

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**APRIL 19, 2016**

---

1. Resolution Authorizing the City Manager to Enter into Agreements for the Operation of Beach Concessions at Various Locations throughout the City of Long Beach.

Legislative Memo: It is the City's desire to continue to provide a wide variety of foods and refreshments in convenient locations, a greater diversity of food choices, excellent quality foods with a local flavor, while showing preference to local food merchants and/or those who have previously provided food services.

2. Resolution Authorizing the City Manager to Purchase Synthetic K9 Grass for the City's New Dog Run from the Lowest Responsible Bidder.

Legislative Memo: The City is utilizing the space from the old skate park and converting it into a new dog run. This new area is larger than the previous area and will now have synthetic grass, separate areas for larger and smaller dogs as well as doggie water fountains. Funding is being provided through the Capital Improvement Plan.

3. Resolution Authorizing the City Manager to Purchase Chain Link Fencing for the Paddleball Courts and the Dog Park from the Lowest Responsible Bidder.

Legislative Memo: The City is currently rebuilding the paddleball courts located on Monroe Boulevard, as well as the dog run. Funding is being provided through the Capital Improvement Plan.

4. Resolution Authorizing the City Manager to Enter into a Contract for the Rental of Portable Restroom Trailers for the Ocean Beach Park

Legislative Memo: After the damage caused by Superstorm Sandy, the City rebuilt five ADA compliant comfort stations. The City wants to supply an additional six portable restrooms for this summer season, two of which are ADA compliant. Funding is being provided through public assistance grant monies from FEMA.

5. Resolution Authorizing a Second Amendment to the City's Sub-Recipient Agreement with the Housing and Trust Fund Corporation for the Inclusion of the Bulkheading Project as Required by the New York State Governor's Office of Storm Recovery Community Development Block Grant-Disaster Recovery Program.

Legislative Memo: After Superstorm Sandy, the State established a Community Reconstruction Plan Committee for the City of Long Beach to set priorities for infrastructure improvements and mitigation. This amendment is required by the State to enable the City to receive \$1,974,794 in funding for our Bulkheading Project.

6. Resolution Authorizing the City Manager to Enter into an Agreement for Municipal Real Estate Advisory and Brokerage Services.

Legislative Memo: As part of the City's Comprehensive Plan, an additional component is to consider potential uses (or re-uses) for city owned properties, such as City Hall, to include city services and the ability to provide additional services and amenities for the residents. The firm of CBRE has been selected. CBRE is the world's leading commercial real estate firm. They have extensive local expertise where they have advised many governmental clients, including New York State Office of General Services, Nassau County, the Village of Floral Park and the Syosset Central School District. There will be no cost to the City for these services and if any properties are sold or leased in the future, a commission will be paid.

7. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Smoke-Free Parks and Recreation.

Legislative Memo: Tobacco related illness is a leading cause of preventable death in the United States. The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke. Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending upon the direction and amount of wind, and the number and proximity of smokers. From coast to coast, legislation has been enacted to create smoke-free parks and beaches. There are 261 cities and counties that have smoke-free beach laws and 1,263 cities and counties that have smoke-free park laws, including Nassau County, New York City, Los Angeles, Chicago and Seattle. In May of 2013, Governor Cuomo announced Smoke-Free Expanded Zones in New York State Parks. It is our desire to join this fast growing national health and environmental movement and enact our own smoke-free legislation.

8. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into  
Agreements for the Operation of Beach Concessions at  
Various Locations throughout the City of Long Beach.

WHEREAS, in response to community feedback, the City has provided more concessions situated along the beach and on the boardwalk in order to provide residents and visitors with an abundance of choices in convenient locations, a greater diversity of food products, excellent quality foods with a local flavor, while showing preference to local food merchants and/or those who have previously provided food services; and

WHEREAS, this summer there will be five more concessions located in our new buildings up on the boardwalk and it is the City's desire to continue to provide a wide variety of foods and refreshments at various locations throughout the City; and

WHEREAS, after due advertisement therefore, proposals were received in the Office of the City Purchasing Agent on Wednesday, February 10, 2016, and the following vendors submitted proposals that best meet the needs and desires of the community all while offering diverse, delicious and quality local fair:

