MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA HELD JULY 28, 2009.

Mayor 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 Catano, Juarez, Lambert, Parsons, Mayor Guidi.
Absent: None.

Reverend Tom Moske of St. Joseph's Church gave the evening's invocation. Patricia Feldman led the Pledge of Allegiance.

Edgar Ontiveros, Community Organizer for Youth Against Smoking Coalition, explained that the coalition is made up of local community supporters and several youth from the Teen Center. He spoke on how earlier this year a number of youth volunteered their time to learn about tobacco access to minors while participating in youth purchase surveys. Although the City already has an ordinance regarding tobacco and youth, they would like a fee established to help support this ordinance. Rudy Ortega participated in the Hawthorne Youth Purchase Surveys and reported that out of 65 stores that they visited, 32.8% were willing to sell tobacco to minors. Deborah Levi, Outreach Specialist for the Tobacco Prevention Program of Valley Community Clinic in North Hollywood, shared her experiences while working in the city of San Fernando. In that city, 38.5% of the tobacco retailers were willing to sell tobacco to the youth. As a result that Council voted in October of 2008 to add a proposed $250 annual fee to their tobacco retail license ordinance.

Councilmember Juarez presented a Proclamation honoring Firefighter/Paramedic Richard Conejo, 2009 Firefighter of the Year in recognition of his dedicated service to the people of Hawthorne.

Councilmember Lambert presented a clip on motivational speaker Nick Vujicic. He is scheduled to appear at the Memorial Center on September 25th.

1.

Under oral communications, **John Koppelman**, President Del Aire Neighborhood Association, announced that the Hawthorne farmer's market is now four weeks old and although it operates on a shoe string budget, sales are in an upward trend each week. He also thanked all those who made the market possible, especially the president and treasurer of the Hollyglen Homeowners Association. The Farmer's Market operates on Saturdays from 9am to 1pm. Everyone is welcome**.** **Olivia Valentine**, 2519 W. 115th Pl., Vice President Hollypark Homeowners Association, reported that at their July 9th meeting, the association spoke against the state taking local city money to balance its budget. Twenty members of the association sent letters to Governor Schwarzenegger, Speaker Karen Bass and Senator Rod Wright. **Allen Richards**, 13828 Ramona Ave., reported on a fireworks survey that he sent out after the 4th of July. **Gordon Mego**, 4535 W. 141st St., spoke on ideas for the revitalization of the former Hawthorne Plaza. **Phillip Jones**, 11549 Tarron Ave. enjoyed the car show and thanked everybody who participated and got it going. **Norb Huber**, 13919 Eucalyptus Ave., reported that over 200 people attended the Ramona picnic last Saturday. Invited everyone to attend National Night Out at Ramona Park on August 4th. Announced that a political action group, Citizens Against Helicopter Noise in the Hawthorne Area, has been formed due to noise from low flying helicopter noise in the Ramona tract. **Mike Talleda** spoke in favor of keeping firework stands in Hawthorne as they help non-profit groups. **Don Rowe**, Hawthorne Library, announced that the summer reading program is going great and that their teen center is finally complete. Asked that teens come to the meeting room to contribute an art activity to the teen center to make it their own. **Jennifer Harris**, with the Asian American Drug Abuse Program, encouraged Council to pass the tobacco retail license tonight. **Nilo Michelin** of the Hawthorne School District gave an update of what is going on with the district. Stated that they are against cutting any teacher or any other employee. They have modernized their schools, eliminated portable classrooms, test scores are continuously rising and are continuing with class size reduction. Their charter school is ranked 56 in the nation. **Darlene Love**, 2003 W. 116th St., announced that a K- 8 charter school will be opening at 2506 W. Imperial Highway. Stated that there is a prostitution problem on Imperial and asked that it be cleaned

up. **Francis Stiglich**, 11534 Gale Ave., thanked the city for fixing up 116th. Reported that there is a garbage and smoking problem at the empty lot in front of her house.

