

Dr. Robert Garcia, 1st District
Dr. Suja Lowenthal, Vice Mayor, 2nd District
Gary DeLong, 3rd District
Patrick O'Donnell, 4th District



Patrick H. West, City Manager
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Gerrie Schipske, R.N.P./J.D., 5th District
Dee Andrews, 6th District
James Johnson, 7th District
Rae Gabelich, 8th District
Steven Neal, 9th District

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.

Agenda Items were considered in order, except for Agenda Item Nos. 16 and 31, which were considered prior to Agenda Item No. 15.

ROLL CALL (5:10 PM)

Councilmembers Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and
Present: Neal

Councilmembers Garcia and Andrews
Absent:

Also present: Patrick 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.

Pledge of Allegiance: Vice Mayor Suja Lowenthal, Councilmember, Second District.

Mayor Foster announced that Agenda Item Nos. 32 and 16 would be considered together, and that Agenda Item No. 31 would be considered at the beginning of the Regular Agenda; and that Councilmembers Garcia and Andrews would be absent this evening.

Pet adoption: Robert, spcaLA, presented a canine.

Proclamation presented to Cal Heights Neighborhoods Association as the 2012 USA Neighborhood of the Year Award recipient.

Councilmember Johnson spoke.

Councilwoman Gabelich spoke.

Councilmember Neal spoke.

Proclamation presented for 75th Anniversary of Boy Scout Troop No. 65.

Councilwoman Schipske spoke.

Prime Time for Business presentation by Orozco's Auto Service.

Councilmember Johnson spoke.

Servando Orozco spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Mayor Foster spoke.

HEARING (5:43 PM)

[see media](#)

1. [12-0478](#) Recommendation to receive supporting documentation into the record, conclude the hearing and adopt resolution amending the General Plan from Land Use District (LUD) 11 - Open Space and Parks to Land Use District (LUD) 7 - Mixed Use for a 25-acre parcel at 3860 North Lakewood Boulevard. (District 5)

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-12-0053. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

Enactment No: RES-12-0053

PUBLIC COMMENT (5:46 PM)

Larry Goodhue spoke regarding marina issues.

Madeleine Johnson spoke regarding high school graduations and City parking fees.

CONSENT CALENDAR (5:51 PM)

Passed The Consent Calendar

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve Consent Calendar Items 2 - 14. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

2. [12-0479](#) Recommendation to refer to City Attorney damage claims received between June 4, 2012 and June 11, 2012.
A motion was made to approve recommendation on the Consent Calendar.
3. [12-0480](#) Recommendation to approve the destruction of records for the Department of Development Services as shown in Exhibit A; and adopt resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-12-0054 on the Consent Calendar.
Enactment No: RES-12-0054
4. [12-0481](#) Recommendation to approve the destruction of records for the Long Beach Police Department as shown in Exhibit A; and adopt resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-12-0055 on the Consent Calendar.
Enactment No: RES-12-0055
5. [12-0510](#) Recommendation to direct City Clerk to notify all City departments and advisory bodies that have previously adopted conflict of interest codes of the biennial review requirements for such conflict of interest codes; and

Require all departments and advisory bodies that have previously adopted conflict of interest codes to review such conflict of interest codes and report to the City Council any amendments, or report that no amendments are necessary, no later than October 1, 2012.

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

6. [12-0513](#) Recommendation to adopt resolution declaring the results of the City of Long Beach General Municipal Election held Tuesday, June 5, 2012.

A motion was made to approve recommendation and adopt Resolution No. RES-12-0056 on the Consent Calendar.

Enactment No: RES-12-0056

7. [12-0482](#) Recommendation to adopt Specifications No. PA-00512 and award a contract to Ascent Elevator Services, of Cerritos, CA (SBE), for furnishing and delivering elevator maintenance and repair, in an annual amount not to exceed \$130,000, 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 to approve recommendation on the Consent Calendar.

