

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD APRIL 6, 2021**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, April 6th, 2021.

Present were Council President Bendo and Council Members Delury, Mandel, McInnis and Treston.

Deputy Corporation Counsel Richard Berrios and Acting City Manager Ronald Walsh were also present.

Because of the COVID-19 pandemic, public attendance was suspended for this meeting. The following notice was posted prior to the meeting:

In light of current health concerns and as per Gov. Cuomo's Executive Order 202.1 we are making the following changes for this Council Meeting:

- **Public attendance for this meeting will be suspended.** A live Stream of the meeting will be available on our YouTube channel. Please visit [longbeachny.gov/councilmeetings](https://www.longbeachny.gov/councilmeetings) for the link to our YouTube channel.
- Anyone wishing to directly participate in the meeting was provided with a link to the Zoom meeting

Ed Note: Items 5 and 6 were called out of order at the beginning of the meeting due to a time constraint.

Acting City Manager, Ronald J. Walsh asked Mr. Robert Spolzino (outside counsel) of Abrams, Festerman to give his report.

Mr. Spolzino gave an update and thorough overview on two settlement agreements with ISTAR and Engel Berman and asked the City Council to authorize the City Manager to execute both agreements on behalf of the City.

Mr. Walsh then asked Mr. John Gross of Ingerman Smith to give the council an update on the status of the Martin Luther King Center, Inc.

Mr. Gross noted that negotiations with the MLK center were ongoing and added that the terms could not be discussed at that time.

Council Vice President asked Mr. Gross to clarify that he was in negotiations with a non-profit organization called the Long Beach MLK Center, Inc.

Mr. Gross replied that this was correct.

Ms. McInnis also asked him to clarify that he was in negotiation to have a lease with the city-owned building called the MLK Center.

Mr. Gross replied that this was correct.

Council Vice President McInnis then appealed to the board of the MLK Center, Inc. to speak with their attorney to make sure that the council could proceed with this lease and hoped they could all work together.

Mr. Gross noted that the MLK Center, Inc. had been in possession of the building well before the year 2000 and added that the discussions had been professional and courteous, and it was a matter of reaching a compromise with both party's expectations.

Ms. McInnis agreed with Mr. Gross and spoke about the importance of a lease which would be in compliance with the law.

Mr. Gross also added that he believed that the MLK, Inc. did understand that the goal of the city in obtaining a lease was appropriate and just a matter of working out the terms.

Council Member Delury asked for clarity that any improvements made to this location would need to wait until the lease was signed.

Mr. Gross replied that he thought it would be wise for them to wait until the lease was resolved and that any improvements would encompass the terms of the lease.

Mr. Walsh then called upon Mr. John McNally, Director of Public Relations to give his COVID report.

Mr. McNally was experiencing audio difficulties and was asked to return once this was corrected.

Police Commissioner, Ron Walsh then proceeded to give his report on the Police Department. He touched upon the new legalization of Marijuana in the state of New York and spoke about the different guidelines and legal facets that go along with it, including smoking and driving. He suggested that the City Council pass a law that states that the use of Marijuana would not be allowed in any place where tobacco consumption was prohibited, which would cover several areas within the City. Mr. Walsh then addressed the Council regarding the opting in or opting out of allowing marijuana dispensaries within the City of Long Beach.

Council Vice President McInnis asked Commissioner Walsh for clarity that the City Council would need to make a decision by December 31, 2021 on whether or not they would allow marijuana to be sold in the city of Long Beach.

Commissioner Walsh replied that she was correct. He then spoke about emergency services increasing due to the legalization of marijuana and the sales tax revenue portion that the city would receive if the decision was made to legalize the "sale" in Long Beach.

Ms. McInnis asked the Commissioner if he would work with Rich Berrios, Deputy Corporation Counsel and work together to present the options to the city council.

Mr. Walsh agreed.

Council President Bendo noted the need to have a public working meeting to discuss this topic.

Commissioner Walsh spoke about the graffiti throughout the city and noted that extra patrols were put on at night to address this situation. He continued his report by explaining the geographical/community policing model that was being put into effect in the city.

Council Vice President McInnis stated that it was her expectation that the union would work on this model with the Police Commissioner.

Mr. McNally gave his report on the COVID status and vaccine update.

The public hearings were held

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: City Physician and Health Officer.

William Doepper – asked to include “*other*” in addition to his and her.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Police Surgeon and City Physician.

Deputy Corporation Counsel, Rich Berrios explained that the purpose of this amendment was to update the code to include how the police department interacts with the police surgeon.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 58A East Park Avenue, (street floor), Long Beach, New York.
Re: Online Apparel Business

Ed Note: This hearing was also called out of order (after item 9) due to a technical issue

Council President Bendo asked Mr. Kubler to speak about his business.

