

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

Charles Parkin, City Attorney

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### **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.

Agenda Items were considered in the order presented, with the exception of Agenda Item No. 24, which was considered after the Consent Calendar vote; and Agenda Item No. 21, which was considered after Agenda Item No. 19.

#### **ROLL CALL (5:01 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, City Attorney; Michael Mais, Assistant City Attorney; Larry Herrera, City Clerk; Carolyn Hill, City Clerk Specialist.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Al Austin, Councilman, Eighth District.

Mayor Foster announced that Agenda Item Nos. 5 and 9 have been withdrawn; Agenda Item No. 21 will be presented with Item No. 22 and would be considered after the Ordinances; and Agenda Item No. 24 would be considered after the Consent Calendar.

Presentation for the 30th Anniversary of the Wrigley Association.

Councilmember Johnson spoke.

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Colleen McDonald, Wrigley Association, spoke.

Councilman Andrews spoke.

Councilmember Johnson spoke.

Roman Seano, President, Wrigley Association, spoke.

Councilmember Johnson spoke.

Presentation for the 2014 Miss Southern California Cities and Miss Long Beach.

Vice Mayor Garcia spoke.

Justin Rudd, Pageant Director, spoke.

Vice Mayor Garcia spoke.

**CONTINUED HEARING (5:16 PM)**

20. [13-1076](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant a Permit with conditions on the application of Dara Kim, dba Dara Restaurant, 1223 East Anaheim Street, for Entertainment With Dancing by Patrons. (District 6)

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

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

**PUBLIC COMMENT (5:18 PM)**

- [13-1127](#) Star Harris spoke regarding hate crimes; and distributed correspondence.

**This Handout was received and filed.**

Debro O. Saad spoke regarding hate crimes.

- [13-1128](#) Gary Shelton spoke regarding Memorial Day for Homeless Men and

Women at the Civic Center Plaza; and distributed a flyer.

**This Handout was received and filed.**

Jason Aula spoke regarding Civil Rights and Bill of Rights.

Diana Lejins spoke regarding democratic process and police cameras.

David Zink spoke regarding prohibition and corruption.

**CONSENT CALENDAR (5:35 PM)**

Passed The Consent Calendar

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve Consent Calendar Items 1 - 7, except for Item 5. The motion carried by the following vote:**

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

1. [13-1102](#) Recommendation to authorize City Attorney to submit Stipulations with Request for Award for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$105,305.91 for the claim of Marion Jenoir; authority to pay \$60,720 for the claim of John Magallanes; and authority to pay 1) \$18,515, and also 2) separate authority to pay \$66,067.50 for the claim of Timothy Wilkinson, in compliance with the Appeals Board Orders.

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

2. [13-1118](#) Recommendation to authorize City Attorney to pay the sum of \$6,250 as full and final resolution of lawsuit entitled *Chrupcala v City of Long Beach*, Case No. 13K07823.

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

3. [13-1103](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, December 3, 2013.

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

4. [13-1105](#) Recommendation to refer to City Attorney damage claims received between December 2, 2013 and December 9, 2013.

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

5. [13-1112](#) WITHDRAWN  
~~Recommendation to adopt resolution approving the Proposed Fiscal Year 2013-2014 Harbor Department Salary Resolution No. HD-2746.~~

**This Resolution was withdrawn.**

6. [13-1117](#) Recommendation to adopt resolution which amends the resolution approving the compensation fixed by the Board of Water Commissioners of the City for officers and employees in the Water Department.

**A motion was made to approve recommendation and adopt Resolution No. RES-13-0123 on the Consent Calendar.**

**Enactment No: RES-13-0123**

7. [13-1106](#) Recommendation to receive and file minutes for:  
Civil Service Commission - November 20, 2013.

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

**UNFINISHED BUSINESS (6:23 PM)**

21. [13-1099](#) Recommendation to provide additional direction to City Attorney and Development Services Department regarding the contents and parameters of a draft ordinance to be presented to the Planning Commission relating to the regulation of Medical Marijuana Dispensaries in Title 21 of the Long Beach Municipal Code. (Citywide)

Michael Mais, Assistant City Attorney, spoke.

Amy Bodek, Director of Development Services, spoke.

Michael Mais, Assistant City Attorney, spoke.

Jim McDonnell, Chief of Police, spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilmember Neal spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Councilwoman Schipske spoke.

Councilman Austin spoke.

Councilwoman Schipske spoke.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

Vice Mayor Garcia spoke.

David Zink spoke.

Madeline Johnson spoke.

Dr. Ben Orizaba spoke.

Diana Lejins spoke.

Nobe Serrand spoke.

Adam Ajasee spoke.

Floyd Bocox spoke; and distributed correspondence.

Jason Aula spoke.

Gina Nam, Long Beach Collective Association, spoke.

Joe Baca spoke.

KG spoke.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilman Austin spoke.

