

Dr. Robert Garcia, 1st District
Dr. Suja Lowenthal, Vice Mayor, 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
Rae Gabelich, 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.

Agenda Items were considered in the order presented, except Agenda Item No. 15, which was considered following the Consent Calendar vote; and Public Comment, which followed Agenda Item No. 15.

ROLL CALL (5:02 PM)

Councilmembers Garcia, Lowenthal, DeLong, Schipske, Andrews, Gabelich and
Present: Neal

Councilmembers O'Donnell and Johnson
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Michael Mais, Assistant City Attorney; Poonam Davis, Elections Bureau Manager; Carolyn Harris, City Clerk Specialist.

Vice Mayor Lowenthal presiding.

Vice Mayor Lowenthal announced that Councilmember O'Donnell would be absent.

Invocation: Moment of Silence.

Flag Salute: Robert Garcia, Councilmember, First District.

Julie Pruitt, spcaLA, presented a canine.

HEARINGS (5:06PM)

[see media](#)

1. [11-1102](#) Recommendation to receive supporting documentation into the record, conclude the hearing and declare ordinance pre-zoning three areas at the east Long Beach city limit along the San Gabriel River to be annexed

as part of the proposed boundary adjustment between the Cities of Long Beach, Seal Beach and Los Alamitos, and Los Angeles and Orange Counties read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 3,5)

Reginald Harrison, Deputy City Manager, spoke.

Larry Goodhue spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Neal, 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, Schipske, Andrews, Gabelich and Neal

Absent: 2 - O'Donnell and Johnson

Enactment No: ORD-11-0027

SECOND ROLL CALL (5:14 PM)

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

Councilmembers O'Donnell

Absent:

Councilmember Johnson joined the meeting.

[see media](#)

2. [11-1103](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a One-Year Short-Term Permit with conditions on the application of McKenna's on the Bay, LLC, 190 N. Marina Drive, for Entertainment With Dancing by Patrons. (District 3)

Erik Sund, Business Relations Manager, spoke.

Nicholas Limer, owner of McKenna's on the Bay, spoke.

Erik Sund, Business Relations Manager, spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, to approve recommendation to grant a One-Year Short-Term Permit with conditions. The motion carried by the following vote:

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

Absent: 1 - O'Donnell

[see media](#)

3. [11-1104](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt resolution confirming the Fourth Street Parking and Business Improvement Area annual report and continuing the assessment for the period of October 1, 2011 through September 30, 2012; and authorize City Manager to extend the agreement with the Fourth Street Business Improvement Association for a one-year term. (District 2)

Michael Conway, Director of Public Works, spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-11-0125. The motion carried by the following vote:

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

Absent: 1 - O'Donnell

Enactment No: RES-11-0125

PUBLIC COMMENT (5:24 PM)

Larry Goodhue spoke regarding various issues.

Councilmember Garcia spoke.

Jeff Hooman spoke regarding asphalt problems on bike trails.

Patrick West, City Manager, spoke.

[11-1172](#)

Jonathan Davidson, Occupy Long Beach, spoke regarding assembly rights.

This Handout was received and filed.

[11-1168](#) Scott Jefferson Starquester spoke regarding the Earth Constitution; and submitted correspondence.

This Handout was received and filed.

Naida Tushnet spoke regarding a 24-hour free speech zone.

Eugenia Almand spoke regarding the Earth Constitution.

Ryan Serrano spoke regarding the rights of people to assemble in protest with tents in Lincoln Park.

[11-1169](#) Gregory Vanderpas spoke regarding correspondence submitted entering into the record a grantee acknowledgement of Grant Deed.

This Handout was received and filed.

[11-1170](#) Dennis Dunn spoke regarding dining with entertainment; and submitted a guide to the Rainforest.

This Handout was received and filed.

[11-1171](#) Tammara Phillips spoke regarding Occupy Long Beach; and submitted a flyer.

This Handout was received and filed.

Vice Mayor Lowenthal spoke.

Vice Mayor Lowenthal recessed the meeting.

At 5:58 PM, the meeting reconvened.

Councilwoman Gabelich spoke.

Councilmember DeLong spoke.

