

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD OCTOBER 26, 2010.**

Mayor Guidi called the City Council, Community Redevelopment Agency, Parking Authority and Housing Authority meetings to order jointly and concurrently at 6:03 p.m. in the City Council Chambers of City Hall, 4455 W. 126th Street, Hawthorne, California.

ROLL CALL-Present: Councilmembers Lambert, English, Juarez, Vargas, Mayor Guidi.
Absent: None

Father Gene Buhr from St. Joseph's Church gave the evening's invocation. Dick Huhn led the Pledge of Allegiance.

Councilmember Juarez introduced Jeffrey Kiernan, the League of California Cities Regional Public Affairs Manager. He is the local connection to the League's offices in Sacramento. The League helps bring information together both at the federal and state level on policies and legislation that may affect cities. They are also a resource for cities to share information. Currently, the League has been concentrating on Proposition 22, trying to protect local funds from state raids.

Mayor Guidi presented a Certificate of Recognition to Edgar Brutyan, President of Nathan's Famous Hot Dogs in Hawthorne, in appreciation of his very generous support of the "Got Kids" organization that assists young persons with emotional, mental and physical disabilities and for his continued support, participation and dedication to the welfare of others in the South Bay community.

1.

Under oral communications, **Allen Richards**, Ramona Neighborhood Association President, thanked Chief Bob Fager and Sgt. Robbie Williams for responding to the association's request for information and the presentation they made at the association meeting this past Thursday. Also thanked Claudio Taniguchi, who also attended, for his presentation on emergency preparedness. **Gordon Mego** spoke on issues regarding Measure CV and urged voters to vote no. Suggested refurbishing the old police station to house historic artifacts. **Patricia Donaldson**, Chamber of Commerce President, announced that the chamber mixer will be held October 28th at Aviation Beach Cities Academy from 5:30pm to 7:30pm. **Dulce Stein**, Friends of the Library, thanked Council for supporting their book sale and brought them fresh cinnamon rolls. The next book sale will be held in April. **Alex Monteiro**, on behalf of the Hawthorne Presidents Council, thanked everyone who came to the community dinner last Thursday at the Memorial Center and to those who donated prizes and helped set up. About 250 dinners were served. Announced that the Hawthorne Presidents Council will hold a meeting on November 1st at 11:30am. **Marjorie Drake and Colette Arce** of New Journey Ministries invited all city leaders and officials to their prayer walk which will be held on November 13th at 10am at New Journey Ministries, 14204 Prairie Ave., Hawthorne and will end at Jim Thorpe Park. All churches in Hawthorne are invited to participate. **Alma Marquez**, representing Senator Roderick Wright, announced that in 2010 the Senator was able to pass 14 of the 17 bills that were sent to the governor. The Senator will be hosting a "Grow Your Exports" seminar at the Normandie Casino. This is an opportunity for residents and business leaders to be updated on legislation affecting trade. **Sandra Suarez** spoke against Measure CV. **Pastor John L. Jefferson**, Del Aire Baptist Church, announced that Del Aire has partnered with the Treasure Box to provide meals for families. About a week's worth of food for a family of three to four is \$30. They will be hosting this at their church once a month. The boxes can be ordered on line by going to www.thetreasurebox.org.

2.

Discussion/Action Items:

a.- Cancellation of the December 28, 2010 City Council Meeting (Juarez)

Councilmember Juarez, seconded by Mayor Guidi, to cancel the December 28, 2010 City Council Meeting.

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

b.- Formation of City Committee, (including Chief Fager and other police department personnel), to interface with State representatives for purposes of revenue enhancement, and to consider, among other things, amendment of Penal Code Section 1463.001 (Fines & Forfeitures imposed and collected for crimes other than parking offenses; allocation and distribution), as it pertains to the City of Hawthorne's baseline allocation of 7%. Consider new formula increasing City allocation and sending request to Senator Rod Wright to introduce legislative amendment. (Angie English)

Councilmember English would like to see how we could pursue a formation of government relations and programs. It would be a group of individuals such as the city manager, the interim chief, and other police department personnel who would work collectively and actively and would also interface with local representatives, senators, assemblymembers, congressional offices including department of justice and other intergovernment offices with the objective to stay connected to current affairs that concern the city of Hawthorne and its community. They would aggressively research and pursue DOJ, the state and county grants actively, and participate in local hearings, attend local meetings and make frequent visits to our legislators here locally and when needed, Sacramento and D.C. The objective here is to be hands-on with efforts that could benefit the city of Hawthorne, our residents and our police department where issues of public safety are concerned. It would also include local school districts in their efforts.

