MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, HELD MAY 20, 2004.

Mayor/Chairman Guidi called the City Council, Community Redevelopment Agency and Parking Authority meeting to order jointly and concurrently at 5:00 p.m. in the City Council Chambers of the City Hall, 4455 West 126th Street, Hawthorne, California.

ROLL CALL-Present: Councilmembers Catano, Lambert, Velez, Mayor Guidi.
Absent: Councilmember Parsons. (excused)

1.

No one indicated a desire to be heard.

Mayor/Chairman Guidi ordered oral communications closed.

2.

Mayor/Chairman Guidi recessed the Community Redevelopment Agency, Parking Authority and Housing Authority meetings to conduct the meeting of the City Council.

3.

Mayor Guidi recessed the City Council meeting to reconvene meetings of the Community Redevelopment Agency, Parking Authority and Housing Authority.

Mayor Guidi called the City Council meeting back to order following recess with all Councilmembers present.

4.

Mayor Guidi recessed the City Council meeting to conduct a closed session regarding Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9 of the California Government Code. Name of Case: City of Lawndale v. City of Hawthorne, Case No. BS 089 469 – L.A County Superior Court.

Mayor Guidi called the City Council meeting back to order following recess with all Councilmembers present. He announced that the closed session was to discuss Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9 of the California Government Code. Name of Case: City of Lawndale v. City of Hawthorne, Case No. BS 089 469 – L.A County Superior Court and staff recommended that Settlement be approved.

Councilmember Lambert moved seconded by Councilmember Velez to Approve this Settlement.

ROLL CALL-AYES: Councilmembers Catano, Lambert, Velez, Mayor Guidi.
NOES: None. ABSENT: Councilmember Parsons.

5.

The City Manager executed a declaration that was filed with the court in connection with Defendant H&C Disposal Company (dba Sharp Recycling) Motion for Summary Judgment in the lawsuit entitled City of Hawthorne ex rel. Howard F. Wohlner vs. H&C Disposal Company, Case No. BC 213 338 – L.A County Superior Court.

RECOMMENDATION: That the City Council reaffirm and ratify the City Manager's authority in filing a declaration in this lawsuit on April 16, 2004, stating that the City continues to believe that this action should be dismissed for the reasons stated in the City's previously filed motion to intervene and to dismiss.

Councilmember Lambert requested her comments for the record.

Let me tell you Larry, with all due respect, though we had asked them to, and this is for the record, we had asked the attorney not to intervene and to dismiss, which that went forward. However, after that point, Mr. Mullens, and I was in court watching him argue not to, it was it was in regard to the two former

Councilmembers to quash their depositions and we were successful in that, but that cost us thousands of dollars and that was not necessary because I could not to this day understand why we would be defending the position of H&C or two other Councilmembers whose names I will leave out of this, after they've left. Whatever they've done, they've done. It's none of our business and we use taxpayer's money, Larry, we use taxpayer's money to defend it and we had no business doing that and that's why you might be upset with me and I'm sorry, but I have a right to do a declaration and it will not provoke another deposition from anybody because it's only simply to say that I disagree. I disagree that we should dismiss. We have a potential, I hope you're on the record here, we have a potential of getting approximately over two million dollars for the taxpayers of Hawthorne and we're trying to convince all these people who were never here at the beginning of this case and have been convinced that this is the proper method we should take and I disagree and I have a right to disagree and it will not hurt the City. It will not hurt the City and you know it. You know that it can't hurt us. It simply will bring us possibly more funds if a jury or judge rules for the plaintiff. That's, it's very simple. There should be no depositions on either side.

After Councilman Catano stated that since he was not involved in these proceedings from way back, the only thing he could do is depend on our city attorney and our outside attorneys to do what is best. To which Councilmember Lambert responded with a comment for the record as follows:

Pablo, I do understand that. You're being guided by your attorney and city manager. And city manager, for the record, was not on board at that time either. So there's three people, four people actually, that have no knowledge of this. For the record, please. Okay, whatever, you want to vote on it?

After a motion was made to approve the recommendation of staff on item no. 3, Mayor Guidi stated for the record the following: And for the record, I know that Mr. Parsons is not here, but Mr. Parsons originally had agreed to this, correctly?

Before a vote was taken, Councilmember Lambert requested the following comment for the record: Excuse me. For the record, the reason I am voting no is because there is a potential of over two million dollars coming back to this city for the citizens of Hawthorne and because we are looking at a deficit budget right now, I cannot agree with you. With all due respect, you know I have a great deal of admiration for your work. I disagree however.

Councilmember Velez moved seconded by Councilmember Catano to reaffirm and ratify the City Manager's authority in filing a declaration in this lawsuit on April 16, 2004, stating that the City continues to believe that this action should be dismissed for the reasons stated in the City's previously filed motion to intervene and to dismiss.

ROLL CALL-AYES: Councilmembers Catano, Velez, Mayor Guidi.
NOES: Councilmember Lambert. ABSENT: Councilmember Parsons.

6.

The City Treasurer submitted a financial statement regarding warrants.

Mayor Guidi moved, seconded by Councilmember Catano, that the following warrants, properly audited and signed, be paid.

Warrants Nos.: 181704-181811

Warrant Totals: $711,673.07

ROLL CALL-AYES: Councilmembers Catano, Lambert, Velez, Mayor Guidi.
NOES: None. ABSENT: Councilmember Parsons.

7.

Mayor Guidi adjourned the meeting at 12:40 p.m.

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Daniel D. Juarez, MMC
City Clerk