Larry Guidi, Mayor
Ginny Lambert, Mayor Pro Tem
Pablo Catano, Councilmember
Gary Parsons, Councilmember
Daniel Juarez, Councilmember

Angie English, City Clerk
Thierry Lubenec, City Treasurer

CITY OF HAWTHORNE

CITY COUNCIL, COMMUNITY REDEVELOPMENT AGENCY

PARKING AUTHORITY AND HOUSING AUTHORITY

REGULAR MEETINGS

AGENDA FOR JULY 28, 2009 AT 6:00 P.M.

COUNCIL CHAMBER AT CITY HALL

4455 W. 126th STREET, HAWTHORNE, CALIFORNIA

ORAL COMMUNICATIONS

ANY PERSON DESIRING TO ADDRESS THE CITY COUNCIL, COMMUNITY REDEVELOPMENT AGENCY AND PARKING AUTHORITY SHOULD COMPLETE A SPEAKER REQUEST CARD AND SUBMIT THE CARD TO THE CITY CLERK/SECRETARY PRIOR TO THE COMMENCEMENT OF THE CITY COUNCIL, COMMUNITY REDEVELOPMENT AGENCY, PARKING AUTHORITY AND HOUSING AUTHORITY MEETING. AFTER OBTAINING PERMISSION TO PROCEED BY THE PRESIDING OFFICER SPEAKERS SHOULD FIRST STATE THEIR FULL NAME AND ADDRESS FOR THE RECORD. THEY THEN SHALL STATE THEIR BUSINESS FOR ALL GOVERNING BODIES BRIEFLY AND COMPLETELY AND UNLESS GRANTED FURTHER TIME BY A GOVERNING BODY SHALL LIMIT THEIR ADDRESS TO FIVE MINUTES. THE FIVE-MINUTE LIMIT SHALL INCLUDE GOVERNING BODY OR STAFF RESPONSES, IF ANY, TO QUERIES POSED BY SPEAKERS. HOWEVER, THE STATE OPEN MEETINGS LAW (GOVERNMENT CODE SECTION 54950 ET SEQ.) PROHIBITS THE CITY COUNCIL FROM PROVIDING A DETAILED RESPONSE OR ACTING UPON ANY ITEM NOT CONTAINED ON THE AGENDA POSTED 72 HOURS BEFORE A REGULAR MEETING AND 24 HOURS BEFORE A SPECIAL MEETING. ALL REMARKS SHALL BE ADDRESSED TO THE GOVERNING BODIES AS A BODY AND NOT TO ANY PARTICULAR MEMBER THEREOF. THE GOVERNING BODY MAY EITHER DISPOSE OF THE COMMUNICATION AT THE CLOSE THEREOF OR MAY REFER IT TO AN APPROPRIATE ADMINISTRATIVE OFFICER FOR STUDY, INVESTIGATION, REPORT, AND/OR RECOMMENDATION. DISCUSSION, IF ANY, SHALL BE BY MEMBERS OF A GOVERNING BODY ONLY. (H.M.C. 2.06.180, RESO. NO. 6443)

THIS INFORMATION IS AVAILABLE IN ALTERNATE FORMATS. PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION TO PARTICIPATE (48 HOUR NOTICE) BY CONTACTING THE CITY CLERK'S DEPARTMENT AT 310-349-2915. THE COUNCIL FACILITIES HAVE BEEN EQUIPPED WITH DEVICES TO ASSIST PERSONS WITH DISABILITIES.

AGENDA

Call to order by Mayor Guidi.

Invocation. Pledge of Allegiance to the American Flag.

Proclamation: Fire Fighter of the Year. – Richard Conejo – Fire Station 161 (Juarez)

Presentation: Hawthorne Youth Against Smoking (Lambert)

1.

Oral Communications.

2.

Elected Officials Reports/Recommendations. Appointments / Re-appointments / Removals to Commissions / Committees / Boards.

Discussion/Action Items:

- Implement a formal policy on minimum reserve requirement in the General Fund. (Guidi)
- Fireworks – Law Enforcement Report. (Guidi)
- Store front façade – nuisance problems when businesses not maintained. (Guidi)
- Curbing nuisance issues. (Guidi)
- Film permit and other fees related to filming. (Juarez)
- Joining other local governments in any lawsuits / actions to protest State of CA raid of local revenues. (Juarez)

3.

