

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD DECEMBER 9, 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).

Pastor George Magdalany gave the evening's invocation. City Attorney Glen Shishido led the Pledge of Allegiance.

Kelly Herold, the American Cancer Society staff partner, presented a Certificate to the Mayor and Council to thank them for their involvement in last year's Relay for Life event. Manny Molina, a Hawthorne High School, thanked the Mayor and Council for their time and support on the 2009 Relay for Life and invited them to become an event sponsor. The event will be held on April 5th and 6th at Hawthorne High School.

Tom Smegal with California Water Service Company gave a presentation regarding a proposal to increase the water rate for 2009. As part of the Prop. 218 process with the city, asked permission to approve a resolution that would authorize that a notice of a public hearing be sent to customers. The public hearing would be held at the City Council meeting of January 27th. There were four different potential schedules for implementing the rate increase. Water rates in Hawthorne for an average customer run about \$40 a month; asking that these rates be increased about \$58 a month by the end of the rate increase process. Rates have not been changed since 2003. The details of the expense changes that are causing this are primarily three things: investment in system facilities, expense increases, primarily employee costs and the cost of purchasing water from the West Basin. Other water providers including Golden State Water have had similar cost pressures, but have raised rates earlier than California Water. If the rate increases that are proposed are adopted, customers will be well below what the other half of the Hawthorne community is charged for water. For 2009, California Water is also planning to bring conservation programs to Hawthorne.

Mayor Guidi called for public comments.

No one expressed a desire to speak on this topic.

The Mayor and City Council took item No. 10 out of order and voted on the approval of Resolution No. 7228.

10.

RESOLUTION NO. 7228

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA SETTING THE TIME AND PLACE FOR A HEARING ON A WATER RATE INCREASE PROPOSED BY CALIFORNIA WATER SERVICE COMPANY, AND ADOPTING CERTAIN POLICIES WITH RESPECT TO SUCH HEARING.

Councilmember Juarez moved, seconded by Councilmember Lambert that Resolution No. 7228 be approved and adopted.

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

1.

Under Elected Officials Reports and Recommendations:

Discussion/Action Items:

12/09/08

- Citizens Patrol (Guidi)

Requested that Council consider agendizing a Citizen's Patrol as he has started to hear about problems around school sites and certain parts of the parks. Councilmember Juarez suggested getting a staff report first to see how other cities do patrols.

- Financial Update (Guidi)
- Resolution opposing any tax increase from Sacramento (Guidi)
- Home Funds Update (Guidi)
- Enforcement on Curfew (Guidi)

Mayor Guidi wants the curfew time enforced as he has seen many youngsters at the skate park after hours. Suggested writing tickets. Asked for a report on how many tickets have been written for curfew violations in the last 6 month.

- Enforcement on scavengers (Guidi)

Mayor Guidi reported that the enforcement on scavengers is getting worse. He has received a lot of complaints from the Ramona track and the areas between Kornblum, Yukon and Chadron. Many things such as tree grids and bus benches have been stolen from the city. Would like a zero tolerance policy on scavengers implemented.

- Cancellation of December 23, 2008 council meeting (Lambert)

Councilmember Lambert moved seconded by Councilmember Parsons to cancel the December 23, 2008 city council meetings due to the holidays.

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

Councilmember **Lambert** stated that there is a problem with school parking violations by parents picking up children and not adhering to signage that states no parking. Suggested to the Police Chief that we get a policeman out there to give a first warning and then they be fined. Expressed gratitude to staff for the terrific job they do. Wished everyone a very blessed Christmas.

City Treasurer **Lubenec** thanked all the residents, the city staff and everybody that makes the city run. Wished everyone a Merry Christmas and a Happy New Year.

City Clerk **English** thanked the city employees and department heads for all their efforts, the police department and police chief for keeping our streets and children safe and the organizations that provide much needed services, referrals and resources. Wished everyone a Merry Christmas and a Happy New Year.

