

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The Agenda Items were considered in the order presented, except for Agenda Item No. 16 was withdrawn.

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; Charles Parkin, Assistant City Attorney; Larry Herrera, City Clerk; Daisy Gomez, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Dee Andrews, Councilman, Sixth District.

Mayor Foster announced that Councilmember DeLong would be absent; and that Agenda Item No. 16 would be withdrawn.

Proclamation declaring January 11 as Human Trafficking Awareness day.

Councilwoman Schipske spoke.

Rohida Khan, Long Beach Human Trafficking Task Force, spoke.

Mayor Foster spoke.

HEARINGS (5:15 PM)

[see media](#)

1. [13-0001](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of BA Group, Inc., dba Agaves, 200 Pine Avenue No. A, for Entertainment with Dancing by Patrons. (District 2)

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

Absent: 1 - DeLong

[see media](#)

2. [13-0003](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Ayres Grill, Inc., dba Gaucho Grill, 200 Pine Avenue No. B, for Entertainment without Dancing by Patrons. (District 2)

Councilmember Lowenthal spoke.

Vice Mayor Garcia spoke.

A motion was made by Councilmember Lowenthal, 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

[see media](#)

3. [13-0002](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Derry 207 Corporation, dba Gallagher's Pub & Grill, 2751 E. Broadway, for Entertainment without Dancing by Patrons. (District 2)

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilmember Johnson, 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

[see media](#)

4. [13-0004](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Octopus Restaurant Long Beach, Inc., dba Octopus Japanese Restaurant, 200 Pine Avenue No. C, for Entertainment with Dancing by Patrons. (District 2)

Councilmember Lowenthal spoke.

A motion was made by Councilmember Lowenthal, 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

PUBLIC COMMENT (5:24 PM)

Shannon Bell spoke regarding inappropriate publications on City streets.

Vice Mayor Garcia spoke.

Pete Zak spoke regarding City Hall East.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Sergeant Randy Kline, retiree, spoke regarding a "Hand Up" to Homeless Veterans at Annual Stand Down event.

Mayor Foster spoke.

Councilwoman Schipske spoke.

CONSENT CALENDAR (5:39 PM)

Passed The Consent Calendar

A motion was made by Councilman Austin, seconded by Councilmember Neal, to approve Consent Calendar Items 5 - 21, except for Item 16. The motion carried by the following vote:

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

Absent: 1 - DeLong

5. [13-0005](#) Recommendation to authorize City Attorney to pay the sum of \$10,385.13 in full settlement of the claim by State Farm Insurance, Claim No. C12-0250.
A motion was made to approve recommendation on the Consent Calendar.
6. [13-0006](#) Recommendation to adopt resolution of the City Council of the City of Long Beach in opposition to Proposition 8.
A motion was made to approve recommendation and adopt Resolution No. RES-13-0001 on the Consent Calendar.
Enactment No: RES-13-0001
7. [13-0007](#) Recommendation to adopt resolution of the City Council of the City of Long Beach in support of the 2013 Free Income Tax Preparation and Family Services initiative.
A motion was made to approve recommendation and adopt Resolution No. RES-13-0002 on the Consent Calendar.
Enactment No: RES-13-0002
8. [13-0008](#) Recommendation to approve the minutes for the City Council meetings of Tuesday, December 11 and 18, 2012.
A motion was made to approve recommendation on the Consent Calendar.
9. [13-0009](#) Recommendation to refer to City Attorney damage claims received between December 10, 2012 and December 31, 2012.
A motion was made to approve recommendation on the Consent Calendar.
10. [13-0010](#) Recommendation to approve the destruction of records for City Clerk Department, as shown in Exhibit A; and adopt the resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-13-0003 on the Consent Calendar.

Enactment No: RES-13-0003

11. [13-0028](#) Recommendation to approve the destruction of records for the Department of Civil Service, as shown in Exhibit A; and adopt the resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-13-0004 on the Consent Calendar.

Enactment No: RES-13-0004

12. [13-0011](#) Recommendation to authorize City Manager to execute all necessary agreements, and any subsequent amendments thereto, with California Center for Sustainable Energy (CCSE), to participate in the Southern California Rooftop Solar Challenge, Department of Energy (DOE) Award No. DE-EE0005696. (Citywide)

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

13. [13-0012](#) Recommendation to authorize Department of Development Services to process a refund in the amount of \$12,797 to Cobalt Construction Company, for the property located at 200 East Anaheim Street. (District 1)

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

14. [13-0013](#) Recommendation to authorize Department of Health and Human Services to refund prior-year grant funds to the Department of Housing and Urban Development, totaling \$158,643 plus interest. (Citywide)

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

15. [13-0014](#) Recommendation to authorize City Manager to execute all documents with El Camino Community College District for Pacific Gateway to receive up to \$50,000 for marketing a customized training program to new business customers in the region; and to execute any needed subsequent amendments. (Citywide)

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

16. [13-0015](#) Recommendation to authorize City Manager to execute all documents with Wells Fargo Foundation for Pacific Gateway Workforce Partnership, Inc., to receive \$100,000 in grant funds to implement the Economic Upturn Project; execute all documents with the Long Beach Chamber of Commerce in an amount up to \$50,000 to provide outreach and various services to local businesses; and execute any needed subsequent

amendments. (Citywide)

This Contract was withdrawn.

