

**CITY OF LONG BEACH  
CITY COUNCIL MINUTES**

**TUESDAY, DECEMBER 18, 2012  
333 W. OCEAN BOULEVARD  
COUNCIL CHAMBER, 5:00 PM**

Dr. Robert Garcia, Vice Mayor, 1st District  
Dr. Suja Lowenthal, 2nd District  
Gary DeLong, 3rd District  
Patrick O'Donnell, 4th District

Patrick H. West, City Manager  
Larry G. Herrera, City Clerk



Bob Foster, Mayor

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

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.

**ROLL CALL (5:30 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: Gerrie Schipske, Councilwoman, Fifth District.

Prime Time for Business Presentation - Shortnir Bread.

Vice Mayor Garcia spoke.

Justina Fenton, owner of Shortnir Bread, spoke.

Vice Mayor Garcia spoke.

Mayor Foster spoke.

Mayor Foster congratulated Nancy Muth, City Clerk Analyst, on her retirement.

Nancy Muth, City Clerk Analyst, spoke.

Councilmember Johnson spoke.

Councilman Andrews spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Vice Mayor Garcia spoke.

Councilmember Neal spoke.

Councilmember DeLong spoke.

**PUBLIC COMMENT (5:46 PM)**

Seamus Innes spoke regarding pedestrian path.

Gary Shelton spoke regarding National Homeless Memorial Day event.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

12-1104      Cory Allen spoke; and submitted information regarding State Senator Ricardo Lara's Young Senator Program.

**This Handout was received and filed.**

Councilmember O'Donnell spoke.

Carolyn Smith spoke regarding Council District 9 home rehabilitation program.

Councilmember Neal spoke.

Mayor Foster spoke.

Ron Petke spoke regarding American Red Cross Hero Nominations.

Mayor Foster spoke.

**CONSENT CALENDAR (6:01 PM)**

Passed The Consent Calendar

**A motion was made by Vice Mayor Garcia, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 1 - 5. The motion carried by the following vote:**

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

1. [12-1073](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, December 4, 2012.

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

2. [12-1074](#) Recommendation to refer to City Attorney damage claims received between December 3, 2012 and December 10, 2012.

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

3. [12-1077](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Sushi on Fire restaurant located at 5325 East Second Street. (District 3)

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

4. [12-1081](#) Recommendation to authorize City Manager to execute all necessary documents with the Long Beach Public Transportation Company for a twelve (12) month period for the Belmont Shore Employee Rider Pass Program in the amount not to exceed \$180,000, and authorize City Manager to execute any necessary amendments, including term extensions at the sole discretion of the City Manager. (District 3)

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

5. [12-1083](#) Recommendation to receive and file minutes for: Civil Service Commission - November 7 and 14, 2012.

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

## **REGULAR AGENDA (6:01 PM)**

see media

6. [12-1082](#) Recommendation to receive and approve the following Commission/Board/Committee appointments and reappointments to Non-Charter Commissions.

Councilmember DeLong spoke.

Mayor Foster spoke.

**A motion was made by Councilmember DeLong, 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](#)

7. [12-1089](#)

Recommendation to, by motion of the City Council, establish an "Off Leash Dog Area (Dog Parks) Advisory Committee" to advise the Parks and Recreation Commission on the needed policies related to the establishment and operation of off leash dog (dog parks) areas in the City.

Councilwoman Schipske spoke.

Motion: Approve recommendation.

Moved by Schipske, motion failed due to lack of second.

Councilmember DeLong spoke.

Councilmember Lowenthal spoke.

Vice Mayor Garcia spoke.

Councilmember O'Donnell spoke.

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

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

[see media](#)

8. [12-1091](#)

Recommendation to, by motion of the City Council, request a report from the Fire Department, Gas and Oil Properties and the AQMD regarding the source of this odor and confirmation that the odor is not harmful. Additionally, request that the reverse 9-1-1 system be used to alert residents on the eastside of the City whenever the odor occurs.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

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

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

[see media](#)

**9. 12-1075**

Recommendation to approve allocation from City Prosecutor's Budget from Fiscal Year 2011 to Fiscal Year 2013, in the amount of \$65,000.

