

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD SEPTEMBER 28, 2010.**

Mayor Pro Tem Juarez called the City Council, Community Redevelopment Agency, Parking Authority and Housing Authority meetings to order jointly and concurrently at 6:04 p.m. in the City Council Chambers of City Hall, 4455 W. 126th Street, Hawthorne, California.

ROLL CALL-Present: Councilmembers Lambert, English, Juarez, Vargas.
Absent: Mayor Guidi (excused).

Pastor John L. Jefferson from Del Aire Baptist Church gave the evening's invocation. Jose Gutierrez led the Pledge of Allegiance.

Councilmember English presented a Proclamation to Yvette Johnson from Behavioral Health Services commemorating September as National Alcohol & Drug Addiction Recovery Month.

Mayor Pro Tem Juarez presented a Proclamation to Pastor John L. Jefferson of Del Aire Baptist Church on the celebration of their 65th Anniversary of service to the community.

Councilmember Vargas presented the results of the brainstorming session that was held in July at the Hawthorne Mall site. The event was a consensus building exercise to gather ideas on what could be done with the mall site from the perspective of the residents. There were about 150 plus participants who came up with ideas for the site that would benefit the residents, the mall owner and the city. The results were three uses that stood out and they were restaurants, retail/entertainment and green space. Next were education, housing and corporate offices followed by government offices and other.

The meeting recessed for cake to celebrate Civil Service Commissioner Darlene Love's birthday.

1.

Under oral communications **Marco Sandoval**, P.R. Representative from St. Catherine Laboure Church, announced that their parish fiesta will be taking place on October 1st from 6pm to 12pm and October 2nd and 3rd from 12pm to 12am. Everyone is welcome to attend. **Olivia Valentine**, Hawthorne Representative for the LAX Advisory Committee, gave an update on the LAX Residential Soundproofing Program, which covers sound insulation modifications for homes. Ms. Valentine announced that Assemblymember Steve Bradford will address the Holly Park Homeowners Association on October 7th at Atherton Baptist Church at 7pm and invited everyone to attend and have their concerns addressed. **Mauricio Crosthwaite**, President of the Jose Martí Society, announced that they would be having their annual festival on October 10th from 12pm to 7pm; there is a fee of \$5 at the door to help cover costs; everyone is welcome. **Eddie Lopez** spoke on behalf of his mother **Dora deLeon**, owner of Arman's Vacuum and Sewing Center, to ask for help regarding a citation they received for displaying a neon sign. **Alex Monteiro**, on behalf of the Hawthorne Presidents Council, announced that the Community BBQ Dinner for the Holiday Assistance Program will be held on October 21st at 5pm at the Memorial Center. Requested the use of the electronic signs on the boulevard to publicize the event. **Paula Sorrells** requested assistance from the police regarding crimes committed against her. **David LaSalle**, Hawthorne Chamber of Commerce V.P., introduced new chamber member Edgar Brutyan from Nathan's World Famous Hot Dogs and presented him with a plaque showing that he is a member in good standing with the Chamber. A red ribbon cutting will be held on October 15th, 16th and 17th. **Darlene Love** sent her prayers to the Holly Park family of the young man that was recently killed on Rosecrans and Inglewood. **Gordon Mego** commended Councilmembers Vargas and English and anyone else involved in making the town hall meeting happen on the former Hawthorne Plaza mall site. Feels Interim City Manager Mitsch has done a good job, especially in regards to the budget and deserves the position of permanent city manager. Feels strongly on preserving the historical aspects of the building at Leuzinger High School. **Gary Shaw** spoke on his situation with the Homeless Prevention Rehousing Program (HPRP) regarding loss of funds from the program. **Margaret Jeppeson**, representing Friends of the Hawthorne Library, announced that on October 16th from 9am to 3pm there will be a book and bake sale at the Hawthorne Library. Book donations are welcome. **Sean Walsh**, Hollyglen Homeowners Association, asked that the community get behind getting more urban and green space in the city and for the preservation of architecture.

2.

Under Discussion/Action Items:

a.- Direct Planning Staff to prepare zone text amendment to allow check cashing facility in Commercial zone only in limited circumstances when check cashing business is associated with a credit union or other bona fide financial institution. Further Direction to Staff to agendize this zone text amendment before the Planning Commission. (English)

Councilmember English moved, seconded by Mayor Pro Tem Juarez to direct staff to prepare the amendment to Title 17 of the Hawthorne Municipal Code.

