

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD JUNE 27, 2006.**

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 City Hall, 4455 West 126th Street, Hawthorne, California.

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

Pastor Al Wise from Del Aire Assembly of God Church gave the evening's Invocation. Girl Scout Troop #455 led the Pledge of Allegiance.

Councilmember Lambert presented a Certificate of Appreciation to Mr. Bud Spencer in recognition of his extraordinary efforts in assisting the fire department in rescuing a disabled neighbor from a fire in her home.

Mayor Guidi presented Certificates of Recognition to the winners of the 2nd Annual Hawthorne City Council and Youth Commission Anti Graffiti Gang and Drug Poster/Essay Contest. The winners were the following local students:

5th Place - Amina Belas, Hawthorne Mathematics and Science Academy, 8th grade.
4th Place – Ryan Aquinde, Kornblum Elementary School, 4th grade.
3rd Place – Halley Stillians, Kit Carson Elementary School, 2nd grade.
2nd Place – Brittney Stillians, Franklin D. Roosevelt Elementary School, 5th grade
1st Place – Lizbeth Munguia, Jefferson Elementary School, 3rd grade.

Councilmember Catano presented a California State Senate Certificate of Recognition to Tom Quintana for being recognized as the Hawthorne Chamber of Commerce 2005 Citizen of the Year.

1.

Under oral communications, **Pastor Al Wise** asked the council and anyone in the city to let it be known that his church is in need of raising \$100,000 to complete the construction of a sanctuary. Pastor Wise can be reached at (310) 676-6859. **Claudia Fishler** of the Hawthorne Library announced that the summer reading program started today with 45 children signing up and that on Thursdays at 2pm, there will be special performances. On Wednesday July 12, from 11 to 12:30, a representative from Washington Mutual Bank will come to talk about banking and senior awareness. **Mark Blackburn** with Universal Waste responded to item 19 by stating that there may have been some misunderstanding regarding what his company was capable of doing and what they were willing to do and stated that their bid would save the city \$475,000 over the five year contract compared to the other bid that is being recommended tonight. Universal Waste is fully capable and willing to do the job 100%.

No one else indicated a desire to be heard.

Mayor/Chairman Guidi ordered oral communications closed.

2.

Under Elected Officials Reports and Recommendations:

Discussion/Action Items:

- Drug and Alcohol Policy (Guidi)
- Hiring 15 Reserve Police Officers (Guidi)

Mayor **Guidi** received a note from residents on Kornblum regarding a business that moved in and is becoming a major nuisance.

Mayor **Guidi** thanked everybody who participated in the Hawthorne Education Foundation Golf Tournament at Chester Washington.

Councilman **Velez** explained that the reason some residents are experiencing a bit of dirty water when they turn on their faucets is due to flushing of the water main at Goldenstate Water Company. Anyone with questions or concerns can call Goldenstate at 800-999-4033.

Councilman **Velez** requested that the city manager have a talk with Blockbuster Phantom Fireworks regarding complaints of dropping their trailer where other people have contracts.

Councilmember **Velez** thanked everyone who participated in the golf tournament.

Councilmember **Lambert** thanked Chief Port for everything he put together regarding fireworks sales.

Councilmember **Lambert** warned that the city would not tolerate the use of illegal fireworks.

Councilmember **Lambert** inquired if there is a list of job descriptions for those listed in the budget.

Councilmember **Lambert** clarified that it was LLC that raised the museum's rent eight months ago by \$5000 and not the city.

Councilmember **Lambert** requested that the city start the search process for a permanent city manager.

Councilmember **Parsons** announced that there will again be a special task force this year that will be driving around to respond to fireworks calls. To report illegal fireworks, call 675-4444.

Councilmember **Parsons** thanked the Hollypark, Hollyglen and Bodger Park homeowner's groups for agreeing to pass out flyers to members regarding illegal fireworks.

Councilmember **Parsons** reported that the spray paint display at Home Depot is again being left unlocked and asked that we emphasize to Home Depot to keep it locked.

Councilmember **Parsons** asked for the status of the city's revised webpage. Chief Port reported that the webpage is ready for training and that training is being offered to department heads on July 12th.

