

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, Acting City Attorney

---

## FINISHED AGENDA & MINUTES

### SPECIAL MEETING

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. 17 was considered prior to the Hearings.

### ROLL CALL (6:01 PM)

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

**Councilmembers** O'Donnell  
**Absent:**

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Charles Parkin, Acting City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Daisy Gomez, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Pledge of Allegiance: Vice Mayor Robert Garcia, Councilmember, First District.

Mayor Foster announced that Councilmember O'Donnell would be absent; that Agenda Item No. 1 was withdrawn; that Agenda Item No. 17 would be considered prior to the Hearings; and announced Closed Session results of Acting City Attorney appointment to Charles Parkin as permanent Acting City Attorney.

### HEARINGS (6:07 PM)

1. 13-0640 WITHDRAWN

~~Recommendation to receive supporting documentation into the record, conclude the hearing to consider the establishment of the Uptown Property and Business Improvement District (UPBID); direct City Clerk to tabulate the ballots and report the results of the tabulation to the Mayor and City Council during the Tuesday, August 6, 2013 City Council meeting; and, if a majority of ballots received are in favor of the establishment of the UPBID; and adopt resolution to establish the UPBID for an initial term of five (5) years, effective January 1, 2014 through December 31, 2018. (Districts 8,9)~~

**This Resolution was withdrawn.**

[see media](#)

2. [13-0641](#)

Recommendation to receive supporting documentation into the record, conclude the public hearing, and declare the ordinance amending the Zoning Ordinance by adding Chapter 21.57 related to Alcohol Nuisance Abatement read the first time and laid over to the next regular meeting of the City Council for final reading;

Amy Bodek, Director of Development Services, spoke; and provided a PowerPoint presentation.

Jennifer Harris, representative of California for Justice, spoke in support.

Dennis Dunn spoke in opposition.

Danisha Alexander, employee of California for Justice, spoke in support.

Manuel Walker spoke in support.

Jeff Price spoke in support.

Linda Wilson spoke in support.

Darlene Bloom spoke in support.

Councilmember Neal spoke.

Councilman Austin spoke.

Vice Mayor Garcia spoke.

**A motion was made by Councilmember Neal, seconded by Councilman Austin, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

**Enactment No:** ORD-13-0012

[see media](#)

[13-0642](#)

Adopt resolution limiting implementation of the ordinance to specified areas of the City in North Long Beach; and

Accept the Categorical Exemption CE 13-13. (Citywide)

**A motion was made by Councilmember Neal, seconded by Councilman Austin, to approve recommendation and adopt Resolution No. RES-13-0061. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

**Enactment No:** RES-13-0061

#### **PUBLIC COMMENT (6:44 PM)**

Sam Platis and Dino Platis spoke regarding the Long Beach Greek Festival event.

Mayor Foster spoke.

Councilmember DeLong spoke.

Jeff Abrams spoke regarding medical marijuana dispensaries.

#### **CONSENT CALENDAR (6:52 PM)**

Passed The Consent Calendar

**A motion was made by Councilman Andrews, seconded by Councilwoman Schipske, to approve Consent Calendar Items 3 - 12, except for Items 3 and 4. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

[see media](#)

3. [13-0645](#) Recommendation to authorize City Manager to execute an agreement with the firm of Richards, Watson & Gershon, in the matter entitled Jolly v. City of Long Beach, Case No. BC453032.

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, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

[see media](#)

4. [13-0646](#) Recommendation to adopt resolution of the City Council of the City of Long Beach in support of negotiations between SEIU Healthcare Workers West and Telecare La Casa Mental Health and Rehabilitation Center, in an effort to seek safety improvement to the workplace for the caregivers, patients, and the surrounding community.

Barbara Roush, Administrator of Telecare La Casa Mental Health and Rehabilitation Center, spoke in opposition.

Daniel Brezenoff, Director of La Casa Mental Healthcare, spoke in opposition; and submitted information.

