



# CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

**C-4**

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

October 2, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Approve the minutes for the City Council Meetings of Tuesday,  
September 11 and 18, 2012

DISCUSSION

The Legistar minutes for the City Council meetings of Tuesday, September 11 and 18, 2012, are attached for review and approval.

Should any district offices have questions regarding the minutes we submit each week, we respectfully request that you contact the City Clerk Department prior to 12:00 p.m. on the day of the City Council meeting. With notice prior to the meeting, City Clerk staff can attempt to resolve any questions that you may have before the start of the regular meeting.

In cases where questions cannot be resolved before the 5:00 p.m. meeting start time, we will request a motion and a second that the minutes be held over for approval to the following week.

TIMING CONSIDERATIONS

None.

FISCAL IMPACT

None.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry Herrera".

LARRY G. HERRERA  
CITY CLERK

Prepared by: Nancy Muth

LGH:nem  
Attachment

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

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## 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. 20 was considered prior to the Consent Calendar.

### ROLL CALL (5:08 PM)

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

Also present: Patrick H. West, City Manager; Reginald Harrison, Deputy City Manager; Robert Shannon, City Attorney; Charles Parkin, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Councilwoman Gerrie Schipske, Fifth District.

Mayor Foster announced that Agenda Item No. 20 would be considered prior to the Consent Calendar; and announced the Long Beach Parade of Olympian for September 15, 2012.

### CONSENT CALENDAR (5:22 PM)

Passed The Consent Calendar

**A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 1 - 9. The motion carried by the following vote:**

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

**Absent:** 1 - Neal

1. 12-0772 Recommendation to approve the minutes for the City Council Budget meeting held Tuesday, August 28, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**
  
2. 12-0773 Recommendation to refer to City Attorney damage claims received between August 27, 2012 and August 31, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**
  
3. 12-0786 Recommendation to approve the destruction of records for Financial Management Department Accounting Operations Division, as shown in Exhibit A; and adopt resolution.  
**A motion was made to approve recommendation and adopt Resolution No. RES-12-0088 on the Consent Calendar.**  
**Enactment No:** RES-12-0088
  
4. 12-0774 Recommendation to authorize City Manager, or designee, to execute all necessary documents and any subsequent amendments that change the terms or increase grant amounts between the City of Long Beach and the Los Angeles Emergency Food and Shelter Program, in an amount not to exceed \$12,000, for a period of one year. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
  
5. 12-0779 Recommendation to authorize City Manager, or designee, to execute all necessary agreements, all sub-grant agreements and any subsequent amendments thereto that change the terms or extend the time period for the FY 11 and FY 12 Emergency Solutions Grant (ESG) Program allocation of \$346,988 to fund two projects for the period of October 1, 2012 through September 30, 2013, with an option to extend the ESG Program for an additional operational period ending on August 31, 2014. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
  
6. 12-0775 Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the California Office of Traffic Safety for the 2013 Selective Traffic Enforcement Program; and increase appropriations in the General Grants Fund

(SR 120) in the Police Department (PD) by \$133,000. (Citywide)

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

7. 12-0781 Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the Federal Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant Program; and increase appropriations in the General Grants Fund (SR 120) in the Police Department (PD) by \$231,111. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
8. 12-0739 Recommendation to appropriate funding from Asset Forfeiture proceeds to complete the Police Academy's Pistol Range conversion from a septic system to a new sewer connection, increase appropriations by \$25,000 in the General Fund (GP) in the Police Department (PD) and increase appropriations by \$25,000 in the Capital Projects Fund (CP) in the Public Works Department (PW). (District 5)
- A motion was made to approve recommendation on the Consent Calendar.**
9. 12-0776 Recommendation to authorize City Manager to execute a quitclaim deed transferring the City's interest, if any, in and to the four private utility and pedestrian access tunnels (Tunnels), located beneath Lakewood Boulevard between Carson Street and Conant Street, to The Boeing Company (Boeing). (District 5)
- A motion was made to approve recommendation on the Consent Calendar.**

**UNFINISHED BUSINESS (5:22 PM)**

19. 12-0750 Recommendation to adopt resolution approving the FY 13 budget for the Long Beach Harbor Department as adopted by the Board of Harbor Commissioners on June 4, 2012. (A-1)