8. [12-0483](#) Recommendation to authorize City Manager, or designee, to execute a second amendment to the current agreement between the City of Long Beach and Los Angeles County restating the original amount of \$50,000, and including an additional allocation of \$88,575, for a combined total of \$138,575, to continue the public health infrastructure building and enhancement project for the period of September 30, 2011 through September 29, 2012. (Citywide)

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

9. [12-0436](#) Recommendation to authorize City Manager to execute the Sixteenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of three months, from October 1, 2012 through December 31, 2012, for the sale of Christmas trees, using a portion of the former Pacific Electric right-of-way property located between 7th Street and Ximeno Avenue. (District 3)

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

10. [12-0484](#) Recommendation to authorize City Manager to execute a Memorandum of Agreement (MOA) with the Los Angeles County Flood Control District (LACFCD) to establish the operations, maintenance, and general obligations for each party relating to the City-owned Low Flow Diversion (LFD) devices that are installed within LACFCD Storm Water Pump Plant Facilities. (District 3)

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

11. [12-0485](#) Recommendation to authorize City Manager to execute a Memorandum of Agreement (MOA) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (Authority) for the preparation of the Coyote Creek Metals Total Maximum Daily Load Implementation Plan, monitoring program and special studies for a term of 10 years, at an estimated annual cost of \$15,000. (Districts 4,5)
- A motion was made to approve recommendation on the Consent Calendar.**
12. [12-0486](#) Recommendation to request City Manager, or designee, to accept an easement deed for street and sidewalk purposes at 350 East Columbia Street. (District 6)
- A motion was made to approve recommendation on the Consent Calendar.**
13. [12-0487](#) Recommendation to authorize City Manager to execute a Memorandum of Agreement (MOA) with the Southern California Stormwater Monitoring Coalition (SMC), for a term of five years, to upgrade and reprioritize the research needs agenda and expand web capabilities to make Stormwater Monitoring Coalition products available for use in complying with United States Environmental Protection Agency (US EPA) Total Maximum Daily Loads (TMDL) requirements. (Citywide)
- A motion was made to approve recommendation on the Consent Calendar.**
14. [12-0499](#) Recommendation to receive and file minutes for:
Civil Service Commission - May 16, 2012.
- A motion was made to approve recommendation on the Consent Calendar.**

UNFINISHED BUSINESS (5:52 PM)

32. 12-0458 Recommendation to, by motion of the City Council, request City Manager to report to the City Council within 90 days on the feasibility of waiving the business license tax and/or the 16% surcharge folded into business licenses for independent contractors for at least FY 2013.

Councilwoman Schipske spoke.

A motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, that Agenda Item No. 32 be withdrawn. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

REGULAR AGENDA (5:53 PM)

[see media](#)

15. [12-0514](#)

Recommendation to receive and approve the following Commission/Board/Committee appointments and reappointments to Non-Charter Commissions.

Mayor Foster spoke.

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

Yes: 6 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson and Neal

Absent: 3 - Garcia, Andrews and Gabelich

[see media](#)

16. [12-0431](#)

Recommendation to request City Manager to determine the feasibility of eliminating individual business license fees for real estate agents in the City of Long Beach and replacing this fee with a reduced "per employee" fee to the broker, and report back to the City Council within the next 30 days.

Councilwoman Schipske recused herself and retired from the Chamber.

Councilmember DeLong spoke.

Richard Orozco spoke.

Phil Jones spoke.

Jeff MacIntosh spoke.

Brian Littlefield spoke.

Phil Hawkins spoke.

Mike Potia spoke.

Larry Goodhue spoke.

Karen Keyes spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

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

Yes: 6 - Lowenthal, DeLong, O'Donnell, Johnson, Gabelich and Neal

Abstentions: 1 - Schipske

Absent: 2 - Garcia and Andrews

[see media](#)

17. [12-0511](#)

Recommendation to receive and file a presentation from the Southern California Association of Governments (SCAG) and the Air Quality Management District (AQMD) about the planned demonstration and deployment of zero emissions goods movement in the Regional Transportation Plan.

Councilmember Neal spoke.

Annie Nam, Southern California Association of Governments, spoke; and provided a PowerPoint presentation.

Matt Myasato, Ph.D., Air Quality Management District, spoke; and continued the PowerPoint presentation.

Councilmember Neal spoke.

Councilmember Johnson spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Larry Goodhue spoke.

Patrick Roddie spoke.

Jesse Marquez spoke.

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

Yes: 6 - Lowenthal, DeLong, Schipske, Johnson, Gabelich and Neal

Absent: 3 - Garcia, O'Donnell and Andrews

[see media](#)

18. [12-0512](#)

Recommendation to respectfully request City Attorney to determine whether existing City ordinances can be amended or a new ordinance created to regulate the aesthetics of utility cables or wires in residential neighborhoods, and report back to the City Council within 60 days.

Vice Mayor Lowenthal spoke; and distributed photographs.

Councilmember O'Donnell spoke.

Emily Stevens, Rose Park Neighborhood Association representative, spoke.

Mike Murray, Verizon representative, spoke.