Regarding the baseline fair share of cost, Councilmember English suggested that we could maybe amend or maybe look at penal code sections regarding fines and forfeitures imposed and collected from crimes and parking offenses, particularly for citations. Cities receive a portion of revenue due to citations and there are some cities that receive less and there are other cities that receive more. There is a formula that was established maybe in the 80s that Councilmember English would like to maybe work with the police department and the city attorney to do a little more research on it and see how the formula was formulated; whether it was because of population or based off maybe stats. Councilmember English wants to work to assure that wherever we could receive a fair share of cost, that we are hands-on in pursuing that and if there is anything that needs to be amended or looked at legislatively, that we work with our current legislators, assembly, senate, etc. to make that happen. And that's kind of a two fold of the formation of a government relations and pursuing revenue costs through citations and other measures.

c.- Selection of City site for location to store and inventory City of Hawthorne photographs, artifacts and other mementos showing and depicting the City from its incorporation in the 1920's. Site must be safe and secure and must also be accessible to City staff and or private citizens designated to assist with this project. Also, report from Parks & Recreation/Fine Arts Commission re: their recommendation for preservation of City of Hawthorne historical artifacts. In addition, creation of a procedure, on a going-forward basis, for the receipt of historical artifacts to the City. (Angie English)

Due to our former historian passing away, Councilmember English wants to see how we could implement a new committee or a new commission, not just one set person. Her recommendation as a city was to find a location where we could ultimately make this a museum of sorts. The Parks and Recreation/Fine Arts Commission recommends that the City Council approve the formation of a historic committee and to solicit names of individuals within the community willing to serve on the said body. The committee will serve as an advisory role through the Parks and Recreation/Fine Arts Commission or directly to the City Council. A city historian may or may not be selected from members of said historical committee. The purpose of the committee would be to preserve, collect, maintain, interpret, study articles of historic value to Hawthorne by establishing a relationship with the community and promoting events to maintain the city's history. The historic committee may in time evolve into a non-profit historical society that should be able to charge for membership, raise funds for future displays or projects or to solicit donations to establish a city measure. Councilmember English requests that the legal department create legal documents with the disclosure providing the ownership of said property. As it is today, we have nothing legal in our city that says that the artifacts we currently have and will receive from other sources are property of the city.

d- Nuisance abatement procedures for idle construction and unfinished houses and businesses that have been left abandoned by recessionary times. (Angie English)

This item was brought back by Councilmember English in order to add and amend the directive to include idle structures, unfurnished houses and businesses that have been left abandoned. Now we need to ultimately decide what is considered an idle structure and for our department to identify and review all nuisance properties, construction, houses, businesses, vacant and abandoned land, etc and start putting owners and responsible parties on notice, including bank owned properties. Also to work collectively with our city attorney's office and use whatever aggressive measures necessary to put folks on notice.

e.- Method of notifying public of any City zoning moratoriums. (Angie English)

Councilmember English wants a general rule that whenever our city issues moratoriums, we should include a service versus a warning or a citation so that businesses and those alike are aware that there is a moratorium on what they can and cannot do. Notification of moratoriums can include email blast, posting on city website, hand delivery of notices to businesses and notices in our billing.

f.- Method of nuisance abatement for hoarders within City limits. (Angie English)

This basically is to implement a procedure checklist. It should include notification of family, referrals being made to various departments to assist, either the county department of ageing, county department of social services and any others that could assist including perhaps churches and non-profits that assist families in these type of situations.

g. - Tribute and certificate to Jennifer Ann Oropeza (born September 27, 1957, died October 20, 2010) was the California State Senator for the 28th district which includes the cities of Carson, El Segundo, Hermosa Beach, Lomita, Manhattan Beach, Redondo Beach, and Torrance; the Los Angeles communities of Cheviot Hills, Del Aire, Harbor City, Harbor Gateway, Lennox, Mar Vista, Marina del Rey, Palms, Playa del Rey, Rancho Park, San Pedro, West Los Angeles, Westchester, Wilmington and Venice; and part of the city of Long Beach. Oropeza was elected to her first term in the California State Senate in November 2006 and garnered 62 percent of the vote. Oropeza's name will remain on the ballot in the 28th Senate District. She had been expected to easily win reelection on Nov. 2, 2010. She served in the California State Assembly for six years prior to that (2000-2006), In June 2007, Oropeza ran for California's 37th Congressional seat in a special election following the death of Congresswoman Juanita Millender-McDonald but Oropeza lost the primary to Laura Richardson. Direct Staff to prepare letter of condolence to Ms. Oropeza's husband, Tom Mullins, to be signed by all elected officials. (Angie English)

Councilmember English spoke on Senator Orepeza's many accomplishments and her public service contributions. The Senator was one to not take things lightly and was very involved in her community and her district. Councilmember English has asked and presented to the Council that we send a letter on behalf of the City, the Mayor and Council to her husband and her family on our condolences and just recognizing what a great woman she was.