Councilmember **Juarez** thanked Police Chief Heffner for providing a report on the PIPS Technology automated license plate reader. Over the past 9 months our officers have read 262,000 plates. Out of those 262,000, they had 268 hits. Thirty were stolen vehicles, three were felony vehicles and 235 were lost or stolen plates. It also helped officers in the arrest of 8 suspected car thieves. Congratulated the Hawthorne Math & Science Academy High School for being named number 70 in the top 100 of the U.S. News & World Report's High Schools. Thanked the California Crusader for an article on our community garden. There are still spots left to grow your own vegetables. Attended a meeting of the Gardena Hollypark Homeowners Association where it was good to hear that a lot of the Gardena residents had visited the Hawthorne Target store. Expressed condolences to Councilmember Parsons on the passing of his father. Attended the Hollypark Homeowners Association and was surprised to hear that the members did know about the Holiday Home Decorating contest. It will take place on December 17th at 9pm. This being City Attorney Glen Shish do's last meeting, thanked him for all the help he has provided over the years. Inquired on the process for the replacement of retiring Planning Director Harold Roth. Asked that we keep local businessman Jerry Flory in our prayers who is going through a tough time. Inquired on whether New Journey Ministry and BHS were still interested in a piece of property that they wanted to put housing on. Planning Director Harold Roth replied that the Executive Director of BHS still was

interested according to the discussion that they had the prior week but that the commitment for the purchase and the commitment of BHS are two separate issues. There cannot be any commitment to the developer until it goes through an environmental review process and there is a specific proposal.

Councilmember Parsons moved seconded by Councilmember Juarez to put the purchase of the Cordary property back on the next agenda.

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

Mayor Guidi requested that a staff report be prepare and put it in the council packets.

Wished everyone a Merry Christmas and a Happy New Year.

Councilmember **Parsons** inquired on the on the security checks and cancelled units that were on the helicopter usage report and on the status of the 5 persons in the police academy. Attended the Hollypark Homeowner’s Association meeting where there was a complaint regarding the dirt flow at the Lee Homes development. Inquired if there is a new project yet regarding ECHO housing. Asked if the overtime reports were staying within the budget. Thanked everyone who acknowledged with calls, cards and emails the passing of his father.

Mayor **Guidi** thanked staff for all their hard work. Reported on problems pertaining to thugs at Jim Thorpe Park and at Doty & El Segundo. Suggested zero tolerance policy for these areas. Reported on traffic problems at Ramona, Eucalyptus and Cimarron schools and suggested using Code Enforcement to write tickets.

2.

City Clerk Angie English gave her Certification of the Official Results of the returns of the Special Municipal Election held November 4, 2008 as follows:

Pursuant to the provisions of the Elections Code of the State of California, the Registrar-Recorder of the County of Los Angeles canvassed the returns of said Special Municipal Election and has certified the results attached hereto and made a part hereof as "Exhibit A" and I now certify to you as follows:

That there were thirty-five (35) voting precincts established for the purpose of holding said election, consisting of consolidations of the regular election precincts in said City as established for the holding of State and County elections.

That said Special Municipal Election was held for the purpose of adopting Ordinance No. 1925 relating to maintaining the City of Hawthorne’s Telecommunication User’s Tax at 5% also known as Measure “V” as required by the laws relating to cities in the State of California, to wit:

I certify that that the whole number of votes cast in the city except absent voter ballots was 19,772.

I certify that the whole number of absent voter ballots cast in said city was 4,502 making a total of 24,274 votes cast in the city.

I hereby certify that the 15,704 ballots were cast in favor of measure “V” and 5,694 ballots were cast against measure “V”.

The City Clerk’s statement and the Certification of the canvass is now ready to be ordered filed.

<SEAL>

Angie Reyes English
City Clerk

Mayor Guidi moved, seconded by Councilmember Parsons, that the City Clerk's statement and certification of the canvass be filed.

