

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD OCTOBER 14, 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. Chief of Police Michael Heffner led the Pledge of Allegiance.

1.

Under oral communications **Donald Rowe**, the new Library Manager of the Hawthorne Library, introduced himself. He welcomes everyone to stop by to see everything the library has to offer. **Darlene Love** enjoyed seeing everyone who attended the Target opening and thanked the Mayor, Council, City Manager and everyone who was involved in bringing the new store to Holly Park. **Jose Gutierrez** of the Holly Park Homeowner's Association announced that the forum held last week for the LA County Supervisor candidate will be broadcast on channel 22 at 1pm and 7pm on October 17, 20, 21, 22 and 23. Spoke in support of Measure V. **Francis Stiglich**, 11534 Gale Ave., wants the two buildings that the city bought to be used as senior citizen housing.

2.

Under Elected Officials Reports and Recommendations:

- Appointment of new representative and alternate for the SBCOG (Lambert)

Mayor Guidi moved, seconded by Councilmember Juarez, to appoint Councilmember Juarez as the primary representative to the SBCOG and Councilmember Lambert as the alternate.

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

- Strategic Plan (Juarez)

Councilmember Juarez would like to move forward and hire an objective company to put together a strategic plan with stated objectives that include short term and long term plans to see where the city is headed.

Councilmember Juarez moved, seconded by Councilmember Parsons for staff to make a recommendation for a company to do a strategic plan.

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

- Junkyard (Lambert)

Councilmember Lambert requested that the word junkyard be changed to something more descriptive in the code.

- Enact zero tolerance policy for scavengers (Lambert)

Councilmember Lambert would appreciate if the police department and code enforcement would take a more active roll on the streets to stop and ticket the scavengers that are taking the recyclables from the residential curbs.

Councilmember **Lambert** congratulated Mayor Guidi and Rosalinda Martinez for the work they did on the new Target store.

Councilmember **Juarez** attended the Kiwanis installation and congratulated Paul Clark, the Kiwanian of the Year. Attended the Target grand opening. Thanked Public Works Director Arnie Shadbehr and his crew for fixing the sign on Rosecrans. Congratulated Elan Musk for being the first person to launch a commercial satellite into earth's orbit. Congratulated Assemblymember Curren Price for being named Legislator of the Year by the Apartment Association. Asked for clarification of a police staff report on what TEMS means. Thanked City Manager Jag Pathirana and Mark Uribe for clarifying the overtime report. Inquired on the locations of the cabinets for the A, T & T U-verse service and whether they would be in residential areas. Asked for clarification on the fireworks statement for Hope is Helping. Inquired on the discrepancies between what we charge and other cities charge for film permits. Thanked Harold Roth for putting information on the city webpage regarding the ECHO program, but still has questions on the subject. Received a report on Allied not being able to do some refuse services due to parked cars being in the way and asked if there are any legal ramifications to combat this problem. Emphasized how important it is to support Measure V. Announced that the 51st Health Subcommittee will put on a community health fair this weekend at Rodgers Park in Inglewood. Announced that there will be a Community BBQ on October 27th from 5pm to 7pm to help the Holiday Assistance Program.

Councilmember **Parsons** requested that a memo go out on when to begin applying for Prop. 84 park bonds. Attended a meeting of the League of California Cities where he talked to a person from a company called Siemens that will come out to the city to do an energy audit to see how energy efficient we are. Announced that flu shots are available at the Vasek Polak Health Clinic for \$5. Flu shots will also be available at the Memorial Center on the November 1st. Thanked the City Manager and departments for keeping overtime under control and within budget. Inquired on the number of police officers being hired. There will be a greater Los Angeles area Great So. Cal Shakeout in November and inquired if the city will be participating. Inquired on the food supply for city employees in case of an emergency or earthquake. Has decided to obtain an amateur radio license, as this will be the only way to communicate during an earthquake. Thanked Allied Waste for responding to our concerns regarding customer service. Hold times are now back to normal. On personal note, took the Amtrak train to San Luis Obispo which turned out to be an enjoyable experience; encouraged others to do the same if they get a chance.

Mayor **Guidi** thanked all the dignitaries and everyone who attended the new Target grand opening. Attended the St. Joseph's Fiesta. Spoke on budget cuts around the state and how the city could be affected. Suggested a plan be put together for the city in order to tow the line. Congratulated the cable television department for their Wave award nominations. The winners will be announced on October 24th. Thanked the Hawthorne motors for the fantastic job they are doing on the boulevard.

3.

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

4.

RESOLUTION NO. 7218

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT.

Mayor Guidi moved, seconded by Councilmember Juarez, that Resolution No. 7218 be approved and adopted.