3.

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

4.

Councilmember Juarez moved, seconded by Councilmember Lambert, that the reading of the City Council minutes of the regular meeting of September 28, 2010 be waived and that they be approved and adopted.

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

Councilmember Juarez moved, seconded by Councilmember Lambert, that the reading of the City Council minutes of the regular meeting of October 12, 2010 be waived and that they be approved and adopted.

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

5.

Councilmember Juarez moved, seconded by Councilmember Lambert, to waive full readings of resolutions and ordinances on October 26, 2010's agenda.

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

6.

The City Treasurer submitted a financial statement regarding warrants.

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

Warrants Nos.: 190493-190515 ; 416514-417218

Warrant Totals: \$736,152.44 ; \$6,743,793.91

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

6.

RESOLUTION NO. 7339

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, MAKING FINDINGS CONCERNING THE DENIAL WITHOUT PREJUDICE OF CONDITIONAL USE PERMIT APPLICATION NO. 2010CU04 BY CLEARWIRE WIRELESS FOR A WIRELESS TELECOMMUNICATION FACILITY AT 13030 INGLEWOOD AVENUE.

Councilmember Juarez moved, seconded by Councilmember Vargas, that Resolution No. 7339 be approved and adopted.

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

PUBLIC HEARING

Mayor Guidi recused himself from this item due to a possible conflict of interest.

7.

City Clerk Huber announced that this was the time and place for the Public Hearing on an Amendment to the development agreement for the Century Business Center for purposes of excluding property on which the proposed 9 to5 project will be developed from the development agreement.

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

Mayor Pro Tem Juarez called for public comments.

No one expressed a desire to speak on this topic.

Mayor Pro Tem Juarez ordered the public portion of the hearing closed.

ORDINANCE 1978 (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE CENTURY BUSINESS CENTER FOR PURPOSES OF EXCLUDING PROPERTY ON WHICH THE PROPOSED 9TO5 PROJECT WILL BE DEVELOPED FROM THE DEVELOPMENT AGREEMENT.

Ordinance No. 1978 was introduced by title only by Councilmember Lambert.

CITY MANAGER'S CONSENT CALENDAR

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

8.

Approve Progress Payment #6 and Final to A.J. Kirkwood and Associates for installation of the Solar Power System at the Memorial Center, Award #DE-AC0002108 (Project # 09-07) in the amount of \$135,319.41

9.

Approve Replacement and retrofit of Compressed Natural Gas tanks on 17 City vehicles.

10.

Approve to Re-classify two Senior Account Clerk positions and one Billing & Collections Assistant position to the classification of Accounting Technician.

Councilmember Juarez moved, seconded by Councilmember Lambert, to approve items 8 through 10 of the City Manager's consent calendar.

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

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

11.

The Acting City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Commerce Group Inc. in the amount of \$9,785.30 for vehicle damage to their insured, Lucretia Lazenby, allegedly caused by a City employee, who was driving a city vehicle at the time of the collision be approved in the amount of \$9,785.30.

Councilmember Juarez moved, seconded by Councilmember Lambert, that the claim filed on behalf of Commerce Group Inc. in the amount of \$9,785.30 for vehicle damage to their insured, Lucretia Lazenby, allegedly caused by a City employee, who was driving a city vehicle at the time of the collision be approved in the amount of \$9,785.30.

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

12.

Under Elected Officials Reports and Recommendations:

City Treasurer **Lubenec** apologized for not being able to attend the last City Council meeting.

City Clerk **Huber** commended the police and sheriff departments for their quick response regarding a murder in the local neighborhood which led to catching a suspect.

Councilmember **Lambert** reminded everyone that if they haven't voted yet, Proposition 25 is absolutely necessary for all of the seniors because if we lose this, you're looking at four or five hundred dollars on your tax bill for the seniors. Announced that the SBWIB will hold a job fair on Tuesday, November 2 from 9am to 2pm at the Memorial Center.