Recess Community Redevelopment Agency. Recess Parking Authority. Recess Housing Authority.

CITY CLERK'S CONSENT CALENDAR

4.

Approval of City Council minutes for the regular meeting of June 23, 2009. Motion to approve minutes.

- View supporting documentation

5.

Approval of waiver of full readings of resolutions and ordinances on Tuesday, July 28, 2009's agenda. Motion to waive full readings.

6.

City Treasurer requests approval of the warrants. Motion to approve the warrants.

- View supporting documentation

7.

RESOLUTION NO. 7266

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA TO SUPPORT “NATIONAL NIGHT OUT” ON TUESDAY, AUGUST 4, 2009. Motion to adopt.

- View supporting documentation

8.

RESOLUTION NO. 7276

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ENCOURAGING ALL HAWTHORNE CITY COUNCILMEMBERS AND OTHER ELECTED OFFICIALS TO VOLUNTARILY ACCEPT A 5% SALARY REDUCTION FOR FISCAL YEAR 2009-10 DUE TO THE URGENT FINANCIAL CHALLENGES FACING THE CITY. Motion to adopt.

- View supporting documentation

9.

RESOLUTION NO. 7277

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING THE THIRD AMENDED AND RESTATED JOINT POWERS AGREEMENT OF SOUTH BAY CITIES COUNCIL OF GOVERNMENTS (“SBCCOG”). Motion to adopt.

- View supporting documentation

10.

RESOLUTION NO. 7278

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY THE STATE OF CALIFORNIA OF THE CITY’S STREET MAINTENANCE FUNDS. Motion to adopt.

- View supporting documentation

PUBLIC HEARINGS

11.

Public Hearing and adoption of Resolution No. 7273 Approving the Annual Budget for Fiscal Year 2009-2010. City Clerk Department's declaration publication filed. No written communications were received. Call for oral comments. Motion to close hearing. Motion to approve Resolution No. 7273.

RESOLUTION NO. 7273

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING THE ANNUAL BUDGET FOR FISCAL YEAR 2009-2010. Motion to adopt.

- View supporting documentation

12.

Public Hearing and adoption of Resolution No. 7274 Establishing the Appropriations Limit for the Fiscal Year 2009-2010 pursuant to Article XIIIB of the California Constitution. City Clerk Department's declaration publication filed. No written communications were received. Call for oral comments. Motion to close hearing. Motion to approve Resolution No. 7274.

RESOLUTION NO. 7274

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2009-2010 PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA CONSTITUTION. Motion to adopt.

- View supporting documentation

13.

Public Hearing and Resolution No. 7265, Adopting And Establishing A Fee For A Tobacco Retail License In The Amount Of $375 Pursuant To Hawthorne Municipal Code § 5.98.040. City Clerk's Department's declaration publication filed. No written communications were received. Call for oral comments. Motion to close hearing. Motion to approve Resolution No. 7265.

RESOLUTION NO. 7265

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ADOPTING AND ESTABLISHING TOBACCO RETAIL LICENSING FEES IN THE AMOUNT OF $375.00 PURSUANT TO HAWTHORNE MUNICIPAL CODE SECTION 5.98.040. Motion to adopt.

- View supporting documentation

14.

Public Hearing to receive public comments on opportunities for Neighborhood Stabilization Program ("NSP") funding. Planning Department's declaration publication filed. No written communications were received. Call for oral comments. No further action taken at this time.

- View supporting documentation

15.

Public Hearing and approval of Resolution No. 7275, approving an application for funding and the execution of a grant agreement and any amendments thereto from the State of California Neighborhood Stabilization Program (NSP). Planning Department's declaration publication filed. No written communications were received. Call for oral comments. Motion to close hearing. Motion to approve Resolution No. 7275. The approval authorizes the City Manager to execute any and all documents necessary to apply for and receive NSP funding.

RESOLUTION NO. 7275

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE STATE OF CALIFORNIA NEIGHBORHOOD STABILIZATION PROGRAM (NSP). Motion to adopt.

