

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD SEPTEMBER 23, 2008.**

Mayor/Chairman Guidi called the City Council, Community Redevelopment Agency, Parking Authority and Housing 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 Juarez, Lambert, Parsons, Mayor Guidi.
Absent: Councilmember Catano (excused).

Civil Service Commissioner Darlene Love gave the evening's invocation. Robert O'Brien led the Pledge of Allegiance.

Chairman Alex Monteiro and Treasurer Norm Morton of the Hawthorne President's Council presented a \$5,000 check to Chief Mike Heffner for the K9 program. Monies were raised at a community dinner held in May.

1.

Mayor Guidi recessed the City Council meeting to conduct a **Closed Session**: Conference with Labor Negotiator pursuant to Government Code Section 54957.6. Agency Negotiator: Jag Pathirana - Employee Organization: All Employee Groups.

Mayor Guidi called the City Council meeting back to order following recess with all Councilmembers present except for Councilmember Catano who was excused. He announced that the **closed session** was to discuss a Conference with Labor Negotiator pursuant to Government Code Section 54957.6. Agency Negotiator: Jag Pathirana - Employee Organization: All Employee Groups and announced that the Agency Negotiator was instructed.

2.

Under Elected Officials Reports and Recommendations:

Discussion/Action Items:

- Strategic Plan (Juarez)

Councilmember Juarez requested that this item be on the agenda for the next meeting.

- Moving closed sessions to a different day or to 5pm on regular council meeting days (Parsons)

The council's current policy is to hold closed sessions during the public part of the meeting. Due to Councilmember Parsons hearing a lot of people basically saying they would like it if the closed session could be moved to either later on after public portion or before public portion, Councilmember Parsons would like to see if the will of the Council is to basically not hold a closed session during the public part of the meeting and if there's support for that then the next move would be to determine when we would like to hold the closed session.

Councilmember Parsons moved, seconded by Councilmember Juarez, to no longer hold closed sessions during the public part of the meeting.

CALL-AYES: Councilmembers Juarez, Parsons.

NOES: Councilmember Lambert, Mayor Guidi. ABSENT: Councilmember Catano.

Mayor **Guidi** asked Council for a letter of support regarding a foreclosure bill that is being carried by Senator Mark Ridley-Thomas.

Mayor Guidi moved seconded by Councilmember Juarez to go forward with the letter.

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CALL-AYES: Councilmembers Juarez, Parsons, Mayor Guidi.

NOES: None. ABSTAIN: Councilmember Lambert. ABSENT: Councilmember Catano.

For the record, Councilmember Lambert stated that the only reason she was abstaining is because she does not know what the bill says.

Mayor Guidi announced that Supervisor Burke has park funding money for the city, but that it must be used for multi projects to be spread out through the parks in the city and she would want to see first what projects we would come up with. Continues to be impressed with Hawthorne Blvd. and the two hotels that are 75% finished. Congratulated Planning Director Harold Roth on the CDBG rehab project across from the hotels. Since there was no input from staff for ideas on Imperial, asked to be the point person with staff to design imperial to make it more attractive. Stated that the islands in front of railroad tracks by the pool and the pool look great. Announced that the San Genaro Italian Festival starts Thursday night at Hollywood and Highland. The Jimmy V Bocce Tournament will be held on November 1st at the Hawthorne Memorial Center.

Councilmember **Juarez** stated for the record that if he had the \$500,000 in funds from Supervisor Burke for parks, he would invest it in the pocket park for the folks over in the small section of Hawthorne who have had to put up with debris and all kinds of junk thrown on the dirt lot. Attended the Ramadan event at the Islamic Center and the Cuban Festival. Received the report regarding fireworks sales, but asked for clarification regarding how much money Hope is Helping made. Reported that profit went from \$1300 to \$17,000. Inquired about passing an ordinance like Carson did which stops the clustering of child offenders. Reported on AB 1778 which would impose fines on people who dig through trash cans. Thanked City Manager Jag Pathirana for the monthly overtime report and asked that when showing the average for 2008-2009 instead of showing an extrapolation, just show an average for the actuals that we have to date. Thanked City Attorney Glen Shishido for the start on the ordinance regarding shopping carts and is still waiting on a report from Licensing Director Lisa Miller regarding the carts before moving forward on this. Also thanked Ms. Miller for the report on film permits in other cities and asked for a report on Hawthorne. Thanked the Planning Commission for granting a CUP to a new restaurant on Imperial Highway, which hopefully will be a gateway to more businesses opening on Imperial. Announced that Goldenstate Water Company is working on replacement meters which should be an improvement on how they collect information and bill us. Inquired on where AT&T will be putting the 4-foot metal cabinets for their new U-verse service.