Neilanie Besana, employee of La Casa Mental Health and Rehabilitation Center, spoke in support.

Luz Flores, employee of La Casa Mental Health and Rehabilitation Center, spoke in support.

Brian Beyersdorf, Union Representative at La Casa Mental Health and Rehabilitation Center, spoke in support.

David Heffron, Vice President of Operations for Telecare Corporation representing La Casa Mental Health and Rehabilitation Center, spoke.

Councilmember Lowenthal spoke.

Councilmember Neal spoke.

Charles Parkin, Acting City Attorney, spoke.

Vice Mayor Garcia spoke.

**A motion was made by Councilmember Lowenthal, seconded by Councilmember Neal, to approve recommendation and adopt Resolution No. RES-13-0062, with amendments presented by Acting City Attorney. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

**Enactment No:** RES-13-0062

5. [13-0647](#) Recommendation to receive and file the Quarterly Report of Cash and Investments for the quarter ending March 31, 2013.  
**A motion was made to approve recommendation on the Consent Calendar.**
6. [13-0648](#) Recommendation to approve the minutes for the City Council meetings of Tuesday, July 16 and July 23, 2013.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. [13-0649](#) Recommendation to refer to City Attorney damage claims received between July 15, 2013 and July 29, 2013.  
**A motion was made to approve recommendation on the Consent Calendar.**
8. [13-0650](#) Recommendation to authorize City Manager, or designee, to execute an agreement and any subsequent amendments between the State of California Department of Health Care Services and the City of Long Beach, in a total amount not to exceed \$37,803, to provide AIDS Drug Assistance Program (ADAP) services for the period of July 1, 2012 through June 30, 2015. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
9. [13-0651](#) Recommendation to authorize City Manager, or designee, to execute an agreement, and any subsequent amendments, between the City of Long Beach and the California Department of Education in the amount of \$2,331 for the provision of health and sanitation inspections for the Summer Food Service Program for a period of three months. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
10. [13-0652](#) Recommendation to authorize City Manager, or designee, to execute all documents and any subsequent amendments between the California Department of Public Health Tuberculosis Control Branch and the City of

Long Beach to receive grant funding in the amount of \$211,376 and an allotment of up to \$12,727, for a combined total amount of \$224,103, for tuberculosis prevention and control activities for the period of July 1, 2013 through June 30, 2014. (Citywide)

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

11. [13-0653](#)

Recommendation to authorize City Manager, or designee, to execute an agreement, and any subsequent amendments, between the City of Long Beach and Alliance for Housing and Healing, Inc., in the amount of \$51,039 to provide supportive services for the current Continuum of Care contract for the period of May 1, 2013 through April 30, 2014; and

Authorize City Manager, or designee, to execute a Facility Use Permit at the Multi-Service Center with Alliance for Housing and Healing, Inc., for the five-year period of May 1, 2013 through April 30, 2018, with the option of extending each permit annually after the end of the initial term upon a determination by the City that the permittee has fully complied with the terms and conditions of the Permit and is otherwise in good standing with the City. (Citywide)

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

12. [13-0654](#)

Recommendation to receive and file minutes for:  
Civil Service Commission - July 3, 2013.  
Planning Commission - June 20, 2013.

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

**UNFINISHED BUSINESS (7:16 PM)**

[see media](#)

13. [13-0390](#)

Recommendation to City Council to amend the 2013 State Legislative Agenda to include language that supports strengthening gun control legislation; and support SB 374 (Steinberg), SB 396 (Hancock), SB 47 (Yee), SB 755 (Wolk) and SB 567 (Jackson) in the 2013 State Legislative Session.

Vice Mayor Garcia spoke.

Councilman Austin spoke.

Sunny Zia and Kimberly Limb spoke in support.

John Goya spoke in opposition.