Susan Wise, President, Board of Harbor Commissioners, spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation to adopt Resolution No. RES-12-0089 of the City Council approving the FY 2012-2013 budget of the Long Beach Harbor Department with the following amendment: to amend Harbor Department budget as approved by Resolution HD-2677 by deleting the statement that the detailed schedules and other data which accompany the Harbor Department budget are for informational purposes only and are not intended to limit expenditures. The motion carried by the following vote:**

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

**Enactment No:** RES-12-0089

### **REGULAR AGENDA (5:25 PM)**

- 10. 12-0785** Recommendation to request that a study session be scheduled within 60 days of the adoption of the FY 13 budget to discuss the City's unfunded liabilities, and how a plan to fund some of these liabilities may reduce structural costs in the General Fund over the long term, thus preserving vital City services.

Councilmember Johnson spoke.

John Gross, Director of Financial Management, spoke.

Mayor Foster spoke.

**A motion was made by Councilmember Johnson, seconded by Councilwoman Schipske, to approve recommendation, with the study session being scheduled within 90 days. The motion carried by the following vote:**

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

- 11. 12-0777** Recommendation to receive and file the Fiscal Year 2012 Third Quarter Budget Performance Report. (Citywide)

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

**A motion was made by Councilmember DeLong, 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

12. 12-0778 Recommendation to approve the Fiscal Year 2012 third quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)

**A motion was made by Councilmember DeLong, 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

13. 12-0780 Recommendation to receive and file the application of Chipotle Mexican Grill, Incorporated, dba Chipotle Mexican Grill, for an original Alcoholic Beverage Control License, at 6324 East Pacific Coast Highway Suite A. (District 3)

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

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

14. 12-0782 Recommendation to authorize City Manager to execute an amendment to Agreement No. 32024 with RJM Design Group, Inc., to increase the contract amount by \$300,000 for architectural design services associated with the Belmont Plaza Pool Revitalization Project; and make any amendments necessary to extend the term and amend the scope of work, all within the approved budget. (District 3)

Lucy Johnson spoke.

Tom Shadden spoke.

Chi Kreddel spoke.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

**A motion was made by Councilmember DeLong, 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

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15. 12-0783 Recommendation to authorize City Manager to execute an amendment to Contract No. 32631 with BOA Architecture Government Services, to increase the contract amount by \$474,000 for architectural and engineering design services associated with the Tidelands beach restrooms and Leeway Sailing Center replacement projects; and make any amendments necessary to extend the term and amend the scope of work, all within the approved budget. (Districts 2,3)

**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

#### **ORDINANCES (5:42 PM)**

16. 12-0752 Recommendation to declare ordinance approving Resolution No. WD-1299, a resolution of the City of Long Beach Board of Water Commissioners establishing the rates and charges to be charged for water and sewer service and declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 A.M. on October 1, 2012, read and adopted as read. (Ordinance No. ORD-12-0013) (A-3)

**A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to declare Emergency Ordinance No. ORD-12-0013 read and adopted as read. The motion carried by the following vote:**

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

**Absent:** 1 - Neal

**Enactment No:** ORD-12-0013

17. 12-0758 Recommendation to declare ordinance adopting an amendment to Ordinance No. C-6496, adopted July 5, 1988, as amended on January 24, 1989, July 11, 1989, December 5, 1989, March 20, 1990, July 3, 1990, September 18, 1990, July 2, 1991, July 7, 1992, January 26, 1993, August 24, 1993, June 28, 1994, July 18, 1995, November 28, 1995, October 1, 1996, March 25, 1997, October 7, 1997, October 27, 1998, April 20, 1999, October 19, 1999, October 17, 2000, October 30, 2001, March 19, 2002, November 26, 2002, January 6, 2004, February 8, 2005, November 1, 2005, December 5, 2006, March 20, 2007, May 22, 2007, December 18, 2007, July 15, 2008, September 21, 2010, and September 13, 2011, relating to the

Departmental Organization of the City of Long Beach, read and adopted as read. (A-9)