17. [13-0016](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Michael's Pizzeria, located at 210 East 3rd Street, Suite C. (District 2)
A motion was made to approve recommendation on the Consent Calendar.
18. [13-0017](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit to the owners of the Promenade Lofts building for future restaurant sidewalk dining adjacent to 210 East 3rd Street, Suite D. (District 2)
A motion was made to approve recommendation on the Consent Calendar.
19. [13-0018](#) Recommendation to authorize City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Papalucci's restaurant, located at 4611 East Second Street. (District 3)
A motion was made to approve recommendation on the Consent Calendar.
20. [12-1046](#) Recommendation to authorize City Manager to execute a contract and any necessary amendments thereto with MWH Americas, Inc. (MWH), in an amount not to exceed \$129,500 (with a net cost to the City of \$18,500) to provide statistical and data gathering services for the California Multi-Agency Capital Improvement Program (CIP) Benchmarking Study Group in which the City of Long Beach participates, for a one-year term, with the option to extend the contract for two additional one-year terms; and increase appropriations in the General Fund (GP) in the Department of Public Works (PW) by \$111,500. (Citywide)
A motion was made to approve recommendation on the Consent Calendar.
21. [13-0029](#) Recommendation to receive and file minutes for:
Civil Service Commission - December 5, 2012.
Planning Commission - November 15 and December 6, 2012.
A motion was made to approve recommendation on the Consent Calendar.

REGULAR AGENDA (5:40 PM)

[see media](#)

22. [13-0033](#)

Recommendation to request the support of the City Council for the Clean Water, Clean Beaches Measure as it is currently proposed and for the City Manager to communicate our position to the Los Angeles Board of Supervisors prior to their January 15th meeting; and

Request that information and links be posted on the City's website for residents and businesses to learn more about the Clean Water, Clean Beaches Measure along with Long Beach's efforts to keep its beaches and water clean.

Councilmember Lowenthal spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

Councilmember Neal spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Mayor Foster spoke.

Councilmember O'Donnell spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Vice Mayor Garcia spoke.

Mayor Foster spoke.

Vice Mayor Garcia spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Councilmember Neal spoke.

Bill Marley spoke.

Tom Stout spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilman Andrews, to approve recommendation as shown on the agenda with amendments to: [1] show that Council's support is contingent upon Board of Supervisors' adoption of a proposed ordinance (entitled "Los Angeles County Flood Control District Water Quality Improvement Program Ordinance"), prior to submittal of the ordinance as a ballot measure; and [2] direct the City Manager to continue negotiations to: [a] ensure that City funds and project funds are used to directly fund clean water projects; [b] provide an appropriate funding mechanism for clean water projects in school and residential and business incentive programs; [c] request that the City of Long Beach Harbor and Water Commissions take a similar position of support for the Clean Water Clean Beaches Measure; and [d] provide that the proposed ordinance include a thirty year sunset date and/or step down mechanism. The motion carried by the following vote:

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

No: 2 - Schipske and Austin

Absent: 1 - DeLong

[see media](#)

23. [13-0019](#)

Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the California Board of State and Community Correction for the Gang Reduction, Intervention and Prevention Program in the amount of \$500,000 for two years;

Authorize a required in-kind match of \$500,000 from Pacific Gateway;
and

Increase appropriations in the Community Development Grants Fund (SR 150) in the Department of Development Services (DV) by \$500,000. (Districts 1,6,7,8,9)

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

Absent: 1 - DeLong

[see media](#)

24. [13-0020](#) Recommendation to authorize City Manager, or designee, to execute all necessary documents and amendments between the City of Long Beach and the California Department of Public Health to administer the Child Health and Disability Prevention (CHDP) Program for the period of July 1, 2012 to June 30, 2013. (Citywide)

A motion was made by Councilman Austin, 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](#)

25. [12-1086](#) Recommendation to authorize City Manager to execute any and all documents necessary for a West Wilmington Optimized Waterflood Program Agreement between the City of Long Beach and Tidelands Oil Production Company to further promote oil exploration and production while also lessening the associated financial risk to the City. (District 1)

Councilmember Johnson spoke.

Mayor Foster spoke.

Councilmember Johnson spoke.

