



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

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February 19, 2013

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Approve the minutes for the City Council meeting of Tuesday, February 5, 2013.

**DISCUSSION**

The Legistar minutes for the City Council meeting of Tuesday, February 5, 2013 is attached for review and approval.

Should any district offices have questions regarding the minutes we submit each week, we respectfully request that you contact the City Clerk Department prior to 12:00 p.m. on the day of the City Council meeting. With notice prior to the meeting, City Clerk staff can attempt to resolve any questions that you may have before the start of the regular meeting.

In cases where questions cannot be resolved before the 5:00 p.m. meeting start time, we will request a motion and a second that the minutes be held over for approval to the following week.

**TIMING CONSIDERATIONS**

None.

**FISCAL IMPACT**

None.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry Herrera".

LARRY G. HERRERA  
CITY CLERK

Prepared by: Pablo Rubio

LGH:pr  
Attachment

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

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## FINISHED AGENDA & DRAFT 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. 30, which was considered prior to Agenda Item No. 18.

### 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; Charles Parkin, Assistant City Attorney; Larry Herrera, City Clerk; Daisy Gomez, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Al Austin, Councilman, Eighth District.

Mayor Foster announced that the recognition of the Montford Point Marine Association would be rescheduled; and that Agenda Item No. 30 would be considered prior to the Regular Agenda.

Recognition of the Montford Point Marine Association -- no presentation was made.

Presentation regarding Delta Sigma Theta Sorority's 100TH Anniversary.

Councilman Andrews spoke.

Clairessa Spencer, President of Long Beach Delta Sigma Theta Sorority, spoke.

### CONTINUED HEARING (5:15 PM)

1. 13-0042 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Club Investments LP, dba Lush Lounge (previously known as Ice Bar), 49 South Pine Avenue, for Entertainment With Dancing by Patrons. (District 2)

**A motion was made by Councilman Andrews, seconded by Councilmember Johnson, that the item be laid over to the City Council meeting of Tuesday, February 19, 2013. The motion carried by the following vote:**

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

**Absent:** 1 - O'Donnell

#### HEARINGS (5:16 PM)

2. 13-0076 Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permits with conditions on the application of DDRRC Pike Entertainment, LLC, dba KDB Long Beach, 10 Aquarium Way, for Entertainment With Dancing by Patrons and Pool Hall. (District 2)

**A motion was made by Councilmember Lowenthal, 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

3. 13-0077 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of S.C. Fish Grille Ltd., dba Khoury's Restaurant, 110 N. Marina Drive, for Entertainment With Dancing by Patrons. (District 3)

**A motion was made by Councilmember DeLong, 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

4. 13-0078 Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of J.M. Johnston & Associates, Inc., dba 49rs Tavern, 5660 East Pacific Coast Highway No. A, for Entertainment Without

Dancing by Patrons. (District 3)

**A motion was made by Councilmember DeLong, seconded by Councilmember Johnson, that the item be laid over to the City Council meeting of Tuesday, February 19, 2013. The motion carried by the following vote:**

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

5. 13-0079 Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt resolution amending the Master Fee and Charges Schedule. (Citywide)

**A motion was made by Councilmember Neal, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-13-0013. The motion carried by the following vote:**

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

**Enactment No:** RES-13-0013

**PUBLIC COMMENT (5:22 PM)**

Gail Long spoke regarding the need of a crossing guard.

Councilmember O'Donnell spoke.

Ben Rockwell spoke regarding accessible parking.

Deborah Kujauski spoke regarding accessible parking.

- 13-0133 Elliot Gonzales spoke regarding the reuse of library rooftop; and submitted information.

**This Handout was received and filed.**

Cameron Crockett spoke regarding the reuse of library rooftop.

Stacey Lamerelli spoke regarding the reuse of library rooftop.

James Pham spoke regarding the reuse of library rooftop.

Berenice Morales spoke regarding the reuse of library rooftop.

Jon Summers spoke regarding the reuse of library rooftop.

Kai Craig spoke regarding the reuse of library rooftop.

Councilmember Lowenthal spoke.

### **CONSENT CALENDAR (5:48 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve Consent Calendar Items 6 - 17, except for Items 7 and 8. The motion carried by the following vote:**

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

6. 13-0080 Recommendation to receive and file the Proposition H Audit Report for the fiscal year ending September 30, 2012.