Robert Shannon, City Attorney, spoke.

CONSENT CALENDAR (5:20 PM)

Larry Goodhue spoke.

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve Consent Calendar Items 4 - 17, except for Item 15. The motion carried by the following vote:

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

Absent: 1 - O'Donnell

4. [11-1130](#) Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending June 30, 2011.

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

5. [11-1105](#) Recommendation to refer to City Attorney damage claims received between October 24, 2011 and October 31, 2011.

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

6. [11-1131](#) Recommendation to adopt resolution ordering, proclaiming, calling and giving notice of a Primary Nominating Election in the City of Long Beach, California, on Tuesday, the 10th day of April, 2012, for the nomination and/or election of candidates for four (4) offices on the City Council, each for a full term of four (4) years, commencing with the third Tuesday of July, 2012, and adopting provisions relating to the translations of and the charges for costs of candidate statements; and

A motion was made to approve recommendation and adopt Resolution No. RES-11-0126 on the Consent Calendar.

Enactment No: RES-11-0126

- [11-1132](#) Adopt resolution requesting Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a Primary Nominating Election to be held on Tuesday, April 10, 2012, and a General Municipal Election to be held in the City on Tuesday, June 5, 2012.

A motion was made to approve recommendation and adopt Resolution No. RES-11-0127 on the Consent Calendar.

Enactment No: RES-11-0127

7. [11-1124](#) Recommendation to adopt the revisions to Long Beach Gas & Oil Retention Schedule (as shown in Exhibit A), and rescind all previously applicable Records Retention Titles for Long Beach Gas & Oil.

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

8. [11-1128](#) Recommendation to adopt the revisions to the Public Works Retention Schedule (as shown in Attachment I), and rescind all previously applicable Records Retention Titles for Public Works.
A motion was made to approve recommendation on the Consent Calendar.
9. [11-1106](#) Recommendation to adopt Specifications No. RFP FM 11-045 authorizing City Manager to execute all necessary agreements with NCO Financial Systems, Inc. (NCO), of Rancho Cordova, CA (not an MBE, WBE, SBE or Local), to provide collection services for a period of two years with the option to renew for three additional one-year periods. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
10. [11-1076](#) Recommendation to adopt resolution authorizing City Manager to execute an annual contract with DMD Dresser, of Houston, TX (not a MBE, WBE, SBE or Local), for furnishing and delivering rotary-type gas meters and other services and parts without advertising for bids, in an annual amount not to exceed \$150,000, 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)
A motion was made to approve recommendation and adopt Resolution No. RES-11-0128 on the Consent Calendar.
Enactment No: RES-11-0128
11. [11-1107](#) Recommendation to authorize City Manager, or designee, to execute all necessary documents and amendments between the City of Long Beach and St. Mary Medical Center Foundation for the provision of Senior Links Program case management services in the amount of \$16,075 for the period of October 1, 2011 through September 30, 2012; and increase appropriations in the Health Fund (SR 130) and the Department of Health and Human Services (HE) by the same amount. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
12. [11-1108](#) Recommendation to adopt resolution authorizing City Manager, or designee, to execute a contract with Gen-Probe Sales and Service, Inc., to purchase diagnostic test kits for one year in an amount not to exceed \$250,000, with the option to extend the contract for two additional years at the discretion of the City Manager. (Citywide)
A motion was made to approve recommendation and adopt Resolution No. RES-11-0129 on the Consent Calendar.
Enactment No: RES-11-0129
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13. [11-1109](#) Recommendation to authorize City Manager to execute all documents with the California Department of Education in an amount up to \$90,000 to operate the Even Start Family Literacy Program; to execute a contract with the Long Beach Unified School District in an amount up to \$85,000 to provide family literacy services; to execute any needed subsequent amendments; and increase appropriations in the Community Development Grants Fund (SR 150) in the Human Resources Department (HR) by \$90,000. (Citywide)

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

14. [11-1077](#) Recommendation to authorize City Manager to execute an agreement between the Long Beach Airport and the Boeing Company for the use of Boeing's Lot D as overflow airport parking on an as-needed basis; and increase appropriations in the Airport Enterprise Fund (EF 320) in the Airport Department (AP) by \$112,000. (District 5)

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

[see media](#)

15. [11-1110](#) Recommendation to adopt resolution authorizing City Manager to submit a grant application to the California Strategic Growth Council, through the Urban Greening Project Grant Program, in the amount of \$75,000, for the creation of a community garden in 14th Street Park; and execute any documents necessary for implementation and administration of the project. (District 1)

Councilmember Garcia spoke.