Councilmember **Parsons** asked if there is a way to let southbound 405 commuters know that they can use the Rosecrans east exit to go to COSTCO instead of Rosecrans west as those using Rosecrans west are cutting across three lanes of traffic to get to COSTCO.

Mayor **Guidi** reported that there is a problem with illegal fireworks going off late at night on 134th between Hawthorne and Ramona in the center of the block on the south side and urged the Ramona HOA to send out flyers regarding this issue.

Mayor **Guidi** thanked Sgt. Tomatani and the traffic bureau for cleaning up the traffic problems between Prairie and Yukon and El Segundo and Rosecrans.

City Treasurer **Lubenec** congratulated the Mayor, Council, City Manager and Finance for a great budget and also congratulated Mr. Tom Quintana for receiving the "Citizen of the Year Award".

City Clerk **English** congratulated her daughter Nicco for finding a wallet on the corner of Prairie and Rosecrans and returning it to its owner.

Mayor Guidi asked where we were at on the drug and alcohol policy. It was requested by Mayor Guidi that this discussion be **for the record**.

City Manager Pathirana: It's up for discussion, Mayor Guidi. I believe the next step is to meet and confer with the various bargaining units after which we can bring it back to you for adoption.

Mayor Guidi: Okay. Would you please prepare to have the bodies so we can meet and confer.

Councilmember Parsons: Okay, a discussion on this action item here. If you turn to page 14 in the proposed drug and alcohol plan, I have one paragraph I'd like removed. It's paragraph i, testing of sensitive personnel, paragraph 2, random testing. It talks about here we're going to randomly test 50% of the employees and I have a concern. I think if somebody has an accident, we should test them for drug and alcohol. If they exhibit some symptoms of under the influence, we should test them. But to go around and just randomly select 50% of the employees to pee into a jar, I just don't think is right. So I support the policy if again there's an accident involved or there's some suspicion under influence. But I think it's an invasion of privacy to walk up to somebody and say here's a jar. It's your turn.

Councilmember Lambert: Yeah, I think I agree with you. It's intimidating.

Mayor Guidi: Mr. Shishido?

City Attorney Shishido: It's legal. It's possible to do that. There are cities, entities that don't have that requirement. It's a policy issue.

Councilmember Parsons: I just think it's an invasion of privacy. It's legal invasion of privacy. I think again, if somebody demonstrates they're under the influence, test them. Again, an accident, test them. I just think randomly testing people without cause is wrong. May be legal, but it's wrong. I'd like to see if we could remove this one paragraph.

Councilmember Lambert: I would agree with you.

Mayor Guidi: I can't.

Councilmember Catano: To the chair. Mr. Shishido, how are they going to come up with what 50%? I mean how do you say you, you, you or how do they come about who's going to be tested or not?

City Attorney Shishido: I don't know the basis for Councilmember Parson's statement, but I think what he's saying is that the number of safety sensitive employees might amount to 50% of our workforce. Is that where you got your number from?

Councilmember Parsons: Let me quote. It's says a random drug test will be administered to at least 50% of the total number of covered employees per unit. That's a direct quote.

Councilmember Catano: How do you decide who's going to be tested?

City Attorney Shishido: Random.

Councilmember Catano: Say, 'cause I'm going to say wait a minute, why are you picking on me? I'm okay but he's not or she's not or, I mean how do you, it just said you, you, you.

City Attorney Shishido: It would be random. It would be...

Councilmember Catano: No, I know that, but I'm just saying.

Mayor Guidi: It could be by alphabet. It could be all the Bs, all the As, all the Cs.

City Attorney Shishido: It could be by draw.

Councilmember Catano: Oh, okay, so okay all right.

Councilmember Parsons: Then what's the cost to the city to do this too? Are we incurring more costs?

City Manager Pathirana: We'll incur some costs, but we don't have the exact number yet.

Councilmember Parsons: So why are we adding more costs to a budget we don't need to?