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

7. 13-0081 Recommendation to approve the minutes for the City Council meetings of Tuesday, January 15 and January 22, 2013.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Neal, to approve recommendation, with the revision requested to the January 22, 2013 City Council minutes to remove verbiage "return with the ordinance for Council deliberation prior to first reading" and add verbiage "and City Attorney to return with recommendations for consumer protection after meeting with stakeholders" from the motion for Agenda Item No. 22. The motion carried by the following vote:**

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

8. 13-0082 Recommendation to refer to City Attorney damage claims received between January 14, 2013 and January 28, 2013.

Councilwoman Schipske spoke.

**A motion was made by Councilwoman Schipske, 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

9. 13-0087 Recommendation to approve the destruction of records for Financial Management Department, Administrative Services Division, as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-13-0014 on the Consent Calendar.**

**Enactment No:** RES-13-0014

10. 13-0089 Recommendation to approve the destruction of records for Financial Management Department, Business License Section, as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-13-0015 on the Consent Calendar.**

**Enactment No:** RES-13-0015

11. 13-0091 Recommendation to approve the destruction of records for Financial Management Department, Commercial Services Bureau, as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-13-0016 on the Consent Calendar.**

**Enactment No:** RES-13-0016

12. 13-0083 Recommendation to approve the destruction of records for the Department of Health and Human Services, Housing Authority Bureau, as shown in Exhibit A; and adopt resolution.

**A motion was made to approve recommendation and adopt Resolution No. RES-13-0017 on the Consent Calendar.**

**Enactment No:** RES-13-0017

13. 13-0084 Recommendation to approve the destruction of records for the Human Resources Department as shown in Exhibit A; and adopt resolution.  
**A motion was made to approve recommendation and adopt Resolution No. RES-13-0018 on the Consent Calendar.**  
**Enactment No:** RES-13-0018
14. 13-0095 Recommendation to approve the destruction of records for Long Beach Police Department, Internal Affairs Division, as shown in Exhibit A; and adopt resolution.  
**A motion was made to approve recommendation and adopt Resolution No. RES-13-0019 on the Consent Calendar.**  
**Enactment No:** RES-13-0019
15. 13-0085 Recommendation to approve and authorize Department of Development Services to process a refund in the amount of \$21,033 to Studebaker LB, LLC, for the property located at 400 North Studebaker Road. (District 3)  
**A motion was made to approve recommendation on the Consent Calendar.**
16. 13-0097 Recommendation to authorize City Manager to execute all necessary documents to receive, accept and expend grant funding from the California Emergency Management Agency Paul Coverdell Forensic Science Improvement Program grant, and increase appropriations in the General Grants Fund (SR 120) in the Police Department (PD) by \$9,000. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
17. 13-0098 Recommendation to receive and file minutes for:  
Civil Service Commission - December 19, 2012.  
Planning Commission - December 20, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**

**REGULAR AGENDA (5:59 PM)**

18. 13-0100 Recommendation to direct City Manager to investigate costs and benefits of including WiFi as a cost of construction as new city parks are built; investigate private/public partnerships with WiFi providers to install wireless connectivity in new and current city parks; complete report and

forward to Parks and Recreation Commission in 90 days before it returns to City Council for discussion and action.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Patrick Shearn spoke; and provided a PowerPoint presentation.

Councilmember O'Donnell spoke.

Vice Mayor Garcia spoke.

**A motion was made by Vice Mayor Garcia, 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

19. 13-0038

Recommendation to request the City Council to refer consideration of the California Finance Lender's Law to the State Legislation Committee in order to amend the City's legislative agenda to advocate for the elimination of the loophole that allows for unregulated loans exceeding \$2,500.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

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

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

**Absent:** 2 - Lowenthal and Andrews

20. 13-0110

Recommendation to request City Manager to present an updated report to the City Council on the status of our infrastructure and the funding of ongoing maintenance within 60 days.

Councilmember Johnson spoke.

Councilmember DeLong spoke.



Councilwoman Schipske spoke.

Vice Mayor Garcia spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

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

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

**Absent:** 2 - Lowenthal and Andrews

- 21. 13-0111** Recommendation to respectfully request City Manager to work with appropriate staff to report to City Council on a potential policy and plan by which public safety enterprise fund services and weighted costs are addressed appropriately by all departments.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Rex Pritchard, Firefighters Local 372 President, spoke.

