

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 for Agenda Item Nos. 20 and 22, which were considered following the Prime Time for Business Presentation; and the first public speaker, which spoke following Agenda Item No. 2.

ROLL CALL (6:32 PM)

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

Also present: Patrick West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Michael Mais, Assistant City Attorney; Richard Anthony, Deputy City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Councilwoman Gerrie Schipske, Fifth District.

Mayor Foster announced that Agenda Item No. 25 was withdrawn; and Agenda Item Nos. 20 and 22 would be considered following the presentations.

Patrick Henry Elementary School Song Presentation.

Presentation for Bikefest and Tour of Long Beach event.

Kraig Kojian, Downtown Long Beach Associates, spoke.

Barbara Long, Vice President, Government Relations & Special Projects and Corporate Secretary at the Long Beach Aquarium, spoke.

Mayor Foster spoke.

Vice Mayor Lowenthal spoke.

Councilman Andrews spoke.

Mayor Foster spoke.

Certificates of Recognition were presented for Ms. Wheelchair California, Mary Zandejas, and Jr. Miss Wheelchair California, Katie Hull.

Mary Zandejas spoke.

Katie Hull spoke.

Councilmember Garcia spoke.

Councilmember O'Donnell spoke.

Prime Time for Business Presentation - Orchard Supply Hardware.

Councilwoman Gabelich spoke.

Cyndy Lippert, Orchard Supply Hardware, spoke; and provided a PowerPoint presentation.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

HEARINGS (7:29 PM)

[see media](#)

1. [12-0284](#) Recommendation to receive supporting documentation into the record, conclude the hearing and adopt resolution making certain findings; and

Approve and authorize City Manager to execute a Disposition and Development Agreement with Temple Creative Realty, LLC, for the American Hotel project. (District 2)

Larry Goodhue spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-12-0034. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

Enactment No: RES-12-0034

[see media](#)

2. [12-0285](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt resolution making certain findings; and

Approve and authorize City Manager to execute any and all documents necessary for the sale of the property located at 225 Locust Avenue to Mark S. Schneider and Nancy J. Schneider, Trustees of the Schneider Family Trust dated December 29, 1994, for \$322,101. (District 2)

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-12-0035. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

Enactment No: RES-12-0035

[see media](#)

3. [12-0286](#)

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt resolution amending the Master Fee and Charges Schedule. (Citywide)

John Gross, Director of Financial Management, spoke.

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember Johnson, to approve recommendation and adopt Resolution No. RES-12-0036. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

Enactment No: RES-12-0036

PUBLIC COMMENT (7:45 PM)

Emily and Andy Peterson spoke regarding an E-Waste and Shred event.

Marla James spoke regarding police treatment of medical marijuana collectives and patients.

Cheri Sicard spoke regarding law enforcement and medical marijuana.

John Grace spoke regarding medical marijuana.

Councilwoman Gabelich spoke.

[12-0328](#) Larry Goodhue spoke regarding marina issues; and distributed printed material.

This Handout was received and filed.

Councilmember O'Donnell spoke.

Summer Hansen spoke regarding Children's Day.

Jim Oberst spoke regarding Children's Day.

Vice Mayor Lowenthal spoke.

Janet Williams spoke regarding Children's Day.

Dennis Dunn spoke regarding Mayor Foster.

Julian Quattlebaum spoke regarding National Public Safety Telecommunications Week.

Councilwoman Schipske spoke.

CONSENT CALENDAR (8:18 PM)

Passed The Consent Calendar

A motion was made by Councilmember Garcia, seconded by Councilmember Johnson, to approve Consent Calendar Items 4 - 19, except for Item No. 4 The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

[see media](#)

4. [12-0287](#)

Recommendation to receive and file a report on travel to Washington, D.C., March 19 - 21, 2012.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember Johnson spoke.

Vice Mayor Lowenthal spoke.

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

Yes: 6 - Garcia, Lowenthal, O'Donnell, Johnson, Gabelich and Neal

No: 1 - Schipske

Absent: 2 - DeLong and Andrews

5. [12-0319](#)

Recommendation to authorize City Attorney to submit Stipulations with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$51,700.73 in compliance with the Appeals Board Order for Nelson Villoria.

