

**CITY OF LONG BEACH
CITY COUNCIL MINUTES**

**TUESDAY, JULY 16, 2013
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

Charles Parkin, Acting 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, except for Agenda Item No. 4 ballot results was considered prior to Agenda Item No. 12; Agenda Item No. 24 was considered at the beginning of the Regular Agenda; and Agenda Item No. 23 was considered prior to Agenda Item No. 20.

ROLL CALL (5:09 PM)

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

Councilmembers Schipske
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Charles Parkin, Acting City Attorney; Laura Doud, City Auditor; Poonam Davis, Assistant 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 Councilwoman Schipske would be absent; and that Agenda Item No. 24 would be considered at the beginning of the Regular Agenda.

Proclamation Recognizing 23rd Anniversary of the Americans with Disabilities Act.

Richard Hernandez, Chair of Citizens' Advisory Commission on Disabilities, spoke.

Mayor Foster spoke.

HEARINGS (5:13 PM)

[see media](#)

1. 13-0589

Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of 525 East Broadway Corporation, dba Bliss 525, 525 East Broadway, for Entertainment With Dancing by Patrons. (District 2)

Jonathon Shepard spoke.

Nancy Downs, applicant, spoke.

Ben Rockwell spoke.

Councilmember Lowenthal spoke.

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

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

Absent: 1 - Schipske

[see media](#)

2. 13-0590

Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Molly Brown, LLC., dba The Paradise, 1800 East Broadway, for Entertainment Without Dancing by Patrons. (District 2)

Michael Barber, applicant, 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, Andrews, Johnson, Austin and Neal

Absent: 1 - Schipske

[see media](#)

3. 13-0591

Recommendation to receive supporting documentation into the record,

conclude the hearing and grant a Permit with conditions on the application of Broadlind Lounge, LLC., dba The Basement, 149 Linden Avenue, Unit B-100, for Entertainment With Dancing by Patrons. (District 2)

Edward Chustz, Business owner of Royal Hotel, spoke.

Laurel Rankin spoke.

Councilmember Lowenthal spoke.

A motion was made by Councilmember Lowenthal, seconded by Vice Mayor Garcia, to approve recommendation with the amendment to restrict the use of outside promoters. The motion carried by the following vote:

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

Absent: 1 - Schipske

see media

4. [13-0592](#)

Recommendation to receive supporting documentation into the record, conclude the hearing to consider the establishment of the Andy Street Property and Business Improvement District (APBID); direct City Clerk to tabulate the ballots and report the results of the tabulation to the Mayor and City Council during the July 16, 2013 City Council meeting; and, if a majority of ballots received are in favor of the establishment of the APBID, adopt resolution to establish the APBID for an initial term of five (5) years, effective January 1, 2014 through December 31, 2018. (District 9)

Councilmember Neal spoke.

Charles Parkin, Acting City Attorney, spoke.

Poonam Davis, Assistant City Clerk, announced the results of the tabulation that there is a majority protest; therefore, no further action could be taken.

Charles Parkin, Acting City Attorney, spoke.

Councilmember Neal spoke.

Charles Parkin, Acting City Attorney, spoke.

Councilmember Neal spoke.

Councilmember DeLong spoke.

A motion was made by Councilmember Neal, seconded by Vice Mayor Garcia, to approve recommendation to receive supporting documentation, conclude the hearing to consider the establishment of the Andy Street Property and Business Improvement District (APBID); and direct City Clerk to tabulate the ballots and report the results of the tabulation to the Mayor and City Council. The motion carried by the following vote:

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

Absent: 2 - Schipske and Andrews

PUBLIC COMMENT (5:40 PM)

13-0634 Robert Skiles spoke regarding accessible connections exchange event; and submitted information.

This Agenda Item was received and filed.

Milia Islam-Majeed spoke regarding Harbor Area Farmers Market.

Dale Whitney spoke regarding Friday Farmers Market situation.

Vice Mayor Garcia spoke.

Councilman Andrews spoke.

William Shibley spoke regarding Farmers Market situation.

Councilmember DeLong spoke.

Ben Rockwell spoke regarding Farmers Market.

Julia Kohn spoke regarding Harbor Area Farmers Market downtown location.

Thomas Jackson spoke regarding fraud.