Councilmember **Lambert** thanked Tom Quintana for his help with the earthquake forum and also thanked everyone who attended. Announced that she will be resigning from the South Bay COG due to a conflict with another meeting. Attended the Lions picnic, Cuban Festival and continues to attend the new homeowner association meetings in North Hawthorne.

Councilmember **Parsons** asked for an update on the complaint database of Allied Waste that he asked for. Thanked Councilmember Lambert for organizing the earthquake seminar. Inquired about hiring a consultant regarding earthquake preparedness. Reported the good news that the state finally passed their budget and due to Prop. 1A, the state could not take local money to fix state problems. The bad news is Prop. 1A did not protect money from the Redevelopment Agency and \$650,000 was taken from our redevelopment agency.

3.

Under oral communications **Jose Gutierrez** spoke on Operation Clean Sweep, which was held this past Saturday in the Holly Park area. The event was successful and if other homeowner associations are interested in having an event of this type, they can contact Mr. Gutierrez at josegutierrez@hollyparkhomes.org. Spoke in favor of Measure V, which will update the language of the communication and utility tax. **Kyle Orleman** announced that the VFW Post 2075 and the Ladies Auxiliary are selling the 2009 edition entertainment books. Money raised from the sale of the books will go towards replenishing capital funds that were used to replace the air conditioner at the VFW. The books can be ordered by going to the VFW website at www.VFW2075.org. Donations are also welcome. **Darlene Love**, 2003 W. 116th St., thanked the City Manager and the City for fixing the pits at Holly Park. Also asked about getting handicapped access to the park.

4.

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

5.

Councilmember Lambert moved, seconded by Mayor Guidi, that the reading of the City Council minutes of the regular meeting of August 26, 2008 be waived and that they be approved and adopted.

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

NOES: None. ABSENT: Councilmember Catano.

6.

Councilmember Lambert moved, seconded by Mayor Guidi, to waive full readings of resolutions and ordinances on September 23, 2008's agenda.

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

NOES: None. ABSENT: Councilmember Catano.

7.

The Certification of Compliance with Government Code Section 20903.

RECOMMENDATION: That the City Council adopt the Certification with Government Code Section 20903 and elect to provide the benefits of Government Code 20903 to all eligible members who retire within the designated period.

Mayor Guidi moved, seconded by Councilmember Lambert, to approve this item.

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

NOES: None. ABSENT: Councilmember Catano.

8.

Deputy City Clerk Monica Dicrisci announced that this was the time and place to hold the public hearing and Approval of Consolidated Annual Performance Evaluation Report (CAPER) for CDBG and HOME funds. Planning Department's declaration publication filed. No written communications. Call for Planning Department presentation. Call for oral comments. Motion-close hearing. Motion to approve CAPER Program Year 2007 and authorize City Manger to execute and submit same to HUD.

Planning Director Harold Roth gave a brief presentation explaining that the CAPER, which is the Consolidated Annual Performance Evaluation Report, is for the program that started July 1, 2007 and ended June 30, 2008 and that it is a summary of the CDBG and Home funds and how they were spent meeting the objectives of both programs.

Mayor Guidi called for public comments.

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

Mayor Guidi ordered the public portion of the hearing closed.

Councilmember Lambert moved, seconded by Mayor Guidi, to approve Consolidated Annual Performance Evaluation Report (CAPER) for CDBG and HOME funds.

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

NOES: None. ABSENT: Councilmember Catano.

9.

The City Treasurer submitted a financial statement regarding warrants.

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

Warrants Nos.: 189695-189700 ; 189701-189705; 390013-390272 ; 390273-391011

Warrant Totals: \$ 769,348.61 ; \$ 771,067.38 : \$789,532.23 : \$4,293,577.73

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

Resolutions and Ordinances.

10.

RESOLUTION NO. 7204

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2008-2009 PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA CONSTITUTION.

Councilmember Lambert moved, seconded by Mayor Guidi, that Resolution No. 7204 be approved and adopted.

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

11.

RESOLUTION NO. 7205

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING THE FIRST AMENDMENT TO A COMMUNICATIONS SITE LEASE AGREEMENT BETWEEN NEW CINGULAR WIRELESS PCS, L.L.C. AND THE CITY OF HAWTHORNE RE: PLACEMENT OF UNMANNED WIRELESS TELECOMMUNICATIONS FACILITY AT EUCALYPTUS PARK.