- View supporting documentation

16.

Public Hearing and Resolution No. 7279, Authorizing and Approving an Amendment to the Tow & Storage Fee Schedule of the Non-Exclusive Towing & Storage Contract with U.S. Tow. City Clerk's Department's declaration publication filed. No written communications were received. Call for oral comments. Motion to close hearing. Motion to approve Resolution No. 7279.

RESOLUTION NO. 7279

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING AND APPROVING AN AMENDMENT TO THE TOW AND STORAGE FEE SCHEDULE OF THE NON-EXCLUSIVE TOWING & STORAGE CONTRACT WITH U.S. TOW. Motion to adopt.

- View supporting documentation

17.

Public Hearing and Resolution No. 7281, Adopting And Establishing Application Processing Fees Pertaining To Re-Submittal of Building Plans. City Clerk's Department's declaration publication filed. No written communications were received. Call for oral comments. Motion to close hearing. Motion to approve Resolution No. 7281.

RESOLUTION NO. 7281

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ADOPTING AND ESTABLISHING APPLICATION PROCESSING FEES PERTAINING TO RE-SUBMITTAL OF BUILDING PLANS. Motion to adopt.

- View supporting documentation

18.

Public Hearing and Ordinance No. 1947, Zoning Code Amendment No. 2009ZA03, an amendment to Title 17 (Zoning) of the Hawthorne Municipal Code, amending Section 17.38.065 [Discontinuation of a legal nonconforming use] and Section 17.38.210 [Nonconforming parking, loading and stacking facilities]. Planning Department's declaration publication filed. No written communications were received. Call for oral comments. Motion to close hearing. Motion to Introduce Ordinance No. 1947.

ORDINANCE NO. 1947 (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE HAWTHORNE MUNICIPAL CODE, AMENDING SECTION 17.38.065 DISCONTINUATION OF A LEGAL NONCONFORMING USE, AMENDING SECTION 17.38.210 NONCONFORMING PARKING, LOADING, AND STACKING FACILITIES, AND MAKING FINDINGS IN SUPPORT THEREOF. THE AMENDMENT WILL ALLOW CHANGES OF USE TO OCCUR, IRRESPECTIVE OF THE EXISTING NONCONFORMING PARKING, WITHIN THE C-2 (LOCAL COMMERCIAL) ZONE. Motion to Introduce.

- View supporting documentation

19.

Public Hearing and Ordinance No. 1943 pertaining to the grant of a franchise to Golden State Water Company, a Franchise to use, or to lay and use, pipes and appurtenances for transmitting and distributing water for any and all purposes under, along, across or upon the public streets, ways, alleys and places in the City of Hawthorne. City Clerk's Department declaration of publication filed. No written communications were received. Call for oral comments. Motion to close hearing. Motion to Introduce Ordinance No. 1943.

ORDINANCE NO. 1943

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA GRANTING TO GOLDEN STATE WATER COMPANY, A CALIFORNIA CORPORATION, A FRANCHISE TO USE, OR TO LAY & USE, PIPES & APPURTENANCES FOR TRANSMITTING & DISTRIBUTING WATER FOR ANY & ALL PURPOSES UNDER, ALONG, ACROSS OR UPON THE PUBLIC STREETS, WAYS, ALLEYS & PLACES, AS THE SAME MAY NOW OR MAY HEREAFTER EXIST, WITHIN THE CITY OF HAWTHORNE. Motion to Introduce.

- View supporting documentation

ORDINANCES

20.

ORDINANCE NO. 1948. (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA RELATED TO WIRELESS TELECOMMUNICATIONS FACILITIES REQUIREMENTS, APPROVING A CATEGORICAL EXEMPTION UNDER CEQA AND APPROVING ZONING TEXT AMENDMENT NO. 2009ZA06, DEFINING WIRELESS TELECOMMUNICATION FACILITIES, BY AMENDING TITLE 17 (ZONING) OF THE HAWTHORNE MUNICIPAL CODE AND AMENDING CHAPTER 17.04 (DEFINITIONS). Motion to adopt.

- View supporting documentation

21.