Adam Halaby spoke regarding downtown Farmer's Market closure.

Donna Marykwas Passmore spoke regarding space to relocate Unity Farm/Long Beach Grows.

Karl Miller spoke regarding Long Beach.

CONSENT CALENDAR (6:11 PM)

Passed The Consent Calendar

A motion was made by Councilmember Johnson, seconded by Councilmember Lowenthal, to approve Consent Calendar Items 5 - 8. The motion carried by the following vote:

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

Absent: 1 - Schipske

5. [13-0593](#) Recommendation to refer to City Attorney damage claims received between July 1, 2013 and July 8, 2013.
A motion was made to approve recommendation on the Consent Calendar.
6. [13-0594](#) Recommendation to approve the destruction of records for Long Beach Fire Department, Fire Prevention Bureau as shown in Exhibit A; and adopt resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-13-0051 on the Consent Calendar.
Enactment No: RES-13-0051
7. [13-0595](#) Recommendation to adopt resolution directing the Los Angeles County Auditor-Controller to include on the 2013-14 Secured Tax Roll, certain levies made pursuant to the provisions of the Long Beach Municipal Code for weed and debris removal, administrative citations, securing of buildings, and vacant buildings in the amount of \$218,874. (Citywide)
A motion was made to approve recommendation and adopt Resolution No. RES-13-0052 on the Consent Calendar.
Enactment No: RES-13-0052
8. [13-0596](#) Recommendation to adopt resolution establishing an annual special tax of \$0.12 per square foot for Community Facilities District No. 2007-2 for commercial properties in Belmont Shore for Fiscal Year 2014 and authorizing the Los Angeles County Auditor-Controller to include on the 2013-14 Secured Tax Roll. (District 3)
A motion was made to approve recommendation and adopt Resolution No. RES-13-0053 on the Consent Calendar.
Enactment No: RES-13-0053

UNFINISHED BUSINESS (6:11 PM)

[see media](#)

22. [13-0572](#) Recommendation to adopt Specifications No. RFP AU13-033 and award a contract to KPMG, LLC, of Irvine, CA (not an MBE, WBE, SBE, or Local) for external audit services for the audit of the Comprehensive Annual Financial Report (CAFR), the Federal Single Audit and related reporting entities, in an annual amount not to exceed \$995,825, for a period of two years, with the option to renew for two additional one-year periods, at the discretion of the City Auditor. (Citywide)

Laura Doud, City Auditor, spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

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

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

Absent: 1 - Schipske

REGULAR AGENDA (6:22 PM)

[see media](#)

9. [13-0597](#) Recommendation to receive and file a report on travel to Washington DC, for legislative business and the annual Long Beach Convention and Visitors Bureau sales trip.

Mayor Foster spoke.

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

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

Absent: 2 - Garcia and Schipske

[see media](#)

10. [13-0598](#) Recommendation to request the City Council to request the City Attorney to amend Long Beach Municipal Code Section 5.64.010 C, relating to pawn brokers and second-hand dealers, to include "cash for gold" businesses, as well as directing staff to prepare any necessary amendments to Title 21 of the Long Beach Municipal Code to be consistent, and report back to the City Council with an ordinance within 90 days.

Councilman Andrews spoke.

Len Paredes spoke.

Councilmember Johnson spoke.

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

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

Absent: 2 - Garcia and Schipske

[see media](#)

11. 13-0605

Recommendation to request City Manager to work with appropriate staff to develop a strategy to address the concerns of the Supplemental Draft Environmental Impact Report (DEIR) for the 405 Freeway Widening Project.

Councilmember O'Donnell spoke.

Charles Parkin, Acting City Attorney, spoke.

Mayor Foster spoke.

Councilman Austin spoke.

Ben Rockwell 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, Andrews, Johnson, Austin and Neal

Absent: 1 - Schipske

[see media](#)

12. 13-0606

Recommendation to receive and file document regarding the results from the second year of citywide residential street maintenance.

Councilmember Johnson spoke.

