**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA HELD JANUARY 27, 2009.**

Mayor/Chairman Guidi called the City Council, Community Redevelopment Agency, Parking Authority and Housing Authority meeting to order jointly and concurrently at 6:06 p.m. in the City Council Chambers of City Hall, 4455 West 126th Street, Hawthorne, California.

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

Civil Service Commissioner Darlene Love gave the evening's invocation. Chamber of Commerce President Patricia Feldman led the Pledge of Allegiance.

Bob Holden, Environmental Supervisor with Los Angeles World Airports Noise Management Section, gave a presentation covering the LAX Community Noise Round Table. Topics discussed included the LAX Round Table, LAX standard flight procedures, REEDR arrival procedures, LAX helicopter arrival route revisions, non-conforming east departures, LAX Part 161 study and LAX internet flight tracking system.

Sam Peña with Consolidated Disposal Services/Republic Services gave a brief presentation on services in Hawthorne. Allied Waste and Republic Services, as of June of last year, announced a merger between the two companies. The merger was completed December 5th of last year making Republic Services the number two waste hauler in the country and number one in LA County.

1.

Under oral communications, **Allen Richards**, 13828 Ramona, thanked Councilmember Parsons for giving him a call concerning the Ramona Neighborhood Association sponsoring a town hall meeting for ideas about what to put in the empty space in the mall. Mr. Richards apologized for not being able to sponsor the event as it is not in their time line. He did email the information out to association members and to other people within the city that are not members of the association. **Shannon Brann**, Hawthorne School Board President, announced that School Resource Officer Vince Arias was honored last week at the school board meeting for the outstanding service he has given to the Hawthorne School District. **Patricia Donaldson**, Hawthorne Chamber of Commerce President, invited everyone to attend the State of the City luncheon on February 12th. It will be held at the Memorial Center at 12 noon. Asked that the City Council consider putting on their agenda a 50% reduction in price for the use of the Memorial Center due to the economy. **Jose Gutierrez**, Holly Park Homeowners Association, gave a report of activities for Holly Park during the 2008 calendar year. **Ronnie Manson** reported on shooting, drug and graffiti incidents that happened on his street. **Alex Vargas**, 11981 York, submitted a letter and petition to get a four-way stop sign at the intersection of 119th Street and Birch Avenue, speed humps along 119th Street near the intersection with Birch Ave., four way stop sign at 118th Street and Acacia Ave. and a speed hump at 118th Street near the intersection with Acacia Ave. **Diana Morales**, 13352 Prairie Ave., reported on liquor being sold to minors at Pound Penny and drugs being sold in front of the store.

2.

Under Elected Officials Reports and Recommendations:

Councilmember Catano was excused from elected officials reports and recommendations.

**Discussion/Action Items:**

- Renaming the City Maintenance Yard John "JP" Perello Maintenance Yard (Guidi)

Mayor Guidi moved, seconded by Councilmember Parsons, to rename the City Maintenance Yard the John "JP" Perello Maintenance Yard.

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

- Holding Town Hall Meetings Throughout the City to Get Residents Ideas for Future Hawthorne Mall Development (Parsons)

Councilmember Parsons reported that the owner of the old Hawthorne Mall sent a letter to the City asking for ideas on what they would like to see on the site. Councilmember Parsons feels that it is important to ask the residents what they would like to see there. Would like to get Council's concurrence to take the mall owner's current presentation out to the homeowner's groups and get feedback from them

- Mayor, City Council, City Clerk and City Treasurer to sign a letter protesting cuts in education and withholding compensation to legislators until the State budget is passed. (Guidi)

Letter should also be sent to the President and Governor to let them know how serious we are. It would be followed up with a heavy resolution that would also be sent to homeowner associations, the school board and League of Cities. The letter would be signed by all elected officials.

