

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

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## 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.

### ROLL CALL (5:35 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; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Patrick O'Donnell, Councilmember, Fourth District.

Mayor Foster announced that the recognition of the Montford Point Marines was being rescheduled.

Peer Review recognition presentation for Office of the City Auditor.

Laura L. Doud, City Auditor, spoke.

Councilmember Johnson spoke.

Councilman Andrews spoke.

Proclamation presented to recognize Fresh Start Sober Living.

Councilman Andrews spoke.

**PUBLIC COMMENT (5:47 PM)**

Shirley Broussard prayed for the Mayor's family; and spoke regarding homeless issues.

Nicholaas Chomenko spoke regarding municipal corruption.

Larry Boland spoke regarding firefighter overtime.

**CONSENT CALENDAR (5:56 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember Garcia, seconded by Councilmember DeLong, to approve Consent Calendar Items 1 - 14, except for Item 1. The motion carried by the following vote:**

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

[see media](#)

1. [12-0546](#) Recommendation to receive and file a report on travel to Orlando, Florida for the U.S. Conference of Mayors annual meeting.

Mayor Foster spoke.

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

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

2. [12-0521](#) 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 \$56,142.50 for the claim of John Wade, in compliance with the Appeals Board Order.

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

3. [12-0522](#) Recommendation to authorize City Attorney to pay the sum of \$20,000 in full settlement of lawsuit entitled *McKinley v The City of Long Beach, et al.*, Case No. TC025579.

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

4. [12-0523](#) Recommendation to approve minutes for the City Council meetings held

Tuesday, June 12 and 19, 2012 and the Budget meeting held Tuesday, June 19, 2012.

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

5. [12-0524](#) Recommendation to refer to City Attorney damage claims received between June 11, 2012 and June 25, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. [12-0525](#) Recommendation to receive and file the Comprehensive Annual Financial Report (CAFR) and Separately Issued Financial Statements for the Fiscal Year Ended September 30, 2011. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
7. [12-0527](#) Recommendation to authorize City Manager, or designee, to execute an agreement, and any subsequent amendments, between the City of Long Beach and the Los Angeles County Children and Families First - Proposition 10 Commission in an amount not to exceed \$394,168 for the period of July 1, 2012 through June 30, 2013 to continue the Long Beach-Wilmington Best Babies Collaborative Program, and execute service subcontracts and subsequent amendments with the listed agencies for outreach and health education. (Districts 1,6,7,9)  
**A motion was made to approve recommendation on the Consent Calendar.**
8. [12-0526](#) Recommendation to authorize City Manager, or designee, to execute all necessary documents between the State of California Water Resources Control Board and the City of Long Beach to provide Beach Water Quality Monitoring and Public Notification from April 1, 2012 through October 31, 2012. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
9. [12-0528](#) Recommendation to authorize City Manager to execute all necessary agreements with the County of Los Angeles Department of Public Health in the amount of \$130,000 annually for five years to provide Community Prevention and Wellness Services under the Community Transformation Grant (CTG) program, administer and execute all necessary documents to accept and expend all grant funds in connection herewith, take all other actions necessary to implement the use of such funds; and increase appropriations in the Health Fund (SR 130) in the Department of Health and Human Services (HE) by \$130,000 for the period of June 2012 to September 2016. (Citywide)

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

10. [12-0530](#) Recommendation to authorize City Manager to execute all documents necessary to amend Agreements 26120 and 30225 for aeronautical-related businesses at the Long Beach Airport. (District 5)

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

11. [12-0531](#) Recommendation to authorize City Manager to execute all necessary documents to receive, accept and expend grant funding from the State of California Citizens Option for Public Safety Program funding from the County of Los Angeles Supplemental Law Enforcement Services Fund; and increase appropriations in the General Grants Fund (SR 120) in the Police Department (PD) by \$47,899. (Citywide)

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

12. [12-0532](#) Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the Federal Bulletproof Vest Partnership Program grant; and increase appropriations in the General Grants Fund (SR 120) in the Police Department (PD) by \$12,079. (Citywide)

