

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

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 Nos. 23 and 14, in that order, were considered prior to Public Comment.

ROLL CALL (5:07 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; Robert Shannon, City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Daisy Gomez, City Clerk Analyst; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Steven Neal, Councilmember, Ninth District.

Pet Adoption: Julie Pruitt, spcaLA, presented a canine.

Mayor Foster announced that Agenda Item Nos. 14 and 23 would be considered after the Hearings.

[12-0934](#)

Presentation for the Growing Experience Urban Farm.

Councilman Austin spoke.

Jennifer Blackwell-Trotter, Executive Director of The Growing Experience Urban Farm, spoke; and submitted flyer.

This Handout was received and filed.

Prime Time for Business Presentation - Ignify.

Councilmember Lowenthal spoke.

Bruce Kutner, Account Executive of Ignify, spoke.

Mayor Foster spoke.

CONTINUED HEARING (5:27 PM)

1. [12-0795](#) Recommendation to continue the hearing of the vacation of the east/west alley located west of Quincy Avenue and south of 7th Street to the City Council meeting of Tuesday, November 20, 2012 at 5:00 p.m. (District 3)

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, Austin and Neal

Absent: 1 - Johnson

HEARINGS (5:28 PM)

2. [12-0554](#) Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the hearing officer's recommendation to revoke Business License Nos. BU00083820 and BU20208110 issued to Dorothy Shubin, dba 24 Hour Cafe, located at 1715 West Anaheim Street. (District 1)

Vice Mayor Garcia spoke.

Paul Shubin spoke.

Joe Besson spoke.

William Johnson spoke.

Candace Walter spoke.

Julie Henry spoke.

Wayne Carter spoke.

Kenny Ryerson spoke.

Captain Keith Drohan, Marine Support International Inc., spoke.

Edmond Decker spoke.

Mayor Foster spoke.

Paul Shubin spoke.

Mayor Foster spoke.

Joe Besson spoke.

Paul Shubin spoke.

Councilman Andrews spoke.

Mayor Foster spoke.

Janet Trevino, General Manager, spoke.

Councilmember DeLong spoke.

A motion was made by Vice Mayor Garcia, 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

No: 1 - Andrews

3. [12-0888](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, adopt resolution confirming the Fourth Street Parking and Business Improvement Area annual report and continuing the assessment for the period of October 1, 2012 through September 30, 2013; and authorize City Manager to extend the agreement with the Fourth Street Business Improvement Association for a one-year term. (District 2)

Councilmember Lowenthal spoke.

A motion was made by Councilmember Lowenthal, seconded by Vice Mayor Garcia, to approve recommendation and adopt Resolution No. RES-12-0096. The motion carried by the following vote:

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

Enactment No: RES-12-0096

4. [12-0889](#)

Recommendation to receive supporting documentation into the record, conclude the hearing, adopt resolution continuing the East Anaheim Street Parking and Business Improvement Area program and assessment for the period of October 1, 2012 through September 30, 2013; authorize City Manager to execute an agreement with the East Anaheim Street Business Association for a one-year term; and increase appropriations in the Parking and Business Area Improvement Fund (SR 132) in the Department of Public Works (PW) by \$15,170. (Districts 3,4)

Councilmember O'Donnell spoke.

Kathy Ryan spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-12-0097. The motion carried by the following vote:

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

Enactment No: RES-12-0097

PUBLIC COMMENT (6:55 PM)

[12-0935](#)

Mike Donelon spoke regarding the art event and distributed a flyer.

This Handout was received and filed.

CONSENT CALENDAR (6:59 PM)

Passed The Consent Calendar

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve Consent Calendar Items 5-11, except for Item 5. The motion carried by the following vote:

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

Absent: 1 - Johnson

5. [12-0903](#)

Recommendation to authorize City Attorney to pay the sum of \$6,000 in full settlement of the Claim of Rafael Arroyo, Jr., Claim No. C12-0426; \$100,000 in full settlement of lawsuit entitled Alvaro Garza v. City of Long Beach, Case No. 30-2010-00436310-CU-PA-CJC; and \$8,000 in full and final resolution of the lawsuit entitled Mairena, et al. v. COLB, et al.

Robert Shannon, City Attorney, spoke.

A motion was made by Councilman Andrews, seconded by Councilmember Neal, to approve recommendation to authorize City Attorney to pay the sum of \$6,000 in full settlement of the Claim of Rafael Arroyo, Jr., Claim No. C12-0426; and \$100,000 in full settlement of lawsuit entitled Alvaro Garza v. City of Long Beach, Case No. 30-2010-00436310-CU-PA-CJC. The motion carried by the following vote:

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

Absent: 1 - Johnson

6. [12-0890](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, October 2, 2012.

