

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD AUGUST 23, 2005.**

Mayor/Chairman Guidi called the City Council, Community Redevelopment Agency and Parking Authority meeting to order jointly and concurrently at 6:00 p.m. in the City Council Chambers of the City Hall, 4455 West 126th Street, Hawthorne, California.

ROLL CALL-Present: Councilmembers Catano, Lambert, Parsons, Velez, Mayor Guidi.
Absent: None.

Candy Cardelfuller was the evening's representative from the Chamber of Commerce.

Mayor Pro Tem Catano presented a Proclamation to Behavioral Health Services in honor of National Alcohol and Drug Addiction Recovery Month.

1.

Mayor Guidi recessed the City Council meeting to conduct a **closed session**: Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation. Title: City Manager.

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 a closed session pursuant to Government Code Section 54957 – Public Employee Performance Evaluation. Title: City Manager and no action was taken.

2.

Mayor Guidi recessed the City Council meeting to conduct a closed session regarding Conference with Labor Negotiator pursuant to Government Code Section 54957.6. Agency Negotiator: Jeff Freedman - Employee Organizations: All Employee Groups.

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 Labor Negotiator pursuant to Government Code Section 54957.6. Agency Negotiator: Jeff Freedman - Employee Organizations: All Employee Groups and the Labor Negotiator has been advised.

3.

Under Elected Officials Reports and Recommendations:

Mayor **Guidi** announced that on Sunday, August 21st, the Los Angeles Times real estate section reported that the medium price of new and existing houses and condominiums sold in Los Angeles county was about \$488,000 in July, which was only a 20.2% jump from last year. The medium price for existing homes in Hawthorne in July reached \$549,000, with a gain of 35.2% from last July to this July.

Mayor **Guidi** announced that Gold's Gym is officially open.

Mayor **Guidi** thanked sponsors and city staff for making the first annual Jazz festival a success.

Councilmember **Lambert** thanked Mayor Guidi for the contributions that will be made to the young people because of the Jazz Festival.

Councilmember **Lambert** inquired on whether an obnoxious sign on our border had been taken down and if a letter had been written to the owner.

Councilmember **Lambert** announced that the Ramona picnic will be held this coming Saturday, August 27, 2005 at 10:00 am.

Councilmember **Catano** commented on how the city has improved because of the council's team effort and the help of the department heads.

8/23/05

Councilmember **Parsons** stated that even though Council gets all the credit for the great things happening in the city, it is staff that does all the legwork and he thanked City Manager Rick Prentice for his work with the situation around Jon’ Market and Public Works Director Arnie Shadbehr for fixing up the confusing markings on Rosecrans.

Councilmember **Parsons** thanked the Western Museum of Flight’s Cindy Macha and all the volunteers for their work with the Air Faire. The museum is currently experiencing a large increase in rent and will be starting a major fundraiser to stay at the Hawthorne Airport. Councilmember Parsons asked that if you are approached to contribute, please do.

Mayor **Guidi** inquired on the whereabouts of the Jack Northrop airplane on the corner of 120th and Crenshaw as the whole sign is missing.

Councilmember **Velez** thanked the police department for their presence at the last two events.

City Treasurer **Lubenec** thanked staff and the public for changes to the city.

City Clerk **Juarez** announced that October 24th is the last day to register to vote for the November 8th election.

City Clerk **Juarez** announced that County Registrar Recorder’s office is looking for service clubs to volunteer to help out with the polls.

Mayor **Guidi** stated that a survey reported that this city is in the best condition it’s ever been.

4.

Under oral communications, **Beth Gunning**, President of the Family Club of Hollyglen, presented letters from the Family Club and the community regarding the Hollyglen Parks and Recreation summer program and the wading pool that were not available this summer. **Claudia Fishler**, Hawthorne Library, announced that on Wednesday, September 7th at 6:30 pm, the library will present Rick Johnson, author of “Wealth is Possible” who will speak on how to start your own home based business.

No one else indicated a desire to be heard.

Mayor/Chairman Guidi ordered oral communications closed.

5.

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

6.

Mayor Guidi moved, seconded by Councilmember Catano, that the reading of the City Council minutes of the regular meeting of August 9, 2005 be waived and that they be approved and adopted.

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

7.

Mayor Guidi moved, seconded by Councilmember Catano, to waive full readings of resolutions and ordinances on August 9, 2005's agenda.

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

8.

