MINUTES OF A REGULAR AND SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA HELD JUNE 28, 2011.

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 Eugene Buhr from St. Joseph Church gave the evening's invocation. Patricia Feldman led the Pledge of Allegiance.

Finance Manager Lani Emmich gave a brief update on the budget for Fiscal Year 2011-2012. Currently for Fiscal Year 2011-2012 we are looking at $126.3 million for a city wide budget which is a decrease from the current year that we are in of $121.4 million which is mainly a result of result of decreased funding from federal sources. The general fund right now for next fiscal year stands at a deficit of $1,561,933.

1.

Under oral communications, **Pat Donaldson,** Hawthorne Chamber of Commerce President, announced that the Chamber Installation breakfast will be held on August 25th at 7am at the Memorial Center. Announced that her business, Abacus Security Services, just opened an office in Nevada, will open an office in Arizona next month and just opened PD & Associates in Hawthorne. **James O'Grady**, Ramona Neighborhood Association President, spoke on the new influx of young, educated, up and comers who have come to Hawthorne and how their voices are being lost by their representation. Feels Council is acting in conflict with the major demographic of the city. **Sandra Suarez** asked for Council's support in the efforts to preserve the remaining historical buildings of Leuzinger High School. **Gordon Mego** announced that on June 29th at 5pm, the Centinela Valley Union High School District will hold a special meeting open to the public regarding changes at the Leuzinger campus. **Katrina Manning**, Hollypark Homeowners Association Vice President, spoke on the success of the Movies in the Park event and thanked the Mayor and Council for supporting the event. Announced that National Night Out will be held on August 2nd from 6pm to 9pm. **Estella Villanueva**, North Hawthorne Community Association Secretary, thanked Council for sponsoring Movies in the Park and expressed gratitude for the opportunity to have participated in such a motivated event. **Ike Mbelu** invited the Mayor and Council to the Nnewi USA National Convention on July 2nd at 9:30 pm at the Memorial Center. **John Bowler**, former Mayor and Councilmember from Hermosa Beach and currently a food truck operator, suggested that food trucks be allowed to continue on a test period basis as they have done economic wonders in a number of cities and they can serve as fundraising devices. **Dana McKinley** spoke in favor of allowing gourmet food trucks in the city. **Sanjeev Weerasuriya** of Systems Technology, Inc. asked for consideration and suggested parking permits on the matter of the parking shortage for their employees on Hawthorne Blvd. **Dr. Sam Sawur**, Hawthorne business owner, spoke on how the employee parking situation on Hawthorne Blvd. is affecting business owners, residents and resident's safety. Suggested permit parking. **Gary Evans** of Pizza Show thanked Council for enforcing the two hour parking limit on Hawthorne Blvd.

2.

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

3.

Councilmember Juarez moved, seconded by Mayor Guidi, that the reading of the City Council minutes of the regular and special meeting of June 14, 2011 be waived and that they be approved and adopted.

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

4.

Councilmember Juarez moved, seconded by Mayor Guidi, to waive full readings of resolutions and ordinances on June 28, 2011's agenda.

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

5.

The City Treasurer submitted a financial statement regarding warrants.

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

Warrants Nos.: 190669-190672 ; 424615-424900

Warrant Totals: $956,035.32 ; $3, 514,758.29

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

6.

RESOLUTION NO. 7384

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, APPROVING AN INTERIM CITY BUDGET FOR FISCAL 2011-2012.

Councilmember Juarez moved, seconded by Mayor Guidi, that Resolution No. 7384 be approved and adopted.

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

ITEM NO. 2 FROM SPECIAL MEETING AGENDA

RESOLUTION NO. 7385

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, RATIFYING THE CITY MANAGER'S BALLOTS REJECTING CHAPTER 11 PLANS OF REORGANIZATION OF DEBTORS MUSCLE IMPROVEMENT, INC., MUSCLE IMPROVEMENT-HAWTHORNE, INC. AND ABRAM AND RUTH TAVERA.

Councilmember Juarez, moved seconded by Mayor Guidi, that Resolution No. 7385 be approved and adopted.

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

7.

City Clerk Huber announced that this was the time and place for the Public Hearing and Resolution No. 7383 Confirming the Weed Abatement Assessment Report and authorizing collection of the Assessment.

Public Works 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.

Mayor Guidi ordered to close the public portion of the hearing. MOTION CARRIED.