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

7. [12-0891](#) Recommendation to refer to City Attorney damage claims received between October 1, 2012 and October 8, 2012.

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

8. [12-0892](#) Recommendation to approve Community Development Advisory Commission funding recommendations for Fiscal Year 2012 Neighborhood Partners Program to support eight neighborhood beautification and improvement projects in the amount of \$37,939. (Districts 1,2,4,6,9)

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

9. [12-0893](#) Recommendation to adopt Specifications No. ITB12000097 and enter into a lease agreement with Pitney Bowes, Inc., of Lake Forest, CA (not an MBE, WBE, SBE or Local), for a postage meter system, in an annual amount not to exceed \$11,615, for a five-year period, for a total amount not to exceed \$58,075. (Citywide)

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

10. [12-0894](#) Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the State of

California, Department of Boating and Waterways, to receive and expend the 2013 Boating Safety and Enforcement Equipment Grant for the purchase of equipment; and increase appropriations in the Marina Fund (TF 403) in the Fire Department (FD) by \$55,525. (Districts 2,3)

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

11. [12-0887](#)

Recommendation to receive and file minutes for:
Civil Service Commission - September 5, 19 and 26, 2012.

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

UNFINISHED BUSINESS (7:00 PM)

12. [12-0812](#)

Recommendation to adopt the attached Resolution of Intention to re-establish the Andy Street Multi-family Improvement District (AMID), set the date of December 4, 2012 for a public hearing, receive petitions and designate Andy Street Community Association (ASCA) as the owners' association for the AMID. (District 9)

A motion was made by Councilmember Neal, seconded by Councilmember DeLong, that the item be laid over to the City Council meeting of Tuesday, November 13, 2012. The motion carried by the following vote:

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

REGULAR AGENDA (7:01 PM)

13. [12-0895](#)

Recommendation to **suspend** Council rule contained in Long Beach Municipal Code Section 2.03.020 (B) relating to the meeting schedule of the City Council in order to cancel the meeting of November 6, 2012, due to the General Election.

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

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

Absent: 1 - Austin

14. [12-0905](#)

Recommendation to request the inclusion of information in the *Long Beach City Officials and Employees Handbook* related to violations of the Brown Act involving disclosure of details discussed in Closed Session; and

Request City Attorney to outline possible punishment for unethical behavior leading to public disclosure of details discussed in Closed Session.

Councilmember Lowenthal spoke.

Motion: Approve recommendation.
Moved by Lowenthal, seconded by Andrews.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Councilman Austin spoke.

Councilmember Neal spoke.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Motion: Substitute motion to approve recommendation and request City Manager to schedule a study session with the City Attorney regarding the Brown Act.

Moved by Schipske, seconded by Johnson.

Councilmember O'Donnell spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Vice Mayor Garcia spoke.

Councilmember O'Donnell spoke.

Gary Shelton spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

A second substitute motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to receive and file. The motion failed by the following vote:

Yes: 2 - O'Donnell and Schipske

No: 7 - Garcia, Lowenthal, DeLong, Andrews, Johnson, Austin and Neal

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Councilmember DeLong.

A second substitution (resuregere) motion was made by Councilmember Lowenthal, seconded by Vice Mayor Garcia, to approve recommendation with training provided to members on an optional basis. The motion carried by the following vote:

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

No: 2 - Schipske and Neal

15. [12-0896](#)

Recommendation to authorize City Manager to amend Contract No.

30987 with Azteca Landscape, Inc., of Ontario, CA (MBE and WBE), and Contract No. 31001 with Mariposa Horticultural Enterprises, of Irwindale, CA (MBE), extending the contracts for landscaping and maintenance services, to March 31, 2013 and adding funds in a combined amount not to exceed \$1,009,052. (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 Neal

Absent: 1 - Austin

16. [12-0897](#)

Recommendation to authorize City Manager to make payment for property and boiler and machinery insurance for the Southeast Resource Recovery Facility for the period of October 20, 2012 through October 20, 2013, for a premium not to exceed \$985,000, payable to Covanta Holding Corporation. (District 2)

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, Andrews, Johnson and Neal

Absent: 1 - Austin

17. [12-0898](#)

Recommendation to authorize City Manager to enter into a Physical Gas Commodity Option Agreement pursuant to the International Swap and Derivatives Association (ISDA) Master Agreements to provide natural gas price protection with terms that meet or exceed the following conditions: 1) a term of no more than three years; 2) pricing terms indexed at the Southern California border; and 3) a market price ceiling of not greater than \$8.00 per MMBtu. (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, O'Donnell, Schipske, Andrews, Johnson and Neal

Absent: 1 - Austin

18. [12-0899](#)

Recommendation to receive and file the application of Stephanie Lyn Carlough, dba Steamed Organic Vegetarian Cuisine, for an original Alcoholic Beverage Control License, at 801 East 3rd Street. (District 1)

Distributed at the meeting: ABC Conditions from Vice Mayor Garcia.