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

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

Absent: 1 - Schipske

[see media](#)

13. 13-0599

Recommendation to approve the Fiscal Year 2014 Action Plan for the expenditure of Community Development Block Grant, Home Investment Partnership Grant, and Emergency Shelter Grant Funds. (Citywide)

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

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

Absent: 1 - Schipske

[see media](#)

14. 13-0600

Recommendation to authorize City Manager to execute all documents necessary to amend Contract No. 32705 with Merrimac Energy Group (WBE and LSBE), a Long Beach-based business, extending the contract for the purchase of unleaded and diesel fuel to July 2014, with an additional amount not to exceed \$5,500,000. (Citywide)

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, Andrews, Johnson, Austin and Neal

Absent: 1 - Schipske

[see media](#)

15. 13-0601

Recommendation to adopt resolution of the City Council approving the issuance and/or incurrence, from time to time, by the Board of Harbor Commissioners, on behalf of the City of Long Beach, of Subordinate Harbor Revenue Revolving Obligations secured by Subordinate Harbor Department Revenues, in an aggregate principal amount, outstanding at any one time, not to exceed \$200,000,000, to finance any legal purposes of the Harbor Department and certain other matters.

(District 2)

A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-13-0054. The motion carried by the following vote:

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

Absent: 2 - Schipske and Neal

Enactment No: RES-13-0054

[see media](#)

16. 13-0602

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, plus readopt Exhibits A and B. (Citywide)

Ben Rockwell spoke.

Sylvia Contreras spoke.

Councilman Andrews spoke.

A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-13-0055. The motion carried by the following vote:

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

No: 1 - Austin

Absent: 1 - Schipske

Enactment No: RES-13-0055

[see media](#)

17. 13-0603

Recommendation to authorize City Manager to approve the Department of Parks, Recreation and Marine's Proposed Anti-Bullying Policy and Procedure. (Citywide)

Vice Mayor Garcia spoke.

Councilmember Johnson spoke.

Star Harris spoke.

Kerry Gerot, Chair of Human Relations Commission, spoke.

Councilman Austin spoke.

Ben Rockwell spoke.

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

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

Absent: 1 - Schipske

[see media](#)

18. 13-0604

Recommendation to receive and file the application of One International Development Inc., dba Ren Japanese Cuisine, for an original Alcoholic Beverage Control License, at 4201 East Willow Street, with conditions. (District 5)

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

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

Absent: 2 - Garcia and Schipske

ORDINANCES (7:10 PM)

19. 13-0404

Recommendation to declare ordinance amending Section 6.16.010, Chapter 6.20, and Section 6.24.010 of the Long Beach Municipal Code, all relating to livestock and other animals read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

George Chapjian, Director of Parks, Recreation and Marine, made introductory comments.

Ted Stevens, Manager of Animal Care Services Bureau, provided a PowerPoint presentation.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Judy Crumpton spoke in opposition.

Sylvia Contreras spoke in opposition.

Margo Carter spoke spoke in opposition.

Ben Rockwell spoke in support.

Kate Carr spoke in support.

Ryan Serrano spoke in support.

Mayor Foster retired and Vice Mayor Garcia assumed the chair.

Henry Kirland spoke in support.

Theresa Hew spoke in opposition.

Katherine Burke spoke in opposition.

Barbara Sinclair spoke in support.

Gabrielle Weeks spoke in support.

Roberta Kato, Pediatric Pulmonologist, spoke in support.

Colby Sky spoke in support.

Mia Passmore spoke in support.

Donna Marykwas Passmore spoke in support.

David Michalik, Infectious Disease Pediatrician of Miller Children's Hospital, spoke in support.

Bob Carlton spoke in opposition.

Elliot Gonzalez spoke in support.

Jeff Paul Buchanan spoke in support.

Steven Passmore spoke in support.

Annie Vaz spoke in support.

Lee Sanchez spoke in support.

Kathleen Irvine spoke in support.

Jim Dano spoke in support.

Maria Norvell spoke in support.

Jimmy Cloose spoke in support.

Maggie Hahn spoke in support.

Deborah Turner, Humane Educator for Friends of Long Beach Animals, spoke in opposition.

Erin Philly spoke in support.

Rick Berry spoke in support.

Glenn Kravitz spoke in support.

Joan Greenwood spoke in support.

Sue Stevens spoke in support.

Manuel Arrana spoke in support.

Ryan Seydad spoke in support.

Councilmember Johnson spoke.

Councilman Austin spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilman Austin spoke.