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

NOES: None. ABSENT: Mayor Guidi.

b.- Consider amending Chapter 6 of the Hawthorne Municipal Code pertaining to Animal Control Procedures, including, but not limited to, appeals, barking dogs, licensing of animals, animal nuisances, etc. (English)

Councilmember English would like to see procedure and policy run more efficiently and ultimately consider an increase in fees. Addressed the City Manager and the City Attorney to provide what some of the current fees are for the animal control department. Councilmember Lambert expressed concern over dogs that are not on leashes and feels there should be a fine for this. Councilmember Vargas would like to know how our fees compare to other city's fees and stricter enforcement regarding barking dogs.

c.- Consider enacting nuisance abatement ordinance concerning blight and abandoned houses, construction sites, etc. (English)

Councilmember English asked that hoarding also be added to this ordinance and to ultimately hold the banks, credit unions or developers that have properties that have been sitting vacant for some time to hold them accountable to clean those places up. She would also like to see abandoned homes in the community, especially those abandoned due to construction issues, have something on the books with the city as they cast blight on the community. We want to be a city that is ultimately a community of neighbors that is beautiful in its upkeep and sustainability and the only way to do that is to address the nuisances we have and clean it up. Councilmember Vargas gave direction to talk to Code Enforcement about where priorities lie regarding hoarding and nuisance issues. Regarding the issue of hoarding, Councilmember English would like Code Enforcement to become more educated and understand what this issue actually involves.

d.- Wi-Fi Access Hotspots – internet access for the public at dedicated hotspots throughout the City of Hawthorne. As part of an effort to modernize Hawthorne, direct staff to investigate the viability of bringing this technology to the residents (Vargas)

Councilmember Vargas feels that internet access would allow for the city to modernize itself and would also allow for businesses that are looking to relocate, see that Hawthorne is a city that is keeping up with technology. Would like the planning department to look into the possibility of how this could be tied in to the communication agencies in order to defer costs and to look into the technology of aggregation nodes for this project. Places for hotspots access could include the teen center, senior center, parks, libraries and city hall. Councilmember English suggested grants could be used to pay for this also.

3.

Mayor Pro Tem Juarez recessed the Community Redevelopment Agency, Parking Authority and Housing Authority meetings to conduct the meeting of the City Council.

4.

Councilmember English moved, seconded by Councilmember Vargas, that the reading of the City Council minutes of the regular meeting of September 14, 2010 be waived and that they be approved and adopted.

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

5.

Councilmember English moved, seconded by Councilmember Vargas, to waive full readings of resolutions and ordinances on September 28, 2010's agenda.

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

6.

The City Treasurer submitted a financial statement regarding warrants.

Councilmember English moved, seconded by Councilmember Vargas, that the following warrants, properly audited and signed, be paid.

Warrants Nos.: 190457-190476 ; 415485-416257

Warrant Totals: \$748,249.90 ; \$22,814,129.31

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

7.

RESOLUTION NO. 7338

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, MAKING FINDINGS RELATIVE TO A CALL FOR REVIEW AND DENYING CONDITIONAL USE PERMIT APPLICATION NO. 2010CU03 FOR A USED AUTOMOBILE SALES, AUTOMOBILE RENTAL AGENCY, AND AUTOMOBILE PARTS SALES AND INSTALLATION FACILITY LOCATED AT 13736 HAWTHORNE BOULEVARD.

Councilmember English moved, seconded by Councilmember Vargas, that Resolution No. 7338 be approved and adopted.

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

8.

RESOLUTION NO. 7340

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ESTABLISHING A THREE-WAY STOP AT THE INTERSECTION OF DOTY AVENUE AND 118TH PLACE.

Councilmember English moved, seconded by Councilmember Vargas, that Resolution No. 7340 be approved and adopted.

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

9.

RESOLUTION NO. 7341

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, APPROVING AN AMENDMENT TO A LEASE PURCHASE AGREEMENT WITH AT&T CAPITAL SERVICES, INC. PERTAINING TO THE UPGRADE OF THE CITY'S EXISTING PHONE SYSTEM.

Councilmember English moved, seconded by Councilmember Vargas, that Resolution No. 7341 be approved and adopted.

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

NOES: None. ABSENT: Mayor Guidi.

10.

City Clerk Huber announced that this was the time and place for the Approval of Consolidated Annual Performance Evaluation Report (CAPER) for CDBG and HOME.

Planning Department's declaration publication filed. No written communication was received

Mayor Pro Tem Juarez called for public comments.

No one indicated a desire to be heard.

Mayor Pro Tem Juarez ordered to close the public portion of the hearing. MOTION CARRIED.

Mayor Pro Tem Juarez called Rudy Munoz for a presentation on the program. Rudy Munoz, LDM Associates, stated that the document before Council was the Draft Consolidated Annual Performance and Evaluation Report that is submitted to HUD. It provides a report on what has been done over the last five years with the use of the CDBG and more specifically was done with the 2009-2010 funds.

Councilmember Lambert moved, seconded by Councilmember English to approve the CAPER for program year 2009 (July 1, 2009 to June 30, 2010) with amendments and authorize city manager to execute and submit same to HUD.