Councilmember Lowenthal spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and report back to City Council within 90 days. The motion carried by the following vote:**

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

- 22. 13-0101** Recommendation to accept the assignment by the Successor Agency of Successor Agency obligations under the Agreement Containing
-

Covenants Affecting Real Property with Olson 737 - Long Beach 2, LLC;

Accept the assignment by the Successor Agency of Successor Agency obligations under the Agreement Containing Covenants Affecting Real Property with Lennar Long Beach Promenade Partners, LLC;

Accept the assignment by the Successor Agency of Successor Agency obligations under the Agreement Containing Covenants Affecting Real Property with Lyon Promenade, LLC;

Accept the assignment by the Successor Agency of Successor Agency obligations under the Agreement Containing Covenants Affecting Real Property with Temple Creative Realty, LLC; and

Approve and authorize City Manager to execute and take all actions reasonably necessary to enter into maintenance contracts with selected vendors for maintenance of the Promenade Maintenance District, not to exceed the funds available in the Promenade Maintenance District fund. (District 2)

**A motion was made by Councilmember Lowenthal, 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

23. 13-0086

Recommendation to authorize City Manager or his designee to execute a negotiated resolution regarding the commercial/industrial business license revocation for license number BU07048000 issued to John W. Mitchell, located at 1742 East Broadway. (District 2)

**A motion was made by Councilmember Lowenthal, seconded by Councilman Andrews, 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

24. 13-0054

Recommendation to receive and file the Fiscal Year 2012 Year-End Budget Performance Report, and increase appropriations in various funds across many departments for various purposes to reflect final expenditures. (Citywide)

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Councilman Austin spoke.

Gary Shelton spoke; and submitted information.

**A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve recommendation, with a provision that the FY 2013 Fifth District Council Office budget will be reduced by approximately \$3,500 in order to offset expenses from its FY 2012 office budget. The motion carried by the following vote:**

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

25. 13-0057

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 2012 Urban Area Security Initiative (UASI) Grant, in an amount not to exceed \$2,585,251 for a period ending May 31, 2014; and increase appropriations in the General Grants Fund (SR 120) in the Fire Department (FD) by \$1,277,451, in the General Grants Fund (SR 120) in the Health and Human Services Department (HE) by \$265,000, and in the General Grants Fund (SR 120) in the Police Department (PD) by \$1,042,800. (Citywide)

**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

26. 13-0102

Recommendation to receive and file the application of Michael's Pizzeria Promenade, LLC, dba Michael's Pizzeria Promenade, for an original Alcoholic Beverage Control License, at 210 East 3rd Street, Suite C. (District 2)

Distributed at the meeting: ABC conditions.

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

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

**Absent:** 1 - Johnson

27. 13-0103 Recommendation to receive and file the application of 7-Eleven, Incorporated, dba 7-Eleven, Store 35874, for an original Alcoholic Beverage Control License, at 4323 East Anaheim Street. (District 4)

Distributed at the meeting: ABC conditions.

Councilmember O'Donnell spoke.

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

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

**Absent:** 2 - Johnson and Neal

28. 13-0104 Recommendation to authorize City Manager to execute all documents necessary for the Second Amendment to Lease No. 20968 between the City of Long Beach (Landlord) and the Hansen Bypass Trust, the Hansen Marital Trust, and the C and D Hansen Revocable Trust (collectively, Tenant) for the continued leasing of City-owned property at 25 39th Place adjacent to the Belmont Brewing Company. (District 3)

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

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

#### **ORDINANCE (6:55 PM)**

29. 13-0105 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsections 14.20.200.C and 14.20.220.C all relating to newsrack pilot program areas read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, 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

**NEW BUSINESS (5:52 PM)**

30. 13-0126 Recommendation to, by motion of the City Council, direct City Manager to allow Library Services to continue to work with the Friends of the Long Beach Public Libraries in implementing "I Love My Public Library" and Library Round Up citywide.

Councilwoman Schipske spoke.

Jo Rae Zuckerman, President of Friends of the Long Beach Public Library, spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

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

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

31. Affidavit of Service for the special meeting held Tuesday, February 5, 2013. --  
CANCELLED

32. 13-0127 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, February 1, 2013.

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

33. 13-0099 eComments received for the City Council meeting of Tuesday, February 5, 2013.

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

**ANNOUNCEMENTS (6:56 PM)**

Vice Mayor Garcia requested that the meeting be adjourned in memory of Elizabeth Wallace.

Councilman Andrews made community announcements.

Councilmember Neal made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember Johnson made community announcements.

**ADJOURNMENT (7:02 PM)**

At 7:02 PM, Vice Mayor Garcia adjourned the meeting in memory of Elizabeth Wallace.

dg