Mr. Kubler mentioned that he was a retired FDNY and started an on-line apparel business to sell firefighter tee-shirts and firefighter apparel to firemen from all over the world, and it would be more like an office to conduct online sales.

Mr. Bendo asked if he would be doing any shipping from this location.

Mr. Kubler did say he would be shipping from this location at times.

Council President Bendo asked if he would have pickups and/or deliveries for the business.

Mr. Kubler noted that there would not be too many deliveries but some pick-ups.

Mr. Bendo asked how many employees he would have at the location.

Mr. Kubler replied that it would be he and his wife.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of February 2, 2021

Council Member Treston made a motion for the approval of minutes. It was seconded by Mr. Delury and was carried unanimously.

#2 – Local Law Amending the Charter of the City of Long Beach Re: City Physician and Health Officer

Pres. Bendo made a motion to change the wording “physically able to perform **his** regular duties of the department” to “physically able to perform **his/her** regular duties of the department.” It was seconded by Ms. McInnis and was carried unanimously.

#3 – Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Police Surgeon and City Physician

Pres. Bendo made a motion to remove the wording “, Section 14-212” from the BE IT ENACTED section of the ordinance. It was seconded by Mr. Mandel and was carried unanimously.

#4 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 58A East Park Avenue, (street floor), Long Beach, New York.

Re: Online Apparel Business

#5 – Resolution Authorizing a Settlement Agreement between iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC and the City of Long Beach.

Council President Bendo wanted the audience to know that the \$100 million dollar lawsuit goes away at no cost to the taxpayers if this is passed.

Roy Lester (72 Boyd St) – asked why the public could not see the agreement and questioned the give back of \$2.5 million dollars.

Council President Bendo replied that the city was not giving back \$2.5 million dollars and explained that ISTAR pre-paid the city towards the project and what the city was doing was giving credit for the money that ISTAR prepaid to Engel Berman if this resolution is passed.

Mr. Lester questioned why the city wasn’t charging the building permit fee even though a building permit was granted.

Mr. Bendo explained that the city was transferring the fees that were paid for the building permit to the new owner and there was no reason to charge for the same building permit twice.

A discussion continued regarding the settlement of the lawsuit and the costs and revenue involved.

Kevin Heller – asked for clarity on the lawsuit in question.

Council President Bendo gave an explanation.

#6 – Resolution Authorizing the City Manager to Enter into an Agreement with Engel Burman at the Beach LLC

Council President Bendo explained the reason for this resolution.

Roy Lester (72 Boyd St) – questioned the mathematics involved in the resolution and the code 7-20b2 reflected in the resolution regarding the square footage.

Mr. Joe Febrizio, Commissioner of DPW was able to respond to Mr. Lester’s questions.

A discussion ensued regarding the language of the resolution in regard to the code pertaining to the square footage.

Mr. Walsh asked Corporation Counsel to provide the information to Mr. Lester that he requested.

Kevin Heller – asked if the city was waving certain building fees under the clause in the resolution that read “*other terms*”.

Mr. Berrios explained that the city was not waving the fees and that the agreement referenced in this item was item #5 which was just heard and that they would be responsible to pay anything over what was referenced in item #5.

Mr. Heller noted that it would have been more informative if the agreement was available to the public.

Mr. Bendo explained that once the agreement has been approved, then it will be placed on the website under the transparency portal.

Council Member Treston asked Mr. Berrios to clarify that the agreements were not available to the public until they were approved by the city council.

Mr. Berrios explained that the reason the agreement was not posted publicly until it was ratified was because if it should be voted down or something needed to be changed in the agreement, it would need to go before the council again.

William Doepper – noted that this resolution was a positive step.

William Notholt – asked if the agreement included the mandatory apprenticeship program, and if so, who and how would it be administered.

Mr. Berrios replied that there was no reference to that mandatory program because it is already in the code.

Acting City Manager Walsh spoke about the Sunshine Law.

Council Vice President McInnis asked Mr. Berrios about the Apprenticeship program and its validity.

Mr. Berrios explained that there had been some litigation regarding apprenticeship programs.

Ms. McInnis also noted that she had spoke with various trade representatives who were in contact with Engel Berman and other elected officials to ensure that this project was as union as possible.

#7 – Resolution Fixing and Providing for the 2021 Season of the Ocean Beach Park.

Mr. Joe Brand, Commissioner of Parks & Recreation explained that this resolution was to formally introduce the beach park season and setting the dates for operation.