**A motion was made by Councilman Andrews, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-12-0015. The motion carried by the following vote:**

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

**Absent:** 1 - Neal

**Enactment No:** ORD-12-0015

18. 12-0765

Recommendation to declare ordinance approving and adopting the official budget of the City of Long Beach for the Fiscal Year 2012 - 2013, creating and establishing the funds of the Municipal Government of the City of Long Beach appropriating money to and authorizing expenditures from said funds for said fiscal year; declaring the urgency thereof, and providing that this ordinance shall take effect at 12:01 A.M. on October 1, 2012, read and adopted as read. (Ordinance No. ORD-12-0014) (A-16)

Ann Cantrell spoke.

Councilwoman Schipske spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember O'Donnell, to declare Emergency Ordinance No. ORD-12-0014 read and adopted as read. The motion carried by the following vote:**

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

**Enactment No:** ORD-12-0014

### **NEW BUSINESS (5:10 PM)**

19. Agenda Item No. 19 is listed under Unfinished Business.

20. 12-0790

Recommendation to receive and file presentation for Long Beach Pony League All-Star Team, World Series Champions.

Councilmember O'Donnell spoke.

Mayor Foster spoke.



Vice Mayor Garcia spoke.

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

**Absent:** 1 - Neal

21. 12-0789 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, September 7, 2012.

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

22. 12-0817 eComments received for the City Council meeting of Tuesday, September 11, 2012.

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

#### **ANNOUNCEMENTS (5:47 PM)**

Mayor Foster requested that the meeting be adjourned in memory of Emma Henderson.

Councilman Andrews requested that the meeting be adjourned in memory of Gregory Moore.

Councilwoman Schipske made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember Neal made community announcements.

Councilmember Lowenthal made community announcements.

Councilman Austin made community announcements.

Councilmember Johnson made community announcements.

#### **PUBLIC (5:59 PM)**

- 12-0834 Randy Kline spoke regarding obtaining a resolution concerning homeless veterans; announced November 1st as the date for the First Annual Stand Up for Homeless Veterans Roundup; and submitted fliers

for the event.

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

**ADJOURNMENT (6:03 PM)**

At 6:03 PM, Mayor Foster adjourned the meeting in memory of Emma Henderson and Gregory Moore.

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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

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## 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 (5:03 PM)

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

**Councilmembers** DeLong  
**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; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Councilman Dee Andrews, Sixth District.

Mayor Foster announced that Councilmember DeLong would be absent from the meeting.

Proclamation for Neighborhood Leadership Program - Class of 2012 Graduates.

Margaret Madden, Development Services, spoke.

Angel Cutna spoke.

Vice Mayor Garcia spoke.

Mayor Foster spoke.

Councilman Austin spoke.

Councilmember Lowenthal spoke.

Councilmember Neal spoke.

Proclamations for Fire Department Employees of the Year - Sworn and Non-Sworn.

Michael DuRee, Fire Chief, spoke; and recognized Brian Weidman and Captain Jimmy Arvizu.

Mayor Foster spoke.

Proclamation declaring September as Prostate Cancer Awareness Month.

Councilman Andrews spoke.

Mayor Foster spoke.

#### **HEARINGS (5:21 PM)**

1. 12-0793 Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal by Lee Fukui and Mauna Eichner, and uphold the decision of the Planning Commission approving a Conditional Use Permit to establish a consumer finance lender located at 2004 Ximeno Avenue, Suite 200, within the Community Automobile-Oriented (CCA) zoning district. (District 4)

Lee Fukui and Mauna Eichner, appellants, spoke; and provided a PowerPoint presentation.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Dave Gallion, Dollar Loan Center, applicant, spoke.

Councilmember Lowenthal spoke.

Motion: Approve recommendation to deny the appeal and uphold the Planning Commission approval of the Conditional Use Permit to establish a consumer finance lender located at 2004 Ximeno Avenue, Suite 200.

Moved by O'Donnell, seconded by Andrews.

Councilmember Neal spoke.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Lee Fukui, appellant, spoke.

Dave Gallion, Dollar Loan Center, applicant, spoke.

Ben Rockwell spoke.

Lisa Wiebrow spoke.

