

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 & 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. 26 which was considered after Agenda Item No. 4.

ROLL CALL (5:04 PM)

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

Councilmembers Lowenthal and Neal
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Robert Shannon, City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Carolyn Hill, City Clerk Specialist; Pablo Rubio, City Clerk Assistant.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Vice Mayor Robert Garcia, Councilmember, First District.

Mayor Foster announced that the presentations for the American Heart and Prime Time for Business has been cancelled; Agenda Item No. 14 has been withdrawn; Agenda Item No. 26 would be considered at 6:00 PM; and that Councilmember Neal would be absent.

Pet Adoption: Julie Pruitt, spcaLA, presented a canine.

Robert Shannon, City Attorney, announced there was no reportable action taken during closed session.

Proclamation regarding Long Beach reads one book "The Art of Racing in the Rain."

Mary Barton, President of Long Beach Reads One Book, spoke.

SECOND ROLL CALL (5:10 PM)

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

Councilmembers Neal
Absent:

Councilmember Lowenthal joined the meeting.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Proclamation regarding Black History Month.

Mayor Foster spoke.

Golgotha Trinity Baptist Church Choir presented the Negro National Anthem "Lift Every Voice and Sing."

Mayor Foster presented the Proclamation.

Councilman Andrews spoke.

Mayor Foster spoke.

Proclamation regarding American Heart Month -- no presentation was made.

Prime Time for Business Presentation 1 of a Khein -- no presentation was made.

Presentation by the Historical Society for the New Exhibit "Coming Out In Long Beach."

Councilman Austin spoke.

Evan Braude, Co-President of Historical Society of Long Beach, spoke.

Marsha Naify, Co-Chair of the Steering Committee for the Long Beach Historical Society LGBT History Project, spoke.

Councilmember O'Donnell spoke.

Evan Braude, Co-President of Historical Society of Long Beach, spoke.

Councilwoman Schipske spoke.

Vice Mayor Garcia spoke.

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

CONTINUED HEARINGS (5:30 PM)

[see media](#)

1. [13-0042](#) Recommendation to receive supporting documentation into the record, conclude the hearing and deny the Permit 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)

Suzanne Frick, Assistant City Manager, spoke.

Erik Sund, Business Relations Manager, Financial Management, spoke.

Deputy Chief David Hendricks spoke.

Councilmember Lowenthal spoke.

Bruce Alavi, applicant, spoke.

Adrian Garcia, Manager, Lush Lounge, spoke.

William Bramble, Security, Lush Lounge, spoke.

Bruce Cary, Attorney, Lush Lounge, spoke.

Tolliver Morris spoke.

Larry Goodhue spoke.

Councilmember Johnson spoke.

Erik Sund, Business Relations Manager, Financial Management, spoke.

Councilmember Johnson spoke.

Erik Sund, Business Relations Manager, Financial Management, spoke.

Councilmember Lowenthal spoke.

Erik Sund, Business Relations Manager, Financial Management, spoke.

Deputy Chief David Hendricks spoke.

Councilmember Lowenthal spoke.

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

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

Absent: 1 - Neal

[see media](#)

2. [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 and Associates, Inc., dba 49rs Tavern, 5660 East Pacific Coast Highway No. A, for Entertainment Without Dancing by Patrons. (District 3)

Suzanne Frick, Assistant City Manager, spoke.

Erik Sund, Business Relations Manager, Financial Management, spoke.

Tracy Kittinger, applicant, spoke.

Larry Goodhue spoke.

Councilmember DeLong spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Lowenthal spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation, with an additional condition agreed to by the applicant, that requires the cessation of live entertainment by 11:00 p.m. The motion carried by the following vote:

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

Absent: 1 - Neal

HEARINGS (6:09 PM)

[see media](#)

3. [13-0138](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Gaslamp Partners, LLC, dba Gaslamp Restaurant and Bar, 6251 E. Pacific Coast Highway, for Entertainment With Dancing by Patrons. (District 3)

Suzanne Frick, Assistant City Manager, spoke.

