NOTICE AND CALL OF
SPECIAL MEETING OF THE HAWTHORNE CITY COUNCIL

TO THE MEMBERS OF THE CITY COUNCIL
OF THE CITY OF HAWTHORNE, CALIFORNIA

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Hawthorne will be held on Tuesday, November 17, 2009 at the hour of 6:00 p.m. in the Council Chambers, 4455 West 126th Street, Hawthorne, California.

Said Special Meeting shall be for the following purposes:

1.

PURSUANT TO GOVERNMENT CODE SECTION 54954.3 THE PUBLIC SHALL DIRECTLY ADDRESS THE LEGISLATIVE BODY CONCERNING ITEMS THAT HAVE BEEN DESCRIBED IN THE NOTICE OF SPECIAL MEETING.

2.

Presentation: "9to5" Seating Company re: proposal to move their office furniture manufacturing company from Compton into the Century Business Center with potentially 100 new jobs and economic spin-off benefits to surrounding residents and businesses.

3.

ORDINANCE NO. 1955 (1st Reading)

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA TEMPORARILY ABATING DEVELOPMENT IMPACT FEES TO BE CHARGED TO DEVELOPERS IN CONNECTION WITH BOTH RESIDENTIAL AND NON-RESIDENTIAL NEW DEVELOPMENTS ("AB 1600 FEES")." FOR INTRODUCTION

4.

Adjourn.

_____

Larry Guidi, Mayor
City of Hawthorne

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.

CITY OF HAWTHORNE

CITY COUNCIL

Special Meeting

TUESDAY, NOVEMBER 17, 2009

6:00 P.M.

AGENDA

Call to order by Mayor Guidi.

Invocation. Pledge of Allegiance to the American Flag.

1.

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ORDINANCE NO. 1955

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA TEMPORARILY ABATING DEVELOPMENT IMPACT FEES TO BE CHARGED TO DEVELOPERS IN CONNECTION WITH BOTH RESIDENTIAL AND NON-RESIDENTIAL NEW DEVELOPMENTS ("AB 1600 FEES").

WHEREAS, Development Impact Fees are charged to developers in connection with both residential and non-residential developments to mitigate the costs associated with additional capital and infrastructure needs attributed to new developments; and

WHEREAS, in 2005-06, this Council commissioned a study to determine the magnitude of the costs associated with new developments and fees necessary to mitigate those costs; and

WHEREAS, by its Ordinance No. 1844, this Council raised the City's Development Impact Fees to the level recommended by the fee study; and

WHEREAS, as part of Ordinance No. 1844, this Council found that, based on the study, the newly increased fees would meet all of the proportionality and other restrictions imposed upon such fees by the Mitigation Fee Act (Government Code Section 66000 *et seq.*); and

WHEREAS, Ordinance No. 1844 was adopted in the manner required by the Mitigation Fee Act, following a hearing noticed in the manner required by the Act; and

WHEREAS, the City, along with the rest of California and the nation, is currently experiencing an economic recession unprecedented in recent decades; and

WHEREAS, as a result of the recession and the associated tightening of the credit markets, this Council is concerned that the current level of Development Impact Fees may be creating a barrier to the commencement of new development projects the City; and

WHEREAS, this Council believes that a resumption of development is vital to the continuing well-being of the community and to the community's recovery from the current recession; and

WHEREAS, this Council desires to temporarily "roll-back" Development Impact Fees to the levels existing prior to the adoption of Ordinance No. 1844.

NOW THEREFORE, the City Council of the City of Hawthorne hereby ordains as follows:

1. **Recitals:** The above-stated recitals are true and correct.

2. **Abatement Period**: For the purposes of this Ordinance, "Abatement Period" shall mean the period from the effective date of this Ordinance through March 31, 2010.

3. **Abated Fee Payment:** Where Development Impact Fees imposed by Ordinance No. 1844 are due and payable (ie a building permit is issued) during the Abatement Period the requirement to pay such Fees may be satisfied by payment of an amount calculated based on the schedule set forth in this Section ("Abated Fee"). Such Abated Fee amount shall apply only if *actually paid* during the Abatement Period. The Abated Fee schedule shall be as follows:

Single Family Dwelling – detached	$2,280 per unit
Duplex, Apartment, Multi-family, condominium	$1,768 per unit
Commercial	$1.62 per square feet
Industrial	$0.66 per square feet

If final inspection, or issuance of certificate of occupancy, does not occur by April 30, 2012 with respect to any portion of a project for which payment was made under the Abated Fee schedule, then, as a condition of issuance of final inspection or issuance of certificate of occupancy, the difference between the fee for such portion under Ordinance No. 1844 and the Abated Fee for such portion shall be paid to the City.

4. **Use of Proceeds:** Fees revenues received by the City pursuant to Section 3, together with sufficient funds from the General Fund of the City to cover the difference between the amount received pursuant to Section 3 and the amount that would have been otherwise due to the City pursuant to Ordinance No. 1844 shall be deposited and used for the funding of public infrastructure in the manner set forth in Ordinance No. 1844.

5. **Relationship to Prior Ordinance:** This Ordinance does not require any person to pay any fee in an amount higher than that established by Ordinance No. 1844. By committing general funds to infrastructure purposes, this Ordinance ensures that infrastructure necessitated by development during the Abatement Period will not be disproportionately subsidized by fees paid before and after the Abatement Period. This Ordinance does not repeal Ordinance No. 1844, amend the rates set forth in Ordinance No. 1844, alter any finding made by Ordinance No. 1844,or otherwise affect the operation of Ordinance No. 1844 except as set forth in Sections 2 and 3 above.

6. **Non-Severability**: In the event any portion of this Ordinance is invalidated by any court of law, it is the intent of the Council that the entirety of this Ordinance shall be considered invalid and that Ordinance No. 1844 shall apply.

7. **Effective Date**: This Ordinance shall be effective thirty days following its adoption.

8. **Certification:** The City Clerk shall certify to the adoption of this Ordinance and cause this Ordinance to be published and posted as required by law.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2009.

_____
LAWRENCE M. GUIDI, Mayor
City of Hawthorne, California

ATTEST:

_____
ANGIE REYES ENGLISH, City Clerk
City of Hawthorne, California

APPROVED AS TO FORM

_____
RUSSELL MIYAHIRA,
Acting City Attorney
City of Hawthorne, California