**Concession Buildings:**

**Grand:** Beach Local Café, Sean Sullivan, 97 Wisconsin Street, Long Beach, New York;  
**National:** Gentle Brew Coffee Roasters, 151 East Park Avenue, Long Beach, New York;  
**Edwards:** Mavericks, c/o Sand Castle LBNY, Inc., 740 West Bay Drive, Long Beach, NY;  
**Riverside:** Skudin Surf Center, 218 East Park Avenue, Long Beach, NY;  
**Lincoln:** Cones and Cups on the Boardwalk, c/o Lookout Deli, 1 Lido Boulevard, Pt. Lookout, New York;  
**Pacific:** Whales Tale/Lookout Deli, 1 Lido Boulevard, Pt. Lookout, New York;

**Riverside Food Market: (Food Trucks)**

- \* Corazon de Cuba, 25 E. Park Avenue, Long Beach, New York
- \* Tiki, Inc. d/b/a Lido Kosher Deli, 641 E. Park Avenue, Long Beach, New York
- \* L Sano Corp., 157 E. Park Avenue, Long Beach, New York
- \* Beach Buns & Bites by Sugo Café Corp., 62 W. Park Avenue, Long Beach, New York
- \* Let's Get Delicious, 3355 Merrick Road, Wantagh, New York
- \* NY ACAI Co., P.O. Box 769, Point Lookout, New York
- \* Lookout Deli/The Whales Tale, 1 Lido Boulevard, Point Lookout, New York
- \* Don Juan-Taco Tuesday Truck, 124 East Park Ave., Long Beach, New York
- \* Poseidon's Kitchen, 99 Grand Avenue, Rockville Centre, New York

**On the Beachfront:**

- \* Mobile on the Beach between Maple and Neptune Boulevards:  
Lookout Deli/Whales Tale, 1 Lido Boulevard, Point Lookout, New York 11569
- \* Neptune at the Beach Entrance:  
Hakeem Josephs-Mr. Flavors Ice Cream, 1321-32 155<sup>th</sup> St., Jamaica, New York 11434

- \* Edwards on the Beach:  
**Odie's Ocean Grill**, 25 Franklin Blvd., Long Beach, New York
- \* Mobile on the Beach between Nevada east to Neptune:  
**Beachside Services, NY Ltd.**, 740 W. Bay Drive, Long Beach, New York 11561

**On the Boardwalk**

- \* At New York, Lindell, Washington, Lafayette, Laurelton, Magnolia, Edwards, Riverside (ice cream only), Long Beach, Monroe and Franklin:  
**Beachside Services, NY Ltd.**, 740 W. Bay Drive, Long Beach, New York 11561
- \* At National:  
**Cultured: Yogurt & Waffle Bar**, 25 Franklin Blvd., Long Beach, New York 11561
- \* At Riverside:  
**Skudin Surf Shack**, 218 East Park Avenue, Long Beach, New York 11561
- \* At Lincoln:  
**Cones and Cups on the Boardwalk**, c/o Lookout Deli, 1 Lido Boulevard, Pt. Lookout, New York

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to enter into agreements with the above vendors for the 2016 summer season for a total fee not less than \$181,500, plus a reimbursement of \$6,840 to be paid to the City for the cost to maintain and keep clean the Shoregasboard area, for a total of not less than \$188,340 for the summer season; and be it further

RESOLVED, that said agreements shall contain such other terms, conditions and provisions as the City Manager and the Commissioner of Public Works shall deem necessary and proper.

April 19, 2016

Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase  
Synthetic K9 Grass for the City's New Dog Run from  
the Lowest Responsible Bidder and Transfer Funds.