Erik Sund, Business Relations Manager, Financial Management, spoke.

Mike Nenfeld, applicant, spoke.

Mayor Foster spoke.

Councilmember DeLong spoke.

Mike Nenfeld, applicant, spoke.

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

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

Absent: 1 - Neal

[see media](#)

4. [13-0139](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Reggio Corporation, dba Cirivello's, 4115 Viking Way, for Entertainment Without Dancing by Patrons. (District 5)

Suzanne Frick, Assistant City Manager, spoke.

Erik Sund, Business Relations Manager, Financial Management, spoke.

Matt Paige, applicant, spoke.

Shirley Broussard spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Mayor Foster spoke.

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

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

Absent: 1 - Neal

PUBLIC COMMENT (6:51 PM)

Larry Goodhue spoke regarding various issues.

[13-0172](#) Shirley Broussard spoke regarding homeless shelter in crisis; and submitted correspondence.

This Handout was received and filed.

Jete Dockene spoke regarding various issues.

CONSENT CALENDAR (7:01 PM)

Passed The Consent Calendar

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 5 - 11. The motion carried by the following vote:

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

Absent: 1 - Neal

5. [13-0158](#) Recommendation to authorize City Attorney to submit five Stipulations with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay 1) \$10,175, and

2) separate authority to pay \$71,587.50, and 3) separate authority to pay \$11,516.25, and 4) separate authority to pay \$30,550 for the claim of Timothy Ferrill; and authority to pay \$57,500 for the claim of Michael Frame in compliance with the Appeals Board Orders.

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

6. [13-0160](#) Recommendation to authorize City Attorney to pay the sum of \$45,000 in full and final resolution of the lawsuit entitled *Francisca Favela, et al. vs. COLB, et al*; and to pay sum of \$15,576.96 in full and final resolution of the claim entitled *Geico c/o Kristy Nguyen v. City of Long Beach*.

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

7. [13-0140](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, February 5, 2013.

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

8. [13-0141](#) Recommendation to refer to City Attorney damage claims received between February 4, 2013 and February 11, 2013.

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

9. [13-0123](#) Recommendation to adopt resolution authorizing City Manager to execute a contract with McNeilus Truck and Manufacturing, of Colton, CA (not an MBE, WBE, SBE, or Local), to provide refuse truck cab parts, in an annual amount not to exceed \$275,000, for a period of two years, 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-13-0021 on the Consent Calendar.

Enactment No: RES-13-0021

10. [13-0142](#) 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) in the Police Department (PD) by \$13,398. (Citywide)

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

11. [13-0153](#) Recommendation to receive and file minutes for:
Civil Service Commission - January 9, 16 and 30, 2013.

Planning Commission - January 17, 2013.

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

REGULAR AGENDA (7:02 PM)

[see media](#)

12. [13-0162](#)

Recommendation to receive and approve the following Commission/Board/Committee appointments to Non-Charter Commissions.

Mayor Foster spoke.

Vice Mayor Garcia spoke.

Mayor Foster spoke.

Councilmember Johnson spoke.

Councilman Andrews spoke.

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

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

Absent: 1 - Neal

[see media](#)

13. [13-0161](#)

Recommendation to direct the City Clerk Department to proceed with procurement of technology that will provide for the live webcast of non-City Council regular meetings that take place in the City Hall Council Chamber.

Councilmember O'Donnell spoke.

Vice Mayor Garcia spoke.

Councilman Andrews spoke.

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

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

Absent: 2 - Schipske and Neal

14. 13-0159

WITHDRAWN

~~Recommendation to City Council to concur in recommendation to receive and file report from the Chair of the Transportation and Infrastructure Committee to consider discussion and actions taken at the Committee meeting of February 13, 2013.~~

This Agenda Item was withdrawn.