#8 – Resolution Authorizing the City Manager to Enter into an Agreement for the Providing of an Electronic Beach Pass Solution

Commissioner Brand reminded the audience of the past 2 work sessions that included this topic and asked the council to pass this resolution for the original preferred vendor, US eDirect to provide the public the option to purchase electronic beach passes.

Council President Bendo asked if people would still be able to purchase beach passes the typical way.

Mr. Brand replied that people would still be able to buy passes in the traditional way but encouraged everyone to take advantage of this new solution.

Council Member Delury wanted to know about the date for the hard pass sale and if the electronic passes will be sold at that time as well.

Commissioner Brand replied that the date of sale would be May 3rd and that electronic passes would be able to be purchased at that time as well.

Mr. Delury also asked why the agreement was for 3 years and shared his concern with entering into something that hasn't been tested just yet. He also noted that he would be more comfortable with a one year agreement.

Mr. McNally noted that most companies would want a longer commitment before investing the time and effort that goes into managing this type of project.

Mr. Berrios noted that the city could structure a deal with protections on performance that would protect the City.

Council Vice President McInnis asked for clarity as to the fact that the council had not yet seen the agreement because it was not over \$20,000.00 and based on user fees.

Mr. Berrios explained that this was the result of the RFP that sets forth some of the general, bottom line conditions that gets put into an actual contract which US eDirect that the city would ultimately finalize, negotiate, and execute. He also added that the contract could be forwarded to the council before it is signed, but it had not been completely negotiated just yet.

Ms. McInnis also asked about the 2021/2022 budget and beach charges and was not able to see the line item that covered the user fees.

The City Comptroller, Ms. Inna Reznik asked Ms. McInnis to clarify her question.

Council Vice President McInnis asked where the expense for the user fee was budgeted.

Ms. Reznik explained that the user fee would be at the expense of the individual who is purchasing the ticket and the only cost to the city would be the investment for the devices that read the passes.

Roy Lester (72 Boyd St) – expressed his concern about not being able to see the contract and that under the charter and questioned if the City Manager had the right to negotiate contracts like this.

Mr. Berrios noted that he believed the city manager was authorized to enter into contracts under the charter and that Ms. Gayden was the chief executive officer of the city, and negotiating contracts and coming to terms with agreements were part of the job.

A discussion ensued regarding the portion of the charter that indicates the City Manger’s authorization to enter into contracts and agreements.

Judi Vining – asked about the cost of this year’s beach passes and the amount of passes a resident was entitled to purchase. She touched upon her concern that residents were purchasing multiple family passes for non-resident friends and family.

Commissioner Brand explained that a household was allowed to purchase up to 3 resident family passes. He noted that there were a number of households that may have more than two adults over the age of 18 living there which entitles them to also purchase a family pass.

Ms. Vining asked if there was some type of safeguard that could be put in place to help alleviate the possible purchasing or resident passes for non-residents.

Mr. Brand noted that he was hopeful that with the success of the electronic beach passes it would help alleviate the misuse of beach passes.

William Doepper – asked how the electronic beach pass would work when entering the beach and expressed a concern with people taking screen shots and sending it to friends.

Commissioner Brand explained that the electronic beach pass was located on the individual’s cell phone that has a “real time” timer on it. He added that once the pass was scanned by the ticket taker, if the individual tried to screen shot or send it to someone else, it would come up “invalid”.

#9 – Resolution Authorizing the City Manager and the City Comptroller to Transfer Funds within the 2020-2021 Budget

Ms. Reznik explained that this resolution was for the purpose of transferring funds as needed.

Ms. McInnis asked if this was a normal and customary procedure.

Ms. Reznik replied that it was.

Council Member Delury asked if the council would get a summary report of these transfers and if it would need to be approved.

Ms. Reznik explained that the report would be for informational purposes only and this resolution was giving the authorization to make the transfers.

Council Vice President McInnis asked about some of the Fire Department budget lines.

Ms. Reznik responded to Ms. McInnis's questions.

Roy Lester (72 Boyd St) – asked if there were any items attached to the resolution.

#10 – Resolution Authorizing Annual Allocation of Community Development Funds for the 45th Program Year and a Budget Amendment to the Community Development Fund for the 44th Program Year.

Director of Community Development, Monique Powell explained the resolution and the purpose for the allocation of unused funds from the 44th to the 45th year. She also noted that the CDBG funds were not part of the operational budget.

Council Member Delury asked Ms. Powell to describe the Youth Employment training program for the summer.

Ms. Powell noted that there had been a need for jobs and this would provide youth employment internships throughout the summer.