WHEREAS, after due advertisement therefore, two bids were received in  
the Office of the City Purchasing Agent on Thursday, April 7, 2016 at 11:30 for the purchase of  
approximately 10,400 square feet of synthetic K9 grass to be installed at the City's new Dog  
Run, located east of the boat ramp at the City's Recreation Complex; and

WHEREAS, TurfTek USA, 620 Pulaski Road, Greenlawn, New York 11740 was  
the lowest responsible bidder at a cost of \$89,450.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the  
City Manager be and he hereby is authorized to purchase synthetic K9 grass to be installed at the  
City's new Dog Run from TurfTek USA, 620 Pulaski Road, Greenlawn, New York 11740 at a  
cost of \$89,450.00. Funds are available in Account No. H1016.52331 (Recreation  
Improvements) after the following transfer of funds is authorized:

<b><u>Budget Code</u></b>	<b><u>Description</u></b>	<b><u>Transfer From:</u></b>	<b><u>Transfer To:</u></b>
H1016.52309	Recreation-Purchase Zamboni	\$89,450.00	
H1016.52331	Recreation Improvements		\$89,450.00

April 19, 2016

Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase  
Chain Link Fencing for the Paddleball Courts and the  
Dog Run from the Lowest Responsible Bidder.

WHEREAS, after due advertisement therefore, seven bids were received in the Office of the City Purchasing Agent on Thursday, April 7, 2016 at 11:00 for the purchase, repair, removal and installation of chain link fencing for the City's paddleball courts located on Monroe Boulevard and the City's new dog run located at the Recreation Complex; and

WHEREAS, WBE Fence Company, Inc., 11 Deer Court, Brewster, New York 10509 was the lowest responsible bidder, at a cost of \$30,226.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to purchase chain link fencing for the City's paddleball courts and dog run at a cost of \$30,226.00. Funds are available in Account No. H1016.52308 (Replace Handball Courts).

April 19, 2016

Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into  
a Contract for the Rental of Portable Restroom Trailers  
for the Ocean Beach Park.

WHEREAS, as a result of Superstorm Sandy, the bathrooms on Ocean Beach  
Park were completely destroyed by the storm surge, requiring the City to rent temporary  
bathrooms for the 2013, 2014 and 2015 summer seasons and requiring six for this coming  
summer season; and

WHEREAS, the City has rebuilt five comfort stations located at Grand, National,  
Edwards, Riverside and Lincoln Boulevards, making them more resilient by elevating them and  
placing them on the north side of the boardwalk, in compliance with FEMA regulations and  
guidelines, as well as ADA compliant; and

WHEREAS, the City needs six trailers, four which will contain five women's  
stalls on one side and two men's stalls with three urinals on the other side and two which are  
ADA compliant, to be located in areas that have not had new comfort stations installed;

WHEREAS, after due advertisement therefore, one bid was received in the  
Office of the Commissioner of Public Works on March 31, 2016 for the rental of portable  
restroom trailers for the Ocean Beach Park; and

WHEREAS, Direct Drainage, 1105 Montauk Highway, East Patchogue, New  
York 11772 has provided said service for the last three summer seasons efficiently and  
responsibly and is the sole responsible bidder for this summer season for all of the above units,  
from May 1, 2016 through September 30, 2016, for a total cost of \$110,000.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the  
City Manager be and he hereby is authorized to enter into a contract with Direct Drainage, 1105  
Montauk Highway, East Patchogue, New York 11772 for the rental of portable restroom trailers  
for the Ocean Beach Park for a period of five months at a total cost of \$110,000.00. Funds are  
available in Account No. P1000.54442 (Sandy FEMA-Equipment Rental).

April 19, 2016

Item No. 5  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing a Second Amendment to the City's Sub-Recipient Agreement with the Housing and Trust Fund Corporation For the Inclusion of the Bulkheading Project as Required by the New York State Governor's Office of Storm Recovery Community Development Block Grant-Disaster Recovery Program.

WHEREAS, pursuant to Resolution No. 138/14, duly adopted by the City Council of the City of Long Beach on October 7, 2014, the City entered into a required Sub-Recipient Agreement with the Housing Trust Fund Corporation to secure Community Development Block Grant-Disaster Recovery (CDBG-DR) funds which have been allocated in the aftermath of Superstorm Sandy; and

WHEREAS, as the City continues to rebuild from Superstorm Sandy, grant programs are vital for our recovery, and in order to receive additional Disaster Recovery funds to be earmarked for bulkheading and future projects, the City needs to amend said agreement; and

WHEREAS, this amendment is for the providing of funds for architectural and engineering design services as well as preliminary design administration services associated with this project;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Manager is hereby authorized to enact this second amendment to the current Sub-Recipient Agreement with the Housing Trust Fund Corporation to secure Community Development Block Grant-Disaster Recovery (CDBG-DR) for funding of necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization, all resulting from the major disaster declared due to Superstorm Sandy and other eligible events, including Hurricane Irene and Tropical Storm Lee.

