

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD FEBRUARY 23, 2010.**

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 English, Juarez, Lambert, Vargas, Mayor Guidi.
Absent: None.

Civil Service Commissioner Darlene Love gave the evening's invocation. Hawthorne School District Board Member Alex Monteiro led the Pledge of Allegiance.

Rudy Munoz, a consultant with LDM Associates, which is a community development consulting firm, gave a presentation on the city's Community Development Block Grant Program and HOME Investment Partnership Act program. These two programs receive an annual allocation of funds from the federal government through the U.S. Department of Housing and Urban Development. Under the Community Development Block Grant, which is commonly referred to as CDBG, the city receives approximately \$1.7 million every year. Under the HIPA program, the city receives approximately \$950,000 per year. These funds must primarily be used to assist individuals of low and moderate income. To be eligible for CDBG funding consideration, projects must meet one of the following three national program objectives. The program must either benefit low and moderate income persons, aid in the prevention or elimination of slums and blight or an urgent need. CDBG funds may not be used for activities that do not meet these broad national objectives. HUD provides these annual grants on a formula basis to cities like Hawthorne to carry out eligible community development activity. In order to be eligible to receive funds, the city is required to submit documents to the U.S. Department of Housing and Urban Development. They include the Five Year Consolidated Plan, the Five Year Analysis of Impediments to Fair Housing Choice, the One Year Action Plan that's submitted on an annual basis and the Consolidated Annual and Performance Evaluation Report also submitted on an annual basis.

Councilmember Vargas presented a Certificate of Appreciation to Gordon Michael Mego in recognition of his contribution, support and many years of service to the City of Hawthorne.

1.

Under oral communications, **Shad Rezai**, District Manager Golden State Water Company, addressed main breaks that have been occurring in the city and water quality issues. The 24 hour number for Golden State is 800-999-4033. **Olivia Valentine**, 2519 W. 115th Pl., reported on the neighborhood watch meeting for the Hollypark Homeowners Association that was held on February 13th. Gave out the number for reporting crime anonymously, which is 800-76-Crime. Thanked Chief Heffner and Sgt. Robbie Williams for their continuous efforts in keeping their neighborhood safe. **Phillip Jones**, 11549 Tarron, inquired on the status of development impact fees, asked the city to write a letter to the governor objecting to the early release of prisoners and praised the city helicopter for helping to fight crime. **Alex Monteiro**, 12413 Ramona, announced that Census 2010 will hold a kickoff festival at Memorial Park on March 27th from 11am to 4pm. Announced that the Hawthorne Presidents Council will hold Volunteer Appreciation Day on April 25th; applications for nominations are due by March 19th and can be obtained by calling 310-978-4357. **Patricia Donaldson**, President & CEO Hawthorne Chamber of Commerce, announced that the Chamber will hold an Easter egg hunt for underprivileged children on April 3rd and the Kiwanis Club will hold a St. Paddy's Day event on March 12th. Also presented a plaque to new Chamber member Matthew Lewison of Esperanza Dental Supply. **Gordon Michael Mego**, 4535 W. 141st St., stated that the March 13th date to hold a conference on the various ways to reopen RFK Hospital has been canceled and will possibly be held in mid April. **Collette Arssay**, 14435 Arbor Lane, spoke against tearing down apartments on Doty Avenue to expand Bicentennial Park. **Cherrie McBry** also spoke against expansion of the park. **Craig Pringle**, 4766 W. 134th St., asked that faith based and non-profit organizations have an opportunity to petition for city HUD funds and that the process for receiving these funds be transparent. **Francis Stiglich** requested that Council work together without conflict. **Darlene Love**, 2003 W. 116th St., asked that Council not badger, cut and slice each other.

2.