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

5.

Mayor Guidi moved, seconded by Councilmember Lambert, that the reading of the City Council minutes of the regular meeting of September 23, 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.

Mayor Guidi moved, seconded by Councilmember Lambert, to waive full readings of resolutions and ordinances on October 14, 2008's agenda.

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

NOES: None. ABSTAIN: Councilmember Parsons.

7.

City Clerk Angie English announced that this was the time and place to hold the public hearing for Hummus House application for an Entertainment Permit (Applicant Hamid Haque). Licensing and Code Enforcement Department's declaration of posting filed. Letters were also sent to all interested parties. Four written communications in opposition were received, one email in favor was received.

Mayor Guidi called for public comments.

Hamid Haque, owner of Hummus House at 12211 S. Hawthorne Blvd., asked for a continuance.

Councilmember Juarez moved, seconded by Councilmember Parsons, to continue the public hearing

ROLL CALL-AYES: Councilmembers Juarez, Parsons.

NOES: Councilmember Lambert, Mayor Guidi.

Mayor Guidi requested his comments for the record.

Guidi: I was told that Councilmembers had premet with Mr. Haque. They had a meeting to try to negotiate this deal. There's even a letter here from an attorney that's pretty thick that should be in the record that talks about

Shishido: Mr. Mayor, that particular issue that you're raising, I don't think, I don't

Guidi: Is that true? Have Councilmembers met with with

Shishido: I don't think it has anything to do with this particular motion that did not pass.

Guidi: Yeah, but I'm asking you for the record is it fair that all of these people showed up tonight to be heard. You have all these people and we were accused that we're having closed sessions so the public can't be heard so it goes from council meeting to council meeting hypocritical when it serves certain Councilmembers to have the public speak, they wanted to speak. But now what you're doing is your basically taking away these people's rights, tonight, to speak on this topic because I haven't had an opportunity to sit and talk to him and negotiate a meeting at a local restaurant. I mean, I think this should be heard here tonight.

Shishido: Okay. Mr. Mayor

Guidi: and I'd like a reconsideration of the vote

Shishido: No, no. There was a motion to continue, right?

Guidi: Right.

Lambert: And it failed.

Shishido: It failed. So we are going to proceed. If there is not any other action, any reconsideration, then we proceed.

Lambert: Well we are going to proceed with the public hearing.

Shishido: With the public hearing.

Guidi: But shouldn't it be the entire Council supporting it?

Parsons: I'm confused. Are you saying the he has to reapply a new permit to start the process again?

Shishido: Not at all. Not at all.

Guidi: We're just going to go forward

Shishido: The only issue was a motion to continue at the request of the applicant to put this over to have a community meeting.

Parsons: No action.

Shishido: Yeah, no action so it did not pass. So we now have this public hearing still before us.

Guidi: Yeah, I understand that but

Shishido: If you want to proceed, we can. And if you want to raise the issue of Councilmember contacts, you can. And in fact I think if we do proceed, I think Councilmembers will be, certain Councilmembers would be making some disclosures about that contact.

Guidi: All right. The other thing I think for the record, who's Paul Bunch? This, this email we received. Shouldn't that be part of the record tonight?

Shishido: Yes, absolutely.

Guidi: Okay, okay. I haven't had a chance to read it, but again, okay. So apparently, even though it's two to two, I felt it should have been a strong support of the Council to listen to the public, the people that live here. We're still going to go forward with the public hearing. Mr. Haque, you have your presentation time so

Mr. Haque gave a briefing on the entertainment permit for his restaurant. The restaurant is a family restaurant that does not serve alcohol, takes pride in high quality food and is family owned. Entertainment ideas included ethnic night with light music and singing, English night with light music and a comedian and church group brunches. While it was suggested that a belly dancer would be part of the entertainment permit, after some issues with the community regarding this form of entertainment, the clause was removed from the permit. Made it clear that their focus is on being a restaurant and that an entertainment permit is to increase the experience of the customer. The entertainment permit is not broad based, but rather limited in its scope. Requested that the hearing be postponed for two weeks so that he could address the marketing, provide a balance between his marketing and his growth needs and the community customer's needs.

Councilmember Juarez disclosed that he had met with the applicant and one of the opponents of the entertainment permit. His purpose in attending the meeting was merely to listen to their concerns. At no time during the meeting did Councilmember Juarez indicate his position on the entertainment permit. His intention is to listen to all evidence at tonight's public hearing before he makes up his mind and comes to a decision. He has no dog in this fight and therefore will be participating in this agenda item with an open mind.