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

NOES: None. ABSENT: Mayor Guidi.

The Interim City Manager, James Mitsch, presented the following agenda and requested approval of the indicated recommendation:

11.

Mayor Pro Tem Juarez: Okay, Mr. City Manager.

Interim City Manager Mitsch: I have one item before you tonight and that's the appointment of myself as City Manager and approval of the employment contract and authorizing the Mayor to execute the contract.

Councilmember Lambert: I'll approve that.

Mayor Pro Tem Juarez: Okay, is there a second?

Councilmember English: Second

Mayor Pro Tem Juarez: Okay, I have some discussion and I guess because of what happened in the City of Bell, I'm a little gun-shy on some of this stuff so Mr. City Clerk, I'd like at least for the discussion regarding the City Manager contract, I'd like to be recorded verbatim in the minutes. Let's see, I went through the contract and I think that there is no way that we can see that Mr. Mitsch is gouging the City in any way. There's stuff here that he's doing that prior City Managers did not do. But I do have one

09/28/10

question and I'd like to have Mr. O'Brien, if you would please come up? I just want to make sure that we have some transparency on this and that it's not viewed as something that this City Council is doing to bump up someone's retirement benefits that are way out of whack. On item number H and everyone has a copy of this contract. It was on the website so you can see it so there's no mystery here. It talks about here about the 3% @ 60 formula for only part of his service credit for his entire career. Can you explain exactly what that means?

Human Resources Manager Robert O'Brien: The 3% @ 60 is the benefit formula that PERS utilizes to determine a City of Hawthorne employee's ultimate pension. CALPERS is the California Public Employees Retirement System and the City or any agency of PERS can contract with PERS different benefit formulas. The City of Hawthorne contracted with CALPERS directly for the 3% @ 60 formula that pertains to all miscellaneous employees. So in the case of the City Manager position, they fall under the miscellaneous category so they are subjected to the 3% @ 60 formula. Mr. Mitsch's situation is unique in that he obviously worked for the City of Hawthorne and earned prior service credit through CALPERS under an old formula that the City once contracted with PERS with. Upon reinstatement, again there are some factors that he would have to qualify through CALPERS and CALPERS makes that determination ultimately. It's their rules we're following. But assuming that that criteria is met, he would fall, potentially fall under the 3% @ 60 formula for the determination of his pension once he re-retires whenever that is in the future.

Mayor Pro Tem Juarez: Okay. Thank you very much. Mr. City Attorney, based on what Mr. O'Brien said, we're not going to have the Attorney General or the DA's office knocking on our door if we approve this? Is that correct?

City Attorney Miyahira: Ah, no. Well, there's a number of differences and that is, according to the LA Times, the City Manager of Bell had four contracts that weren't approved by the City Council to begin with. So that's the big difference. And secondly, this contract was drafted, at least this provision, by our outside counsel who is a PERS expert with Liebert-Cassidy and there is an indemnity provision in there in case Mr. Mitsch is not very happy with the way CALPERS calculates his pension at the end of his term here.

Mayor Pro Tem Juarez: Okay

Councilmember Lambert: Chair, I would like to move item 11.

Councilmember Vargas: Second

Mayor Pro Tem Juarez: No, we already have that. We already had the motion and the second.

Councilmember English: There is a motion. Councilmember Lambert motioned, I seconded it.

Mayor Pro Tem Juarez: Right. Okay, I just wanted to get that on the record.

Councilmember Lambert: Ready to go?

Mayor Pro Tem Juarez: I'm ready to go.

Councilmember English: For the record.

Mayor Pro Tem Juarez: Okay, please vote.

City Clerk Huber: Vote reflects Mayor Pro Tem and Councilmembers voting yes.

Approve Formal appointment of James H. Mitsch as City Manager and approval of employment contract and authorizing Mayor to execute contract.

Councilmember Lambert moved, seconded by Councilmember English to approve item 11 through 13 of the City Manager's consent calendar.

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

NOES: None. ABSENT: Mayor Guidi.

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

12.

The Acting City Attorney, Russell Miyahira, recommended that the claim filed on behalf of State Farm Insurance Company in the amount of \$9,088.85 for vehicle damage to their insured, Deborah Gonzalez, allegedly caused by a City employee, who was driving a city vehicle at the time of the collision be denied in its entirety.

Councilmember Lambert moved, seconded by Councilmember English, that the claim filed on behalf of State Farm Insurance Company in the amount of \$9,088.85 for vehicle damage to their insured, Deborah Gonzalez, allegedly caused by a City employee, who was driving a city vehicle at the time of the collision be denied in its entirety.

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

13.