Elected Officials Reports and Recommendations:

Discussion/Action Items:

- Cancel employee furloughs – retroactive to January 1st 2010 (Juarez)

Councilmember Juarez made the following motion: 1) to cancel the employee furloughs commencing February, 2010; and 2) since the City cannot retroactively cancel the furloughs to January, 2010, Councilmember Juarez moved that the sum of money equal to the employee furloughs taken in January, 2010, be set aside in an escrow account{rainy day fund} and that this amount be applied for the next fiscal year in the event that furloughs are reinstated to deal with further budget shortfalls in the future. Mayor Guidi seconded the motion.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.

NOES: None.

- Amend Hawthorne Municipal Code § 2.06.140 as follows: 1) Closed Sessions are always held at the end of each City Council Meeting; 2) Discussion/Action Items should sequentially follow oral communications; 3) Elected Official's reports are held at the end of the agenda before Closed Sessions; and 4) update 2.06.140 to reflect that the agenda is presently organized to have a City Clerk, City Manager and City Attorney Consent Calendar. (Vargas)

Councilmember Vargas moved seconded by Mayor Guidi to draft an amendment to the Ordinance to comply with the way the meetings are conducted.

- Hawthorne Unity Basketball Tournament Invitational (Vargas)

Councilmember Vargas explained that this is an invitational tournament that will take place on May 8th. The purpose of this tournament is to bring the different sectors of the community together in order to lift moral and allow different departments to interact with community groups. This will also be an opportunity to bring back civic pride.

- Fireworks Stands (Juarez)

Due to a lot of folks feeling that the work that goes into running fireworks stands does not really generate the funds that they would like, Councilmember Juarez proposed reducing the number of stands from ten to six, with the Veterans organization still automatically getting two booths. In addition to the lottery for the different groups, would also like to have a lottery for the locations.

Councilmember Juarez moved, seconded by Mayor Guidi to reduce the number of firework stands from ten to six.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.

NOES: None.

Councilmember Juarez moved, seconded by Mayor Guidi to hold a lottery for fireworks stands locations.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.

NOES: None.

- Recommending appointment of Richard Huhn to the Parks and Recreation Commission (Juarez)

Councilmember Juarez recommended to Mayor Guidi to appoint Richard Huhn to the Parks and Recreation Commission. Mayor Guidi replied that he would take it under consideration.

- Obtain appraisal for property on 14115 Cordary Avenue (English)

Councilmember English moved seconded by Mayor Guidi to proceed forward with obtaining a reappraisal of the property at 14115 Cordary and bring it back in a week..

ROLL CALL-AYES: Councilmembers English, Juarez, Vargas, Mayor Guidi.

NOES: Councilmember Lambert.

Councilmember **Lambert** discussed the rights that the State gives the Mayor for nominating a commissioner. Spoke against making furloughs retroactive to January 2010.

Councilmember **English** questioned why a city department head did not do the presentation on CDBG funds and requested that more days be added for public input on the use of CDBG funds. Asked if federal funds will be reduced or the city penalized in the next fiscal year due to issues concerning Gold's Gym. Explained that CDBG funding is for communities that are blighted, underserved and it's also an opportunity for full participation from various entities and not just big developers. Commended the families that spoke about living on Doty and clarified that it is not her intention to displace families living on Doty. Asked for clarification on the type of zone at 147th and Inglewood Avenue and how HUD funds were used in that area. Inquired on the RFP process for CDBG funds and whether the process is public and what city department monitors the requirements by HUD.

Mayor Pro Tem **Juarez** reported that the Hawthorne Police Department Battle of the Badges Blood Drive whose goal was to collect 33 units of blood was only able to collect 28 units. He also was part of the group that walked on 115th Place where he met a lot of fantastic people. Last week participated as a judge in the Hawthorne Imperial Lions Speech Contest and congratulated winner Abiola Kenoli. Attended the percussion demonstration at the library and thanked library manager Don Rowe for continuing to bring great programs like these to the library. Questioned why a bill for flyers and e-blasts had been paid for by the city for the service provider fair; it was clarified that the billing was an error. Cautioned citizens to be on watch in all parts of the city as there are young kids out there stealing catalytic converters from cars. Reassured residents that there are no plans to knock down any apartment buildings in order to expand the park. Asked if the city can implement any of the suggestions from Jerome Horton's Municipal Revenue Enhancement Program.