Councilmember **English** thanked the police department, the chief and the other agencies involved in the recent killings for the great work they did in pursuing this and putting folks at rest. Announced that South Bay Family Health Care will be honoring U.S. Congresswoman Jane Harmon for “Visionary of the Year” at their “Excellence in Healthcare Gala” on Thursday, October 28th at the Manhattan Beach Marriot. Spoke on the website wheresthenote.com that allows you to demand to see your original note on your mortgage. This is important because without the note, banks often don’t know who owns any given mortgage or if they have a legal right to foreclose on a home. In order to legally proceed with a foreclosure, banks must show proof of ownership with the original mortgage note. For the next City Council meeting Discussion/Action items, Councilmember English would like to pursue revenue sources by looking into on how our city could become a city that provides passports and also look into streamlining the Memorial Center to include public events. Also wants to take a look at our Hawthorne Municipal Airport in reviewing requirements, say for instance, there are a lot of planes that fly in and out of our municipal airport so we should have on file credentials, finger printing and who these folks are, all this pertaining to public safety factors, airport safety, etc. Commended the public works department on the great work they have done on Prairie and 120th. This year has an opportunity to provide turkeys to needy families and will do her best to accommodate. Announced that on December 4th there will be a fundraising effort at Oceangate Baptist Church from 12pm to 5pm; for additional information, contact Renee O’Neal.

Councilmember **Vargas** attended the grand openings of Nathan’s Famous Hot Dogs, the Continental Gourmet Market rededication and the Ramona Homeowner’s Association meeting. Attended and thanked Alex Monteiro for the Community BBQ Dinner and thanked everybody who participated in coordinating this event. Commended the youths at the teen center for holding a breast cancer awareness day which he attended. Asked that Council take a look at the code enforcement duties priorities list in order to help the department reprioritize if needed. It will also help in taking a look at what they are doing and see what we can bump up in priority in order to make Hawthorne look good.

Councilmember **Juarez** thanked Elder Al Richards for the invitation to the Calvary Presbyterian Church chili cook off. Thanked Ammar Kahf for having the open house at the Islamic Center. Attended the Nathan’s grand opening where a picture donation was made which will make a nice addition to the history of Hawthorne. Attended and thanked the administrators at the Hawthorne Convalescent Center for putting on a gospel celebration for their residents. Attended the community bbq dinner and thanked all the businesses that donated gifts for the raffle; monies from this event will go towards the holiday assistance program which is still accepting donations. Also attended the Ramona Association meeting where a helpful family emergency plan flyer was passed out; requested that this flyer be put on the website. Asked that “More Prepared” an emergency preparedness company in Hawthorne be contacted to see if a city wide plan can be implemented. Thanked Public Works Director Arnie Shadbehrr for providing the emergency plan for our other facilities and asked that it be posted at the buildings. Attended the Hollyglen Homeowners Association meeting where the League of Women Voters gave election information; asked that residents become informed on the different measures and vote. Congratulated Arnie Shadbehrr for bringing in a \$500,000 grant for the Rosecrans/405 freeway ramp widening project. Suggested that college volunteers be brought in to reduce the projected 14 month time frame that it will take to scan city documents. Reported that the city is currently non-compliant with the state controller regarding the posting of job and salary information on their website and asked that this be rectified as there is a \$5000 fine for non-compliance. Thanked Chief Fager for helping the city of Astoria retrieve artwork that was stuck in a Hawthorne warehouse. Announced that daylight savings time will begin on November 7th. Kinecta Federal Credit Union will be closing on November 13th and will reopen at their new location on November 15th. The Vasek Polak Health Clinic is still providing flu shots for \$10 and free whooping cough shots through October 30th.

Mayor **Guidi** on Sunday went to listen to some concerns from 135th to 132nd on Kornblum where there were street vendors on every couple of corners. These vendors are taking away business from store owners who are paying taxes so it is important that code enforcement continues to keep on top of this in order to make the city look good. Attended the governor’s small business workshop. Feels that the public should no longer vote culturally, but vote what is good for you. Urged that you support farmers markets as they are important in rebuilding our local economy. While up north talking to legislatures, got many compliments on the Crenshaw Blvd. improvements. Asked that we not spend money if we don’t have to.

Mayor Guidi recessed the City Council meeting to conduct a **Closed Session: – Closed Session:** Conference with Legal Counsel – Initiation of Litigation against a third party, pursuant to subdivision (c) of Section 54956.9.

Mayor Guidi called the City Council meeting back to order following recess with all Councilmembers present. He announced that the **closed session** was to discuss a Conference with Legal Counsel – Initiation of Litigation against a third party, pursuant to subdivision (c) of Section 54956.9. The City Attorney stated that staff has been directed.

14.

Mayor Guidi adjourned the meeting in the memory of Senator Jenny Orepeza 8:58p.m.

Norbert Huber
City Clerk