Mayor Pro Tem Lambert and City Clerk English left the dais right before Elected Officials Reports and Recommendations.

Elected Officials Reports and Recommendations:

Councilmember **Parsons** announced that there will be a get together for the people who took the CERT training back in April. It will be held on August 8th at the Memorial Center at 10am. So that the homeowner associations can better communicate to a command center in case of an earthquake, a radio link will try to be set up at the meeting. Those interested in participating in the next CERT training can also attend this meeting. The Hawthorne Police Citizen's Academy will begin on August 5th. Reported that the farmers market is a success and there have been no parking problems since a lot of people either walk or ride their bikes to the market. Thanked Chief Heffner for the all out effort made by the police to control illegal fireworks. For next year would like to work with the county sheriff to control the illegal fireworks in the Wiseburn county track. Was proud to recently tour the SpaceX facilities. Apologized to the Ramona Neighborhood Association for not attending their picnic for the first time in eight years.

Mayor **Guidi** thanked everyone for their cooperation and support on the Hawthorne Car Show and to Thierry Lubenec for all his help with cleanup. Thanked staff for the recent addition of park rangers and the sting in the parks. Would like to look into the possibility of doing a receivership program on problem apartments and liquor stores. Thanked the South Bay Brokers Association for inviting him to be a guest speaker a couple of weeks ago. Would like to see the motorcycle officers increased to five. Thanked everyone who has been working hard to improve the community. Encouraged all to patronize new restaurant The Isla de Mambo near Imperial and Hawthorne and also to visit that area of town as the area has been greatly improved. Requested that speed humps be looked into for Hawthorne Way near the schools and the daycare. Met with community leaders in the Del Aire area who are upset regarding a commercial/residential project of approximately 5.9 acres. Asked that a letter of protest be sent regarding this project and the Hollywood Park project.

Councilmember **Juarez** thanked Pastor Phil Cookes and his Teen Challenge volunteers for making the car show happen. Suggested that next year there be two separate venues. Kids on skateboards and bikes were a problem that should be restricted for next year. Attended the SPCA Kittenpalooza and thanked the Boy Scout who made it his eco project to build a fence for the dogs to run around at the shelter. Attended the Ramona neighborhood picnic. Formally welcomed Jose Gutierrez as the city's new information technology manager. Congratulated staff for the reduction of overtime since 2007 which has resulted in a savings of $338,000. Inquired on the crosswalk at 120th & Truro; it will be agendized for the next meeting. Cautioned residents that Goldenstate Water Company has started stage one water conservation implementation and there are penalties involved if you go over your assigned limit. While attending a SBCCOG meeting, was introduced to the "No Drugs Down the Drain" program. Suggested this program be implemented in the city whereby a drop off box would be provided so residents can drop off their drugs instead of having them end up in the ocean. Announced that there is still room at the Da Vinci Charter School for any student that is interested.

City Treasurer **Lubenec** stated that eight out of 10 firework stands always end up west of the city which crowds the eight stands. It would better if they were spread out.

2.

Discussion/Action Items:

- Implement a formal policy on minimum reserve requirement in the General Fund. (Guidi)

  Mayor Guidi spoke on how reserves should only be used in case of emergencies. Right now we have a 20% informal limit. While there is no hard or fast rule regarding reserves throughout the state, the City would like to implement a formal policy of keeping the reserves at 20%. Then Council would have the option of when to or not dip into the reserves.

- Fireworks – Law Enforcement Report. (Guidi)

There were less illegal fireworks this year. The key is education and while this won't curb the problem, it will put a dent in it. A more detailed report will come back at the next City Council meeting.

- Store front façade – nuisance problems when businesses not maintained. (Guidi)

Mayor Guidi met with members of the community who are fed up with the way property owners, especially those where large parcels of land are concerned, are abandoning their properties and not keeping them clean. Mayor Guidi would like to implement a nuisance policy where buildings that are not in use would have to be maintained as if they were open.