The City Clerk announced that this was the time and place to publicly receive and declare opened bids for modification of traffic signal at Prairie Ave. and Rosecrans Ave.

The Public Work’s Department submitted declaration of publication which was ordered filed.

The bids were publicly read from the following firms:

Comet Electric, Inc	\$253,500
Christopher R. Morales	\$147,900
Steiny and Company, Inc	\$159,566

All bids were accompanied by a bidder's bond.

Councilmember Lambert moved, seconded by Mayor Guidi, that the bids be referred to staff for study and recommendation.

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

9.

City Clerk Daniel D. Juarez announced that this was the time and place for the public hearing on Negative Declaration under CEQA and Zone Text Amendments for 2005ZA12, 2005ZA13, 2005ZA15, 2005ZA16, 2005ZA17, 2005ZA18, 2005ZA19, and 2005ZA20.

Planning Department submitted declaration of publication, which was ordered filed. Written communications were received.

Under oral comments, **Pam Schmidt**, Attorney at Public Counsel Law Center asked that ordinance be expanded to permit family childcare in multi family homes. **Britton Shoeforth**, Vice-President with Leonard and Oren representing St. Paul Properties (Oceangate Business Park), opposes certain legal non-conforming rights of Ordinance 1826. **Lloyd Pilchen**, Lawyer with Jeffer Mangels Butler & Marmaro, representing St. Paul Properties, proposed revisions which they feel will bring the ordinance into greater alignment with established law and urged the council to consider these revisions. **Vincent Laduca**, 601 Sapphire Street, Redondo Beach CA., opposes section 2, 17.38.055 because it does not define a different conforming use. It leaves it up to the planning department’s discretion to determine what a different conforming use is. **Sydney Camlogger**, Public Affairs Manager for Crystal Stairs, spoke on 2005ZA15 in hopes that consideration will be given to revisiting the language that states limiting daycare to single-family homes.

No one else indicated a desire to be heard.

Mayor Guidi ordered to close the public portion of the hearing. MOTION CARRIED.

ORDINANCE NO. 1826. (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING CHAPTER 17 OF THE HAWTHORNE MUNICIPAL CODE RELATING TO ZONE TEXT AMENDMENTS: 17.38.050 STRUCTURAL ALTERATION OR ENLARGEMENT, SECTION 17.38.055 CHANGE OF NONCONFORMING USE; SECTION 17.38.065 DISCONTINUATION OF A LEGAL NONCONFORMING USE; SECTION 17.21.090 OFF-STREET PARKING AND FACILITIES; SECTION 17.58.030 REQUIRED PARKING; SECTION 17.04.200 FAMILY DAY NURSERY CARE HOMES; SECTION 17.14.020 PERMITTED USES; SECTION 17.18.020C PERMITTED USES; CHAPTER 17.73 FAMILY DAY CARE HOMES; SECTION 17.25.060 OFF-STREET PARKING; SECTION 17.14.020 PERMITTED USES; SECTION 17.14.040 LOT AREA PER DWELLING UNIT; SECTION 17.14.080 HEIGHT; SECTION 17.14.090 MINIMUM FLOOR AREA; SECTION 17.25.020 PERMITTED USES; SECTION 17.26.020 PERMITTED USES; SECTION 17.28.020 PERMITTED USES; SECTION 17.30.020 PERMITTED USES; SECTION 17.32.020 PERMITTED USES SECTION 17.58.030 REQUIRED PARKING; SECTION 17.42.100 PERMITTED INTRUSIONS IN REQUIRED YARDS; SECTION 17.35.210 PROHIBITED SIGNS.

Ordinance No. 1826 was introduced by title only by Mayor Guidi.

MOTION TO AMEND

The City Attorney requested that changes be made to this Ordinance and that it be brought back to the next meeting with changes made.

Ordinance No. 1826 was re-introduced with changes made by Mayor Guidi.

10.

City Clerk Daniel D. Juarez announced that this was the time and place for the public hearing on New Specific Colors for Buildings in the Commercial and Industrial Zones as per the Planning Commission Resolution PC 2005-13. Exempt from CEQA.

The Planning Department submitted declaration of publication, which was ordered filed. No written communications were received.

Under oral comments, no one indicated a desire to be heard.

Mayor Guidi ordered to close the public portion of the hearing. MOTION CARRIED.