Gary Shelton spoke.

Larry Goodhue spoke.

Sam Portillo spoke.

Katie Noel spoke.

Jack Smith spoke

**A substitute motion was made by Councilwoman Schipske, seconded by Councilman Andrews, that the item be continued for 45 days, or until the City Council meeting of Tuesday, November 13, 2012. The motion carried by the following vote:**

**Yes:** 6 - Lowenthal, Schipske, Andrews, Johnson, Austin and Neal

**No:** 2 - Garcia and O'Donnell

**Absent:** 1 - DeLong

2. 12-0794

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution continuing the Belmont Shore Parking and Business Improvement Area program and

assessment for the period of October 1, 2012 through September 30, 2013; and authorize City Manager to execute an agreement with the Belmont Shore Business Association for a one-year term. (District 3)

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-12-0090. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-12-0090

3. 12-0795 Recommendation to receive supporting documentation into the record, conclude the hearing, find that the area to be vacated is not needed for present or prospective public use, and adopt resolution ordering the vacation of a portion of the east half of the east/west alley, west of Quincy Avenue and south of 7th Street. (District 3)

Mark Ketchian spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, that the item be laid over to the City Council meeting of Tuesday, October 16, 2012. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

### **PUBLIC COMMENT (6:13 PM)**

Kim Lamm spoke regarding proposed cuts by Long Beach City College to a variety of programs.

Councilmember O'Donnell spoke.

Larry Goodhue spoke regarding a variety of issues.

### **CONSENT CALENDAR (6:19 PM)**

Passed The Consent Calendar

**A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve Consent Calendar Items 4 - 14. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

4. 12-0815 Recommendation to authorize City Attorney to pay sum of \$7,500 in full settlement of lawsuit entitled *Theresa Mitchell v. COLB, et al.*  
**A motion was made to approve recommendation on the Consent Calendar.**
5. 12-0831 Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarters ending December 31, 2011 and March 31, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. 12-0791 Recommendation to approve the minutes for the City Council meeting held Tuesday, September 4, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. 12-0792 Recommendation to refer to City Attorney damage claims received between August 31, 2012 and September 10, 2012.  
**A motion was made to approve recommendation on the Consent Calendar.**
8. 12-0832 Recommendation to request that City Council receive and approve changes to department and commission Conflict of Interest Codes filed, in compliance with State law.  
**A motion was made to approve recommendation on the Consent Calendar.**
9. 12-0797 Recommendation to authorize City Manager, or designee, to execute an amendment to the current agreement between the State of California Department of Health Care Services and the City of Long Beach for the continued provision of Targeted Case Management Services to eligible Medi-Cal beneficiaries for the period of July 1, 2012 through June 30, 2013, for an estimated annual revenue of \$250,000. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
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10. 12-0798 Recommendation to authorize City Manager, or designee, to execute an agreement and all necessary documents between the City of Long Beach and the State of California Department of Public Health in an amount not to exceed \$76,035 for Pandemic Influenza Preparedness; and increase appropriations in the Health Fund (SR 130) in the Department of Health and Human Services (HE) by the same amount. (Citywide)

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

11. 12-0696 Recommendation to authorize City Manager to execute a permit with Integrity Ventures Group, Inc., dba Pacific Sailing and Catalina Charters, for the use of docks, slips, and end ties for the operation of a sailboat charter service, a sailing and boating club, and the sale and brokering of marine vessels in Rainbow Marina for a five-year term, with two, one-year renewal options at the discretion of the City Manager or his designee. (District 2)

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

12. 12-0805 Recommendation to appropriate funding from Asset Forfeiture proceeds for repair of the Police Department's West Division Substation air conditioning system; and increase appropriations by \$46,583 in the General Fund (GP) in the Police Department (PD). (District 1)

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

13. 12-0799 Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at The Stave restaurant, located at 170 Promenade North. (District 2)

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

14. 12-0816 Recommendation to receive and file minutes for:  
Civil Service Commission - August 15, 2012.

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

**REGULAR AGENDA (6:19 PM)**

15. 12-0814 Recommendation to request City Council to refer a recommendation from the Long Beach Water Commission to consider citywide water



submetering to the Environmental Committee for further discussion before returning to the City Council.