Councilmember Lowenthal spoke.

Councilmember DeLong spoke.

Vice Mayor Garcia spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Neal, to receive and file the staff report and forward to the Planning Commission with direction to address the following parameters: [1] performance standards which include a security plan; [2] allowing dispensaries to be only located within industrial zones; [3] a cap of two (2) locations per Council District and no more than 18 Citywide; [4] consideration of 1,000 and 1,500 "buffers" between dispensaries, schools, and parks; [5] development of CUP criteria, process and fees; [6] creation of an advisory task force; [7] development of a mechanism accommodation of previously vetted marijuana dispensaries; and [8] report back to the City Council within 60 days from completion of the Planning Commission's study and recommendations on a zoning ordinance addressing medical marijuana dispensaries.**

**The motion carried by the following vote:**

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

**REGULAR AGENDA (5:44 PM)**

8. [13-1108](#) Recommendation to request City Attorney to draft an ordinance requiring future food concessionaire contractors at the Long Beach Airport and Convention Center to pay wages consistent to those required by Measure N.

Councilmember O'Donnell spoke.

Councilmember Johnson spoke.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilwoman Schipske spoke.

Debro Onn Saad spoke.

April Sanchez spoke.

Jose Santos spoke.

Eric Tandock spoke.

Star Harris spoke.

Jason Aula spoke.

Vice Mayor Garcia spoke.

**A motion was made by Councilmember O'Donnell, 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

9. 13-1119 WITHDRAWN  
~~Recommendation to request that the City Council direct City Attorney to prepare a resolution to adopt an Enhanced Electrical Safety Policy which will require Capital Improvement Program (CIP) construction projects estimated to be \$100,000 or more contain an Enhanced Electrical Safety~~

~~Policy. We further request that the City Clerk forward a copy of the resolution as approved by the City Council to the Board of Harbor Commissioners and the Board of Water Commissioners for their consideration of a similar policy and report back to the City Council within 90 days the results of their commission action.~~

**This Agenda Item was withdrawn.**

[see media](#)

10. [13-1109](#)

Recommendation to authorize City Manager to execute any and all documents necessary to enter into an agreement with California State Department of General Services/Office of Administrative Hearings in the amount of \$100,000 for five years to utilize Administrative Law Judges to conduct disability retirement and other appeal hearings. (Citywide)

**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](#)

11. [13-1110](#)

Recommendation to authorize City Manager to execute all necessary documents to receive and expend grant funding from the California Board of State and Community Corrections 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; and

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

**A motion was made by Councilmember O'Donnell, seconded by Councilmember Neal, 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](#)



12. [13-1111](#)

Recommendation to adopt the Statement on Investment Policy for Calendar Year 2014 pursuant to Section 53646 (a) of the State of California Government Code. (Citywide)

**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](#)

13. [13-1113](#)

Recommendation to authorize City Manager to execute contracts with various One-Stop Career Center Service Providers, in support of strategies that provide training and employment services to residents, in the amount not to exceed \$349,812; and to execute any needed subsequent amendments. (Citywide)

Councilwoman Schipske spoke.

**A motion was made by Councilmember O'Donnell, 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

[see media](#)

14. [13-1114](#)

Recommendation to authorize City Manager to execute an agreement with Sun Life, via stHealth Benefit Solutions, for healthcare specific stop-loss reinsurance coverage at a cost of \$792,500 for a 12-month period, with a \$500,000 deductible level; and execute any subsequent amendments necessary to maintain current benefit levels and remain in compliance with state and federal laws. (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

[see media](#)

15. [13-1115](#)

Recommendation to receive and file the application of La Lune Investments Incorporated, dba La Lune Imperial, for an original Alcoholic Beverage Control License, at 1458 Atlantic Avenue, with conditions. (District 6)

Distributed at the meeting: ABC conditions.

Councilman Andrews spoke.

**A motion was made by Councilman Andrews, seconded by Councilmember Neal, 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](#)

**16. [13-1045](#)**

Recommendation to adopt Specifications No. PA-04513 Rebid and award a contract to Helinet Aviation Services, LLC, of Van Nuys, CA (not a MBE, WBE, SBE or Local), for the purchase of thermal imaging systems equipment, for a total amount not to exceed \$979,157, inclusive of tax. (Citywide)

**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](#)

**17. [13-1116](#)**

Recommendation to authorize City Manager to amend Agreement No. 28344 with Waste Management, Inc., to provide residential recycling collection operations on a month-to-month basis, not to exceed one year, at an estimated cost of \$350,000 per month, on an interim basis pending completion of a procurement process. (Citywide)

Motion: Approve recommendation.

Moved by DeLong, seconded by Lowenthal.

Councilmember Johnson spoke.

Councilmember Lowenthal spoke.

Councilman Austin spoke.

Charles Parkin, City Attorney, spoke.

Councilmember O'Donnell spoke.