A motion was made by Councilmember Lowenthal, 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

[see media](#)

26. [12-1050](#) Recommendation to adopt Specifications No. PA-01913 and award a contract to Ferguson Enterprises, Inc., a Long Beach-based business (not an MBE, WBE or SBE), for furnishing and delivering polyethylene pipe and fittings, in an annual amount not to exceed \$394,000 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 Councilman Andrews, 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

[see media](#)

27. [13-0021](#)

Recommendation to adopt resolution certifying an addendum to the Sports Park Environmental Impact Report (SCH#1999091108) for proposed improvements at Willow Springs Park, and approve the Willow Springs Park Master Plan. (District 7)

Councilmember Johnson spoke.

Councilman Andrews spoke.

Councilman Austin spoke.

Grace Lorensen spoke.

A motion was made by Councilmember Johnson, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-13-0005. The motion carried by the following vote:

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

Absent: 2 - Lowenthal and DeLong

Enactment No: RES-13-0005

[see media](#)

28. [13-0027](#)

Recommendation to receive and file the application of Crystal Car Wash, Incorporated, dba Crystal Auto Spa, for an original Alcoholic Beverage Control License, at 3525 East Anaheim Street, and submit a Public Notice of Protest. (District 4)

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

Absent: 1 - DeLong

[see media](#)

29. [13-0022](#)

Recommendation to authorize City Manager to execute all necessary documents to receive, accept and expend grant funding from the State of California Citizens Option for Public Safety Program funding from the

County of Los Angeles Supplemental Law Enforcement Services Fund.
(Citywide)

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, Austin and Neal

Absent: 2 - DeLong and Johnson

[see media](#)

30. [13-0023](#)

Recommendation to authorize City Manager to execute all necessary documents to receive, accept and expend grant funding from the State of California Citizens Option for Public Safety Program funding from the County of Los Angeles Supplemental Law Enforcement Services Fund, and increase appropriations in the General Grants Fund (SR120) and in the Police Department (PD) by \$636,541. (Citywide)

A motion was made by Councilman Andrews, seconded by Councilmember O'Donnell, 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

[see media](#)

31. [13-0024](#)

Recommendation to adopt Plans and Specifications No. R-6885 for the Rehabilitation of Pacific Avenue between 7th Street and Anaheim Street, award the project to and authorize City Manager to execute all documents necessary to enter into a contract with Sequel Contractors, Inc., and any necessary amendments thereto relative to the scope of work, in an estimated amount of \$835,401 with a 15 percent contingency in the amount of \$125,310 if necessary and if funds are available, for a total of \$960,711. (District 1)

Vice Mayor Garcia spoke.

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

[see media](#)

32. [13-0025](#) Recommendation to adopt Plans and Specifications No. R-6945 for the construction of Craftsman Park, award the Base Bid to and authorize City Manager to execute a contract with Micon Construction, Inc., in the amount of \$439,003, plus a 20 percent contingency amount of \$87,801, if necessary, for a total amount of \$526,804, and any necessary amendments thereto;

Reduce appropriations in the Capital Projects Fund (CP) in the Department of Parks, Recreation and Marine (PR) by \$722,465; and

Increase appropriations in the Capital Projects Fund (CP) in the Department of Public Works (PW) by \$722,465. (District 1)

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

[see media](#)

33. [13-0026](#) Recommendation to approve submittal of the recommended list of grant applications to the Los Angeles County Metropolitan Transportation Authority (Metro); and

Authorize City Manager to administer and execute all necessary documents to accept and expend all Metro grant funds in connection therewith, and to take all other actions necessary to implement the use of such funds. (Citywide)

A motion was made by Councilman Andrews, 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

ORDINANCE (7:17 PM)

[see media](#)

34. [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 all relating to Entertainment and Similar Activities, declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read.

(Ordinance No. ORD-12-0021) (Version "B") (Citywide)

A motion was made by Councilman Andrews, seconded by Councilman Austin, to approve recommendation and adopt Emergency Ordinance No. ORD-12-0021 (Version "B"). The motion carried by the following vote:

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

Absent: 1 - DeLong

Enactment No: ORD-12-0021

NEW BUSINESS (7:17 PM)

35. 13-0037 eComments received for the City Council meeting of Tuesday, January 8, 2013.

This Agenda Item was received and filed.

ANNOUNCEMENTS (7:17PM)

Mayor Foster requested that the meeting be adjourned in memory of Larry Agajanian, Huell Howser, and Sergeant Brenda Relph.

Councilman Andrews made community announcements.

Councilmember O'Donnell made community announcements; and requested that the meeting be adjourned in memory of Officer John Rose.

Councilmember Neal made community announcements.

Councilman Austin made community announcements.

Councilmember Lowenthal made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Johnson made community announcements.

ADJOURNMENT (7:29 PM)

At 7:29 PM, Mayor Foster adjourned the meeting in memory of Larry Agajanian, Huell Howser, Sergeant Brenda Relph, and Officer John Rose.

dg