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

**Yes:** 7 - Garcia, Lowenthal, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 2 - DeLong and O'Donnell

#### REGULAR AGENDA (6:04 PM)

[see media](#)

14. [13-0655](#) Recommendation to receive and approve the new appointment to the Homeless Services Advisory Committee.

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

**Yes:** 7 - Garcia, Lowenthal, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 2 - DeLong and O'Donnell

[see media](#)

15. [13-0656](#) Recommendation to request City Manager to apply for an MTA grant for a Ciclavia like event in Long Beach, and report back to the City Council in 90 days on the progress of grant application.

Vice Mayor Garcia spoke.

Councilmember Lowenthal spoke.

Councilmember Neal spoke.

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

**Yes:** 7 - Garcia, Lowenthal, DeLong, Schipske, Johnson, Austin and Neal

**Absent:** 2 - O'Donnell and Andrews

[see media](#)

16. [13-0657](#) Recommendation to request City Manager to revisit the decision to reduce the hours of part time and seasonal employees in light of the announced delay of the health coverage mandate until 2015 and the

possibility that the definition of who will have to be covered by the mandate may be also changed.

Councilwoman Schipske spoke.

Motion: Approve recommendation.  
Moved by Schipske, seconded by Neal.

Councilman Austin spoke.

Councilmember Lowenthal spoke.

Dave Sterling, Union Representative of IAMAW (International Association of Machinists and Aerospace Workers), spoke in support.

Sunny Zia spoke in support.

Janet Wright-Schabow, Union Representative of IAMAW, spoke in support.

Tera Seevers spoke in support.

Betsy Rodstein spoke in support.

Patrick West, City Manager, spoke.

Councilman Austin spoke.

Deborah Mills, Director of Human Resources, spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Mayor Foster spoke.

Councilmember Lowenthal spoke.

**A motion was made by Councilwoman Schipske, seconded by Councilmember Neal, to approve recommendation with amendment to: (1) request that City Manager explain what was communicated to part time and seasonal employees regarding annual hour limits imposed by the Affordable Care Act and the November 1, 2012 as the date on which hours worked would be begin to toll; and (2) address options concerning the implementation of the Act relative to seasonal employees. The motion carried by the following vote:**



**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

[see media](#)

17. [13-0667](#) Recommendation to receive and file presentation on Mr. Fredric Broder and The "Old Time" Magic Shop.

Councilwoman Schipske spoke.

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

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

Mayor Foster retired and Vice Mayor Garcia assumed the chair.

[see media](#)

18. [13-0668](#) Recommendation to request City Manager to report back to the City Council within 30 days on the Police Department's current efforts to address prohibited possessors of firearms in Long Beach, and the feasibility and cost of utilizing one-time revenues for the Police Department to target the illegal gun possession by these potentially dangerous individuals.

Councilman Austin spoke.

Councilmember Johnson spoke.

Councilman Austin spoke.

**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, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

19. 13-0669 WITHDRAWN  
~~Recommendation to receive and file a recognition of Nino's Ristorante Italiano for celebrating its 55th Anniversary as a landmark family owned Long Beach Italian restaurant.~~

**This Agenda Item was withdrawn.**

[see media](#)

**20. [13-0658](#)**

Recommendation to receive supporting documentation into the record regarding the Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing; and adopt resolution approving the issuance of revenue bonds by the California Municipal Finance Authority (CMFA) to benefit Southern California Presbyterian Homes, Covenant Manor Multifamily Housing, in an amount not to exceed \$15,000,000. (District 1)

Councilmember Johnson spoke.

**A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation and adopt Resolution No. RES-13-0063. The motion carried by the following vote:**

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

**Enactment No:** RES-13-0063

[see media](#)

**21. [13-0659](#)**

Recommendation to authorize City Manager, or designee, to execute an agreement and any subsequent amendments between the State of California Department of Health Care Services and the City of Long Beach, in a total amount not to exceed \$789,156 to provide HIV/AIDS Surveillance for the period of July 1, 2013 through June 30, 2016. (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, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

[see media](#)

**22. [13-0660](#)**

Recommendation to receive the application of Luis Alberto Navarro, for an original Alcoholic Beverage Control (ABC) License, at 2105 East 4th Street, submit a Public Notice of Protest to ABC, and direct City Manager to withdraw the protest if a Conditional Use Permit Exemption is granted by the Zoning Administrator. (District 2)

Councilmember Lowenthal spoke.