Councilmember Juarez moved, seconded by Mayor Guidi, that Resolution No. 7205 and agreement be **denied**.

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

12.

RESOLUTION NO. 7212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA RECITING THE FACTS OF THE CLEAN WATER FEE SPECIAL MAIL BALLOT ELECTION HELD IN SAID CITY ON TUESDAY, AUGUST 26, 2008 AND DECLARING THE RESULTS THEREOF AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

Councilmember Juarez, moved, seconded by Councilmember Lambert, that Resolution No. 7212 be approved and adopted.

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

13.

ORDINANCE NO. 1934. (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING CHAPTER 12.16 OF THE HAWTHORNE MUNICIPAL CODE RELATING TO ENCROACHMENT IN PUBLIC PLACES.

City Attorney Shishido made an amendment to this item by making an interlineation on section 12.16.030, second line, striking the word “excavation” and replacing it with the word “encroachment.”

Ordinance No. 1934 was introduced by title only by Mayor Guidi.

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

14.

Approve Agreement between the City of Hawthorne and John L. Hunter and Associates, Inc. for consulting services relating to assistance with the City’s NPDES (Municipal Stormwater) permit, City’s FOG (Fats, Oil and Grease) program, and City’s Sanitary Sewer Management Plan for the term of three years and authorize the City Manager to execute it on behalf of the City.

15.

Approve Progress Payment # 2 and Final Acceptance to the current contract with Solar Integrated, a roofing company located at 17777 Center Court Drive N., Suite 150, Cerritos, CA 90703 for the Hawthorne Memorial Center Building Roof Rehabilitation Project, Project No. 08-03 in the amount of \$10,395.01.

16.

Approve Progress Payment No. 10 due to Martinez Company, 12337 San Fernando Road, Sylmar, CA 91342 for Landscaping and General Maintenance Project # 06-06 in the amount of \$49,550.10.

17.

Approve Agreement between the City of Hawthorne and Coast Surveying, Inc. for topographic surveying services on Crenshaw Boulevard and 120th Street and authorize the Director of Public Works to execute it on behalf of the City.

Mayor Guidi moved, seconded by Councilmember Parsons, that items 14 through 17 of the City Manager’s consent calendar be approved.

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

The City Attorney, Glen Shishido, presented the following agenda and requested approval of the indicated recommendations:

18.

The City Attorney, Glen Shishido, recommended that the claim filed against the City of Hawthorne on behalf of James Burton Brown alleging that he suffered a stroke while in the Hawthorne holding cell due to police negligence be denied in its entirety.

Mayor Guidi moved, seconded by Councilmember Juarez, that the claim filed against the City of Hawthorne on behalf of James Burton Brown alleging that he suffered a stroke while in the Hawthorne holding cell due to police negligence be denied in its entirety.

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

19.

TABLED ITEM

ORDINANCE NO. 1924. (2ND Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ADDING SECTIONS 2.24.115 AND 2.24.116 TO THE HAWTHORNE MUNICIPAL CODE RELATING TO FEE & DEPOSIT EXEMPTIONS FOR CITY AND OTHER GOVERNMENT SPONSORED ACTIVITIES AND REDUCED FEE REQUIREMENTS FOR NON-PROFIT GROUPS AND OTHER ORGANIZATIONS APPLYING FOR PERMITS TO USE CITY OF HAWTHORNE PARK FACILITIES.

Councilmember Parsons moved, seconded by Councilmember Lambert, to remove this item from the table.

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

NOES: None. ABSENT: Councilmember Catano.

After discussion, Councilmember Juarez moved, seconded by Councilmember Parsons, that this item be tabled again.

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

NOES: None. ABSENT: Councilmember Catano.

MOTION TO RECONSIDER

Mayor Guidi moved, seconded by Councilmember Juarez, to send this proposed Ordinance to be redrafted to reflect the following: (1) Although Government entities will be allowed a fee exemption, non-profits will no longer be allowed a reduced fee exemption; (2) the new ordinance should require that the City Manager prepare a report to the City Council of any governmental or non profit event that will result in additional costs to the City which are above and beyond the amount budgeted, i.e., if an employee is required to work overtime to supervise either the government or non profit event; and (3) the government or nonprofit entity is required to fill-out a form for the Parks & Community Services Department to indicate such things as the number of participants in the event, the nature of the event, and whether the City will incur any additional expenses for hosting the event at the Memorial Center.

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

NOES: None. ABSENT: Councilmember Catano.

20.

Mayor Guidi adjourned the meeting at 8:15 p.m. in the memory of Kathy Baker Roleigh.

Monica Dicrisci
Deputy City Clerk