RESOLUTION NO. 7383

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, CONFIRMING ASSESSMENTS FOR WEED AND WASTE ABATEMENT AND AUTHORIZING THE COLLECTION THEREOF.

Councilmember Vargas moved, seconded by Councilmember English, that Resolution No. 7383 be approved and adopted.

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

8.

ORDINANCE NO. 2001 (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AMENDING SECTIONS 8.34.060 AND 8.34.085 OF THE HAWTHORNE MUNICIPAL CODE REGARDING CITY COUNCIL DRAWING DETERMINING PRIORITY FOR LOCATION OF BOOTH.

Councilmember Juarez moved, seconded by Councilmember Vargas that Ordinance No. 2001 be approved and adopted.

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

9.

ORDINANCE NO. 2002 (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ADDING SECTIONS 2.06.135 OF THE HAWTHORNE MUNICIPAL CODE AND AMENDING SECTION 2.08.020 RELATING TO REQUIRING THE CITY ATTORNEY'S APPROVAL BEFORE PLACING CERTAIN ITEMS ON THE CITY COUNCIL'S, PLANNING COMMISSION'S AND CERTAIN ENTITIES' AGENDAS.

Mayor Guidi moved, seconded by Councilmember Lambert that Ordinance No. 2002 be approved and adopted.

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

10.

ORDINANCE NO. 1986 (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT NO. 2010ZA03, AMENDING TITLE 17 (ZONING), CHAPTERS 17.04, AND 17.35 OF THE HAWTHORNE MUNICIPAL CODE, RELATED TO ELECTRONIC MESSAGE CENTER (EMC) SIGNS IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONES.

Councilmember Juarez moved, seconded by Councilmember Lambert that Ordinance No. 1986 be approved and adopted.

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

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

11.

As per FAA and governmental protocols and law, service and replacement of airframe parts and components MUST be adhered to. AIR55 has reached this need with respect to its 'Main Rotor Head' assembly. This correlates to a specific and integral replacement service that is mandated to be performed on our Helicopter (AIR55) per FAA regulations after reaching a determined number of flight hours. These parts and service, replacement of the "Main Rotor Head", will cost an estimated $61,899.00.
Approve the allowance for the Chief of Police to enact service and payment for our Airship's need and viability.

Mayor Guidi moved, seconded by Councilmember Lambert, to approve item 11 of the City Manager's consent calendar.

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

12.

Mayor Guidi recused himself on this item.

Approve Non-Disturbance & Attornment Agreement between the City of Hawthorne (Master Landlord) and Terminal Building, LLC (Subtenant) and sublease between Hawthorne Airport, LLC and Terminal Building LLC., and authorize the Mayor/Mayor Pro Tem or City Manager to execute the document. This agreement pertains to a portion of the premises located at the Hawthorne Municipal Airport.

Councilmember Lambert moved, seconded by Councilmember Vargas to approve item 12 of the City Manager's consent calendar.

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

13.

The City Attorney, Russell Miyahira, recommended that the settlement that has been proposed for the claim of former employee, Louis Escobar, for damages as a result of an alleged defamatory television broadcast on the Fox 11 News in the amount of $10,000. The settlement agreement also requires that Mr. Escobar to release all other claims he may have against the City, including any right or claim to recall or reinstatement of employment with the City.

RECOMMENDATION: That the City Council approve the settlement of claim for $10,000. Also authorize the Finance Department to release warrant in the amount of $10,000 to Louis Escobar and William M. Crosby of Barnes Crosby Fitzgerald & Zeman, LLP.

Mayor Guidi moved, seconded by Councilmember Lambert to approve item 13 of the City Manager's consent calendar.

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

14.

Approve Retirement agreement of City Manager James H. Mitsch.

Councilmember Lambert moved, seconded by Councilmember Vargas to approve item 14 of the City Manager's consent calendar.

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

21.

Under City Council's Discussion/Action Items

A – Consider adopting a budget policy allowing each elected official to have a $3,000 budget to be used to defer costs for community events. Example, one council member may use his/her budget for either one or several events to reimburse the city for set-up costs, permit fees, etc. (Guidi)

Mayor Guidi requested that this item be brought back as an agenda item for the next Council meeting and then the Council can vote.

22.

Under Elected Official Reports and Recommendations:

Councilmember **Lambert** requested a report on the Big Bear property regarding why someone is living there for free.