April 19, 2016

Item No. 6  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into an  
Agreement for Municipal Real Estate Advisory and Brokerage  
Services.

WHEREAS, after due advertisement therefore, three proposals were received in  
the Office of the City Purchasing Agent on Thursday, February 23, 2016 at 11:30 for municipal  
real estate advisory and brokerage services for the City of Long Beach; and

WHEREAS, CBRE, 58 South Service Road, Suite 410, Melville, New York  
11747 was the proposer that possesses the qualifications to best meets the needs and desires of  
the City, providing services to include but not be limited to:

- \* assist the City in optimizing real estate by identifying potential uses (or re-uses)  
of City-owned facilities and land, with the expectation of creating economic value  
which the City could utilize elsewhere; and
- \* creating revenues for the City budget from otherwise fallow assets, either through  
renovation, development or sale; and
- \* identify the City's optimal strategy to determine its best course for future  
governmental operations; and

WHEREAS, there will be no cost to the City for these evaluations and in turn, if  
any properties are sold or leased in the future, a commission will be paid at the following rates,  
with the ability to negotiate lower commission rates:

Leases:	1-3 Years	7% commission per year
	4+ Years	3% commission per year
Property:	\$0- \$3,000,000	6% commission
	\$3-\$10,000,000	5% commission
	\$10,000,000 +	4% commission

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the  
City Manager be and he hereby is authorized to enter into an agreement with CBRE, 58 South  
Service Road, Suite 410, Melville, New York 11747 for municipal real estate advisory and  
brokerage services for the City of Long Beach. Payment in the form of commission for services  
rendered is expressly contingent upon the sale of any City owned properties at the rates listed  
above.

April 19, 2016

Item No. 7  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication for Hearing of an  
Ordinance to Amend the Code of Ordinances of the City  
of Long Beach Re: Smoke-Free Parks and Recreation.

WHEREAS, the deleterious effects of secondhand smoke are scientifically  
established and beyond any reasonable dispute; and

WHEREAS, in order to protect the health of our residents by eliminating  
secondhand smoke; to keep our children from observing behaviors that could encourage them to  
smoke and to keep our parks and beaches clean of cigarette butts and smoking paraphernalia, it is  
the objective of the City Council to make all City parks smoke-free; and

WHEREAS, it is our desire to join in this fast growing national health and  
environmental movement, which includes 261 cities and counties that have enacted smoke-free  
beach laws and 1,263 cities and counties that have enacted smoke-free park laws; and

WHEREAS, there has been presented to this Council the following proposed  
Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: SMOKE-FREE PARKS AND  
RECREATION.”

(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the  
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the  
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a  
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New  
York, on May 3, 2016 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: SMOKE-FREE PARKS  
AND RECREATION.

Sec.1. Chapter 18, Article II, Division 2, Section 18-44.1 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended and added to read as follows:

ARTICLE II. OCEAN BEACH PARK

**“Sec. 18-44.1. Sale, use or possession of cigarettes, cigars, pipe or electronic cigarette/smoking and/or inhalation devices.**

**(a) No person shall sell or offer for sale any cigarette, cigar, pipe or electronic cigarette/smoking and/or inhalation device which creates an aerosol or vapor, in or upon any portion of the beach or boardwalk within Ocean Beach Park.**

**(b) No person shall take, carry, bring, possess or use any cigarette, cigar, pipe or electronic cigarette/smoking and/or inhalation device which creates an aerosol or vapor, into or upon any portion of the beach or boardwalk within Ocean Beach Park.**

**(c) Any city police officer or special officer observing a person in violation of this Section is authorized to issue a summons, pursuant to Section 18-104 of this Chapter.**

....