[see media](#)

15. [13-0155](#)

Recommendation to approve the Fiscal Year 2013 first quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)

Larry Goodhue spoke.

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

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

Absent: 2 - Schipske and Neal

[see media](#)

16. [13-0145](#)

Recommendation to receive and file the Investment Report for Quarter Ending December 31, 2012. (Citywide)

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

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

Absent: 2 - Schipske and Neal

[see media](#)

17. [13-0015](#)

Recommendation to authorize City Manager to execute all documents with the Wells Fargo Foundation on behalf of the Pacific Gateway Workforce Partnership, Inc., to receive \$100,000 in grant funding in support of ongoing business and jobseeker assistance; and execute any needed subsequent amendments. (Citywide)

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

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

Absent: 1 - Neal

[see media](#)

18. [13-0146](#)

Recommendation to adopt resolution authorizing City Manager to adjust certain rates for natural gas service to reflect market conditions by implementing Gas Rate Schedules 1 through 5, 7, 9, and special conditions and incentives in Exhibits A and B. (Citywide)

Christopher Garner, Director of Long Beach Gas and Oil, spoke.

Councilmember Johnson spoke.

Christopher Garner, Director of Long Beach Gas and Oil, spoke.

Councilman Austin spoke.

Christopher Garner, Director of Long Beach Gas and Oil, spoke.

A motion was made by Councilman Andrews, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-13-0022. The motion carried by the following vote:

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

Absent: 1 - Neal

Enactment No: RES-13-0022

[see media](#)

19. [13-0147](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Gelsons Markets, dba Gelson Markets, for an original Alcoholic Beverage Control License, at 6255 East 2nd Street, with conditions. (District 3)

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

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

Absent: 1 - Neal

[see media](#)

20. [13-0148](#) Recommendation to receive and file the application of Great Mex Grill, LLC, dba Great Mex, for an original Alcoholic Beverage Control License, at 5530 Atherton Street. (District 4)

Councilmember O'Donnell spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to file Notice of Protest on the basis of over concentration of licenses in the area, high crime in the area, as well as proximity to residential, school and church locations. The motion carried by the following vote:

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

Absent: 2 - DeLong and Neal

[see media](#)

21. [13-0149](#) Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the Marine Exchange of Los Angeles-Long Beach Harbors to receive and expend additional Department of Homeland Security grant funding for the 2010 Port Security Grant Program, in an amount not to exceed \$563,000 for a period ending May 31, 2013; and increase appropriations in the General Grants Fund (SR 120) and in the Police Department (PD) by \$563,000. (Citywide)

Commander Lopez spoke.

Larry Goodhue spoke.

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

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

Absent: 2 - DeLong and Neal

[see media](#)

22. [13-0163](#) Recommendation to authorize City Manager to execute a contract and all necessary amendments, including term extensions, with the Marine Exchange of Los Angeles-Long Beach Harbors to receive and expend additional Department of Homeland Security grant funding for the 2011 Port Security Grant Program grant, in an amount not to exceed \$1,119,738 for a period ending August 31, 2014; and increase appropriations in the General Grants Fund (SR 120) in the Police Department (PD) by \$1,119,738. (Citywide)

Commander Lopez spoke.

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

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

Absent: 2 - DeLong and Neal

[see media](#)

23. [13-0150](#)

Recommendation to adopt Specifications No. R-6940, award an as-needed contract to All American Asphalt for the annual contract for street improvements; and authorize City Manager to execute the contract and any necessary amendments thereto relative to the scope of work for a one-year term, and to extend the contract term for up to two additional years, and increase unit prices if necessary based on the inflation index, in an amount not to exceed \$15,000,000 over the three-year term. (Citywide)

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

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

Absent: 2 - DeLong and Neal

[see media](#)

24. [13-0151](#)

