

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 & 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.

ROLL CALL (5:02 PM)

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

Councilmembers Johnson
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Michael Mais, Assistant City Attorney; Charles Parkin, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Allison Bunma, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Dee Andrews, Councilman, Sixth District.

Mayor Foster announced that Agenda Item No. 18 had been withdrawn; and that the Certificate of Recognition Honoring Ceci Julian for over 40 years of Big Band/Swing Music will be re-schedule to a later date.

Julie Pruitt, spcaLA, presented a canine.

Certificate of Recognition for the 99th Birthday of Leon Martin.

Councilman Dee Andrews spoke.

Leon Martin spoke.

Certificate of Recognition Honoring Ceci Julian for Over 40 Years of Big Band/Swing Music - Re-scheduled to a later date.

SECOND ROLL CALL (5:10 PM)

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

HEARINGS (5:10 PM)

[see media](#)

1. [12-0839](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Retail Entertainment permit with conditions on the application of Rand and Kelly Foster, dba Fingerprints, 420 E. 4th Street. (District 1)

Erik Sund, Business Relations Bureau Manager, spoke.

Councilmember Johnson joined the meeting.

Vice Mayor Garcia spoke.

Rand Foster spoke.

David James spoke.

Vice Mayor Garcia spoke.

Erik Sund, Business Relations Bureau Manager, spoke.

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

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

[see media](#)

2. [12-0841](#) Recommendation to receive supporting documentation into the record,

conclude the hearing, adopt resolution confirming the Bixby Knolls Business Improvement Area Annual Report, continuing the levy of assessment for the period of October 1, 2012 through September 30, 2013; and authorize City Manager to extend the agreement with the Bixby Knolls Business Improvement Association for one year.
(Districts 7,8)

Michael Conway, Director of Public Works, spoke.

Blair Cohn spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Councilman Austin spoke.

A motion was made by Councilman Austin, seconded by Councilmember Johnson, to approve recommendation and adopt Resolution No. RES-12-0094. The motion carried by the following vote:

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

Enactment No: RES-12-0094

[see media](#)

21. [12-0874](#)

Recommendation to continue the hearing for the Long Beach Tourism Business Improvement Area Program and Assessment for the period of October 1, 2012 through September 30, 2013 to the City Council meeting of Tuesday, November 13, 2012 at 5:00 p.m. (Districts 1,2,4,5)

Mike Conway, Director of Public Works, spoke.

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

PUBLIC COMMENT (5:33 PM)

12-0886

Jim Lewis spoke regarding the winter shelter site; and submitted written comments.

Councilmember Lowenthal spoke.

Pat West, City Manager, spoke.

Jim Lewis spoke.

Councilmember DeLong spoke.

Councilmember Neal spoke.

Vice Mayor Garcia spoke.

This Handout was received and filed.

Shirley Broussard spoke regarding homeless issues.

Nicolaas Chomenko spoke regarding crime.

Councilmember Lowenthal spoke.

John Glaza spoke regarding Long Beach Arts month.

Michael Gold spoke regarding crime at 1820 E. 7th Street.

Nina Betonte spoke regarding sober living facility at 1820 7th Street.

Councilmember Lowenthal spoke.

Michael Mais, Assistant City Attorney, spoke.

Geraldine Evans spoke regarding sober living facility at 1820 7th Street.

Allison Gallagher spoke regarding CSULB updates.

Jay Baker spoke regarding domestic abuse.

CONSENT CALENDAR (6:18 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilwoman Schipske, to approve Consent Calendar Items 3 - 12. The motion carried by the following vote:

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

3. [12-0842](#) Recommendation to authorize City Attorney to pay the sum of \$20,000 in

full settlement of the lawsuit entitled *Maria Croucier v City of Long Beach*, Case No. NC055323.