Sec.2. Chapter 18, Article V, Division 1, Section 18-84 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended and added to read as follows:

ARTICLE V. JAMES J. McCABE JR., MEMORIAL PARK

**“Sec. 18-84. Sale, use or possession of cigarettes, cigars, pipes or electronic cigarette/smoking and/or inhalation devices.**

**No person shall take, bring, possess, use, sell or offer for sale any cigarette, cigar, pipe or electronic cigarette/smoking device which creates an aerosol or vapor, in or upon any portion of the James J. McCabe Jr., Memorial Park.”**

....

Sec.3. Chapter 18, Article VI, Section 18-96 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended to read as follows:

ARTICLE VI. RULES AND REGULATIONS FOR PARK AND RECREATIONAL AREAS

**“Sec. 18-96. Alcoholic beverages, controlled dangerous substances, alms, gambling, cigarettes, cigars, pipes or electronic cigarette/smoking and/or inhalation devices.**

While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:

(1) Bring alcoholic beverages, or controlled dangerous substances, drink or use the same at any time, nor shall any person be under the influence of intoxicating liquor or a controlled dangerous substance in a park or recreation area.

(2) Solicit alms or contributions for any purpose, whether public or private.

(3) Play any game of chance or have possession of any instrument or device for gambling.

(4) Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit.

**(5) Bring, possess, use, sell or offer for sale any cigarette, cigar, pipe or electronic cigarette/smoking and/or inhalation device which creates an aerosol or vapor, in any park or recreation area.”**

Sec. 4. This Ordinance shall take effect immediately.

April 19, 2016

Item No. 8  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication for Hearing of an  
Ordinance to Amend the Code of Ordinances of the City  
of Long Beach Re: Ocean Beach Park.

WHEREAS, there has been presented to this Council the following proposed  
Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: OCEAN BEACH PARK.”  
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the  
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the  
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a  
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New  
York, on May 3, 2016 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: OCEAN BEACH PARK.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 18, Article II, Division II, Section 18-30 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended to read as follows:

“Sec. 18-30. Admittance fees and passes.

- (A) No person shall be permitted in or upon the Ocean Beach Park or shall be permitted to wade, bathe or swim in the waters adjacent thereto unless he has paid the charges fixed by this section.
- (B) The following shall be the charges or price for admission to Ocean Beach Park:
  - (1) *Season admission charges:* Season admission charges to the beach on Monday through Sunday of each week and on holidays and days celebrated as holidays:
    - (a) *Family Plan:* Resident families and their children who have not yet reached their eighteenth birthday on the first day of the season may elect to purchase season passes for such families and children at a total cost of **eighty dollars (\$80.00)**. Non-resident families and their children who have not reached their eighteenth birthday on the first day of the season may elect to purchase season passes for such families and children at a total cost of **one hundred sixty dollars (\$160.00)**.
    - (b) *Resident individuals:* Residents who have reached their eighteenth birthday prior to the first day of the season may purchase a season pass at a cost of **sixty dollars (\$60.00)**. Resident children who have reached their thirteenth birthday and who have not yet reached their eighteenth birthday on the first day of the season may purchase an individual season pass at a cost of **thirty dollars (\$30.00)**.
    - (c) *Nonresident individuals:* Nonresidents who have reached their thirteenth birthday prior to the first day of the season may purchase a season pass at a cost of **one hundred ten dollars (\$110.00)**
    - (d) *Resident senior citizens:* Resident senior citizens, sixty two years of age or over, may purchase a season pass at a cost of **twenty dollars (\$20.00)**.
    - (e) *Non-resident senior citizens:* Non-resident senior citizens, sixty-two years of age or over, may purchase a season pass at a cost of **forty-five dollars (\$45.00)**.

(2) *Daily admission charges:*

(a) *Daily admission:* Adults and children who have reached their thirteenth birthday shall be charged **sixteen dollars (\$16.00)** per day. Anyone who has not yet reached his/her thirteenth birthday shall be admitted free of charge.

(b) *No charge for persons under thirteen:* There shall be no admission charge for any person who shall not yet have reached his thirteenth birthday.

(c) *Economy beach pass:* Any person may purchase an economy beach pass at a cost of **one hundred thirty dollars (\$130.00)**, which shall entitle the holder thereof to ten (10) admissions to the Ocean Beach Park during the season for which it is purchased.”

Sec. 2. This Ordinance shall take effect immediately.