Recommendation to authorize City Manager to execute an amendment to Agreement No. 23214 with Tiburon, Inc., to provide software support services for Computer-Aided Dispatch and Records Management Systems for an additional 12-month period through February 2014, in an amount not to exceed \$367,706. (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, Andrews, Johnson and Austin

Absent: 2 - DeLong and Neal

[see media](#)

25. [13-0152](#)

Recommendation to authorize City Manager to execute contracts and any amendments thereto with Momentum Advanced Solutions, a division of OnX Enterprise Solutions Ltd., in the amount of \$112,186 for website

design and implementation services; Ektron, in the amount of \$81,100 for software and training services; and Hubspot, Inc., in the amount of \$19,200 for email and social media delivery services. (Citywide)

Vice Mayor Garcia spoke.

Patrick West, City Manager, spoke.

Curtis Tani, Director of Technology Services, spoke.

Councilmember O'Donnell spoke.

Vice Mayor Garcia spoke.

Councilmember Johnson spoke.

Curtis Tani, Director of Technology Services, spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Curtis Tani, Director of Technology Services, spoke.

Councilwoman Schipske spoke.

Curtis Tani, Director of Technology Services, spoke.

Vice Mayor Garcia spoke.

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

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

Absent: 2 - DeLong and Neal

NEW BUSINESS (6:20 PM)

[see media](#)

26. [13-0165](#) Recommendation to request City Council to adopt a minute order initiating a one-year, citywide moratorium against mortuaries and accessory crematoriums and directing the Planning Staff and the Planning Commission to undertake a study pursuant to Long Beach Municipal Code Chapter 21.50 to determine whether or not the City's

current zoning regulations are appropriate or need further review or modification.

Councilmember DeLong spoke.

Robert Shannon, City Attorney, spoke.

Diane Sundstrom, President of Belmont Heights Community Association, spoke.

Will Snipes spoke.

Michael Barber spoke.

Vice Mayor Garcia spoke.

Rick McGilton-McGlamery spoke.

Michael Thomas spoke.

Gretchen Swanson, Rosepark Neighborhood Association, spoke.

James O'Hara spoke.

Jonathan Polk spoke.

David Weaver spoke.

Antoinette Bailey spoke.

Gary Morrison spoke.

John McKenna spoke.

Larry Goodhue spoke.

Councilmember Johnson spoke.

Patrick West, City Manager, spoke.

Amy Bodek, Director of Development Services, spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Amy Bodek, Director of Development Services, spoke.

Councilwoman Schipske spoke.

Councilman Austin spoke.

Amy Bodek, Director of Development Services, spoke.

Councilman Austin spoke.

Amy Bodek, Director of Development Services, spoke.

Councilman Austin spoke.

Amy Bodek, Director of Development Services, spoke.

Councilmember Lowenthal spoke.

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

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

Absent: 1 - Neal

27. Affidavit of Service for the special meeting held Tuesday, February 19, 2013.

28. [13-0169](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, February 15, 2013.

This Agenda Item was received and filed.

29. [13-0170](#) eComments received for the City Council meeting of Tuesday, February 19, 2013.

This Agenda Item was received and filed.

ANNOUNCEMENTS (7:27 PM)

Vice Mayor Garcia, on behalf of Mayor Foster, asked that the meeting be adjourned in memory of Atrilla Scott.

Councilman Andrews expressed condolences; and made community announcements.

Councilwoman Schipske made community announcements.

Councilmember O'Donnell made community announcements.

Councilman Austin made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember Johnson made community announcements.

Vice Mayor Garcia congratulated Daniel Brezenoff, Legislative Director, on his new employment.

PUBLIC (7:37 PM)

13-0171 Valerie Palacios spoke regarding free foreclosure assistance; and submitted a flyer.

This Handout was received and filed.

Vice Mayor Garcia spoke.

Dennis Dunn spoke.

ADJOURNMENT (7:42 PM)

At 7:42 P.M., Vice Mayor Garcia adjourned the meeting in memory of Atrilla Scott.

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