Mayor Guidi: Well, because maybe you can find a problem before you wait for the accident where the guy probably runs somebody over or takes a truck and goes through a building and then you say let's check him for drugs or alcohol when we knew there was a problem. So it's called preventative maintenance. If it costs 32 cents to have a jar tested, I think the preventative part than the big lawsuit. That if somebody goes through an intersection and runs somebody over and they've been, they've had a drug issue, this would have never come up, Gary, if there wasn't issues about drugs or alcohol on the workforce. So my concern is I'd rather be preventative than have to pay out major lawsuits, wait for someone to run someone over and kill them and then say let's go test them because maybe he's got a drug problem. You know what? If I'm a coworker, I'd rather know ahead of time that the guy driving me around is drug free than wait until he crashes into a building and maybe kills me, leaves my family out there waiting for word about his rights to be violated? If you're abusing drugs on the workplace, you just violated your work rights. So as far as I'm concerned, I'd rather have preventative. I will support the random testing because I have nothing to hide so you're not going to violate my rights. You guys agree?

Councilmember Velez: I agree with the random testing.

Mayor Guidi: You guys agree? (clapping from audience) There's your people that agree.

Councilmember Velez: I agree 100% with random testing. As it's 50% or whatever, that's something that details that could be worked out. But definitely, if there's suspicion or you just want to do random testing, I support that a 100%. I know that we have that at the workplace so I have no issues with that.

Mayor Guidi: Yeah, we have it at the workplace. I have nothing to hide so you want to test me three times a week, test me.

Councilmember Lambert: Do you have it at the workplace?

Councilmember Parsons: No.

Councilmember Lambert: Oh, you don't?

Councilmember Parsons: Random? No. Of course not.

Councilmember Lambert: Really?

Councilmember Parsons: Just for cause.

Councilmember Lambert: Just for cause.

Mayor Guidi: So, I think it could be both. I want to leave my one vote, leave the random but then add if we feel that someone is intoxicated or we feel that they're doing drugs, then we test them too. But the random I like.

City Attorney Shishido: That's reasonable suspicion which is the second standard.

Mayor Guidi: But just make it clear.

City Attorney Shishido: You would have both. It's clear.

Mayor Guidi: All right. Okay.

Councilmember Lambert: Do you intend to change something in there?

Mayor Guidi: Well, it's going to come back to us. They first they have to meet and confer with the bargaining groups. Then they'll tell us what they like or they don't like. Then it comes back to us and it's up to us to either approve it in the standards that it is. If not. But I go by the thermometer of the public and the public feels this is fine.

Councilmember Lambert: Well, the one thing you said that just flipped my head is that hey if you've got nothing to hide then you don't care

Mayor Guidi: What are you worried about?

Councilmember Lambert: so I guess I can put that in the front of my head and think that way.

Mayor Guidi: But Ginny, wouldn't you rather find a problem before it happens?

Councilmember Lambert: Well, yeah we must have a reason for doing this so I'm not going to go any further with that statement so I changed my mind. I guess I am going to agree with you Larry. Okay.

Mayor Guidi: The other thing, the other issue for discussion

City Attorney Shishido: Mr. Mayor, Jag is requesting if he could have a vote on whether to include random or not.

Mayor Guidi: But it's already here.

City Attorney Shishido: It is there.

Mayor Guidi: And we're not changing it tonight so why do you need a vote? Random as far as I'm concerned it's in this we it's not agendized to vote on. It's basically you got to meet and confer. We're not taking a vote. Unless you want us to take a vote to leave it in or out?

City Attorney Shishido: That's what I think (unintelligible)

Mayor Guidi: I make a motion to leave in random drug testing. Is there a second?

Councilmember Catano: Second.

Mayor Guidi: Discussion. Please vote.

City Clerk English: The vote reflects Councilmembers Velez, Catano, Lambert, Mayor voting yes and councilmember Parsons no.

Mayor **Guidi** asked the city manager to get together with staff regarding the hiring of 15 reserve officers and come up with ideas on what we should do or to see if we really need that many.

3.

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

4.

Mayor Guidi moved, seconded by Councilmember Catano, that the reading of the City Council minutes of the regular and special meeting of June 13, 2006 be waived and that they be approved and adopted.

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

5.

Mayor Guidi moved, seconded by Councilmember Catano, to waive full readings of resolutions and ordinances on June 27, 2006's agenda.

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

6.