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

13. [12-0533](#) Recommendation to authorize City Manager to apply for the California Department of Resource Recycling and Recovery (CalRecycle) FY2013 Used Oil Payment Program (OPP3), to accept the grant funds and execute all documents necessary to implement the program, utilizing the previously adopted ongoing Resolution No. RES-11-0076. (Citywide)

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

14. [12-0534](#) Recommendation to receive and file minutes for:  
Civil Service Commission - June 6, 2012.  
Planning Commission - May 17 and 24, 2012, and June 7, 2012.

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

**UNFINISHED BUSINESS (5:58 PM)**

[see media](#)

15. [12-0490](#) Recommendation to adopt Specifications No. PA-03112 and award a

contract to Abhe & Svoboda, Inc., of Prior Lake, MN (not an MBE, WBE or SBE), for bridge painting in the amount not to exceed \$181,645, at the discretion of the City Manager. (District 8)

Patrick West, City Manager, spoke.

Councilwoman Gabelich spoke.

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

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

**Absent:** 1 - Neal

#### REGULAR AGENDA (6:00 PM)

[see media](#)

16. [12-0547](#) Recommendation to refer the "Paycheck Protection" initiative to the State Legislation Committee to consider a resolution of opposition by the Long Beach City Council.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember Johnson, seconded by Councilman Andrews, to approve recommendation and refer to the State Legislation Committee. The motion carried by the following vote:**

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

**No:** 1 - DeLong

[see media](#)

17. [12-0549](#) Recommendation to receive presentation from City Management regarding Federal legislation that would require Long Beach residents to carry flood insurance.

Councilmember Johnson spoke.

Tom Modica, Director of Government Affairs, spoke.

Councilmember Neal spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

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

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

[see media](#)

18. [12-0212](#)

Recommendation to City Council to concur in recommendation of the Environmental Committee to receive and file an update on operations of the Southeast Resource Recovery Facility (SERRF).

Vice Mayor Lowenthal spoke.

Tom Modica, Director of Government Affairs, spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

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

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

[see media](#)

19. [11-0740](#)

Recommendation to City Council to concur in recommendation of the Environmental Committee to receive and file the Airport Advisory Commission Technical Subcommittee Policy which would foster the City's efforts in support of Federal legislation, regulations and/or initiatives that promote a financially prudent transition towards safe "green" aircraft fuel while balancing the safety and financial concerns of the general aviation community for potential adoption by the Federal level.

Vice Mayor Lowenthal spoke.

J. C. Squires, Manager of Finance and Administration/CFO, Long Beach

Airport, spoke.

Councilmember Johnson spoke.

Tom Modica, Director of Government Affairs, spoke.

Councilmember O'Donnell spoke.

Larry Boland spoke.

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

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

[see media](#)

**20.** [12-0450](#)

Recommendation to City Council to concur in recommendation of the Personnel and Civil Service Committee to receive and confirm the following appointments: Citizen Police Complaint Commission (2 appointments); and Planning Commission (1 appointment).

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, Gabelich and Neal

[see media](#)

**21.** [12-0466](#)

Recommendation to City Council to concur in recommendation of the State Legislation Committee to support Senate Bill 1243 (Lowenthal), a bill to exempt bunker fuel from sales tax.

Councilmember O'Donnell spoke.

Tom Modica, Director of Government Affairs, spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Tom Modica, Director of Government Affairs, spoke.

Mayor Foster spoke.

Kelly Moore spoke.

Ron Consnan spoke.

Kenyata Woodworth spoke.

Peter Carrote spoke.

Councilmember O'Donnell spoke.

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

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

**No:** 1 - Schipske

**Absent:** 1 - DeLong

[see media](#)

**22.** [12-0367](#)

Recommendation to City Council to concur in recommendation of the State Legislation Committee to take no position on SB 1470 and SB 1471; a support position on SB 1472; and a support-if-amended position on SB 1473, a Homeowner Bill of Rights.