The Acting City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Deborah Gonzalez for personal injury damages, allegedly caused by a City employee, who was driving a city vehicle at the time of the collision be denied in its entirety.

Councilmember Lambert moved, seconded by Councilmember English, that the claim filed on behalf of Deborah Gonzalez for personal injury damages, allegedly caused by a City employee, who was driving a city vehicle at the time of the collision.

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

20.

Under Elected Officials Reports and Recommendations:

Councilmember **English** directed staff to provide her with the ordinance on filming fees and what is on the books currently with regards to production, security, police officers, etc. Commended the Human Resources department for providing the city and the employees with the open enrollment and resource fair, which was a great morale booster. Asked that the city look into and review what can be done in terms of soundproofing for residents of Hawthorne. Spoke on the great turnout at last year's Hawthorne Presidents Council Community BBQ Dinner and is looking forward to this year's event.

Councilmember **Lambert** spoke in opposition of Proposition 24 which would tax new jobs in the community. Also spoke in opposition of Proposition 25 which would put \$300 to \$400 more on your tax bill. Requested that letters be written to the governor in opposition of both propositions. Commended Chief Fager for the recent check point that caught 90 unlicensed drivers. Commended the South Bay Workforce Investment Board for placing 16,037 young people over the last year.

Councilmember **Vargas** attended the Health Expo at City Hall where it was great to see unity among the employees and thanked Human Resources Manager Robert O'Brien for bringing the services and benefits to the employees. Attended the Chamber Mixer held at Ocean Gate Baptist Church where it was good to see new businesses; thanked the Chamber for their support in bringing new business to the city. Attended the St. Joseph Family Fiesta where it was great to see residents showing support for their church and simply having fun. Attended the New Journey Ministries Picnic last Sunday and thanked Pastor John Richardson for recognizing Councilmembers Juarez, English and himself as friends of the church. Thanked US Tow and the Hawthorne Police Officers Association for contributing to help buy food for the picnic and for meeting with the residents. Thanked Jan Vogel for implementing Councilmember Vargas's idea to purchase college pennants for the teen center in order to propel teens to go to colleges. Also suggested implementing an honor roll for the teen center.

Mayor Pro Tem **Juarez** attended the St. Joseph Church Fiesta. Attended the chamber mixer at Ocean Gate Baptist Church; the church has gym that is open to the public. Attended the New Journey Ministries picnic and thanked Pastor Richardson and Councilmember English for their efforts in putting it together. Attended the 10th Anniversary of the South Bay Swim Team and thanked Kathy Davis Gore for the great job with the kids. Attended the Gardena Valley Annual Cliff Holiday Legislation Brunch where Assemblymember Ted Lieu spoke on bills he is working on regarding filming in California and the return on money sent to the feds. Announced that Vasek Polak is holding vaccine clinics for flu on Saturdays from 10am to 1pm and for whooping cough on Wednesdays from 3pm to 6pm until October 30th. Cost is \$10 for flu and free for whooping cough. There will be a local hire construction trade fair on October 7th at 5021 Lennox Blvd at 6pm; the SBWIB is providing payments for individuals to get training. Inquired if all the fireworks reports had been turned in yet and read of statistics stating that the total amount of profit brought in this year was \$66,253. Reported that the SBWIB placed 11,836 adult workers. Attended the South Bay Cities Council of Governments meeting where a wish list for Measure R projects was reviewed of which Hawthorne has 15 related projects along with other cities. Inquired if all standard requirements were followed regarding the denial of a wireless antenna at 130th and Inglewood. Announced that the SBWIB will hold their 15th Annual Alumni and Awards Breakfast on October 28th at 7:30am at the Ayres Hotel. Tables are going quickly so anyone interested in securing a seat should call Sheryl at 310-970-7700 in the next couple of day.

City Treasurer **Lubenec** attended the chamber mixer where it was good to see new businesses show up. Attended the St. Joseph's festival where it was good to see so many people enjoying themselves. Congratulated Coach Kathy on the swim team anniversary. Congratulated James Mitsch on his appointment tonight as city manager.

City Clerk **Huber** attended the police department blood drive. Announced that the Wiseburn School District will have a bond on the November ballot to build a new high school. Reported that Long Beach has instituted a soft tip line where residents can text the police department anonymously and asked if the chief of police would look into this as it has proven to be very helpful. Requested that information regarding the sewer fee increase be put on the website as residents are already asking for more information. .

21.

Closed Session: – Conference with Legal Counsel – Initiation of Litigation against a third party, pursuant to subdivision (c) of Section 54956.9 (One potential case).

Councilmember Vargas moved, seconded by Councilmember Lambert, that the closed session schedule on this agenda be continued until the next meeting.

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

22.

Mayor Pro Tem Juarez adjourned the meeting at 9:28 p.m.

Norbert Huber
City Clerk