ORDINANCE NO. 1830. (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, APPROVING AND ADOPTING NEW SPECIFIC COLORS FOR BUILDINGS IN THE COMMERCIAL AND INDUSTRIAL ZONES.

Mayor Guidi requested that the color turquoise be removed from the chart of colors presented by the Planning Director.

Ordinance No. 1830 was introduced by title only by Mayor Guidi.

11.

City Clerk Daniel D. Juarez announced that this was the time and place for the public hearing to consider various Proposed Service Fee Increases for the City of Hawthorne and Consideration of Resolution Nos. 6976, 6977, 6978, and 6979.

The City Clerk submitted declaration of posting/publication, which was ordered filed. No written communications were received.

Under oral comments, **Pam Schmidt**, 610 S. Ardmore, attorney at Public Council Law Center stated that the proposed adoption of a \$1000 fee to apply for a large family childcare is financially difficult for a family childcare provider going from small to large. **Darlene Gardner**, 4331 W. 120th St., owns a family daycare and feels that the fees that are being asked are excessive and asked that they be reconsidered. **Natasha Finister**, family childcare provider of 10 years and board member of the South Bay Family Childcare Network, feels that a fee of \$1000 will pose a financial burden to the local childcare providers. **Capitola Finister**, 3217 W. 133rd St., feels \$1000 fee will cut into her income considerably because even though she is licensed for 14 children and has a large daycare she only cares for infants and is only allowed four infants. **Sidney Pamela Gergin** of Crystal Stairs stated that providers are incurring costs such as training course fees and that would make the \$1000 proposed fee excessive. Also, the fee is not in alignment with the fees that other local cities are charging.

No one else indicated a desire to be heard.

Mayor Guidi ordered to close the public portion of the hearing. MOTION CARRIED.

RESOLUTION NO. 6976.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ESTABLISHING VARIOUS FEES TO REIMBURSE THE CITY FOR ACTUAL COSTS INCURRED FOR PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT INSPECTION AND APPLICATION PROCESSING SERVICES.

Councilmember Velez moved, seconded by Councilmember Lambert, that Resolution No. 6976 be approved and adopted.

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

RESOLUTION NO. 6977.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ESTABLISHING VARIOUS FEES TO REIMBURSE THE CITY FOR ACTUAL COSTS INCURRED FOR PROCESSING FEES AND CONDUCTING INSPECTIONS FOR THE DEPARTMENT OF LICENSING & CODE ENFORCEMENT.

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 6977 be approved and adopted.

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

RESOLUTION NO. 6978.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ESTABLISHING VARIOUS FEES TO REIMBURSE THE CITY FOR ACTUAL COSTS INCURRED FOR PROCESSING PERMITS AND CONDUCTING INSPECTIONS FOR THE PUBLIC WORKS DEPARTMENT.

Councilmember Velez moved, seconded by Mayor Guidi, that Resolution No. 6978 be approved and adopted.

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

RESOLUTION NO. 6979.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, INCREASING POLICE BOOKING FEES TO REIMBURSE THE CITY FOR ACTUAL COSTS INCURRED FOR BOOKING PRISONERS INTO THE HAWTHORNE POLICE DEPARTMENT JAIL.

Councilmember Lambert moved, seconded by Councilmember Velez, that Resolution No. 6979 be approved and adopted.

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

12.

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.: 185229-185341 ; 346326-347184
Warrant Totals: \$764,396.62 ; \$1,949,565.72

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

13.

RESOLUTION NO. 6981.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AUTHORIZING THE FILING OF A GRANT APPLICATION FOR CALIFORNIA’S STATEWIDE ANTI-DRUG ABUSE ENFORCEMENT PROGRAM.

Mayor Guidi moved, seconded by Councilmember Catano, that Resolution No. 6981 be approved and adopted.

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

14.

RESOLUTION NO. 6982.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ESTABLISHING A THREE-WAY STOP AT THE INTERSECTION OF 123RD STREET AND BURL AVENUE

Mayor Guidi moved, seconded by Councilmember Catano, that Resolution No. 6982 be approved and adopted.

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

15.

RESOLUTION NO. 6983.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ESTABLISHING A THREE-WAY STOP AT THE INTERSECTION OF 123RD STREET AND SUNDALE AVENUE.

Mayor Guidi moved, seconded by Councilmember Catano, that Resolution No. 6983 be approved and adopted.

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

16.

RESOLUTION NO. 6984.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ESTABLISHING A TWO-WAY STOP AT THE INTERSECTION OF 121ST STREET AND BURL AVENUE.