Mona Eichler spoke; and submitted tree trimming information.

Councilwoman Schipske spoke.

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

19. [12-0488](#)

Recommendation to adopt resolution requesting that the Board of Harbor Commissioners approve the FY 2012 estimated transfer of \$16,825,000 based on five percent of FY 2012 estimated gross operating revenue, with a true-up adjustment as necessary to reflect the final gross revenue amount upon issuance of the Harbor Department's FY 2012 audited financial statements, from the Harbor Revenue Fund (HR) to the Tidelands Operating Fund (TF). (Citywide)

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Councilmember O'Donnell spoke.

Larry Goodhue spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-12-0058. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

Enactment No: RES-12-0058

[see media](#)

20. [12-0489](#)

Recommendation to adopt resolution authorizing City Manager to execute documents in connection with the replacement of the letter of credit that provides support for the City of Long Beach Gas and Oil (LBGO) Department's Subordinate Revenue Commercial Paper Notes Series A and Series B (Taxable) at an annual cost not to exceed \$85,000. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilwoman Gabelich, to approve recommendation and adopt Resolution No. RES-12-0059. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

Enactment No: RES-12-0059

[see media](#)

21. [12-0498](#)

Recommendation to adopt Specifications RFP No. PR12-030 and award a contract to The Los Cerritos Wetland Stewardship, Inc., a Long Beach-based small business, (SBE and Local), for maintenance and management of environmentally sensitive areas, in an annual amount not to exceed \$297,000, 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 Councilmember O'Donnell, seconded by Councilwoman Schipske, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

22. [12-0490](#)

Recommendation to adopt Specifications No. PA-03112 and award a contract to Abhe & Svoboda, Inc., of Prior Lake, MN (not an MBE, WBE or SBE), for bridge painting in the amount not to exceed \$181,645, at the discretion of the City Manager. (District 8)

A motion was made by Councilwoman Gabelich, seconded by Councilmember Neal, that the item be laid over to the City Council meeting of Tuesday, July 3, 2012. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

23. [11-1156](#)

Recommendation to receive and file a report reviewing the status of Ordinance No. ORD-12-0004 (Chapter 5.89) of the Long Beach Municipal Code (LBMC), as enacted by the City Council on February 14, 2012, the operations and activities of the medical marijuana collectives that were provided a six-month exemption, and enforcement against non-exempted marijuana collectives and cultivations sites within the City of Long Beach. (Citywide)

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to call for the question. The motion carried by the following vote:

Yes: 6 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson and Gabelich

No: 1 - Neal

Absent: 2 - Garcia and Andrews

Mayor Foster spoke.

Robert Shannon, City Attorney, spoke.

Jim McDonnell, Chief of Police, spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

Councilwoman Gabelich spoke.

Jim McDonnell, Chief of Police, spoke.

Councilwoman Gabelich spoke.

Robert Shannon, City Attorney, spoke.

Jim McDonnell, Chief of Police, spoke.

Councilwoman Gabelich spoke.

Jim McDonnell, Chief of Police, spoke.

Councilwoman Schipske spoke.

Richard Doyle, Los Angeles County District Attorney's office, spoke.

Robert Shannon, City Attorney, spoke.

Councilwoman Schipske spoke.

Jim McDonnell, Chief of Police, spoke.

Councilmember Neal spoke.

Councilmember O'Donnell spoke.

David Zinc spoke.

Bill Napier spoke.

Carl Kemp spoke.

Mayor Foster spoke.

Gina Non spoke.

Dr. Dennis Noell spoke.

Richard Eastman spoke.

Madeliene Johnson spoke.

Unidentified man spoke.

Casey McFall spoke.

Mayor Foster spoke.

Larry Goodhue spoke.

Unidentified man spoke.

Nicholaas Chomenko spoke.

Steve Baker spoke.

Jeff Abrams spoke.

Adam, Green Room Collective, spoke.

Councilwoman Gabelich spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilwoman Schipske, to approve recommendation to receive and file report. The motion carried by the following vote:

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

24. [12-0491](#)

Recommendation to authorize City Manager to execute contracts totaling \$429,425, with qualified service providers to operate Pacific Gateway Workforce Investment Act Youth Academy projects, for the period of June 29, 2012 through June 30, 2013. (Citywide)

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

Yes: 6 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson and Gabelich

Absent: 3 - Garcia, Andrews and Neal

[see media](#)

25. [12-0492](#)

Recommendation to authorize City Manager to purchase excess workers' compensation insurance for the period of July 1, 2012 through July 1, 2013, through Marsh USA, Inc., for a total premium not to exceed \$368,000. (Citywide)

Councilwoman Schipske spoke.