**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

[see media](#)

**10. 12-1084**

Recommendation to adopt resolution authorizing City Manager to execute a contract and all necessary amendments with Zoll Medical Corporation, of Chelmsford, MA (not an MBE, WBE, SBE or Local), for the purchase of 12-Lead electrocardiogram units, batteries and accessories, in an amount not to exceed \$373,573, including tax. (Citywide)

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-12-0120. The motion carried by the following vote:**

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

**Enactment No:** RES-12-0120

[see media](#)

**11. 12-1085**

Recommendation to authorize City Manager to execute all documents necessary for a lease with the Friends of Colorado Lagoon for City-owned property at 5119 E. Colorado Street, commonly known as the Colorado Lagoon Wetland and Marine Science Education Center, for a

term of two years, with two, two-year renewal options at the discretion of the City Manager or his designee; and

Authorize City Manager to execute all documents necessary for a Right-of-Entry Permit with the Friends of Colorado Lagoon, coterminous to the recommended action above, to allow for third-party revegetation of a portion of the Colorado Lagoon, and amend the permit to expand the permitted area, as additional funding is secured. (District 3)

Dave Pirazzi, President of Friends of Colorado Lagoon, spoke.

**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

[see media](#)

**12. 12-1087**

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Sreyrat Supermarkets, Incorporated, dba Sreyrat Supermarket, for an original Alcoholic Beverage Control License, at 1734 East Anaheim Street, with conditions. (District 6)

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

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

**ORDINANCE (6:28 PM)**

[see media](#)

**13. 12-1090**

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsections 5.72.120.H.3, 5.72.120.5 and 5.72.120.6, and by adding Subsections 5.72.120.S and 5.72.125.F, all relating to Entertainment and Similar Activities, read, adopted as read and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof and declaring that this ordinance shall take effect immediately. (Version "A" would impose a two-year term on all regular permits, subject to modification of conditions. Version "B" would allow an indefinite term for regular permits in good standing, subject to modification, revocation or suspension upon administrative review.) (Citywide)

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

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

Councilmember Johnson spoke.

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation to declare Emergency Ordinance No. ORD-12-0021 (Version "B"), read, adopted as read 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

**Enactment No:** ORD-12-0021

## **NEW BUSINESS (6:32 PM)**

[see media](#)

### **14. 12-1100**

Recommendation to request City Attorney to draft a resolution in support of the "2013 Free Income Tax Preparation and Family Services" initiative as part of the Volunteer Income Tax Assistance (VITA) Program and return for adoption at the next City Council meeting in early January 2013.

Councilmember Neal spoke.

Councilmember O'Donnell spoke.

Rafael Zuniga, staff with California State Board of Equalization, spoke; and submitted information.

Councilman Austin spoke.

Mayor Foster spoke.

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

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

**Absent:** 1 - Andrews

[see media](#)

**15. 12-1101** Recommendation to respectfully request City Attorney to draft a resolution reiterating the Council's opposition to Proposition 8.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

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

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

**Absent:** 1 - Andrews

16. Affidavit of Service for the special meeting held Tuesday, December 18, 2012.

**17. 12-1102** Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 14, 2012.

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

**18. 12-1103** eComments received for the City Council meeting of Tuesday, December 18, 2012.

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

## **ANNOUNCEMENTS (6:39 PM)**

Mayor Foster requested that the meeting be adjourned in memory of Pat Andrews and Mary Beth Soth.

Councilmember Neal made community announcements.

Councilmember Lowenthal made community announcements.

Councilman Austin made community announcements.

Councilmember Johnson made community announcements.

Councilmember O'Donnell extended condolences for Paul Alan Trafas; and made community announcements.

## **ADJOURNMENT (6:45 PM)**

At 6:45 PM, Mayor Foster adjourned the meeting in memory of Pat Andrews, Mary Beth Soth, and Paul Alan Trafas.

dg