Mayor Guidi moved, seconded by Councilmember Catano, that Resolution No. 6984 be approved and adopted.

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

17.

RESOLUTION NO. 6985.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ANNOUNCING ITS' CRITIQUE OF KELO VS. CITY OF NEW LONDON TO THE EXTENT THAT IT ALLOWS THE TAKING OF PRIVATE, NON-BLIGHTED RESIDENTIAL PROPERTY FOR PURPOSES OF ECONOMIC DEVELOPMENT.

Mayor Guidi moved, seconded by Councilmember Catano, that Resolution No. 6985 be approved and adopted.

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

18.

ORDINANCE NO. 1827. (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING CHAPTERS 17.16, 17.18, 17.20 AND 17.21 OF THE HAWTHORNE MUNICIPAL CODE RELATING TO ZONE TEXT AMENDMENTS AND REPEALING 17.62.110 OF THE HAWTHORNE MUNICIPAL CODE RELATING TO REFERRING ADVERSE DECISIONS OF THE CITY COUNCIL BACK TO THE PLANNING COMMISSION.

Councilmember Lambert moved, seconded by Councilmember Velez, that Ordinance No. 1827 be approved and adopted.

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

19.

ORDINANCE NO. 1819. (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, TO AMEND SECTION 5.06.040 A & B OF THE HAWTHORNE MUNICIPAL CODE RELATING TO CHANGING APPLICATION PROCESSING FEE BY WAY OF CITY COUNCIL RESOLUTION.

Councilmember Lambert moved, seconded by Councilmember Velez, that Ordinance No. 1819 be approved and adopted.

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

20.

ORDINANCE NO. 1829. (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ADDING SECTION 13.74.015 OF THE HAWTHORNE MUNICIPAL CODE PROVIDING FOR A PARTIAL EXEMPTION FROM THE SEWER SERVICE FEE.

Ordinance No. 1829 was introduced by title only by Mayor Guidi.

The City Manager, Richard Prentice, presented the following agenda and requested approval of the indicated recommendations:

21.

Approve Execution of agreements with HUD for Community Development Block Grant (\$1,980,296) and HOME Investment Partnership Program (\$981,340) funding for Program Year 2005, July 1, 2005 through June 30, 2006.

22.

Approve Ratification to the City of El Segundo re-appointment of Ms. Elyse Rothstein, and the City of Manhattan Beach re-appointment of Ms. Janice Webb, to the South Bay Workforce Investment Board (SBWIB).

23.

Approve Consulting Services Agreement with Coffman Associates for Hawthorne Municipal Airport Master Plan Study upon Approval of FAA.

Mayor Guidi moved, seconded by Councilmember Catano, that items 21 through 23 of the City Manager's consent calendar be approved.

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

NOES: None. ABSTAIN: None.

24.

Optional Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a)) of Section 54956.9 of the California Government Code. Name of Case: Sheronda Roquemore v. City of Hawthorne, County of Los Angeles, Alejandro Victor, et al. Case No: YC 049358_

THE CITY COUNCIL DID NOT HOLD THIS OPTIONAL CLOSED SESSION

25.

A mediated settlement has been proposed in the case entitled Sheronda Roquemore v. City of Hawthorne (YC 049 358) in the amount of \$45,000.00.

RECOMMENDATION: That the City Council authorize the settlement of the Sheronda Roquemore lawsuit in the amount of \$45,000 and that the Finance Director release the settlement draft c/o City Attorney's Office to Plaintiff Sheronda Roquemore and Larry Rabineau, Esq. no later than August 24th, 2005.

Mayor Guidi moved, seconded by Councilmember Catano, that the Settlement proposed in the case entitled Sheronda Roquemore v. City of Hawthorne (YC 049 358) in the amount of \$45,000.00 be approved.

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

NOES: None. ABSTAIN: None.

26.

The City Attorney, Glen Shishido, recommended that the claim filed against the City of Hawthorne on behalf of Stephen McClendon alleging police misconduct be denied in its entirety.

Mayor Guidi moved, seconded by Councilmember Catano, that the claim filed against the City of Hawthorne on behalf of Stephen McClendon alleging police misconduct be denied in its entirety.

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

NOES: None. ABSTAIN: None.

27.

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.

28.

Mayor Guidi adjourned the meeting at 9:38 p.m.

Daniel D. Juarez, MMC
City Clerk