Councilmember O'Donnell spoke.

Tom Modica, Director of Government Affairs, spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

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

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

**Absent:** 2 - DeLong and Neal

[see media](#)



23. [12-0535](#) Recommendation to adopt Plans and Specifications No. R-6882 for the Construction of Improvements to the Runway 7L-25R Runway Safety Area (RSA); award the project to and authorize City Manager to execute a contract with Palp, Inc., dba Excel Paving, in an estimated amount of \$1,314,340 plus a 25 percent contingency amount of \$328,585, if necessary, and any necessary amendments thereto regarding term or scope of work. (District 5)

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

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

[see media](#)

24. [12-0536](#) Recommendation to authorize City Manager to accept a total of \$5,346,281 in grant funds awarded by California State Parks through the Statewide Park Development and Community Revitalization Program of 2008, to be utilized as follows: \$2,833,281 for the construction of a new park at 7th Street and Martin Luther King, Jr. Avenue (Armory Park), and \$2,513,000 for the development of two soccer fields and a parkway trail north of Drake Park in the Drake/Chavez Greenbelt; increase appropriations by \$5,346,281 in the Capital Projects Fund (CP) in the Department of Parks, Recreation and Marine (PR); and execute any documents necessary for the administration of the projects. (District 1)

Councilmember Garcia spoke.

Councilmember Johnson spoke.

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

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

City Clerk announced that Agenda Item No. 33 had been withdrawn by Councilwoman Schipske.

[see media](#)

25. [12-0537](#) Recommendation to receive and file the application of Avan, LLC, dba Monorom Cambodian Restaurant, for an original Alcoholic Beverage Control License, at 2150 East Anaheim Street. (District 4)

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

Robert Shannon, City Attorney, requested that the recommended action for all Agenda Items should contain pertinent identifying information to conform to the Brown Act.

[see media](#)

26. [12-0538](#) Recommendation to receive and file the application of Eva Torres, dba Tacos Guadalajara, for an original Alcoholic Beverage Control License, at 2086 Pacific Avenue. (District 6)

Councilman Andrews spoke.

Annie Greenfeld spoke.

Sam Fortilla spoke.

Councilmember DeLong spoke.

Councilmember Garcia spoke.

Councilman Andrews spoke.

**A motion was made by Councilman Andrews, seconded by Vice Mayor Lowenthal, that a protest be filed with Department of Alcohol Beverage Control based on residences within 100 feet. The motion carried by the following vote:**

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

[see media](#)

27. [12-0539](#) Recommendation to receive and file the application of Yolanda Beatrice Menjivar, dba Playas El Salvador Restaurant, for an original Alcoholic Beverage Control License, at 1640 Orange Avenue. (District 6)

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

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

[see media](#)

28. [12-0540](#) Recommendation to authorize City Manager, or designee, to execute any and all documents necessary for a Supplemental Agreement to Management Agreement No. 21667 with SMG, formerly known as Spectacor Management Group, for the completion of certain capital

improvements to the Sports Arena and International City Theater at the Long Beach Convention and Entertainment Center (Center) located at 300 East Ocean Boulevard. (District 2)

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

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

[see media](#)

29. [12-0541](#)

Recommendation to authorize City Manager to execute all documents necessary with Industrial Networking Solutions for the purchase of cellular Wi-Fi modems in an amount not to exceed \$393,900. (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, Gabelich and Neal

[see media](#)

30. [12-0542](#)

Recommendation to authorize City Manager to execute a lease-purchase agreement and related financing documents with Banc of America Public Capital Corp for the financing of personal computers, computer-related equipment, and servers in an amount not to exceed \$1,148,962 including interest, payable over a four-year period. (Citywide)

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

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

## **NEW BUSINESS (7:09 PM)**

[see media](#)

31. [12-0573](#)

Recommendation to request City Manager to immediately initiate a strategy to ensure that the following concerns are addressed in the planning process of the OCTA 405 project:

- Potential Traffic impacts for 405 freeway ramps including Lakewood Boulevard, Bellflower Boulevard, Woodruff Avenue, and Palo Verde Avenue.
- Potential impacts to traffic for CA-22 and its connections to the 405 Freeway and CA-1.