Councilmember **Parsons,** while in Sacramento, got a chance to speak with Senator Rod Wright to let him know how the state budget is affecting Hawthorne directly such as when they took $655,000 in redevelopment money from the City. Met with Father Perry of St. Joseph Church and gave him information on how to better communicate with city hall regarding issues that the church may have with the city. Announced that the Chamber will be holding a membership drive. Attended a conference of the League in Sacramento where it was emphasized that even though Councilmembers don't agree with each other, they should be respectful of each other in front of the public. Another conference on ethics emphasized that Councilmembers have to operate above the ethics floor and that they have to have a margin between what the law says and how they operate. This reinforces Councilmember Parsons' desire to have a local Hawthorne ethics. Announced that Community Emergency Response Training (CERT) will be offered in Hawthorne starting March 28th. For more information, call 310-349-2904.

Councilmember **Lambert** proposed a reduction in animal costs for heads of households that are deployed and for disabled veterans.

Councilmember **Juarez** asked that more items be added to the resolution opposing state budget cuts. Thanked Hawthorne businesses and organizations that helped with the VIP Festival for handicapped kids. They included Luigi's, Victor's Meat Market, Advanced Party Rental, First Class Foods, Hawthorne PD. , County Fire, Hometown Buffet, Kiwanis Club, Rotary Club, Hawthorne Cable and other outside businesses. Attended the CHAT meeting last weekend and thanked Sgt. Robbie Williams for filling in for Sgt. Romero. Would like to pursue a shopping cart ordinance to clean up the streets. Announced the Household Hazardous Waste pickup will be held on February 14th at the Memorial Center.

Mayor **Guidi** thanked Jose Marti for inviting him to the new President and Board of Directors installation. Stated that the League of Cities prepared a report on how much cities would lose if the budget does not pass. Reported that there were three fires at the Hawthorne Mall on the same day and that there are a lot of issues going on there. Suggested holding another liquor store sting and a crosswalk sting along Hawthorne Blvd. Inquired on whether the tagger at Memorial Park will be taken to small claims. Reported that Ayres, SpaceX, Target and Lithographics are all doing well. The COSTCO Business Center on Prairie and El Segundo is on schedule to open. The Apple Tree Educational Supplies, a new business in Hawthorne, will be holding a grand opening on Tuesday February 3rd at 13244 Hawthorne Blvd.

City Treasurer **Lubenec** inquired on whether people who are single or a couple who never reach the fee average amount would ever benefit regarding the water fee hikes.

3.

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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.

4.

The Deputy City Clerk Dicrisci announced that this was the time and place for the Public Hearing on Resolution No. 7233, A Resolution of The City Council of The City of Hawthorne, California consenting to a Water Rate Increase Proposed by California Water Service Company.

City Clerk's Department's declaration of posting of public hearing notices. Seven written communications were received protesting the water rate increase. Call for Cal Water presentation.

Tom Smegal gave a presentation on the proposed fee increase for California Water which would set rates for the next 2 ½ years. The average residential customer uses about 15 units of water a month with a bill of about $40. Cal Water is asking that that rate, upon approval, would increase to about $45 in February, $52 in July, $61.55 next January and then because it involves a two year surcharge, it would decrease in 2011 back down to the $57.82 level. Senior discounts are available and conservation programs will be offered.

Mayor Guidi called for public comments.

Under oral communications, **Fred Fason**, 4526 W. 138th Street, spoke against increase.

Mayor Guidi closed the public portion of the hearing.

**RESOLUTION NO. 7233**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA CONSENTING TO A WATER RATE INCREASE PROPOSED BY CALIFORNIA WATER SERVICE COMPANY.

Councilmember Juarez moved, seconded by Councilmember Lambert, that Resolution No. 7233 be approved and adopted.

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

5.

The City Attorney made a statement into the record.

"Councilmember Catano inadvertently voted to approve the minutes at the last meeting, but his vote instead should have reflected an abstention. Since it is too late to make a motion for reconsideration, my statement would merely show up as a comment in the new meeting's minutes. Since the minutes last meeting were approved by four other votes, it isn't an issue that Pablo voted to approve them on Jan. 13th."

Mayor Guidi moved, seconded by Councilmember Lambert, that the reading of the City Council minutes of the regular meeting of January 13, 2009 be waived and that they be approved and adopted.

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

6.

Mayor Guidi moved, seconded by Councilmember Lambert, that the reading of the City Council minutes of the special meeting of January 22, 2009 be waived and that they be approved and adopted.