Councilmember **English** commended the movies in the park and the hot dog eating contest which were great events. Would like the city to work with the businesses that are having issues with the two hour parking on Hawthorne Blvd., maybe come up with a compromise or look into getting permit parking. Regarding the food trucks, feels there is still room for discussion on this issue. Requested a legal confidential not just explaining the process, but an understanding of the whole incident in general, the legal ramifications and what has been done regarding the complaints of city employees regarding an incident that occurred on April 28th. Requested a legal confidential regarding the Centinela Valley School District issue to see if that is something the city can be involved in. Requested a history and the pros and cons of supporting the Mike Davis Assembly Bill regarding incarcerated individuals. Spoke in appreciation of James Mitch and his contributions to the city, but feels this is not the time for him to retire. Expressed concern that a 5-0 vote was passed that would be implemented into his city contract that would require a four vote to remove him and questioned why this was not followed.

Councilmember **Juarez** requested a letter be written to Jose Fernandez regarding the preservation of Leuzinger High School. Requested a copy of the ordinance on food trucks and to bring back the food truck issue as a discussion/item. Requested to bring back an ordinance regarding the hiring of individuals who have previously sued the city. Now that it is summer, encouraged the use of the wading pools in the parks. Congratulated the 9/11 Help America Foundation and the Hawthorne School District for their successful golf tournaments. Congratulated Alex Monteiro for the great job in putting on the Hawthorne Health and Sports Fair. Encouraged the public to patronize the non-profit organizations that got firework booths. Encouraged participation in the Good Neighbors Day event where original Beach Boy David Marks will perform. For tickets, go to Hawthornehistorical.com.

Councilmember **Vargas** congratulated the Hollypark Homeowners Association and the North Hawthorne Community Association for coming together to put on the Movies in the Park event. Another community event held earlier today at city hall was Chivas USA and the fire department at city hall earlier today to give firework safety tips. Attended the Hollypark Pancake Breakfast. Congratulated Father Perry Leiker for his 12 years of service at St. Joseph Church. Asked that Mr. McClain be included in the process of looking into the viability of letting food trucks into the city. Inquired on the status of the property at 120th that was supposed to be sold. Thanked Mr. Mitsch for his good work.

Mayor **Guidi** praised the police department for the handling of crowd control at a charter school on Hawthorne Blvd. Cautioned Council to be careful when trying to change ordinances without looking at the history that led to them in the first place like in the case of lunch trucks. Asked Mr. Vogel to follow

up on SB776. He reported that it passed the labor and education assembly committee a week ago and is now scheduled to go to the assembly appropriations committee next Wednesday. Thanked the associations for Movies in the Park and suggested that they be rotated from park to park.

City Clerk **Huber** attended the Educational Foundation Golf Tournament. Feels the flowers and landscaping on Inglewood Ave are an improvement for the area. Thanked the police department for making him feel safe in the city. Spoke on how July 4th will be the country's 235th year of freedom and what a blessing it is to live in this country. Let Mr. Mitsch know that he has enjoyed working with him over the last year. Announced that Good Neighbors Day is coming up and encouraged businesses or sponsors to get involved. Former Beach Boy David Marks is volunteering his time to come to the event.

City Treasurer **Lubenec** reported that the Nathan's hot dog eating contest for the $20,000 grand prize will be held on July 4th in New York; perhaps someone who participated in the contest at Nathan's in Hawthorne will win. Reported that there are five firework stands within a ½ mile of each other and perhaps next year this situation could be addressed. Hopes everyone had a good Father's Day. Thanked Mr. Mitsch for everything he has taught him about the city and its history within the last six months.

23.

Mayor Guidi called for oral comments

Under oral comments **Jose Gutierrez** requested that Council govern by the rules, respect the government code and show the residents the respect they deserve and tell them what is going on.

Mayor Guidi recessed the City Council meeting to conduct a **Closed Session**: Consideration of Appointment/Employment of Public Employee Pursuant to Government Code Sections 54954.5(e) and 54957(b) Title: Interim City Manager

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 Consideration of Appointment/Employment of Public Employee Pursuant to Government Code Sections 54954.5(e) and 54957(b) Title: Interim City Manager.

Councilmember Lambert moved, seconded by Mayor Guidi to appoint Arnie Shadbehr as Interim City Manager

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

City Attorney, Russell Miyahira stated that it wasn't official until the contract was signed.

24.

Mayor Guidi adjourned the meeting at 8:38 p.m. in the memory of Vicente Monteiro.

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Norbert Huber
City Clerk