City Clerk **English** announced the bid opening for the collection of refuse, recyclables and green waste at City Facilities. Informal RFP was distributed among the franchisees on June 7th, 2006.

Sealed bids were publicly opened and read from the following firms:

<i>UNIVERSAL WASTE SYSTEMS</i>	<i>\$10,789.79/month</i>
<i>H&C DISPOSAL</i>	<i>\$14, 316.65/month</i>

After discussion, Councilmember Lambert referred them back to staff.

7.

The City Clerk Angie English announced that this was the time and place for the Public Hearing Confirming the Weed Abatement Assessment Report and Authorizing Collection of the Assessment. Public Work's Department's submitted a declaration of publication, which was ordered filed. No written communications were received.

RESOLUTION NO. 7040.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, CONFIRMING ASSESSMENTS FOR WEED AND WASTE ABATEMENT AND AUTHORIZING THE COLLECTION THEREOF.

Mayor Guidi moved, seconded by Councilmember Lambert that Resolution No. 7040 be approved and adopted.

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

8.

The City Clerk Angie English announced that this was the time and place for the Public Hearing Confirming and Approving Diagram and Assessment contained in the Engineer's Report, and Levying Assessment for Improvement of the Street Lighting System (Landscaping and Street Lighting Act of 1972) for the Fiscal Year ending June 30, 2007.

Public Work’s Department's submitted a declaration of publication, which was ordered filed. No written communications were received.

RESOLUTION NO. 7041.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, CONFIRMING AND APPROVING THE DIAGRAM AND ASSESSMENT CONTAINED IN THE ENGINEER’S REPORT AND LEVYING ASSESSMNET FOR IMPROVEMENT OF THE STREET LIGHTING SYSTEM (LANDSCAPING AND STREET LIGHTING ACT OF 1972) FOR THE FISCAL YEAR ENDING JUNE 30, 2007.

Councilmember Lambert moved, seconded by Mayor Guidi that Resolution No. 7041 be approved and adopted.

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

Item Nos. 9
And Tabled Item No 28.

The City Clerk, Angie English announced that this was the time and place for the Public Hearing Regarding Proposed Annual Budget including Projected Revenue and Requested Appropriations for Fiscal-Year 2006-2007.

City Clerk Department’s submitted a declaration of publication, which was ordered filed. No written communications.

In order for this Hearing to be Approved, Mayor Guidi needed first to remove from the **Table Agenda Item No. 28. Budget Presentation and Budget Workshop. Decision Item No. 4 (Employee Reclassification)**

Mayor Guidi moved, seconded by Councilmember Catano that item no. 28 be removed from the Table.

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

RESOLUTION NO. 7044.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, APPROVING THE ANNUAL BUDGET FOR FISCAL YEAR 2006-2007 AND EACH OF THE CITY MANAGER’S RECOMMENDATIONS REGARDING BUDGET DECISION ITEMS NO’S. 1 THROUGH 6 (ITEM NO. 1: PAYOUTS FOR RETIRING POLICE DEPARTMENT PERSONNEL; ITEM NO. 2: REPLACEMENT OF RETIRING POLICE DEPARTMENT PERSONNEL; ITEM NO. 3: ELIMINATING ADMINISTRATIVE AIDE 1 POSITION FROM THE ADMINISTRATIVE SERVICES DEPARTMENT; ITEM NO. 4: EMPLOYEE RECLASSIFICATIONS: ITEM NO. 5: NEW PART TIME EMPLOYEES; ITEM NO. 6: SALE OF 8 VEHICLES IN THE MOTOR VEHICLE POOL).

Mayor Guidi moved, seconded by Councilmember Catano that Resolution No. 7044 be approved and adopted.

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

10.

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.: 187143-187218 ; 358294-359106

Warrant Totals: \$ 804,395.09 ; \$ 5,620,560.06

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

Resolutions and Ordinances.

11.

RESOLUTION NO. 7042.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, CLOSING TO VEHICULAR TRAFFIC THE PORTION OF YUKON AVENUE BETWEEN 134TH STREET AND 125 FEET NORTH OF 135TH STREET.

Mayor Guidi moved, seconded by Councilmember Catano, that Resolution No. 7042 be approved and adopted.