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4. [12-0843](#) Recommendation to approve the minutes for the City Council meetings of Tuesday, September 11 and 18, 2012.
A motion was made to approve recommendation on the Consent Calendar.
5. [12-0844](#) Recommendation to refer to City Attorney damage claims received between September 10, 2012 and September 24, 2012.
A motion was made to approve recommendation on the Consent Calendar.
6. [12-0845](#) Recommendation to adopt the revisions to the Public Works, Fleet Services, Towing Operation Records Retention Schedule (as shown in Attachment I), and rescind all previously applicable Records Retention Titles for Public Works, Fleet Services, Towing Operation.
A motion was made to approve recommendation on the Consent Calendar.
7. [12-0846](#) Recommendation to approve the 2012-2013 Sustainable City Commission Annual Work Plan. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
8. [12-0796](#) Recommendation to receive and file Separately Issued Financial Statements, the Federal Single Audit, and the Auditor's Communication with Those Charged with Governance for the Fiscal Year Ended September 30, 2011. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
9. [12-0847](#) Recommendation to authorize City Manager to execute a contract with the State of California, Department of Community Services and Development, to provide direct credit of allocated Federal funds to the gas utility accounts of low-income Long Beach gas customers, for a period of three years beginning July 1, 2012, with the option to renew for three additional one-year periods, at the discretion of the City Manager. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
10. [12-0803](#) Recommendation to authorize City Manager to execute all documents

necessary to extend the terms of Agreement No. 30085 between the City of Long Beach and Central Parking Systems (Central) for parking management services for an additional six (6) month period, on a month-to-month basis. (Districts 1,2,3)

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

11. [12-0848](#) Recommendation to receive and file the report, "Elevation Changes in the City of Long Beach, November 2011 through April 2012." (Citywide)

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

12. [12-0849](#) Recommendation to receive and file minutes for:
Planning Commission - August 16, 2012.

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

REGULAR AGENDA (6:19 PM)

[see media](#)

13. [12-0857](#) Recommendation to adopt a Minute Order pursuant to Chapter 21.50 of the Long Beach Municipal Code and request City Attorney and the Planning Commission, in cooperation with the Development Services Department, to undertake a city-wide study of the City's existing zoning regulations as they relate to so-called Payday Lending, Car Title Loan Lending, and Short-Term Consumer Finance Lending; and further request City Attorney to prepare an interim zoning ordinance initiating a moratorium for a period of one year temporarily prohibiting the above described land uses until such time as the Planning Commission and Planning staff have completed their study and formulated a recommendation for the City Council's consideration.

Councilwoman Schipske spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilmember Neal spoke.

Motion: Approve recommendation.
Moved by Schipske, seconded by Austin.

Vice Mayor Garcia spoke.

Amy Bodek, Director of Development Services, spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Amy Bodek, Director of Development Services, spoke.

Councilman Austin spoke.

Councilmember Lowenthal spoke.

Michael Mais, Assistant City Attorney, spoke.

Amy Bodek, Director of Development Services, spoke.

Vice Mayor Garcia spoke.

Councilwoman Schipske spoke.

Michael Mais, Assistant City Attorney, spoke.

David Carlyle spoke.

Roger Diamond spoke.

Bernie Delaney spoke.

Sam Portiollo spoke.

Jack Smith spoke.

Colleen McDonald spoke.

Unidentified woman spoke.

Lee Fukui spoke.

Lisa Webroe spoke.

Mauna Eichner spoke.

Lillian Parker spoke.

Elsan Gaulsky spoke.

Linda Mendoza spoke.

Dave Galand spoke.

Katie Noelle spoke.

Councilmember DeLong spoke.

Vice Mayor Garcia spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

A substitute motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to approve recommendation as proposed with an amendment that the moratorium will exempt consumer loan businesses that: [1] have completed conditional use permit applications on file; [2] have paid the requisite permit application fees; and [3] the completed application has been accepted by Development Services as of October 2, 2012. The motion carried by the following vote:

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

No: 1 - Schipske

[see media](#)

14. [12-0861](#)

Recommendation to refer discussion of efforts by the City of Long Beach and Los Angeles County to implement AB 811 to the Environmental Committee, including consideration of whether private financing might be utilized to increase energy efficiency projects for Long Beach residents.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

A motion was made by Councilmember Johnson, seconded by Councilmember Lowenthal, to approve recommendation and refer to the Environmental Committee. The motion carried by the following vote:

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

[see media](#)