- Curbing nuisance issues. (Guidi)

Mayor Guidi would like stronger ordinances need to be written regarding nuisance issues involving parked cars for sale, overnight parking of outsiders and prostitution.

- Film permit and other fees related to filming. (Juarez)

Councilmember Juarez thanked Business License Director Lisa Miller for the detailed report on film permit fees. Basically, what we charge for film permits is in the ballpark. It is recommended that we increase the hourly rate for the police officers in order to accurately reflect our costs. We are just trying to recoup the cost we spent in order to do this. The City Manager will prepare something and come back.

- Joining other local governments in any lawsuits / actions to protest State of CA raid of local revenues. (Juarez)

Councilman Juarez asked that the City Manager and the City Attorney be empowered to follow suit and join other California cities in filing a lawsuit to protect property tax and redevelopment agency dollars from being raided by Sacramento.

3.

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

4.

Mayor Guidi moved, seconded by Councilmember Juarez, that the reading of the City Council minutes of the regular meeting of June 23, 2009 be waived and that they be approved and adopted.

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

5.

Mayor Guidi moved, seconded by Councilmember Juarez, to waive full readings of resolutions and ordinances on July 28, 2009's agenda.

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

6.

The City Treasurer submitted a financial statement regarding warrants.

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

Warrants Nos.: 189912-189996 ; 189997-190014 ; 400273-400744 ; 400745-401488

Warrant Totals: $1,752,566.59 ; $829,734.45 ; $3,597,690.60 - $ 2,546,038.75

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

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.

Mayor Guidi moved, seconded by Councilmember Juarez, that Resolution No. 7266 be approved and adopted.

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

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.

Mayor Guidi moved, seconded by Councilmember Juarez, that Resolution No. 7276 be approved and adopted.

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

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").

Mayor Guidi moved, seconded by Councilmember Juarez, that Resolution No. 7277 be approved and adopted.

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

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.

Mayor Guidi moved, seconded by Councilmember Juarez, that Resolution No. 7278 be approved and adopted.

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

PUBLIC HEARINGS

11.

City Clerk English announced that this was the time and place for the 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.

Mayor Guidi called for public comments.

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

Mayor Guidi closed the public portion of the hearing.

RESOLUTION NO. 7273

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

Mayor Guidi moved, seconded by Councilmember Juarez, that Resolution No. 7273 be approved and adopted.

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

12.

City Clerk English announced that this was the time and place for the 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.

Mayor Guidi called for public comments.

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

Mayor Guidi closed the public portion of the hearing.

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.

Councilmember Lambert moved, seconded by Councilmember Juarez, that Resolution No. 7274 be approved and adopted.

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

13.

City Clerk English announced that this was the time and place for the 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 Department's declaration publication filed. No written communications were received.

Mayor Guidi called for public comments.

Under oral communications, Steven Gallegos, Chair of the Coalition for Tobacco Free Los Angeles County, spoke in favor of Resolution 7265.

Mayor Guidi closed the public portion of the hearing.

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

Councilmember Juarez moved, seconded by Councilmember Lambert, that Resolution No. 7265 be approved and adopted.

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

14.

City Clerk English announced that this was the time and place for the 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.

Mayor Guidi called for public comments.

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

Mayor Guidi closed the public portion of the hearing.

No action was needed to be taken at this time

15.

City Clerk English announced that this was the time and place for the 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. The approval authorizes the City Manager to execute any and all documents necessary to apply for and receive NSP funding.

City Clerk Department's declaration publication filed. No written communications were received.

Mayor Guidi called for public comments.

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

Mayor Guidi closed the public portion of the hearing.

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).

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 7275 be approved and adopted.

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

16.

City Clerk English announced that this was the time and place for the 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.

Mayor Guidi called for public comments.

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

Mayor Guidi closed the public portion of the hearing.

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.

Mayor Guidi moved, seconded by Councilmember Juarez, that Resolution No. 7279 be approved and adopted.

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

17.

City Clerk English announced that this was the time and place for the 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.