Vice Mayor Garcia 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, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

[see media](#)

23. [13-0661](#)

Recommendation to receive and file the application of Gerardo Palomo, dba El Chile Bravo Mexican Grill, for an original Alcoholic Beverage Control License, at 4211 East Willow Street, with conditions. (District 5)

**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, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

[see media](#)

24. [13-0662](#)

Recommendation to authorize City Manager, or designee, to execute any and all documents necessary for a Supplemental Agreement to Management Agreement No. 21667 with SMG, formerly known as Spectacor Management Group, for the completion of certain capital improvement projects at the Long Beach Convention and Entertainment Center and the Long Beach Arena (Center) located at 300 East Ocean Boulevard. (District 2)

**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, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

[see media](#)

25. [13-0663](#)

Recommendation to adopt Plans and Specifications No. R-6962 for the installation of the Belmont Temporary Outdoor Pool, award the project and authorize City Manager to execute all documents necessary to enter into a contract with The O.K. Earl Corporation, dba Earl Corporation, of Irwindale, CA, an SBE (not an MBE, WBE or Local), and any necessary amendments thereto, in the amount not to exceed \$3,545,186, plus a 15

percent contingency amount not to exceed \$531,778, if necessary, for a total amount not to exceed \$4,076,964 at the discretion of the City Manager; and

Authorize City Manager to execute all documents necessary with Myrtha Pools USA, of Sarasota, FL (not an MBE, WBE, SBE or Local), for the purchase of the Belmont Temporary Outdoor Pool, in an amount not to exceed \$1,073,650. (District 3)

Councilmember Johnson spoke.

**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, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

[see media](#)

26. [13-0664](#)

Recommendation to refer the Proposed Capital Improvement Program for Fiscal Year 2014 to the Planning Commission for review of its consistency with the General Plan. (Citywide)

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

**Yes:** 8 - Garcia, Lowenthal, DeLong, Schipske, Andrews, Johnson, Austin and Neal

**Absent:** 1 - O'Donnell

**ORDINANCE (8:16 PM)**

27. [13-0665](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.51.060, and by adding Section 5.51.065, all relating to the operation of ice cream trucks read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Councilmember Lowenthal spoke.

Charles Parkin, Acting City Attorney, spoke.

**A motion was made by Councilmember Neal, seconded by Councilman Andrews, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 7 - Garcia, Lowenthal, Schipske, Andrews, Johnson, Austin and Neal

**No:** 1 - DeLong

**Absent:** 1 - O'Donnell

**Enactment No:** ORD-13-0011

### **NEW BUSINESS (8:18 PM)**

28. Affidavits of Service for the special meetings held Tuesday, August 6, 2013.

29. [13-0191](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, August 2, 2013.

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

30. [13-0623](#) eComments received for the City Council meeting of Tuesday, August 6, 2013.

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

### **ANNOUNCEMENTS (8:18 PM)**

Councilmember Neal made community announcements.

Councilman Austin made community announcements.

Councilman Andrews made community announcements.

Councilmember Lowenthal made community announcements.

Councilwoman Schipske made community announcements.

Councilmember Johnson made community announcements.

Vice Mayor Garcia made community announcements.

### **PUBLIC COMMENT (8:26 PM)**

An unidentified man spoke.

Gerrie Sue Williams spoke.

Dennis Dunn spoke.

**ADJOURNMENT (8:30 PM)**

At 8:30 PM, Vice Mayor Garcia adjourned the meeting.

dg