A motion was made by Councilmember Garcia, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-11-0130. The motion carried by the following vote:

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

Absent: 1 - O'Donnell

Enactment No: RES-11-0130

16. [11-1112](#) Recommendation to authorize City Manager to execute the First Amendment to Lease No. 30853 with Bay Shore Community Congregational Church for the shared use of the City-owned parking lot at the intersection of The Toledo and Livingston Drive. (District 3)

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

17. [11-1113](#) Recommendation to receive and file minutes for:
Planning Commission - October 6, 2011.

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

UNFINISHED BUSINESS (6:04 PM)

30. 11-1091 Recommendation to declare ordinance amending Section 10.54.040 of the Long Beach Municipal Code, related to excluding skateboarding from additional park locations, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Motion: Approve recommendation.
Moved by DeLong, seconded by Garcia.

Councilmember Johnson spoke.

Mike Donelon spoke.

Councilwoman Gabelich spoke.

George Chapjian, Director of Parks, Recreation and Marine, spoke.

Mike Donelon spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Garcia spoke.

Councilwoman Schipske spoke.

George Chapjian, Director of Parks, Recreation and Marine, spoke.

A substitute motion was made by Councilmember Johnson, seconded by Councilmember Garcia, to refer this item to the Housing and Neighborhoods Committee for review. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

PUBLIC COMMENT (6:20 PM)

Jim Witherow spoke introducing himself and referred to an article featured in the Press-Telegram regarding the Downtown Homeowners Unite.

REGULAR AGENDA (6:21 PM)

[see media](#)

18. [11-1133](#) Recommendation to request City Manager to work with Long Beach Transit, Downtown Long Beach Associates and the Promenade Area Residents Association to reach consensus on a new name for the Transit Mall and forward the name to the Metropolitan Transportation Authority (MTA) for approval.

Vice Mayor Lowenthal spoke.

Kraig Kojian, Downtown Long Beach Associates, spoke.

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

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

[see media](#)

19. [11-1114](#) Recommendation to authorize City Manager to execute all necessary documents with Fidelity National Information Services, Inc. (FIS) to provide credit card processing services and fund credit card bank fees for City services for a period of three years, in an annual amount not to exceed \$160,000, plus a 15 percent contingency, for a total amount of \$184,000, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

John Gross, Director of Financial Management, spoke.

Councilwoman Gabelich spoke.

Pamela Horgan, Commercial Services Bureau Manager, spoke.

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, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

[see media](#)

20. [11-1115](#) Recommendation to authorize City Manager to amend the interim purchase order with Office Depot, Inc., a Delaware corporation (not an MBE, WBE, SBE or Local), for the purchase of office supplies for all City departments, in an additional amount of \$505,000, bringing the total amount not to exceed to \$600,000. (Citywide)

Erik Sund, Business Relations Manager, spoke.

Councilmember Johnson spoke.

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

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

Absent: 2 - O'Donnell and Johnson

[see media](#)

21. [11-1116](#) Recommendation to receive supporting documentation into the record regarding the Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing; and adopt resolution approving the issuance of revenue bonds by the California Municipal Finance Authority (CMFA) to benefit Abode Communities, Evergreen Apartments Multifamily Housing, in an amount not to exceed \$14,000,000. (Districts 4,9)

David Nakamoto, City Treasurer, spoke.

Gary Shelton spoke.

A motion was made by Councilmember Neal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-11-0131. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

Enactment No: RES-11-0131

[see media](#)

22. [11-1123](#) Recommendation to receive and file report on the status of a Project Labor Agreement associated with the Gerald Desmond Bridge.

Motion: Approve recommendation.

Moved by DeLong, seconded by Schipske.