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

RESOLUTION NO. 7230.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, RECITING THE FACTS OF THE SPECIAL MUNICIPAL ELECTION HELD IN SAID CITY ON TUESDAY, NOVEMBER 4, 2008 (WITH RESPECT TO THE COMMUNICATIONS USERS' TAX), AND DECLARING THE RESULTS THEREOF AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW.

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 7230 be approved and adopted.

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

3.

Under oral communications **Santa & Mrs. Claus** wished everyone a Merry Christmas, a Happy New and presented cookies to Council. **Pastor John Richardson** of New Journey Church of God in Christ, 14204 Prairie, requested that in January a bill be put on the agenda that would allow the New Journey Church, the Community Redevelopment Agency and Behavioral Health Services to work together to build low income housing. These low income housing units will allow BHS to expand their residential treatment facility for women and their dependent children. **Patricia Donaldson**, Hawthorne Chamber of Commerce President, invited everyone to the chamber mixer tomorrow at Union Bank from 5:30pm to 7:30pm. Requested that everyone bring an unwrapped toy to mixer, which will be distributed at the Memorial Center party on December 22nd. Introduced and presented a plaque to new chamber member Rudy Altamirano, Marketing Company President for U-Haul. **Hamid Haque** of Hummus House wished Happy Holidays to all. Acknowledged the accomplishments of Hawthorne in terms of the development projects that the city has undertaken such as extended parking on the north end of the boulevard and Target. For 2009 would like to see Hawthorne Boulevard being developed similar to what has been done on Rosecrans. Would also like to see the old Hawthorne Mall and the old police station developed. **Alex Monteiro**, Executive Director for Moneta Gardens and The Castle, announced that the preschool at Jim Thorpe Park, The Castle, has received a 5 Star rating. Openings are still available for children who are four years old as of December 2, 2008. Is in favor of BHS having any type of transition home, but not at the New Journey Church because it is close to a park that has problems. **Francis Stiglich** feels that a businessman who spoke at a previous meeting regarding belly dancing was given too much time to speak. Does not agree with putting more low income housing in the city. **Darlene Love**, 2003 W. 115th St., invited Council to the Lions Club Christmas party to be held at the Moose Lodge on December 22nd. Asked that Councilmembers get along with each other. **Allen Richards**, 13828 Ramona Ave., thanked Council and Staff for everything they put up with all year long. **Jose Gutierrez**, 2526 W. 118th Pl., thanked everyone who worked with his homeowner association to improve the community.

4.

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

5.

Councilmember Juarez moved, seconded by Councilmember Lambert, that the reading of the City Council minutes of the regular meeting of November 25, 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 Juarez moved, seconded by Councilmember Lambert, to waive full readings of resolutions and ordinances on December 9, 2008's agenda.

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

12/09/08

7.

The City Clerk Reyes English announced that this was the time and place for the Public Hearing on Approval of Resolution No. 7221, General Plan Amendment No. 2008GP03, related to the closure of Acacia Avenue, in accordance with Chapter 17.06, Title 17 of the Hawthorne Municipal Code.

Planning Department's declaration publication filed. No written communications were received. Call for Planning Director presentation.

Mayor Guidi called for public comments.

No one expressed a desire to speak on this topic.

RESOLUTION NO. 7221

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ADOPTING AN AMENDMENT TO THE HAWTHORNE GENERAL PLAN (2008GP03) RELATED TO THE CLOSURE OF ACACIA AVENUE, IN ACCORDANCE WITH CHAPTER 17.06, TITLE 17 OF THE HAWTHORNE MUNICIPAL CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

Councilmember Lambert moved, seconded by Councilmember Parsons, that Resolution No. 7221 be approved and adopted.

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

8.

The City Clerk Reyes English announced that this was the time and place for the Public Hearing on Approval of Resolution No. 7222, a Resolution of the City Council closing Acacia Avenue as a through Street between Imperial Highway and West 116th Street.

Planning Department's declaration publication filed. No written communications were received. Call for Planning Director presentation.

Mayor Guidi called for public comments.

No one expressed a desire to speak on this topic.