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

6. [12-0300](#)

Recommendation to authorize City Attorney to pay the sum of \$8,835.72 in full settlement of claim entitled *Infinity Insurance Company v. City of Long Beach*, Claim No. C12-0033.

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

7. [12-0288](#)

Recommendation to adopt resolution amending Attachment A of the Salary Resolution relating to the City Prosecutor.

A motion was made to approve recommendation and adopt Resolution No. RES-12-0037 on the Consent Calendar.

Enactment No: RES-12-0037

8. [12-0289](#) Recommendation to approve the minutes for the City Council meeting held Tuesday, April 3, 2012.
A motion was made to approve recommendation on the Consent Calendar.
9. [12-0290](#) Recommendation to refer to City Attorney damage claims received between March 26, 2012 and April 9, 2012.
A motion was made to approve recommendation on the Consent Calendar.
10. [12-0291](#) Recommendation to adopt revisions to the Development Services Department, Building and Safety Bureau Records Retention Schedule (as shown in Attachment I), and rescind all previously applicable Records Retention Titles for Development Services Department Building and Safety Bureau.
A motion was made to approve recommendation on the Consent Calendar.
11. [12-0292](#) Recommendation to authorize Department of Development Services to process a refund in the amount of \$23,360 to Andrew Roskos, IA Interior Architects, for the property located at 3880 Kilroy Airport Way. (District 5)
A motion was made to approve recommendation on the Consent Calendar.
12. [12-0293](#) Recommendation to refer to hearing officer the appeal of the denial of a business license by Howard Ragland, Jr., M.D. Inc., dba LBC 420 Evaluations, 1737 E. 7th Street. (District 2)
A motion was made to approve recommendation on the Consent Calendar.
13. [12-0294](#) Recommendation to authorize City Manager to execute all necessary documents with the State of California Department of Health Services to accept funding in the amount of \$25,000 to provide Beach Water Quality Monitoring and Public Notification from October 1, 2011 through September 30, 2012. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
14. [12-0295](#) Recommendation to authorize City Manager to execute all necessary agreements, and any subsequent amendments, between the City of Long Beach and the Los Angeles County Proposition 10 Commission - First 5 LA in an amount not to exceed \$172,964 to augment the Long

Beach Department of Health and Human Services Black Infant Health program for the period of July 1, 2012 - June 30, 2013. (Citywide)

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

15. [12-0296](#)

Recommendation to authorize City Manager to execute all documents with the City of Hawthorne on behalf of the South Bay Workforce Investment Board, for Pacific Gateway to operate a subsidized employment program for approximately \$192,000 for families in the California Work Opportunity and Responsibility to Kids program; and to execute any needed subsequent amendments. (Citywide)

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

16. [12-0297](#)

Recommendation to authorize City Manager to grant an easement to the County Sanitation District of Los Angeles County No. 29 (LACSD) in order to upgrade the sewer pumping plant at 2000 Walnut Avenue. (District 6)

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

17. [12-0298](#)

Recommendation to adopt resolution amending Resolution No. RES-11-0033 to specify March 1, 2011, as the start date to the five-year term for the CalRecycle Local Government Waste Tire Cleanup Grant, and authorize City Manager, or designee, to accept the grant funds and execute all documents necessary to implement the purposes of the grant. (Citywide)

A motion was made to approve recommendation and adopt Resolution No. RES-12-0038 on the Consent Calendar.

Enactment No: RES-12-0038

18. [12-0299](#)

Recommendation to authorize City Manager to execute an agreement with Leonardo Technologies, Inc. (LTI), for an additional program year and accept additional funds from LTI, in the amount of \$25,000, to be used for promoting the U.S. Department of Energy's (DOE) Clean Cities Program, and all related documents and amendments as needed. (Citywide)

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

19. [12-0315](#)

Recommendation to receive and file minutes for:
Civil Service Commission - March 21 and 28, 2012.

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

REGULAR AGENDA (7:17 PM)

[see media](#)

20. [12-0301](#)

Recommendation to request City Council adopt resolution to recognize April as Genocide Awareness Month.

Councilman Andrews spoke.

Palin Sat spoke.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Mayor Foster spoke.