Council President Bendo asked if the internship positions would be with the City.

Ms. Powell replied that it would be with the City of Long Beach in conjunction with the Long Beach High School.

Roy Lester (72 Boyd St) – asked about the paying of the social security cost.

Ms. Powell replied that it was part of salaries and the fringe benefits line.

William Doepper – spoke about the rise in HIV and asked if HIV testing could be conducted as well as the offering of education in the schools.

Ms. Powell explained that she was not an administrator for the schools and that he would need to contact the school district regarding his request.

James Hodge – spoke about the MLK Center and the North Park being left out of the current community development funds budget and requested that funds be considered for the MLK Center.

Ms. Powell explained that funds had been used in the North Park and the community as a whole and the North Park was inclusive including the Senior Programs and Youth Programs. She also spoke about how the community organizations needed to work together and coordinate when it comes to those in need and formulate the proper data.

#11 – Resolution Authorizing the City Manager to Enter into a Contract for Emergency Sanitary Sewer Repair and Replacement at West Park Avenue (Northside) between Grand Boulevard and New York Avenue with the Lowest Responsible Bidder

Mr. Febrizio spoke about the emergency sewer collapse between New York Avenue and Grand Blvd. and the repairs needed.

Mr. Bendo asked about the scope of the breaks in the lines.

Mr. Febrizio explained how the contractor would evaluate the situation and hopefully it would be a candidate for re-lining.

#12 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Offenses-Miscellaneous

This item was for publication only and a hearing would be held on 4/20/2021 at 7pm.

#13 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 1046 West Beech Street (street floor), Long Beach, New York.

Re: Sushi Restaurant

This item was for publication only and a hearing would be held on 4/20/2021 at 7pm.

The voting portion of the meeting was then begun.

Council Member Mandel introduced and moved the adoption of the following local law (as amended), seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(L.L. #I/21)

Local Law Amending the Charter of the City of Long Beach Re: City Physician and Health Officer

Council Member Mandel introduced and moved the adoption of the following ordinance (as amended), seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(ORD. #3047/21)

Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Police Surgeon and City Physician

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #53/21)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 58A East Park Avenue, (street floor), Long Beach, New York.

Re: Online Apparel Business

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #54/21)

Resolution Authorizing a Settlement Agreement between iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC and the City of Long Beach

Council Member Delury introduced and moved the adoption of the following resolution, seconded by Ms. Treston, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #55/21)

Resolution Authorizing the City Manager to Enter into an Agreement with Engel Burman at the Beach LLC

Council Member Delury introduced and moved the adoption of the following resolution, seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #56/21)

Resolution Fixing and Providing for the 2021 Season of the Ocean Beach Park.

Council Member McInnis introduced and moved the adoption of the following resolution, seconded by Ms. Treston, and it was duly adopted by four affirmative votes. Council member Delury voted No.

(RES. #57/21)

Resolution Authorizing the City Manager to Enter into an Agreement for the Providing of an Electronic Beach Pass Solution

Council Member Mandel introduced and moved the adoption of the following resolution, seconded by Ms. McInnis, and it was duly adopted by four affirmative votes. Council Pres. Bendo voted No.

(RES. #58/21)

Resolution Authorizing the City Manager and the City Comptroller to Transfer Funds within the 2020-2021 Budget

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #59/21)

Resolution Authorizing Annual Allocation of Community Development Funds for the 45th Program Year and a Budget Amendment to the Community Development Fund for the 44th Program Year

Council Member Delury introduced and moved the adoption of the following resolution, seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #60/21)

Resolution Authorizing the City Manager to Enter into a Contract for Emergency Sanitary Sewer Repair and Replacement at West Park Avenue (Northside) between Grand Boulevard and New York Avenue with the Lowest Responsible Bidder

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Ms. McInnis, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #61/21)

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Offenses-Miscellaneous

Council Member Delury introduced and moved the adoption of the following resolution, seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #62/21)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 1046 West Beech Street (street floor), Long Beach, New York.

Re: Sushi Restaurant

There being no further business before the Council, Council Member Treston made a motion to close the meeting. It was seconded by Ms. McInnis and was duly closed, all five council members present voting in the affirmative.

Dated: April 7, 2021

David W. Fraser
City Clerk

Good and Welfare

Kevin Heller	Spoke about the budget and the former city parking lot on Wilson Ave
Roy Lester – 72 Boyd St	Asked about transcripts and beach pass revenue
William Doepper	Spoke about HIV testing, cars with tinted windows and hiring more LGBT police officers
James Hodge	Thanked Comm. Walsh and talked about policing and Community development Grants
Monique Powell	Spoke about Community Development funding