**A substitute motion was made by Councilman Austin, seconded by Councilmember Neal, to approve recommendation, as amended, to direct the City Manager to report back on recycling collection operations in six (6) months. The motion carried by the following vote:**

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

### **ORDINANCES (6:13 PM)**

18. [13-1067](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 16.58, relating to Labor Peace Agreements for the Long Beach Airport and the Long Beach Convention Center, read and adopted as read. (Citywide)

**A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, to approve recommendation and adopt Ordinance No. ORD-13-0030. 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-13-0030

[see media](#)

19. [13-1068](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 16.59, relating to Worker Retention at the Long Beach Airport and the Long Beach Convention Center, read and adopted as read. (Citywide)

**A motion was made by Councilmember Lowenthal, seconded by Councilman Austin, to approve recommendation and adopt Ordinance No. ORD-13-0031. 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-13-0031

**NEW BUSINESS (9:03 PM)**

20. Agenda Item No. 20 is listed under Continued Hearing.

21. Agenda Item No. 21 is listed under Unfinished Business.

22. [13-1124](#) Recommendation to request that the City Council direct City Attorney to prepare documents necessary to place on the April, 2014 ballot a proposed measure to establish a tax on medical marijuana businesses in the City of Long Beach.

Councilmember Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Johnson spoke.

Vice Mayor Garcia spoke.

Gina Nam, Long Beach Collective Association, spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Neal, to approve recommendation, as amended, to provide that: [1] the operative date of tax will coincide with the operative date of an ordinance regulating the location of medical marijuana dispensaries; and [2] the proposed ballot measure will contain provisions to provide the City Council with: [a] maximum flexibility with regard to the actual tax rate or a variable tax rate that is subject to adjustment by the City Council; and [b] the creation of cost recovery fees related to the regulation of medical marijuana dispensaries. The motion carried by the following vote:**

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

**No:** 1 - Schipske

**Absent:** 1 - Andrews

[see media](#)

23. [13-1094](#) Recommendation to respectfully request City Council approval of the 2014 Federal Legislative Agenda as recommended by the Federal Legislative Committee.

Debro Onn Saad spoke.

Diana Lejins spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Johnson 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](#)

24. [13-1058](#) Recommendation to authorize City Manager to execute all necessary documents for a Historic Site lease with the Rancho Los Cerritos Foundation, Inc., a California nonprofit corporation, for the operation and management of Rancho Los Cerritos Historic Site, located on City-owned property at 4600 Virginia Road. (District 8)

Councilman Austin spoke.

Councilmember DeLong spoke.

Councilmember Johnson spoke.

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

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

25. Affidavit of Service for special meeting held Tuesday, December 17, 2013

26. [13-1125](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, December 13, 2013.

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

27. [13-1129](#) eComments received for the City Council meeting of Tuesday, December 17, 2013.

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

**ANNOUNCEMENTS (9:03 PM)**

Councilmember Johnson made community announcements.

Councilmember Lowenthal requested that the meeting be adjourned in memory of Mary Sullivan.

Vice Mayor Garcia spoke.

**ADJOURNMENT (9:05 PM)**

At 9:05 PM, Vice Mayor Garcia adjourned the meeting in memory of Mary Sullivan.

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**NOTE:**

If written language translation of the City Council agenda and minutes for non-English speaking persons is desired, please make your request by phone to the City Clerk Department at (562) 570-6101, 72 hours prior to the City Council meeting.

Kung ang nakasulat na pagsasalin-wika ng adyenda at mga katitikan ng Konseho ng Lunsod ay hinahangad para sa mga taong hindi nagsasalita ng Ingles, mangyaring gawin ang iyong kahilingan sa pamamagitan ng telepono sa Kagawaran ng Klerk ng Lunsod sa (562) 570-6101, 72 oras bago ang pulong ng Konseho ng Lunsod.”

Si desea obtener la traducción lingüística escrita de la agenda y las actas del Concejo Municipal para las personas que no hablan inglés, realice su pedido por teléfono al Departamento de la Secretaría Municipal al (562) 570-6101, 72 horas antes de la reunión del Concejo Municipal.

បើលោកអ្នកមិនចេះនិយាយភាសាអង់គ្លេស ហើយត្រូវការរបៀបវារៈកិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង និងរបាយការណ៍កិច្ចប្រជុំនៃក្រុមប្រឹក្សាសាលាក្រុង ជាសំណៅប្រែសម្រួលលាយលក្ខណ៍អក្សរទៅជាភាសារបស់លោកអ្នក នោះសូមស្នើសុំមកនាយកដ្ឋានសៀវភៅសាលាក្រុង តាមទូរស័ព្ទលេខ (562) 570-6101 អោយបាន 72 ម៉ោងមុនកិច្ចប្រជុំក្រុមប្រឹក្សាសាលាក្រុងត្រូវបានធ្វើឡើង។