENT CALENDAR (5:46 PM)

Passed The Consent Calendar

A motion was made by Councilmember Neal, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 2 - 10, except for Item 2. The motion carried by the following vote:

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

Absent: 1 - Schipske

2. [14-0328](#) Recommendation to authorize City to execute an agreement with the firm of Brownstein Hyatt Farber & Schreck, in order to provide legal services in connection with the City's proposed development of a new Civic Center.

Councilmember Johnson spoke.

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

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

No: 1 - Johnson

Absent: 1 - Schipske

3. [14-0329](#) Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending September 30, 2013.

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

4. [14-0317](#) Recommendation to approve the minutes for the City Council meetings of Tuesday, April 15, 2014 and April 22, 2014.

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

5. [14-0318](#) Recommendation to refer to City Attorney damage claims received between April 14, 2014 and April 28, 2014.
- A motion was made to approve recommendation on the Consent Calendar.**
6. [14-0319](#) Recommendation to authorize City Manager, or designee, to execute a Memorandum of Understanding, and any necessary subsequent amendments thereto, between the City of Long Beach and the County of Los Angeles Office of the Assessor to provide online access to building plans and permits relative to property records. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
7. [14-0320](#) Recommendation to authorize City Manager to renew the Memoranda of Understanding (MOUs) with the California Department of Justice and U.S. Customs and Border Protection for a period of one year, with an option to renew for two additional years, to continue law enforcement incineration of controlled substances at the Southeast Resource Recovery Facility (SERRF). (District 2)
- A motion was made to approve recommendation on the Consent Calendar.**
8. [14-0321](#) Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the California Office of Emergency Services Paul Coverdell Forensic Sciences Improvement Program grant, and increase appropriations in the General Grants Fund (SR 120) in the Police Department (PD) by \$8,103. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
9. [14-0322](#) Recommendation to authorize City Manager, or designee, to execute a five-month extension of Contract No. 31215 with CBS Decaux Street Furniture, LLC (CBS), formerly known as CBS Outdoor, for ad-bearing bus shelters. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
10. [14-0326](#) Recommendation to receive and file minutes for:

Civil Service Commission - April 2, 2014.
Planning Commission - March 20, 2014 and April 3, 2014.

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

REGULAR AGENDA (8:13 PM)

11. [14-0327](#) Recommendation to request to receive and file a report on the status of the Alcohol Nuisance Abatement Ordinance (ANAO).
- Councilmember Neal spoke.
- Michelle Diggs spoke; and provided a PowerPoint presentation.
- Councilmember Neal spoke.
- Councilman Austin spoke.
- A motion was made by Councilmember Neal, seconded by Councilman Austin, to approve recommendation. The motion carried by the following vote:**
- Yes:** 7 - Garcia, Lowenthal, DeLong, O'Donnell, Johnson, Austin and Neal
- Absent:** 2 - Schipske and Andrews
- [see media](#)
12. [14-0330](#) Recommendation to adopt Plans and Specifications No. R-6983 for construction of the Naples Island Permanent Seawall Repairs Phase 1 project; award the contract to Ford E.C., Inc., of Los Angeles, CA, in the amount of \$9,928,380; authorize a 15 percent contingency in the amount of \$1,489,257, for a total contract amount not to exceed \$11,417,637; authorize City Manager or designee to execute all documents necessary to enter into the contract, including any necessary amendments thereto; and increase appropriations in the Tidelands Operations Fund (TF 401) in the City Manager Department (CM) by \$4,000,000. (District 3)
- Larry Goodhue spoke; and submitted correspondence.

Patrick West, City Manager, spoke.

Maureen Poe spoke.

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

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

Absent: 2 - Schipske and Andrews

[see media](#)

13. [14-0323](#)

Recommendation to adopt Plans and Specifications No. ITB GO-14-059 G-320 for pipeline replacement; and authorize City Manager to execute a contract with ARB, Inc., for a total amount not to exceed \$5,362,963. (Citywide)

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

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

Absent: 2 - Schipske and Andrews

[see media](#)

14. [14-0324](#)

Recommendation to authorize City Manager to execute a revised Use Agreement No. 13-01 with the Los Angeles County Flood Control District for the use of Flood Control District property in Long Beach for a 40-year term. (Districts 8,9)

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

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

Absent: 2 - Schipske and Andrews

[see media](#)

15. [14-0325](#)

Recommendation to authorize City Manager to execute a Facility Modification Agreement with the Los Angeles County Flood Control District for the use of Flood Control District property in Long Beach.

(Districts 8,9)

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

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

Absent: 2 - Schipske and Andrews

NEW BUSINESS (8:34 PM)

16. [14-0333](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Taco Surf located at 5316 1/2 East Second Street. (District 3)

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

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

Absent: 2 - Schipske and Andrews

17. Affidavit of Service for special meeting held Tuesday, May 6, 2014.

18. [14-0336](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, May 2, 2014.

This Agenda Item was received and filed.

19. [14-0338](#) eComments received for the City Council meeting of Tuesday, May 6, 2014.

This Agenda Item was received and filed.

ANNOUNCEMENTS (8:34 PM)

Councilman Austin requested that the meeting be adjourned in memory of Donald Ashley and James Guerra; and made community announcements.

Councilmember Neal made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember O'Donnell requested that the meeting be adjourned in memory of Edgar Austin Hendricks; and made community announcements.

Gordana Kajer spoke regarding Edgar Austin Hendricks.

Councilmember Johnson made community announcements.

Vice Mayor Garcia made community announcements.

PUBLIC COMMENT (8:43 PM)

Elliot Gonzalez spoke.

ADJOURNMENT (8:46 PM)

At 8:46 PM, Vice Mayor Garcia adjourned the meeting in memory of Donald Ashley, James Guerra, and Edgar Austin Hendricks.

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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។