A motion was made by Councilman Andrews, seconded by Vice Mayor Lowenthal, to approve recommendation and adopt Resolution No. RES-12-0033. The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: RES-12-0033

[see media](#)

21. [12-0302](#)

Recommendation to request City Manager to work with the Health Department to craft a policy that gives restaurant owners the flexibility to allow pet dogs on outdoor restaurant patios; and return to City Council in 90 days with the proposed new policy.

Vice Mayor Lowenthal spoke.

Councilmember Garcia spoke.

Mary Matuson spoke.

Kate Carp spoke.

Judy Crumpton spoke.

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

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

Absent: 2 - DeLong and Andrews

[see media](#)

22. [12-0303](#)

Recommendation to refer to Planning Commission for recommendation of a zone change for the City-owned property located at 1501 East Anaheim Street, to a Park zone and conduct the appropriate outreach to the surrounding neighborhood to receive public input.

Councilman Andrews spoke.

Palin Sat spoke.

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

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

Absent: 1 - DeLong

[see media](#)

23. [12-0304](#)

Recommendation to, by motion of the City Council, refer to the Parks and Recreation Commission and the Marine Advisory Committee, the Monofilament Recovery and Recycling Project for possible expansion to all areas where fishing is allowed in Long Beach and to encourage a partnership with the Aquarium of the Pacific in developing an educational program on this issue.

Councilwoman Schipske spoke.

Joan Brennan spoke.

Barbara Long, Vice President, Government Relations & Special Projects and Corporate Secretary at the Long Beach Aquarium, spoke.

Grace Earl spoke; and submitted an Audubon letter.

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

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

Absent: 2 - DeLong and Andrews

[see media](#)

24. [12-0265](#)

Recommendation to, by motion of the City Council, direct City Manager to establish an Employee Wellness Committee to utilize the employee wellness programs offered without charge by the City's health care insurance provider, Anthem Blue Cross.

Councilwoman Schipske spoke.

Debbie Mills, Director of Human Resources, spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Councilwoman Gabelich spoke.

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

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

Absent: 2 - DeLong and Andrews

25. 12-0314

~~Recommendation to, by motion of the City Council, request City Manager and City Attorney to provide information on what requirements can be put in place to protect taxpayers from having to bear the burden of special election costs due to City officials not completing their full terms.~~

This Agenda Item was withdrawn.

[see media](#)

26. [12-0318](#)

Recommendation to respectfully request City Council support for the City of Long Beach to participate in the Los Angeles Regional Collaborative for Climate Action and Sustainability.

Paul Bunje, Managing Director of Los Angeles Regional Collaborative (LARC) for Climate Action and Sustainability, spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

Councilmember Johnson spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

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

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

Absent: 2 - DeLong and Andrews

[see media](#)

27. [12-0313](#)

Recommendation to add language to the 2012 State Legislative Agenda to enhance the City's ability to collect delinquent parking citations; and request City Attorney to amend the Long Beach Municipal Code to require any and all delinquent parking citations be paid before release of a towed vehicle to the owner. (Citywide)

Patrick West, City Manager, spoke.

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

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

Absent: 2 - DeLong and Andrews

[see media](#)

28. [12-0305](#)

Recommendation to adopt Specifications No. PA-00912 and award a contract to Kelterite Corporation, of Downey, CA (not an MBE, WBE, SBE or Local), for furnishing and delivering asphalt concrete, in an amount not to exceed \$860,000, 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 by Councilwoman Gabelich, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

[see media](#)

29. [12-0306](#)

Recommendation to adopt Specifications No. PA-01412 and award a contract to Greentech Landscape, Inc., of Whittier, CA (MBE and SBE), for the purchase of grounds and landscape maintenance services for Queensway Bay areas, in an annual amount not to exceed \$424,070, for a period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (District 2)

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

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

Absent: 2 - DeLong and Andrews

[see media](#)

30. [12-0308](#)

Recommendation to authorize City Manager, or designee, to execute all necessary documents and amendments between the City of Long Beach and the State of California Department of Health Care Services to claim reimbursement for allowable Medi-Cal Administrative Activities (MAA) in an amount up to \$1,400,000 for the period July 1, 2012 through June 30, 2014. (Citywide)

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

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

Absent: 2 - DeLong and Andrews

[see media](#)

31. [12-0309](#)