Mayor Pro Tem Juarez read a disclosure as follows:

At the advice of the city attorney, I want to read a prepared statement regarding the audit of Gold's Gym facility of which I was a participant. The audit was consensual on the part of Gold's Gym and city officials. I would like to disclose that I have met with the operator manager of Gold's Gym and his consultant. My purpose of attending the meeting was to conduct an audit and to listen to their issues regarding their inability to make their annual Section 108 repayment back to the city. The audit included review of profit loss statements, balance sheets, amortization schedule, member list of individuals who cancelled or terminated their memberships and the City of Hawthorne agreement documents which were also provided to the City council by the city manager. At no time during the meeting did I indicate my position on Gold's Gym matter. My intention tonight is to submit to the city attorney the evidence, excluding the duplicate documents, are provided by the city manager obtained during the abbreviated and unofficial audit. Also, it is my intention to provide assurance that I will have an open mind concerning any future agenda item connected with the Gold's Gym bankruptcy that may come before the City Council. The ultimate goal is to protect the City's interest.

Councilmember **Vargas** spoke on the State of the City Address and how it was great to be there and meet all the different companies and local leaders that are supporting the City and is looking forward to working with Council on tackling the challenges that face the City. Reminded everyone that they are all invited to the Farmers Market every Saturday from 9am to 1pm. Announced that three new local businesses, all Latino owned, held a grand opening on Friday and they are all members of the Hispanic Chamber of Commerce. Would like to address the subject of how to conduct city business, such as how to make and amend motions and how to keep the floor. Instructed the city attorney that at the next Council meeting, the city attorney go over the rules and etiquette for conducting city business. Asked that Councilmembers treat each other with respect and address each other by their proper titles as they are all elected officials.

Mayor **Guidi** thanked everyone who sent emails and calls on becoming a grandfather for the third time. Thanked everybody who participated and attended the State of the City. Stated that while our city may be

in a better financial position than others, we cannot spend more than is coming in. For the next meeting, requested a full update of our revenues, expenses and where we are going to be in the next year.

Mayor Guidi moved seconded by Councilmember Juarez to appoint **Richard Huhn** to the **Parks and Recreation Commission/Finer Arts Commission**.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.
NOES: None.

City Treasurer **Lubenec** thanked Patricia Donaldson and her staff at the Chamber of Commerce for putting on a great State of the City. Commended staff for keeping the city going.

City Clerk **Huber** spoke in honor of Ann Krasovetz and all the wonderful things she did for the city.

3.

Mayor/Chairman 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 Lambert, that the reading of the City Council minutes of the regular meeting of February 9, 2010 be waived and that they be approved and adopted.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.
NOES: None.

5.

Mayor Guidi moved, seconded by Councilmember Lambert, to waive full readings of resolutions and ordinances on February 23, 2010's agenda.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, 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.: 190163-190167 : 407887-608664

Warrant Totals: \$774, 869.41 ; \$5,330,477.72

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.
NOES: None.

7.

The City Clerk Huber announced that this was the time and place to publicly receive, open and declare sealed bids for Street Tree Trimming Project - (Project # 10-01)

Public Works Department submitted declaration of publication, which was ordered filed. Bidder's bond are required.

THERE WERE FIVE BIDS RECEIVED. (ACCOMPANIED BY BIDDER'S BOND)

THE PRICES ARE:

MARIPOSA LANDSCAPE INC	\$163,760.60
TRIMMING LAND CO, INC	\$124,825.00
UNITED PACIFIC SERVICES, INC	\$108,220.00
WEST COAST ARBORISTS, INC	\$141,225.00
DAVEY TREE SURGERY CO	\$148,194.77

Mayor Guidi moved, seconded by Councilmember Juarez, that the bid be referred to staff for study and recommendation.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.
NOES: None.