- Potential impacts for the 605 freeway Carson street ramp.
- Address alteration of 405/605 interchange and its potential impact on future widening projects (north of Orange County).
- Other pertinent concerns as raised by staff.

Councilmember O'Donnell spoke.

Michael Conway, Director of Public Works, spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Diana Lee Carey, City of Westminster, Traffic Commissioner, I-405 AdHoc Committee Chairman, spoke.

Councilwoman Schipske spoke.

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

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

**Absent:** 1 - Andrews

[see media](#)

**32.** [12-0575](#)

Recommendation to: 1) request City Attorney to draft an ordinance amending the Long Beach Municipal Code (Chapter 5.89) to extend the exemption for those collectives previously exempt until the California Supreme Court rules on Pack v. Long Beach, or unless said collectives are determined to be non-compliant; and 2) request City Manager to direct the police department to work with all appropriate local and state agencies to shut down and prosecute all non-exempt collectives.

Robert Shannon, City Attorney, announced that the County of Los Angeles had enacted a full banned on all medical marijuana dispensaries in the County and the Second Appellant Courts decision overruled that ban because it was against California state law; and requested a one week continuance of this matter.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Mayor Foster spoke.

Councilmember Garcia spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Garcia spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Robert Shannon, City Attorney, spoke.

Jim McDonnell, Chief of Police, spoke.

Vice Mayor Lowenthal spoke.

Councilmember Neal spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lowenthal spoke.

Jeff Abrams spoke.

Juna Nam spoke.

Unidentified man spoke.

Bill Napier spoke.

Nicholaas Chomenko spoke.

Unidentified woman spoke.

Steve Baker spoke.

Unidentified man spoke.

Nick Marrow spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, to approve recommendation, with the inclusion that the previously exempted collective be "currently in operation." The motion failed by the following vote:**

**Yes:** 4 - Garcia, Lowenthal, Gabelich and Neal

**No:** 5 - DeLong, O'Donnell, Schipske, Andrews and Johnson

33. 12-0577 Recommendation to, by motion of the City Council, request City Attorney to draft a ballot measure that includes alternative 1 or alternative 2 in the discussion.

**This Agenda Item was withdrawn.**

[see media](#)

34. [12-0576](#) Recommendation to request City Council to receive the certification of results concerning the sufficiency of an Initiative to Amend the Long Beach City Charter to change the dates of the Primary and General Municipal Elections; and request City Attorney to prepare the required resolutions for consolidation of the Initiative with the State General Election to be held on Tuesday, November 6, 2012.

Councilmember Garcia spoke.

Larry Herrera, City Clerk, spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

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

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

**No:** 1 - Gabelich

35. Affidavits of Service for the special meetings held Tuesday, July 3, 2012.

36. [12-0572](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, June 29, 2012.

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

37. [12-0578](#) eComments received for the City Council meeting of Tuesday, July 3, 2012.

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

**ANNOUNCEMENTS (8:26 PM)**

Mayor Foster acknowledged two appointees to the Citizens Police Complaint Commission.

Vice Mayor Lowenthal made community announcements.

Councilwoman Schipske requested that the meeting be adjourned in memory of Bernard Gleason; and made community announcements.

Councilmember Neal made community announcements.

Councilwoman Gabelich requested that the meeting be adjourned in memory of Thelma Robbins; and made community announcements.

Councilman Andrews requested that the meeting be adjourned in memory of Billie Simmrow; and made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember Johnson recognized Jeff Price; and made community announcements.

Councilmember Garcia made community announcements.

**ADJOURNMENT (8:43 PM)**

At 8:43 PM, Mayor Foster adjourned the meeting in memory of Bernard Gleason, Thelma Robbins, and Billie Simmrow.

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