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

12.

RESOLUTION NO. 7043.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SIGN A JOINT POWERS AGREEMENT AND OTHER ASSOCIATED DOCUMENTS WITH THE CALIFORNIA ASSOCIATION OF COUNTIES (CSAC) EXCESS INSURANCE AUTHORITY (EIA) FOR A PROPOSED RESTRUCTURING OF THE CALIFORNIA PUBLIC ENTITIES INSURANCE AUTHORITY (CPEIA)/EIA AND IN ORDER FOR THE CITY TO PURCHASE THEIR EXCESS WORKERS COMPENSATION INSURANCE.

Mayor Guidi moved, seconded by Councilmember Catano, that Resolution No. 7043 be approved and adopted.

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

13.

RESOLUTION NO. 7045.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2006-2007 PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

Mayor Guidi moved, seconded by Councilmember Catano, that Resolution No. 7045 be approved and adopted.

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

14.

RESOLUTION NO. 7046.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AUTHORIZING CERTAIN DESIGNATED CITY OF HAWTHORNE OFFICERS TO ORDER THE DEPOSIT OR WITHDRAWAL OF MONIES FROM THE LOCAL AGENCY INVESTMENT FUND.
Motion to adopt.

This item was pulled by the City Manager, Jag Pathirana before the Meeting.

The Interim City Manager, Jag Pathirana, presented the following agenda and requested approval of the indicated recommendations:

15.

Approve to amend the Low and Moderate Income Housing Set-a-Side fund budget for fiscal year 2005-2006.

16.

Approve Progress Payment No. 1 due to Griffith Company, P.O Box 2150, Santa Fe Springs, Ca 90670-0156 for Rosecrans /Aviation Intersection Widening Project in the amount of \$699,594.30 to be funded from the Federal Demo and SAFETEA-LU funds Account #286-5502-000-4773.

17.

Approve Progress Payment No. 9 to Martinez Landscape Company for Abatement of Weeds and General Maintenance in the amount of \$18,224.00 from Weed Abatement Account # 225-4106-408-4546; \$ 20,000.00 from Street Gas Tax Account # 220-4106-000-4548; \$8,408.00 from Street Gas Tax # 220-4106-000-4540; \$60,000.00 from Prop C. Account # 285-3400-000-4553; Total \$106,632.00.

18.

Approve Progress Payment No. 11 to Trimming Land Co., Inc., 10513 Dolores Avenue, South Gate, Ca 90280 for Street Tree Trimming in the amount of \$2,625.00 to be charged to the Recreation and Community Services Tree Trimming Account # 100-6111-4051.

Councilmember Lambert moved seconded by Councilmember Parsons to Approve the City Manager's consent calendar.

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

19.

Award of Contract for Collection, Recycling and Disposal of Bulky Items and City Bus Stop Receptacle Refuse.

RECOMMENDATION: That the City Council Award the Contract to H&C Disposal Company.

This item was pulled by Councilmember Lambert.

20.

The City Attorney, Glen Shishido, recommended that the Claim of Matthew Chacon alleging dangerous condition of city property when he sustained personal injuries as a result of a traffic accident at Judah Avenue and 140th Street be denied in its entirety.

Mayor Guidi moved, seconded by Councilmember Velez, that the claim of Matthew Chacon alleging dangerous condition of city property when he sustained personal injuries as a result of a traffic accident at Judah Avenue and 140th Street be denied in its entirety.

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

TABLED ITEM #27

Approval of Second Amendment to Ground Lease by and between the City of Hawthorne and Hawthorne Airport LLC.

RECOMMENDATION: That the City Council Authorize the City Manager to execute Second Amendment to Ground Lease.

Mayor Guidi moved, seconded by Councilmember Parsons to **remove** this item from the table.

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

Mayor Guidi moved seconded by Councilmember Parsons to Approve Second Amendment to Ground Lease by and between the City of Hawthorne and Hawthorne Airport LLC.

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

Councilmember Lambert wanted it on the record that LLC would not take the hangar at the airport for the helicopter.

13.

Mayor Guidi adjourned the meeting at 9:08 p.m.

Angie Reyes English , City Clerk