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

26. [12-0493](#)

Recommendation to authorize City Manager to purchase "all risk" property insurance for City buildings, contents, and vehicles through the Alliant Insurance Service's Public Entity Property Insurance Program, for a total premium not to exceed \$663,000 for the period of July 1, 2012 through July 1, 2013. (Citywide)

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

27. [12-0494](#)

Recommendation to authorize City Manager to purchase difference in conditions (earthquake insurance), covering City Hall and the Convention Center, for the period of July 1, 2012 through July 1, 2013, through Alliant Insurance Services, Inc., for a total premium not to exceed \$250,000. (Citywide)

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

28. [12-0495](#)

Recommendation to authorize City Manager to purchase through, Marsh USA, Inc., the following policies: excess municipal liability insurance for the period of July 1, 2012 through July 1, 2013, for a total premium not to exceed \$575,000; airport liability insurance for the period of June 30, 2012 through June 30, 2013, for a total premium not to exceed \$55,000; and aircraft liability and hull insurance for police helicopters for the period of June 30, 2012 through June 30, 2013, for a total premium not to exceed \$50,000. The total cost of all renewal premiums will not exceed \$680,000 for the period of July 1, 2012 through July 1, 2013. (Citywide)

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

29. [12-0496](#)

Recommendation to receive and file the application of Luna Rosa Tequila, LLC, dba Luna Rosa Tequila, for an original Alcoholic Beverage Control License, at 1328 West 16th Street. (District 1)

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

30. [12-0497](#)

Recommendation to receive and file the application of Cyclo, LLC, dba La Lune Palace Restaurant, for a person-to-person and premise-to-premise transfer of an Alcoholic Beverage Control License, at 2801 East Spring Street, with conditions. (District 5)

Councilmember O'Donnell spoke.

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

[see media](#)

31. [12-0445](#)

Recommendation to adopt Resolution of Intention to form the Downtown Long Beach Property and Business Improvement District; set date of hearing for Tuesday, August 7, 2012 at 5:00 p.m.; receive petitions; and authorize City Manager to sign in favor and return the City's Ballot, and designate the Administrative Board. (Districts 1,2)

Councilwoman Schipske recused herself and had retired from the Chamber.

John Sigmeister spoke.

George Rendell spoke.

David Cannon spoke.

Stuart Sexton spoke.

Laura Catabona spoke.

Jim Anderson spoke.

John Thomas spoke.

Larry Goodhue spoke.

Councilwoman Gabelich spoke.

Vice Mayor Lowenthal spoke.

A motion was made by Vice Mayor Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Resolution No. RES-12-0057. The motion carried by the following vote:

Yes: 6 - Lowenthal, DeLong, O'Donnell, Johnson, Gabelich and Neal

Abstentions: 1 - Schipske

Absent: 2 - Garcia and Andrews

Enactment No: RES-12-0057

NEW BUSINESS (8:34 PM)

32. Agenda Item No. 32 is listed under Unfinished Business (page 5).

[see media](#)

33. [12-0518](#) Recommendation to respectfully request City Manager to assist the Long Beach Heritage Museum in finding storage for their collections in service to past, present and future residents of Long Beach; and request City Manager to also work with Long Beach Heritage Museum to find space where pieces of their collection could be put on display for the public.

Vice Mayor Lowenthal spoke.

Councilmember DeLong spoke.

Dennis Dunn spoke.

Marshall Humphrey spoke.

David Clement spoke.

Dan Halverson spoke.

John Thomas spoke.

Patrick West, City Manager, spoke.

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

Yes: 7 - Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Gabelich and Neal

Absent: 2 - Garcia and Andrews

34. Affidavit of Service for special meeting held Tuesday, June 19, 2012.

35. [12-0519](#) Supplemental Memorandum - Corrections and/or additions to the City Council Agenda as of 12:00 noon, Friday, June 15, 2012.

This Agenda Item was received and filed.

36. [12-0520](#) eComments received for the City Council meeting of Tuesday, June 19, 2012.

This Agenda Item was received and filed.

ANNOUNCEMENTS (8:46 PM)

Councilmember Neal made community announcements.

Councilwoman Gabelich made community announcements.

Councilwoman Schipske made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember Johnson made community announcements.

ADJOURNMENT (8:54 PM)

At 8:54 PM, Mayor Foster adjourned the meeting.

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