Councilmember Parsons disclosed that he too was contacted by both sides; he listened to both sides with an open mind and did not make any commitments. Tonight he wants to hear all sides of the story with an open mind.

Councilmember Lambert disclosed that Mr. Haque called her about two weeks ago and they had a brief discussion. Then she heard from Dr. Traina who she also spoke to for a few minutes.

Mayor Guidi disclosed that he briefly spoke to the opposing side and that was just his public communication. He usually doesn't make it a point to try to speak to the applicant because that would sway the vote.

Under public comments, **Idris Traina** spoke against an entertainment permit for belly dancing. **Joana Landry** supports the Islamic Center of Hawthorne for bringing up this concern and hopefully they can resolve this in the right manner. **Alvin Hall** spoke against an entertainment permit. **Ann Lau** provided everyone with a better understanding of what belly dancing is all about and feels that it is essential that local government reach out and assist local businesses so that they can thrive and expand. **Rula Alshanabla** spoke against an entertainment permit. **Ahmed Azam** spoke against entertainment permit. **Genie Nakano** spoke in favor of an entertainment permit. **Norman Zalben** spoke in support of Mr. Haque. **Kyle Orleman** stated that all sides have valid points and perhaps they should communicate more clearly and resolve these before going to a code issue that could impact other people on their own beliefs as well. Enacting an ordinance dictating one's belief on everyone else is somewhat of a slippery slope. **Joaquin Hernandez**, Principal of the Math and Science Academy, is concerned for the safety of his students in case granting the permit creates more traffic in the area. **Ammar Kahf** is concerned about safety and any type of activity that would attract people from different places. The difference is that there are two schools in the area. **Allen Richards**, 13828 Ramona, stated that this is a safety issue as it is all over the city and urged both sides to work together. **Francis Stiglich** feels that Council should consider the views of the people who live in the affected neighborhoods.

Mr. Haque addressed the issue of belly dancing that was spoken about but stated that this is no longer an issue as it was taken off the table as soon as he heard objections from the community. Regarding the issues of safety, traffic and parking, they are not an issue as they are all allowed under permit. There is a misconception that if he is granted an entertainment permit, that means he could do everything under the code; that is not what he wants. There are 15 lines under the code; he is only asking for comedy and ethnic dancing. His recommendation and request is that he should be able to continue this discussion to allow to work it out.

Rula Alshanabla stated that safety for the children in the area is her main concern. **Genie Nakano** stated that she did not know about this controversy that was happening today, but had she known she too could have gotten 400 signatures.

Mayor Guidi ordered the public portion of the hearing closed.

Mayor Guidi moved, seconded by Councilmember Lambert, to deny this entertainment permit without prejudice.

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

NOES: None. ABSENT: Councilmember Catano.

City Attorney Glen Shishido asked if the fire code violations were ever cleared up. Director of Licensing and Code Enforcement Lisa Miller replied that they had not been corrected at this time.

8.

The City Treasurer submitted a financial statement regarding warrants.

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

Warrants Nos.: 189706-189709 ; 341042-341358

Warrant Totals: \$ 777,492.88 \$ 1,347,278.10

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

NOES: None. ABSENT: Councilmember Catano.

9.

RESOLUTION NO. 7214

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ELECTING TO RECEIVE PAYMENTS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33607.5(b) FOR PROJECT AREA 2.

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 7214 be approved and adopted.

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

10.

RESOLUTION NO. 7215

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE DESTRUCTION OF ALARM PERMIT RECORDS PURSUANT TO RESOLUTION NO. 7170 AND GOVERNMENT CODE § 34090.

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 7215 be approved and adopted.

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

11.

RESOLUTION NO. 7216

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING THE FIRST AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS BY AND BETWEEN THE CITY OF HAWTHORNE AND CITY OF HAWTHORNE PROPERTY LLC.

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 7216 be approved and adopted.

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

12.

ORDINANCE NO. 1934. (2nd 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.

Councilmember Juarez, seconded by Councilmember Lambert that Ordinance No. 1934 be approved and adopted.

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

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

13.

Approval of a sublease with El Camino Community College District for space at the South Bay One-Stop Business and Career Center, Inglewood located at 110 S. La Brea Avenue in the City of Inglewood, California and authorize the Mayor to execute it on behalf of the South Bay Workforce Investment Board.

14.

Approve to authorize the City Manager to issue Purchase Order to purchase 4 police interceptor vehicles.

Mayor Guidi moved, seconded by Councilmember Lambert, that items 13 and 14 of the City Manager's consent calendar be approved.

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

15.

Mayor Guidi adjourned the meeting at 9:30 p.m.

Angie Reyes English
City Clerk