Councilmember Lowenthal spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Councilwoman Schipske spoke.

Councilman Austin spoke.

Dennis Dunn spoke.

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

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

**Absent:** 1 - DeLong

**16. 12-0833**

Recommendation to request City Attorney to prepare a potential ballot initiative for City Council consideration that would cap total compensation levels for non-public safety employees for Fiscal Years 2014 and 2015 at those paid in Fiscal Year 2010; and request City Manager to concurrently report to City Council on the magnitude of services that could be restored with this reform.

Councilmember Lowenthal spoke; and requested to be included as a co-sponsor for the item.

Councilmember Johnson spoke.

Mayor Foster spoke.

Robert Shannon, City Attorney, spoke.

Councilmember Johnson spoke.

Mayor Foster spoke.

Vice Mayor Garcia spoke.

Councilmember Neal spoke.

Councilman Austin spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

Mayor Foster spoke.

Councilman Austin spoke.

Mayor Foster spoke.

Larry Goodhue spoke.

Dan Gonzalez, President of IAM Local 19, spoke.

Janet Schabow, IAM representative, spoke.

Scott Schroyer spoke.

John Lewis spoke.

Wes Navarre spoke.

Councilmember Lowenthal spoke.

Councilmember Johnson spoke.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Councilmember Neal spoke.

Councilwoman Schipske spoke.

Vice Mayor Garcia spoke.

Councilman Andrews spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Mayor Foster spoke.

**A substitute motion was made by Councilwoman Schipske, seconded by Councilmember Neal, to direct the City Manger to return to the collective bargaining table to continue negotiations concerning pension reform. The motion failed by the following vote:**

**Yes:** 3 - Schipske, Austin and Neal

**No:** 5 - Garcia, Lowenthal, O'Donnell, Andrews and Johnson

**Absent:** 1 - DeLong

Councilmember Neal spoke.

**A motion was made by Councilmember Johnson, seconded by Councilmember Lowenthal, to approve recommendation, with an amendment to request that the City Manager open expediated collective bargaining immediately and concurrently with other recommended actions. The motion carried by the following vote:**

**Yes:** 6 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews and Johnson

**No:** 2 - Austin and Neal

**Absent:** 1 - DeLong

17. 12-0800

Recommendation to adopt Specifications No. FM 12-054 and award a contract to Cardon Solutions, LLC, to provide technical and functional maintenance support and development services for the City's suite of Financial Accounting Management Information Systems (FAMIS) and Simpler Suite (EZ FAMIS) reporting, in an amount not to exceed \$162,000, for a one-year period, with the option to renew for two additional one-year periods, at the discretion of the City Manager, with the option to add expenditures up to 10 percent (or \$16,200) above the

annual contract amount, if necessary and if funds are available.  
(Citywide)

**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, O'Donnell, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - DeLong

18. 12-0801

Recommendation to adopt Specifications RFP No. HE12-020 and award contracts to Pacific West Health Services, Inc., dba Clinical Staffing Services, of Santa Ana, CA; Maxim Healthcare Registry, of Arroyo Grande, CA; Kay Anthony, N.P., a Long Beach-based business (Local); Rosemarie Chaney, R.N., a Long Beach-based business (Local); Carol Newton, R.N., a Long Beach-based business (Local); Dr. Maryam Abdelnaby, of Torrance, CA; Dr. Melvin Webb, of Seal Beach, CA; Dr. Sophia Momand, of Rancho Palos Verdes, CA; Dr. Petar Mitrevski, of Huntington Beach, CA; and, Dr. Ernest Williams, of Newport Beach, CA (none are MBEs, WBEs or SBEs), for providing jail inmate physician and relief nursing services, in a total annual amount not to exceed \$350,000 for the period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

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

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

**Absent:** 1 - DeLong

19. 12-0802

Recommendation to adopt Specifications No. PA-03012 Rebid and authorize City Manager to execute contracts and all related documents with EDCO Waste Services, LLC, a Long Beach-based business (Local; not an MBE, WBE or SBE), and Consolidated Disposal Service, LLC, of Santa Fe Springs (not an MBE, WBE, SBE or Local), for providing diversion of green waste debris services, in an estimated combined annual amount not to exceed \$200,000, for a period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)