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

7.

Mayor Guidi moved, seconded by Councilmember Lambert, to waive full readings of resolutions and ordinances on January 27, 2009's agenda.

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

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.: 189857-189863 ; 394324-395041

Warrant Totals: $ 749,662.07 ; $ 2,419,580.42

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

Resolutions and Ordinances.

9.

**RESOLUTION NO. 7234**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE DESTRUCTION OF POLICE DEPARTMENT INTERNAL AFFAIRS FILES (FROM JANUARY 1, 2003 TO DECEMBER 31, 2003) PURSUANT TO RESOLUTION NO. 7170.

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 7234 be approved and adopted.

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

10.

**RESOLUTION NO. 7235**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE COUNTY OF LOS ANGELES REGIONAL PARK AND OPEN SPACE DISTRICT EXCESS FUNDING FOR THE HOLLY PARK AND MEMORIAL CENTER PARK REHABILITATIONS.

Mayor Guidi moved, seconded by Councilmember Juarez, that Resolution No. 7235 be approved and adopted.

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

11.

**ORDINANCE NO. 1928** (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ADDING CHAPTER 5.87 TO THE HAWTHORNE MUNICIPAL CODE IMPOSING VIDEO FRANCHISE FEES AND REGULATING CUSTOMER SERVICE IN ACCORDANCE WITH THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT.

Ordinance No. 1928 was introduced by title only by Mayor Guidi.

12.

**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 FEE EXEMPTION CRITERIA FOR NON-PROFIT GROUPS THAT ARE APPLYING FOR PERMITS TO USE CITY OF HAWTHORNE MEMORIAL CENTER FACILITIES.

Councilmember Juarez moved, seconded by Councilmember Lambert, that Ordinance No. 1924 be approved and adopted.

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

13.

**ORDINANCE NO. 1939.** (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA RELATED TO LANDSCAPING REQUIREMENTS, APPROVING A CATEGORICAL EXEMPTION UNDER CEQA AND APPROVING ZONING TEXT AMENDMENT NO. 2008ZA11, ADDING REQUIREMENTS FOR WATER CONSERVING LANDSCAPE MATERIALS, BY AMENDING TITLE 17 (ZONING) OF THE HAWTHORNE MUNICIPAL CODE AMENDING CHAPTERS:

17.20 [SUPPLEMENTARY USE AND BULK REQUIREMENTS FOR ALL RESIDENTIAL ZONES];
17.21[CONDOMINIUMS—PLANNED UNITS—COMMUNITY PROJECTS—STOCK COOPERATIVE PROJECTS];
17.24 [URBAN OPEN SPACE CLASSIFICATION];
17.25 [C-1 FREEWAY COMMERCIAL/MIXED USE CLASSIFICATION];
17.26 [C-2 LOCAL COMMERCIAL CLASSIFICATION];
17.28 [C-3 GENERAL COMMERCIAL CLASSIFICATION];
17.30 [M-P INDUSTRIAL PARK CLASSIFICATION;
17.32 [M-1 LIMITED INDUSTRIAL CLASSIFICATION];
17.34 [M-2 HEAVY INDUSTRIAL CLASSIFICATION];
17.58 [OFF-STREET PARKING];
17.68 [APARTMENT CONVERSION PROJECTS];
17.86 [TRUCKING INTENSIVE OVERLAY ZONE];
AND ADDING APPENDIX A.

Mayor Guidi moved, seconded by Councilmember Lambert, that Ordinance No. 1939 be approved and adopted.

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

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

14.

Approve the Request for Renewal of Bingo Permit for Veterans of Foreign Wars, Post 2075 for calendar year 2009

15.

Approve Progress Payment # 7 to Trimming Land Co. Inc., 10513 Dolores Avenue, South Gate, Ca 90280 for Street Tree Trimming (Project # 06-03) in the amount of $20,145.00 to be charged to Acct. # 100-4111-000-4051.

16.

Approve the Mid Year budget revisions to the General Fund for Fiscal Year 2008/2009.

17.

Approve to authorize the City Manager to issue Purchase Order to purchase a Police Interceptor Vehicle.