A substitute motion was made by Councilmember Garcia, seconded by Councilmember Johnson, that the item be laid over to the next City Council meeting of Tuesday, November 15, 2011. The motion carried by the following vote:

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

[see media](#)

23. [11-1117](#)

Recommendation to authorize City Manager, or designee, to execute an agreement and any necessary amendments between the City of Long Beach and Decade Software Company, LLC, to provide environmental health inspection software licenses, data conversion and configuration, onsite training, software maintenance, technical support services, and other related professional services in an amount not to exceed \$296,511 for a three-year period with options to renew the agreement for two additional one-year periods at the discretion of the City Manager. (Citywide)

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

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

[see media](#)

24. [11-1118](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Carnival, Corporation, dba Carnival Inspiration, for an original Alcoholic Beverage Control License, at Berth H 4 Cruise Ship Terminal, with conditions. (District 2)

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

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

[see media](#)

25. [11-1111](#)

Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Number Nine

restaurant at 2118 E. Fourth Street. (District 2)

Michael Conway, Director of Public Works, spoke.

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

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

[see media](#)

26. [11-1119](#)

Recommendation to adopt Plans and Specifications No. R-6851 for San Gabriel River Bike Trail Improvements, award project to and authorize City Manager to execute all documents necessary to enter into a contract with All American Asphalt, Incorporated, in an estimated amount of \$529,090, plus a 10 percent contingency in the amount of \$52,909 for a total contract amount of \$581,999, and execute any necessary amendments thereto;

Authorize City Manager to execute an agreement, and any necessary amendments thereto, with the City of Seal Beach regarding the construction of improvements to the San Gabriel River Bike Trail by the City of Long Beach on behalf of the City of Seal Beach; and

Increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$200,000. (Districts 3,5)

Patrick West, City Manager, spoke.

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

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

[see media](#)

27. [11-1120](#)

Recommendation to adopt Plans and Specifications No. R-6861 for Communication Systems, Closed Circuit Television (CCTV) Camera Systems, Signal Modification and Advanced Traffic Control System (ATCS) Integration at Atlantic Avenue Improvement Project; award the project to and authorize City Manager to execute all documents necessary to enter into a contract with FlatIron Electric Group, Incorporated, in an estimated amount of \$2,475,971, plus a 10 percent

contingency of \$247,597, for a total of \$2,723,568, and to execute any necessary amendments thereto without exceeding the contract limit; and

Increase appropriations in the Capital Projects Fund (CP 201) in the Department of Public Works (PW) by \$3,485,918; and authorize City Manager to execute grant agreements and any amendments thereto. (Districts 1,2,6,7)

Michael Conway, Director of Public Works, spoke.

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

Yes: 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

ORDINANCES (6:41 PM)

[see media](#)

28. [11-0946](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 9.35 relating to aggressive solicitation read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Jim Lewis spoke.

Mary Coburn spoke.

Gary Shelton spoke.

Dan Hillman spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Johnson spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lowenthal spoke.

Patrick West, City Manager, spoke.

Vice Mayor Lowenthal spoke.

Robert Shannon, City Attorney, spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Garcia, 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, Schipske, Johnson, Gabelich and Neal

Absent: 2 - O'Donnell and Andrews

Enactment No: ORD-11-0026

29. 11-1091 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.54.040, relating to skateboarding, read and adopted as read. (Citywide)

This Ordinance was withdrawn.

NEW BUSINESS (7:02 PM)

30. Agenda Item No. 30 is listed under Unfinished Business (page 6).

31. [11-1136](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, November 4, 2011.

This Agenda Item was received and filed.

32. [11-1173](#) eComments received for the City Council meeting of Tuesday, November 8, 2011.

This Agenda Item was received and filed.

ANNOUNCEMENTS (7:02 PM)

Vice Mayor Lowenthal requested that the meeting be adjourned in memory Darren Rockett, Long Beach Fire Department.

Councilmember Johnson made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember Neal made community announcements.

Councilwoman Schipske recognized and thanked Councilmember Neal on the Veteran's Day Parade; and made community announcements.

ADJOURNMENT (7:24 PM)

At 7:24 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Darren Rockett.

ch/nem