ORDINANCE NO. 1946. (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA REPEALING CHAPTER 9.30 OF THE HAWTHORNE MUNICIPAL CODE ("HMC") AND ENACTING A NEW CHAPTER 9.30 RELATING TO STREET BANNERS. Motion to Introduce.

- View supporting documentation

22.

ORDINANCE NO. 1951. (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AMENDING SECTIONS 8.34.030 AND 8.34.060 OF THE HAWTHORNE MUNICIPAL CODE REDUCING THE NUMBER OF CERTIFIED APPLICANTS APPLYING FOR A CITY FIREWORKS PERMIT FROM TEN (10) TO EIGHT (8). Motion to Introduce.

- View supporting documentation

CITY MANAGER'S CONSENT CALENDAR

23.

Joint Powers Agreement with the City of Inglewood for the Neighborhood Stabilization Program.

RECOMMENDATION: That the City Council Approve a revised Joint Powers Agreement ("JPA") with the City of Inglewood for the Neighborhood Stabilization Program ("NSP") and authorizing the City Manager to execute the JPA and all amendments thereto.

- View supporting documentation

24.

Agreement between The City of Hawthorne and Ninyo & Moore to provide Quality Control material testing.

RECOMMENDATION: That the City Council approve the proposed agreement between the City of Hawthorne and Ninyo & Moore for material testing services including field compaction and laboratory testing for the 135th Street Improvements (Project # 08-02) STPL-5253(013) and authorize the Public Works Director to execute the agreement and all amendments thereto, on behalf of the City.

- View supporting documentation

25.

Agreement between The City of Hawthorne and Twining Infrastructure to provide Quality Assurance Material Testing Services In Conjunction with the 135th Street Improvements (Project # 08-02) STPL-5253(013) to comply with Federal Funding Requirements.

RECOMMENDATION: That the City Council approve the proposed Agreement between the City of Hawthorne and Twining Infrastructure for quality assurance material testing services for the 135th Street Improvements (Project # 08-02) STPL-5253(013) and authorize the Public Works Director to execute the agreement and all amendments thereto, on behalf of the City.

- View supporting documentation

26.

License Agreement with Northrop Grumman Systems Corporation and Hawthorne LLC re: the drilling of eight (8) monitoring wells on the Airport Property for the purpose of determining the extent, if any, of impacted groundwater migration from the former Northrop Grumman Systems Corporation facility located south of the Airport between Crenshaw Boulevard and Prairie Avenue in the City of Hawthorne.

RECOMMENDATION: That the City Council Approve License Agreement with Northrop Grumman Systems Corporation and Hawthorne LLC and authorize either the City Manager or the Public Works Director to execute License Agreement and any amendments thereto.

- View supporting documentation

27.

Ratify and make the appointments/reappointments to the South Bay Workforce Investment Board.

RECOMMENDATION: That the City Council ratify and make all the appointments/re-appointments to the South Bay Workforce Investment Board as follows: Ms. Tracie Weather, Ms. Sandra Bourassa, Mr. David LaSalle, Ms. Patricia Donaldson, Mr. Jose Fernandez, Mr. Bob Helfant, Mr. Mike Moralas, Ms. Ruthi Davis, Mr. Shad Rezai, Ms. Wanza Toliver, and Mr. Manuel C. Serrano.

- View supporting documentation

28.

Ratify the reappointment of Ms. Elyse Beardsley of Industrial Lock and Security to the South Bay Workforce Investment Board.

RECOMMENDATION: It is recommended that the Mayor and City Council ratify the reappointment of Ms. Elyse Beardsley of Industrial Lock and Security, Inc. to the South Bay Workforce Investment Board to serve a 4-year term of office commencing July 1, 2009 and ending June 30, 2013.

- View supporting documentation

29.

Agreement between the City of Hawthorne and the City of Gardena for Emergency Preparedness Coordinator Services (EPCS).

RECOMMENDATION: That the City Council approve this agreement.

- View supporting documentation

30.

Request for release of funds and Certification for both CDBG and HOME funds.

RECOMMENDATION: Authorize and approve the release of funds for both CDBG and HOME funds and also authorize the City Manager to execute any and all documents necessary for the release of these funds, and any amendments thereto.