8.

RESOLUTION NO. 7297

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ESTABLISHING A CODE OF ETHICS AND CONDUCT FOR APPOINTED AND ELECTED OFFICIALS.

Mayor Guidi moved, seconded by Councilmember Lambert, that Resolution No. 7297 be approved and adopted.

MOTION TO RECONSIDER

Mayor Guidi moved, seconded by Councilmember English that Resolution No. 7297 be brought back with the changes requested by the City Council.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.
NOES: None.

9.

City Clerk Huber announced that this was the time and place for the Public hearing and approval of Revised 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.

Mayor Guidi called for public comments.

No one expressed a desire to speak on this topic.

REVISED 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 English, Juarez, Lambert, Vargas, Mayor Guidi.
NOES: None.

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

10.

Approve Progress Payment #2 due to All American Asphalt Company of Corona, California for City Wide Street Improvement Project FY 2009-2010(Project # 09-01) FEDERAL STIMULUS # ESPL - 5253(15) in the amount \$131,940.54 funded from the \$2,300,000.00 Federal Stimulus funds #ESPL – 5253 (15). Account No. 292-5502-436-4773.

Mayor Guidi moved, seconded by Councilmember Lambert, that Item # 10 be approved.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.

NOES: None.

11.

Approve Request for Renewal of Bingo Permit for Veterans of Foreign War, Post 2075 for calendar year 2010.

Mayor Guidi moved, seconded by Councilmember Lambert, that Item # 11 be approved.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.

NOES: None.

12.

Retention Agreement with Coco Traffic Planners, Inc. re: performing traffic study for Mixed Use Overlay and R-4 Maximum Density Zone Change.

RECOMMENDATION: That the City Council Approve Agreement with Coco Traffic Planners, Inc. and authorize Mayor/or City Manager to execute Agreement.

Councilmember Vargas moved, seconded by Mayor Guidi to bring this item back at the next council meeting.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.

NOES: None.

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

13.

The Acting City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Isaac Zimmerman for property damage arising out of a city employee vehicle colliding into claimant's gate be denied in its entirety.

Mayor Guidi moved, seconded by Councilmember Lambert, that the claim filed on behalf of Isaac Zimmerman for property damage arising out of a city employee vehicle colliding into claimant's gate be denied in its entirety.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.

NOES: None.

14.

The Acting City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Maria Couvertier, in excess of \$10,000 for personal injuries due to a slip and fall incident in the alleyway near 12628 Oxford Avenue, Hawthorne, California be denied in its entirety

Mayor Guidi moved seconded by Councilmember Lambert, that the claim filed on behalf of Maria Couvertier, in excess of \$10,000 for personal injuries due to a slip and fall incident in the alleyway near 12628 Oxford Avenue, Hawthorne, California be denied in its entirety.

ROLL CALL-AYES: Councilmembers English, Juarez, Lambert, Vargas, Mayor Guidi.
NOES: None.

15.

TABLED ITEM

ORDINANCE NO. 1965 (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AMENDING HAWTHORNE MUNICIPAL CODE § 2.34.030 RELATING TO HUMAN RESOURCES MANAGER'S DISCRETION TO DISQUALIFY APPLICANTS BASED UPON CERTAIN ENUNCIATED CRITERIA. Motion to adopt.

Councilmember Lambert moved, seconded by Mayor Guidi, that Ordinance No. 1965 be removed from the table.

ROLL CALL-AYES: Councilmembers Lambert, Vargas, Mayor Guidi.
NOES: Councilmember Juarez, English.

After discussion, Mayor Guidi moved, seconded by Councilmember English to make changes to Ordinance No. 1965 and that it be brought back.

ROLL CALL-AYES: Councilmembers English, Juarez, Vargas, Mayor Guidi.
NOES: Councilmember Lambert.

16.

Mayor Guidi adjourned the meeting in the memory of Ann Krasovetz at 9:11 p.m.

Norbert A. Huber
City Clerk