15. [12-0862](#) Recommendation to, in order to maintain the highest ethical standards and integrity for the Harbor Commission, request an independent investigation into the recent accusations made by Commissioner Doug Drummond against fellow commissioners and current and former City employees, and report back to the City Council.
- Councilman Austin spoke.
- Robert Shannon, City Attorney, spoke.
- Mayor Foster spoke.
- Councilmember Neal spoke.
- Robert Shannon, City Attorney, spoke.
- Councilmember Lowenthal spoke.
- Councilman Austin spoke.
- Mayor Foster spoke.
- Councilmember DeLong spoke.
- Councilwoman Schipske spoke.
- Mayor Foster spoke.
- Carl Kemp spoke.
- John Cross spoke.
- Robert Shannon, City Attorney, spoke.
- Mayor Foster spoke.
- Robin Thorne spoke.
- Councilwoman Schipske spoke.
- Councilman Austin spoke.
- Mayor Foster spoke.
- Councilman Andrews spoke.

Councilmember Lowenthal spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember Johnson, that the item be received and filed. The motion carried by the following vote:

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

No: 1 - Andrews

[see media](#)

16. [12-0851](#)

Recommendation to authorize City Manager to execute an agreement with Public Corporation for the Arts of the City of Long Beach, Inc., a California Nonprofit Corporation, doing business as the Arts Council of Long Beach, in the amount of \$354,300 to fund arts and cultural activities for a period of one year. (Citywide)

Larry Rice, President of the Long Beach Arts Council, spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

A motion was made by Vice Mayor Garcia, 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

[see media](#)

17. [12-0852](#)

Recommendation to approve and authorize City Manager to execute an Owner Participation Agreement, and any other related documents, with Pacific Court-Pine Square Partners for the redevelopment of the Pine Court property located at 250-270 Pacific Avenue. (District 2)

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

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

18. 12-0856

Recommendation to adopt resolution approving the Proposed Fiscal Year 2012-2013 Harbor Department Salary Resolution No. HD-2689.

This Resolution was withdrawn.

[see media](#)

19. [12-0853](#) Recommendation to authorize City Manager to execute renewal contracts with Anthem Blue Cross, the City's Third Party Administrator (TPA), for the Preferred Provider Organization (PPO), Health Maintenance Organization (HMO) and Medicare Supplement group health plans; Scan Health Plan for the Medicare Advantage Plan; United Healthcare for the Medicare Advantage Plan and closed-panel dental plan; Express Scripts/Medco as the Prescription Benefit Manager (PBM) for the prescription drug plan; Delta Dental for the fee-for-service dental plan; Medical Eye Services (MES) for the vision plan; Standard Insurance Company for life insurance and Long- and Short-term Disability; and Union Mutual Life Insurance Company (UNUM) through Larry Lambert & Associates Insurance Services, for long-term care benefits; and

Authorize City Manager to execute any subsequent amendments and/or agreements necessary to maintain current benefit levels and remain in compliance with state and federal laws on all plans. (Citywide)

Councilwoman Schipske spoke.

Debbie Mills, Director of Human Resources, spoke.

Sherriel Murry, Human Resources Officer, 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

[see media](#)

20. [12-0854](#) Recommendation to receive and file the application of UKAS Big Saver Foods, Incorporated, dba Big Saver Foods, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 2300 East 7th Street, determine that the application serves the public convenience and necessity, submit a Public Notice of Protest to ABC, and direct City Manager to withdraw the protest if a Conditional Use Permit Exemption is granted by the Zoning Administrator. (District 2)

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

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

NEW BUSINESS (8:17 PM)

21. Agenda Item No. 21 is listed under Hearings.

22. Affidavit of Service for the special meeting held Tuesday, October 2, 2012.

23. [12-0875](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, September 28, 2012.

This Agenda Item was received and filed.

24. 12-0876 eComments received for the City Council meeting of Tuesday, October 2, 2012.

This Agenda Item was received and filed.

ANNOUNCEMENTS (8:17 PM)

Mayor Foster requested that the meeting be adjourned in memory of Lee Anderson.

Councilman Austin made community announcements.

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Johnson made community announcements.

Councilmember Neal made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember O'Donnell made community announcements.

PUBLIC (8:27 PM)

Patrick Cross spoke regarding various issues.

ADJOURNMENT (8:30 PM)

At 8:30 PM, Mayor Foster adjourned the meeting in memory of Lee Anderson.

adb