Mayor Guidi moved, seconded by Councilmember Juarez, that items 14 through 17 of the City Manager's

consent calendar be approved.

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

The Acting City Attorney, Russell Miyahira, presented the following agenda and requested approval of the indicated recommendation:

18.

The Acting City Attorney, Russell Miyahira, recommended that the claim on behalf of Danny Williams for property and other related damages arising from the Hawthorne Police Department's execution of a search warrant at Claimant's home be denied in its entirety.

Councilmember Juarez moved, seconded by Councilmember Parsons, that the claim filed on behalf of Danny Williams for property and other related damages arising from the Hawthorne Police Department's execution of a search warrant at Claimant's home be denied in its entirety.

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

19.

Mayor Guidi recessed the City Council meeting to conduct an **optional closed session** for a Conference with Legal Counsel – Existing Litigation (Subdivision (a)) of Section 54956.9 of the California Government Code. Name of Case: Scott Allan Tierney v. City of Hawthorne and City of Manhattan Beach, Case No: CV 07-03760 DSF (FFMx)

Mayor Guidi called the City Council meeting back to order following recess with all Councilmembers present. He announced that the closed session was for a conference with Legal Counsel Regarding Existing Litigation (Subdivision (a)) of Section 54956.9 of the California Government Code. Name of Case: Scott Allan Tierney v. City of Hawthorne and City of Manhattan Beach, Case No: CV 07-03760 DSF (FFMx). The acting City Attorney Miyahira stated that action will be taken on the actual settlement.

A settlement has been proposed in the case entitled Scott Allan Tierney v. City of Hawthorne & Manhattan Beach, (CV-07-03760 DSF (FFMx). Under the mediated settlement agreement, the City would pay $40,000.00 and the City of Manhattan Beach would pay $40,000.00.

**RECOMMENDATION**: That the City Council authorize the settlement of the Scott Allan Tierney lawsuit in the amount of $40,000 and that the Finance Director release the settlement draft c/o City Attorney's Office to Plaintiff Scott Allan Tierney and Law Offices of Gary Casselman, within seven days after the settlement agreement is signed by all parties.

Mayor Guidi moved, seconded by Councilmember Parsons, that the settlement be approved.

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

20.

A mediated settlement has been proposed in the automobile collision incident between a police patrol vehicle and the plaintiffs' car in the case entitled Harold & Dorris Reed v. City of Hawthorne & Ryan Driessen (YC 057 514) in the amount of $22,000.00.

**RECOMMENDATION:** That the City Council authorize the settlement of the Harold & Dorris Reed lawsuit in the amount of $22,000 and that the Finance Director release the settlement draft c/o City Attorney's Office to Plaintiffs Harold & Dorris Reed and the Law Offices of Lee Arter, 3580 Wilshire Boulevard, Suite 2080, Los Angeles, CA 90010, no later than January 30, 2009.

Councilmember Juarez moved, seconded by Councilmember Lambert, that the settlement be approved.

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

NOES: None. ABSTAIN: None.

**This optional closed session was not held.**

**Optional Closed Session** – Conference with Legal Counsel – Existing Litigation (Subdivision (a)) of Section 54956.9 of the California Government Code. Name of Case: Harold & Dorris Reed v. City of Hawthorne & Ryan Driessen, Case No: YC 057 514.

21.

Acting City Attorney Miyahira stated for the record that he put an amended contract on the dais.

Formal appointment of Russell Miyahira as Acting City Attorney and approval of employment contract.

**RECOMMENDATION:** That the City Council Appoint Russell Miyahira as Acting City Attorney, approve employment contract and authorize Mayor to execute document.

Mayor Guidi moved, seconded by Councilmember Juarez, that the Formal appointment of Russell Miyahira as Acting City Attorney and approval of employment contract be approved.

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

**This closed session was not held.**

**Optional Closed Session:** Conference with Legal Counsel: PUBLIC EMPLOYMENT - Title: Appointment of Acting City Attorney (Government Code Section 54957)

22.

Mayor Guidi adjourned the meeting at 8:52 p.m in the memory of Theodore "Ted" Beach.

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Monica Dicrisci
Deputy City Clerk