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

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

Absent: 1 - Austin

19. [12-0900](#)

Recommendation to authorize City Manager, or designee, to execute a one-year agreement between the City of Long Beach and the Long Beach Public Transportation Company for the disbursement of transportation funds for July 1, 2012 through June 30, 2013. (Citywide)

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

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

Absent: 1 - Austin

20. Intentionally omitted.

NEW BUSINESS (7:06 PM)

21. [12-0928](#)

Recommendation to receive and file the City Council Authorities and Membership list.

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

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

Absent: 1 - Austin

22. [12-0926](#)

Recommendation to request City Attorney to prepare an ordinance amending the Long Beach Municipal Code to implement a temporary Construction Preferential Parking District (PPD), for areas of the City subject to severe parking impacts due to temporary construction activity.

The ordinance will allow the creation of a temporary preferential parking program for residents adjacent to construction sites, with following parameters:

- Construction activity must be for a duration of no less than 2 weeks and no more than 6 months, with the possibility of 2 six-month extensions if construction continues; otherwise, the PPD terminates upon completion of construction.
- Traffic Engineer's Office will administer, include determining appropriate boundaries for district; confirming severity of impact; verifying construction dates; and issuing temporary parking permits.
- District must be posted with signs indicating limited parking and requiring permit before warnings and citations can be issued.
- Up to three permits per residence, at no charge due to the temporary nature of the district.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Linda Wilson spoke.

Marisela Andrade spoke.

Shamira Hawkins spoke.

Vice Mayor Garcia spoke.

Councilmember Neal spoke.

This Ordinance was approve recommendation.

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

Absent: 1 - Austin

Enactment No: ORD-12-0017

23. [12-0885](#)

Recommendation to City Council to concur in recommendation of the Personnel and Civil Service Committee to receive the communication and confirm the following appointment: Charter Commission (1 appointment).

Councilman Andrews spoke.

Mayor Foster spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Harry Saltzgaver spoke.

A motion was made by Councilman Andrews, 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

24. Affidavit of Service for the special meeting held Tuesday, October 16, 2012.

25. [12-0927](#)

Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, October 12, 2012.

This Agenda Item was received and filed.

26. 12-0929

eComments received for the City Council meeting of Tuesday, October

16, 2012.

This Agenda Item was received and filed.

ANNOUNCEMENTS (7:19 PM)

Councilwoman Schipske made community announcements.

Councilman Andrews made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember Neal made community announcements.

Councilmember Johnson made community announcements.

Vice Mayor Garcia requested that the meeting be adjourned in memory of Steven Macias and Tracy Lorraine Weaver.

PUBLIC (7:29 PM)

Michael Maris spoke regarding sodium fluoride.

Donald Williams spoke regarding college trade programs.

ADJOURNMENT (7:36 PM)

At 7:42 PM, Vice Mayor Garcia adjourned the meeting in memory of Steven Macias and Tracy Lorraine Weaver.

dg

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 Office of the City Clerk at (562) 570-6101, 72 business hours prior to the City Council meeting.

Kung humihiling ng nakasulat na pagsasalin ng wika ng agenda at minutes ng Konseho ng Lungsod para sa mga taong hindi nagsasalita ng Ingles, mangyaring humiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras bago isagawa ang pulong ng Konseho ng Lungsod.

Si desea obtener la traducción escrita en otro idioma de la agenda y las actas del ayuntamiento de la ciudad para las personas que no hablan inglés, haga su solicitud por teléfono a la oficina del secretario municipal al (562) 570-6101, 72 horas hábiles antes de la reunión del ayuntamiento de la ciudad.

បើមានការចង់បាននូវការបក ប្រែភាសាដទៃ សារកម្មវិធី និងកំណត់ហេតុប្រជុំក្រុមប្រឹក្សាសម្រាប់អ្នកមិនចេះនិយាយអង់គ្លេស សូមមេត្តាធ្វើការស្នើសុំទៅកាន់ស្នើនៃសាលាក្រុងតាមទូរសព្ទដែលមានលេខ (562) 570-6101 រយៈពេល 72 ម៉ោងធ្វើការនៅមុនកិច្ចប្រជុំនៃក្រុមប្រឹក្សាក្រុង។