Recommendation to authorize City Manager, or designee, to execute all necessary documents, and any subsequent amendments, between the City of Long Beach and the United States Department of Housing and Urban Development (HUD) to accept funding in the amount of \$2,479,996, for the Lead-Based Paint Hazard Control Program for a period of three years, from April 30, 2012 through April 29, 2015; and increase appropriations in the Health Fund (SR 130) and in the Department of Health and Human Services (HE) by their respective amounts for a total of \$2,479,996. (Citywide)

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, Gabelich and Neal

Absent: 2 - DeLong and Andrews

[see media](#)

32. [12-0310](#)

Recommendation to authorize City Manager to execute contracts with various One-Stop Career Center Service Providers, in support of strategies that provide training and employment services to residents, in the amount totaling \$476,000; and to execute any needed subsequent amendments. (Citywide)

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

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

Absent: 2 - DeLong and Andrews

[see media](#)

33. [12-0311](#)

Recommendation to authorize City Manager to execute all documents necessary for the Fourth Amendment to Fixed Base Operation Lease No. 23972 between the City of Long Beach and Million Air North, Inc., a California corporation, for City-owned property at 4225 Donald Douglas Drive at the Long Beach Airport; and

Authorize City Manager to execute all documents necessary for the Third Amendment to Sublease No. 23972 between the City of Long Beach and Million Air North, Inc., a California corporation, for City-leased office space at 4135 Donald Douglas Drive at the Long Beach Airport. (District 5)

Councilmember Johnson spoke.

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

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

Absent: 2 - DeLong and Andrews

NEW BUSINESS (9:07 PM)

[see media](#)

34. [12-0321](#)

Recommendation to adopt resolution declaring results of the City of Long Beach Primary Nominating Election held April 10, 2012 for the purpose of nominating and/or electing candidates for three (3) offices on the City Council from District Numbers 2, 4 and 8; and

A motion was made by Councilmember O'Donnell, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-12-0039. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

Enactment No: RES-12-0039

[see media](#)

[12-0323](#)

Adopt resolution declaring results of the City of Long Beach Primary Nominating Election held Tuesday, April 10, 2012 for the purpose of nominating and/or electing candidates for the Long Beach Unified School District Governing Board Members, Districts 2 and 4, and the Long Beach Community College District Governing Board, Trustee Area 4.

Councilwoman Gabelich spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-12-0040. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

Enactment No: RES-12-0040

[see media](#)

35. [12-0325](#)

Recommendation to adopt resolution calling for the holding of a General Municipal Election to be held in the City of Long Beach on Tuesday, June 5, 2012, for the election of City Councilmember from the Fourth Council District and designating the ballot listing of candidates to be voted on. (District 4)

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember Garcia, to approve recommendation and adopt Resolution No. RES-12-0041. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

Enactment No: RES-12-0041

[see media](#)

36. [12-0262](#) Recommendation to (1) rescind the action taken by the City Council at its meeting of April 3, 2012 concerning the application of Kress Market, LLC, dba F & C Liquor, at 443 Pine Avenue, and

(2) determine that the application serves the public convenience and necessity, and receive and file the application of Kress Market, LLC, dba F & C Liquor, for a fiduciary transfer and premise-to-premise transfer of an Alcoholic Beverage Control License, at 443 Pine Avenue, with conditions, including the added condition to prohibit sales of bottles smaller than 100 ml. (District 1)

A motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to rescind previous City Council action of April 3, 2012. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

A motion was made by Councilmember Garcia, seconded by Vice Mayor Lowenthal, to approve recommendation, with revised condition to prohibit sale of liquor in bottles smaller than 100 ml. The motion carried by the following vote:

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

Absent: 2 - DeLong and Andrews

37. Affidavits of Service for the special meetings held Tuesday, April 17, 2012.

38. [12-0322](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, April 13, 2012.

This Agenda Item was received and filed.

39. [12-0326](#) eComments received for the City Council meeting of Tuesday, April 17,

2012.

This Agenda Item was received and filed.

ANNOUNCEMENTS (9:11 PM)

Councilmember Johnson made community announcements.

Councilwoman Schipske made community announcements.

Councilwoman Gabelich made community announcements; and requested that the meeting be adjourned in memory of Indira Hale Tucker.

Councilmember Neal made community announcements.

ADJOURNMENT (9:20 PM)

At 9:20 PM, Vice Mayor Lowenthal adjourned the meeting in memory of Indira Hale Tucker.

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