Mayor Guidi called for public comments.

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

Mayor Guidi closed the public portion of the hearing.

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.

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 7281 be approved and adopted.

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

18.

City Clerk English announced that this was the time and place for the Public Hearing on 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.

Mayor Guidi called for public comments.

Under oral communications Mike Talleda spoke in support of Ordinance 1947.

Mayor Pro Tem Lambert closed the public portion of the hearing.

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

Mayor Guidi moved, seconded by Councilmember Lambert, that Ordinance 1947 be sent back to the Planning Commission.

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

19.

City Clerk English announced that this was the time and place for the Public Hearing on 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.

Mayor Guidi called for public comments.

Under oral communications, no one expressed a desired to be heard.

Mayor Guidi closed the public portion of the hearing.

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.

Ordinance No. 1943 was introduced by title only by Councilmember Lambert.

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).

Councilmember Juarez moved, seconded by Councilmember Lambert, that Ordinance No. 1948 be approved and adopted.

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

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.

Ordinance No. 1946 was introduced by title only by Councilmember Parsons.

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).

Councilmember Juarez pulled Ordinance No. 1951 from the agenda.

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

23.

Approve the Joint Powers Agreement with the City of Inglewood for the Neighborhood Stabilization Program and authorize the City Manager to execute the JPA and all amendments thereto.

24.

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

25.

Approve 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 and authorize the Public Works Director to execute the agreement and all amendments thereto, on behalf of the City.

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.

Before the City Council voted on item No. 26 Councilmember Juarez stated "I have decided to recuse myself from this item concerning the Northrop Monitoring Well. My recusal is because there is a possibility that I may have a conflict of interest in this agreement because I am an employee of Northrop. The conflict is remote under Government Code §1090 but I am required to abstain pursuant to Government Code §1091(b)(2). In order to avoid even the appearance of a conflict of interest, I will step aside from this matter. Therefore, I will not be participating in agenda item No. 26.

Councilmember Lambert moved, seconded by Mayor Guidi, that item 26 be approved and adopted.

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

27.

Approve to Ratify and make the appointments/reappointments 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.

28.

Approve to Ratify the reappointment of Ms. Elyse Beardsley of Industrial Lock and Security to the South Bay Workforce Investment Board to serve a 4-year term of office commencing July 1, 2009 and ending June 30, 2013.

29.

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

30.

Approve the Request for release of funds and Certification 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.

Mayor Guidi moved, seconded by Councilmember Juarez, that items 23, 24, 25, 27, 28, 29 and 30 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:

31.

The Acting City Attorney, Russell Miyahira, recommended that the amended claim from Stephen Colquette's for retaliation and discrimination, alleges that he was demoted purportedly as the result of claimant participating in a recognized employee organization be denied in its entirety.

Councilmember Lambert moved, seconded by Mayor Guidi that the amended claim from Stephen Colquette's for retaliation and discrimination, alleges that he was demoted purportedly as the result of claimant participating in a recognized employee organization be denied in its entirety.

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

32.

The Acting City Attorney, Russell Miyahira, recommended that the claim from Linda Richard's civil rights' for physical and mental distress stemming from the search of her home be denied in its entirety.

Councilmember Lambert moved, seconded by Mayor Guidi that the claim from Linda Richard's civil rights' for physical and mental distress stemming from the search of her home be denied in its entirety.

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

33.

The Acting City Attorney, Russell Miyahira, recommended that the 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" be denied in its entirety.

Councilmember Lambert moved, seconded by Mayor Guidi the 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" be denied in its entirety.

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

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.

Councilmember Lambert moved, seconded by Mayor Guidi to approve the settlement agreement that has been reached in the case entitled Clayton Arzu v. City of Hawthorne, et al., Case No. YC 058 009.

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

34.

Mayor Guidi adjourned the meeting at 9:45 p.m. m. in the memory of Pilar Guerrero, Ruby Binkins and Ramsay Downie.

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Angie Reyes English
City Clerk