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

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

**Absent:** 1 - DeLong

20. 12-0804 Recommendation to authorize City Manager to execute agreements with the Long Beach Unified School District for the operation of the After School Education and Safety Program at Burbank, Edison, Garfield, Grant, King, Lafayette, and Lee Elementary and Hudson K-8 school sites; increase appropriations by \$1,051,863 in the General Grants Fund (SR 120) in the Department of Parks, Recreation and Marine; authorize the required 15 percent in-kind match in the form of Community Development Block Grant and General Fund monies; and execute any future documents, including amendments, necessary to accept, implement, and administer the agreements. (Districts 1,2,4,6,7,9)

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

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

**Absent:** 2 - DeLong and Andrews

21. 12-0806 Recommendation to authorize City Manager to accept a total of \$310,000 in Housing Related Parks Program grant funds, awarded by the California Department of Housing and Community Development, for the renovation of turf grass at Seaside Park and 14th Street Park; increase appropriations by \$310,000 in the Capital Projects Fund (CP) in the Department of Public Works (PW); and execute any documents necessary for the administration of the project. (District 1)

Jacquelin Collins spoke.

**A motion was made by Vice Mayor Garcia, 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

22. 12-0807 Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Phik Cheng Lin, dba PCH Market, for an Original Alcoholic Beverage Control License, at 1821 Martin Luther King Jr. Avenue, with conditions. (District 6)

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

**Yes:** 6 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews and Johnson

**No:** 1 - Austin

**Absent:** 2 - DeLong and Neal

- 23. 12-0808** Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2012 to September 30, 2013 for the Fourth Street Parking and Business Improvement Area, declaring its intention to levy the annual assessment and setting the date of hearing for Tuesday, October 16, 2012 at 5:00 p.m. (District 2)

**A motion was made by Councilmember Lowenthal, seconded by Vice Mayor Garcia, to approve recommendation and adopt Resolution No. RES-12-0091. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-12-0091

- 24. 12-0809** Recommendation to authorize City Manager to execute all necessary documents to amend Contract No. 31822 with EFS West for design and construction of the Phase II portion of the Shoreline Marina Fuel Dock and Underground Storage Tank (UST) Improvement Project, increasing the contract price by \$35,000. (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:** 8 - Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - DeLong

- 25. 12-0810** Recommendation to authorize City Manager to execute all documents necessary for a Consent Agreement between the City of Long Beach (Master Landlord) and West Marine Products, Inc., a California corporation (Subtenant), for City-owned property and improvements at 251 Marina Drive within the Alamitos Bay Marina Center. (District 3)

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

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

**Absent:** 1 - DeLong

26. 12-0811 Recommendation to adopt resolution approving the Annual Assessment Report from October 1, 2012 to September 30, 2013 for the East Anaheim Street Parking and Business Improvement Area, declaring its intention to levy the annual assessment and setting the date of hearing for Tuesday, October 16, 2012 at 5:00 p.m. (Districts 3,4)

**A motion was made by Vice Mayor Garcia, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-12-0092. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-12-0092

27. 12-0812 Recommendation to adopt Resolution of Intention to re-establish the Andy Street Multi-family Improvement District (AMID) and set the date of hearing for Tuesday, November 13, 2012 at 5:00 p.m., receive petitions and designate Andy Street Community Association (ASCA) as the owners' association for the AMID. (District 9)

**A motion was made by Councilmember Neal, seconded by Vice Mayor Garcia, that item be laid over to October 16, 2012 to receive petitions and designate Andy Street Community Association and set the date of hearing. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

28. 12-0813 Recommendation to:

1. Adopt Specifications No. R-6913 for both anticipated and unanticipated (emergency) construction of various City infrastructure repairs and improvements to be performed under the method of Job Order Contracting (JOC);

2. Authorize City Manager to execute agreements for one-year term in amounts not to exceed \$1,000,000 for each of the following JOC Contracts:

- JOC Contract No. 15 for New Creations Builders DBE
- JOC Contract No. 16 for Exbon Development DBE
- JOC Contract No. 17 for Bitech Construction MBE/DBE
- JOC Contract No. 18 for Allstate Engineering MBE
- JOC Contract No. 19 for Thomasville Construction;

3. Adopt resolution authorizing City Manager to execute a contract with the Gordian Group for access rights to their proprietary Pro-Gen software and to provide professional services to manage the JOC program in an amount not to exceed \$292,500 for a term of three years, with the option of renewing for two additional one-year periods;

4. Authorize City Manager to execute amendments to each JOC contract to extend the term for two separate periods of one year each and up to \$1,000,000 per extended term; and

5. Authorize City Manager to execute amendments to the Gordian Group agreement relative to the extension of the term, to authorize additional services, if required, within the provisions of the agreement, and to adjust the Gordian fee for inflation. (Citywide)

**A motion was made by Vice Mayor Garcia, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-12-0093. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**Enactment No:** RES-12-0093

#### **NEW BUSINESS (7:48 PM)**

**29. 12-0823** Recommendation to City Council to concur in the recommendation of the State Legislation Committee to oppose Proposition 32, the Paycheck Protection/Deception Act.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.



Rex Pritchard spoke.

**A motion was made by Councilmember Johnson, seconded by Councilmember O'Donnell, to approve recommendation for City Council to oppose Proposition 32. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

30. 12-0824 Recommendation to City Council to concur in the recommendation of the State Legislation Committee to amend the State Legislative Agenda to request the State Legislature pass a resolution encouraging all cities to name their Municipal Code provisions related to illegal garage conversions as "The Aviles Laws".

Councilman Andrews spoke.

Firefighter Pat Willis spoke.

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

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

**Absent:** 2 - DeLong and Austin

31. 12-0827 Recommendation to City Council to concur in the recommendation of the State Legislation Committee to support the following Propositions:

Proposition 30: Temporary Taxes to Fund Education.  
Guaranteed Local Public Safety Funding

Proposition 35: Californians Against Sexual Exploitation Act

Proposition 36: Three Strikes Reform Act of 2012

Proposition 37: California Right to Know Genetically Engineered Food Act

Vice Mayor Garcia spoke.

**A motion was made by Councilmember O'Donnell, seconded by Vice Mayor Garcia, to approve recommendation for City Council to support Proposition 30. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

**A motion was made by Councilmember O'Donnell, seconded by Vice Mayor Garcia, to approve recommendation for City Council to support Proposition 35. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

Peter Rosenwald spoke; and submitted a brochure.

Jacquelin Collins spoke.

**A motion was made by Councilmember O'Donnell, seconded by Councilman Austin, to approve recommendation for City Council to support Proposition 36. The motion carried by the following vote:**

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

**Absent:** 1 - DeLong

Councilmember Johnson spoke.

Vice Mayor Garcia spoke.

**A substitute motion was made by Councilmember Johnson, seconded by Councilmember O'Donnell, that the City Council take no position on Proposition 37. The motion failed by the following vote:**

**Yes:** 3 - O'Donnell, Andrews and Johnson

**No:** 5 - Garcia, Lowenthal, Schipske, Austin and Neal

**Absent:** 1 - DeLong

**A motion was made by Vice Mayor Garcia, seconded by Councilman Austin, to approve recommendation for City Council to support Proposition 37. The motion carried by the following vote:**

**Yes:** 5 - Garcia, Lowenthal, Schipske, Austin and Neal

**No:** 3 - O'Donnell, Andrews and Johnson

**Absent:** 1 - DeLong

32. 12-0838 Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, September 14, 2012.

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

**ANNOUNCEMENTS: (8:04 pm)**

Mayor Foster requested that the meeting be adjourned in memory of Roy Stone; and announced that Joe Toney's last day was today and wished him well.

Councilman Andrews made community announcements.

Councilmember Neal made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Lowenthal made community announcements.

Councilman Austin made community announcements.

Councilmember Johnson made community announcements.

**PUBLIC (8:13 PM)**

Peter Rosenwald spoke regarding school issues.

**ADJOURNMENT (8:14 PM)**

At 8:14 PM, Mayor Foster adjourned the meeting in memory of Roy Stone.

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