- View supporting documentation

CITY ATTORNEY'S CONSENT CALENDAR

31.

Claimant Stephen Colquette's amended claim for retaliation and discrimination, alleges that he was demoted purportedly as the result of claimant participating in a recognized employee organization.

RECOMMENDATION: That the City Council deny this claim.

- View supporting documentation

32.

Linda Richard's civil rights' claim for physical and mental distress stemming from the search of her home.

RECOMMENDATION: That the City Council Deny Claim.

- View supporting documentation

33.

Claim of Frank Marshall alleging that Hawthorne Police Officers executed a warrant for the removal of children from the Marshall Home pursuant to a warrant requested by a County of L.A. social worker and issued by the L.A. Juvenile Dependency Court. The Marshall grandchildren are still in the custody of the County of Los Angeles pending resolution of the dependency court case. The Claim alleged "pain and suffering and emotional distress."

RECOMMENDATION: That the City Council deny the claim of Frank Marshall.

- View supporting documentation

34.

A settlement agreement has been reached in the case entitled Clayton Arzu v. City of Hawthorne, et al., Case No. YC 058 009.

RECOMMENDATION: That the City Council authorize and approve the settlement agreement in the Clayton Arzu v. City of Hawthorne, et al. auto accident lawsuit and that the Finance Director release the settlement draft c/o City Attorney's Office to Plaintiff Clayton Arzu and his attorneys, Law Office of Werner R. Meissner, 831 West 9th Street, San Pedro, CA 90731, within seven (7) days after the settlement agreement is signed by Plaintiff.

- View supporting documentation

CLOSED SESSIONS

35.

Closed Session: Conference with Legal Counsel – Anticipated Litigation, Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (One potential case).

36.

Closed Session: Conference with Legal Counsel – Existing Litigation (subdivision (a)) of Section 54956.9 of the California Government Code. Name: Clayton Arzu v. City of Hawthorne, et al., Case No. YC 058 009.

Reconvene Community Redevelopment Agency. Reconvene Parking Authority. Reconvene Housing Authority.

COMMUNITY REDEVELOPMENT AGENCY

37.

Approval of Community Redevelopment Agency minutes for the regular meeting of June 23, 2009. Motion to approve minutes.

- View supporting documentation

38.

Closed Session - Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8: Property: Approximately 15,499 square feet of land located at 12601 Hawthorne Boulevard, Hawthorne, California, 90250. APN No. 4041-014-005. Agency Negotiator: Jag Pathirana, Executive Director of Redevelopment Agency. Negotiating Party: Westvern Plaza LLC. Under Negotiation: Price and Terms & conditions of purchase sale agreement re: the sale of 12601 Hawthorne Blvd.

Purchase & Sale Agreement with Westvern Plaza LLC pertaining to the purchase of 12601 Hawthorne Boulevard, Hawthorne, California 90250.

RECOMMENDATION: That the Agency approve the purchase and sale agreement with Westvern Plaza LLC pertaining to the property located at 12601 Hawthorne Boulevard, Hawthorne, CA 90250, subject to further modification of the terms and conditions of the purchase sale agreement. Authorize Executive Director of Redevelopment Agency to negotiate re: modifications to purchase sale agreement and further authorize Executive Director to execute purchase sale agreement and any and all other documents necessary to effect the sale of the subject property to the Agency, subject to Agency Counsel's approval as to form of the document.

39.

Closed Session - Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8: Property: Approximately 39,000 square feet of land located at 14115 Cordary Avenue, Hawthorne California, 90250. APN No. 4051-030-016. Agency Negotiator: Jag Pathirana, Executive Director of Redevelopment Agency Negotiating Parties: New Journey Ministries Church of God in Christ. Under Negotiation: Price and Terms of Payment of the property

40.

Adjourn.

PARKING AUTHORITY

41.

Approval of Parking Authority minutes for the regular meeting of June 23, 2009. Motion to approve minutes.

- View supporting documentation

42.

Adjourn.

HOUSING AUTHORITY

43.

Approval of Housing Authority minutes for the regular meeting of June 23, 2009. Motion to approve minutes.

- View supporting documentation

44.

Adjourn.