Councilmember Neal spoke.

Councilmember O'Donnell spoke.

Councilman Austin spoke.

Charles Parkin, Acting City Attorney, spoke.

Councilmember Lowenthal spoke.

A second substitute motion was made by Vice Mayor Garcia, seconded by Councilmember Lowenthal, to approve recommendation with a six month review and bring back to Council. The motion failed by the following vote:

Yes: 4 - Garcia, Lowenthal, Andrews and Johnson

No: 3 - O'Donnell, Austin and Neal

Absent: 2 - DeLong and Schipske

Councilmember Lowenthal spoke.

A substitute motion was made by Councilmember O'Donnell, seconded by Councilman Austin, to approve recommendation with the amendment to Chapter 6.20 to include chickens only. The motion failed by the following vote:

Yes: 4 - O'Donnell, Johnson, Austin and Neal

No: 3 - Garcia, Lowenthal and Andrews

Absent: 2 - DeLong and Schipske

Councilmember Lowenthal spoke.

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

Yes: 4 - Garcia, Lowenthal, Andrews and Johnson

No: 3 - O'Donnell, Austin and Neal

Absent: 2 - DeLong and Schipske

see media

20. [13-0580](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.32.110 relating to Preferential Parking District "AB", read and adopted as read. (Citywide)

A motion was made by Councilman Austin, seconded by Councilmember Neal, to approve recommendation and adopt Ordinance No. ORD-13-0009. The motion carried by the following vote:

Yes: 6 - Garcia, Lowenthal, O'Donnell, Johnson, Austin and Neal

Absent: 3 - DeLong, Schipske and Andrews

Enactment No: ORD-13-0009

[see media](#)

21. 13-0567

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.64.010 relating to traffic direction, read and adopted as read. (Citywide)

A motion was made by Councilmember Lowenthal, seconded by Councilmember Neal, to approve recommendation and adopt Ordinance No. ORD-13-0010. The motion carried by the following vote:

Yes: 6 - Garcia, Lowenthal, O'Donnell, Johnson, Austin and Neal

Absent: 3 - DeLong, Schipske and Andrews

Enactment No: ORD-13-0010

NEW BUSINESS (6:16 PM)

22. Agenda Item No. 22 is listed under Unfinished Business.

[see media](#)

23. 13-0610

Recommendation to adopt resolution supporting the 30th Annual National Night Out.

Councilmember Johnson spoke.

Maria Norvell spoke.

Joan Greenwood spoke.

Councilmember Johnson spoke.

A motion was made by Councilmember Johnson, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-13-0056. The motion carried by the following vote:

Yes: 6 - Garcia, Lowenthal, O'Donnell, Johnson, Austin and Neal

Absent: 3 - DeLong, Schipske and Andrews

Enactment No: RES-13-0056

[see media](#)

24. 13-0611

Recommendation to request City staff to apply for this grant funding from CalRecycle by the application deadline of July 17, 2013.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

Councilmember DeLong spoke.

Discussion ensued between Councilmember DeLong and Councilmember Johnson.

Councilmember O'Donnell spoke.

Councilman Austin spoke.

Councilmember Johnson spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation with the amendment to include additional areas in the City of Long Beach for grant funding. The motion carried by the following vote:

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

Absent: 2 - Garcia and Schipske

25. Affidavit of Service for special meeting held Tuesday, July 16, 2013.

26. [13-0612](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, July 12, 2013.

This Agenda Item was received and filed.

27. [13-0613](#) eComments received for the City Council meeting of Tuesday, July 16, 2013.

This Agenda Item was received and filed.

ANNOUNCEMENTS (9:41 PM)

Vice Mayor Garcia requested that the meeting be adjourned in memory of Sonia Webster and Emperor Dick Saint James.

Councilmember Neal made community announcements.

Councilmember Johnson requested that the meeting be adjourned in memory of Thomas Farrand; and made community announcements.

Councilmember O'Donnell made community announcements.

PUBLIC COMMENT (9:48 PM)

Star Harris spoke.

ADJOURNMENT (9:50 PM)

At 9:50 PM, Vice Mayor Garcia adjourned the meeting in memory of Sonia Webster, Emperor Dick Saint James, and Thomas Farrand.

dg