RESOLUTION NO. 7222

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA CLOSING ACACIA AVENUE AS A THROUGH STREET BETWEEN IMPERIAL HIGHWAY AND WEST 116TH STREET.

Councilmember Parsons moved, seconded by Councilmember Juarez, that Resolution No. 7222 be approved and adopted.

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

Warrants Nos.: 189732-189737 ; 393034-393292

Warrant Totals: \$ 823,222.14 ; \$ 975,653.58

12/09/08

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

Resolutions and Ordinances.

11.

ORDINANCE NO. 1938. (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION UNDER CEQA AND AMENDING TITLE 17 (ZONING) OF THE HAWTHORNE MUNICIPAL CODE, ADDING SECTION 17.06.150 FEES AND AMENDING SECTION 17.35.390 APPEALS TO PLANNING COMMISSION, SECTION 17.35.400 APPEALS TO CITY COUNCIL, AND SECTION 17.35.050 APPLICATION FOR SIGN PERMIT, AND MAKING FINDINGS IN SUPPORT THEREOF.

Mayor Guidi moved, seconded by Councilmember Parsons, that Ordinance No. 1938 be approved and adopted.

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

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

12.

ORDINANCE NO. 1942. (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ADDING SECTION 10.36.017 OF THE HAWTHORNE MUNICIPAL CODE RELATING TO "FEE FOR COLLECTION OF DELINQUENT PENALTY PAYMENTS" TO RECOVER ITS PARKING VIOLATION RELATED COLLECTION COSTS.

Councilmember Juarez moved, seconded by Councilmember Lambert, that Ordinance No. 1942 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.

Approve and Authorize the City Manager to issue Purchase Order to purchase 28 Automated Reporting System Licenses for the Police Department.

14

Approve Progress Payment No. 11 due to Martinez Landscape Company, 12337 San Fernando Road, Sylmar, Ca 91342 for Landscaping and General Maintenance (Project # 08-08) in the amount of \$33,142.70.

15

Approve Progress Payment No. 6 due to Trimming Land Co., Inc., 10513 Dolores Ave, South Gate, Ca 90280 for Street Tree Trimming (Project #08-03) in the amount of \$34,085.00 to be charged to Acct. # 100-4111-000-4051.

16.

Approve and Authorize the City Manager to issue Purchase Order to purchase the annual maintenance contract for the public safety software.

12/09/08

Mayor Guidi moved, seconded by Councilmember Juarez, that items 13 through 16 of the City Manager's consent calendar be approved.

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

17.

Approve to authorize the City Manager to execute Agreement with Parsons Brinckerhoff for the preparation of an Initial Study and Mitigated Negative Declaration of focused EIR for the proposed Mixed Use Overlay zone and amended R-4 (Maximum Density Residential) zoning district.

Councilmember Lambert stated for the record that the highest density that she would approve is 30 to the acre.

Councilmember Lambert moved, seconded by Councilmember Juarez, that item 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 recommendation:

18.

The City Attorney, Glen Shishido, recommended that the Application for Leave to file a late claim on behalf of Alex E. Rivera be denied in its entirety.

Councilmember Lambert moved, seconded by Councilmember Parsons that the Application for Leave to file a late claim on behalf of Alex E. Rivera be denied in its entirety.

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

19.

The City Attorney, Glen Shishido, recommended that the claim filed on behalf of Jason H. Glandomenico alleging false arrest and excessive force be denied in its entirety.

Councilmember Lambert moved, seconded by Councilmember Parsons that the claim file on behalf of Jason H. Glandomenico alleging false arrest and excessive force be denied in its entirety.

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

20.

The City Attorney, Glen Shishido, recommended that the claim for Property Damages in the amount of \$11,168.64 by the State of California be approve.

Councilmember Lambert moved, seconded by Councilmember Parsons that the claim file for Property Damages in the amount of \$11,168.64 by the State of California be approved.

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

21.

Mayor Guidi adjourned the meeting at 8:30 p.m in the memory of David Parsons.

Angie Reyes English
City Clerk